

# APPENDIX A

June 1, 2017

Fairview Fire District  
258 Violet Avenue  
Poughkeepsie, NY 12601-1236  
Attn: Chief Christopher Maeder

Re: Environmental Impact Statement of EFG/DRA Heritage, LLC  
Former Hudson Heritage Psychiatric Hospital Property

Dear Chief Maeder:

In connection with the comments that the Fairview Fire District (“District”) submitted to the Town of Poughkeepsie on December 7, 2016 related to the Project, and the subsequent discussions that our authorized representatives have been having related to the attendant Draft Environment Impact Statement for the Hudson Heritage project (“Project”) accepted by the Town Board of Poughkeepsie (“Board”), the Project sponsor, EFG/DRA Heritage, LLC (“Sponsor”), does hereby offer the following as its “fair share” mitigation of the anticipated incremental burden to the essential governmental services provided by the District resulting from the Project:

1. Provided a development master plan (“DMP”) satisfactory to the Sponsor is approved by the Board, the Sponsor will (or will cause its successors and/or assigns, as applicable, to) reserve for the District an on-site parcel of land approximately 2 acres in size (the “District Parcel”) for the construction by the District, at its expense, of a new, approximately 10,000 square foot fire “sub-station” to serve the future needs of the District. The Sponsor will work with the District to identify several potential locations for the District Parcel, which shall be appropriate for the District’s operations, but will not adversely impact the development planning, layout, aesthetics, marketing and sales, and/or operation of the Project. The District acknowledges that the Sponsor shall make the final determination of the location of the District Parcel, and that the conveyance of the District Parcel may be made subject to a reasonable right of reversion if the land is no longer needed by the District for the intended purpose. The District Parcel will be conveyed to the District, without cost, within sixty (60) days after the first site plan and related subdivision approvals necessary for creating the District Parcel and for the Project granted by the Planning Board of the Town become final, unless there is litigation challenging the Project which includes an injunction or other court order preventing the Project from progressing. If there is such litigation and court order preventing the Project from progressing, then the conveyance of the District Parcel shall not be made until sixty (60) days after such order is lifted or expires, allowing the District Parcel to be created and the Project to proceed.

2. The Sponsor will (or will cause its successors and/or assigns, as applicable, to) make a contribution in the amount of \$30,000 (“Maintenance Contribution”) to a general maintenance fund established and administered by District, which we propose to distribute as follows:
  - a. \$10,000 upon EFG/DRA obtaining approval of the DMP from the Town of Poughkeepsie;
  - b. \$10,000 upon conveyance of the District Parcel or on 3/31/2018, whichever occurs first; and
  - c. \$10,000 when the District’s site plan for the construction of capital improvements involving either (i) an expansion of its existing fire station located in Poughkeepsie, NY; or (ii) the construction of a new sub-station on the District Parcel becomes final and unappealable, or on 7/31/2018, whichever occurs first.

The offers set forth herein are expressly conditioned upon the District agreeing that it shall neither directly nor indirectly oppose the Project, or initiate or support any legal action contesting the approval of the DMP or any other governmental approval for the Project under CPLR 7801, et seq. or any other applicable law or regulation. We look forward to working with the District to identify a mutually agreeable location for the District Parcel, to finalize the terms and conditions upon which the Sponsor may make the Maintenance Contribution, and then throughout site planning for the Project and beyond.

Please provide the District’s acknowledgement that the contribution of the Sponsor under the terms and conditions stated herein is adequate mitigation for Project impacts, and that no additional contributions from the Sponsor, its successors and/or assigns are being negotiated or will be required in connection with the Project by signing below and returning a fully executed copy of this letter to my attention. Thereafter, please advise the Board that the District and the Sponsor have reached an agreement on this matter.

Thank you for your prompt and courteous attention to this matter. If you should have any questions concerning this correspondence, please do not hesitate either George Carfagno of DRA Heritage, LLC or myself.

Very truly yours,



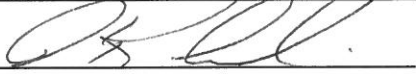
Andrew L. Derickson  
Sr. Vice President and General Counsel of  
EnviroFinance Group, LLC, Business Manager of  
EFG/DRA Heritage, LLC

Cc: DRA Heritage, LLC

ACKNOWLEDGED AND AGREED:

**FAIRVIEW FIRE DISTRICT**

By: ANDREW K CALAMARI

Name: 

Its: Chairman of The Board

Date: 6/6/17

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ROCKLAND COUNTY OFFICE  
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NEW CITY, NY 10956

PLEASE REPLY TO GOSHEN OFFICE

June 8, 2017

Hon. Jon J. Baisley, Supervisor,  
and Members of the Town Board,  
Town of Poughkeepsie  
1 Overocker Road  
Poughkeepsie, New York 12603

**Re: Fairview Fire District Supplemental Comments on the Hudson  
Heritage Draft Environmental Impact Statement**

Dear Supervisor Baisley and Members of the Town Board:

As you may recall, I represent the Fairview Fire District (the "District") in connection with the Hudson Heritage project. My December 7, 2016, letter to the Town Board contains the initial comments of the District on the Draft Environmental Impact Statement ("DEIS") for the project. Since that time, the District has had an opportunity to more thoroughly review the DEIS, and to discuss its concerns, and potential solutions, with the project sponsor. The discussions have been frank and constructive, and the District appreciates the sponsor's assurance that the substantive issues raised in the letter will be addressed in the Final Environmental Impact Statement currently being prepared for the project. However, the District believes that the central issue – the insufficiency of the existing fire station to meet current and reasonably anticipated future needs - merits further comment.

As indicated in my prior letter, the DEIS acknowledges that the existing station is inadequate to meet the District's needs. The District is aware of the revenue to be generated by the project to the District. This contribution by the sponsor to the tax base is significant. However, as noted in my prior letter, the payment of taxes alone does not provide the necessary mitigation of the project's impacts in this circumstance. The District needs to plan for both short term and long term facility needs.

The District has options available to it to facilitate the construction of an addition to the District's existing fire station or, alternatively, the construction of a fire substation on the project site or on property currently owned by the District. The issue, then, comes down to this: what is this sponsor's "fair share" of these costs? In our discussions, the sponsor has recognized that Hudson Heritage is the largest project currently planned in the District. The sponsor correctly

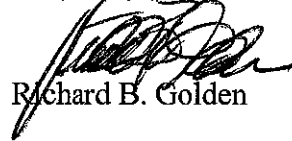
points out that this means that for the foreseeable future, the project will likely be one of the largest revenue generators to the District, but also one of the largest demands on the resources of the District. Thus, the analysis becomes one of balance.

In our recent discussions the sponsor has indicated it will provide to the District, without cost, an on-site parcel sufficiently sized (approximately 2 acres) and appropriately located for the construction by the District, at its expense, of a new, approximately 10,000 square foot fire station to serve the future needs of the District, and located to best serve the demands of the development. The sponsor has also offered to contribute up to \$30,000 to facilitate the planning for the new facility.

The District considers the sponsor's offer to be constructive and made in good faith and in the spirit of collaboration. The District, therefore, respectfully requests that the Town Board consider the sponsor's assistance as outlined above to be additional mitigation for the impacts of the project on the District and believes, as to the District, that the project's impacts have been sufficiently mitigated by the additional assistance to the District.

Please accept this letter as the District's supplementary comments on the DEIS. Thank you for your consideration.

Very truly yours,



Richard B. Golden

cc: Chief Christopher Maeder, FFD  
Andrew K. Calamari, Chairman, FFD  
Andrew L. Derickson, Sr. Vice President & General Counsel, EFG/DRA Heritage, LLC