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(Not for Service of Process)

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
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RE: Recreation Fee and Landscape Security Deferrals

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Dear Applicant:

I write to you as the attorney for the Town of Newburgh Planning Board. In July of 2009, the Town Board of the Town of Newburgh passed a resolution (copy attached) providing for optional temporary deferment of payment of recreation fees in lieu of parkland and for optional temporary deferment of delivery of performance security for landscaping. Should you desire to pursue either such deferral, this letter will outline the procedure to be followed.

***Deferral of Recreation Fees***

Deferral of the payment of recreation fees is not automatic and must be requested by an applicant. If granted, deferral will run until issuance of the first building permit for the project. In order to obtain a deferral, several requirements need to be satisfied.

First, the deferral must be noted on the signed site plan or subdivision plat, as the case may be, by means of a bold-faced note as large as any other note on the plat or plan. That note shall read as follows:

Pursuant to Town of Newburgh Town Board Resolution dated July 15, 2009 the payment of Recreation Fees in Lieu of Parkland in the amount of *[fill in proper amount]* has been deferred until the issuance of the first building permit for the subject property. No building permit for the site or any lot in the subdivision shall be issued until the Recreation Fees in Lieu of Parkland have been paid in the full amount stated above to the Town of Newburgh.

Next, an announcement of the deferral and the amount of the recreation fee deferred must be contained within the planning board's resolution of site plan or subdivision approval. It is, therefore, essential that you advise the planning board of your request for the deferral as soon in the process as possible.

Finally, an applicant obtaining a deferral is required to execute and deliver to the planning board a certificate acknowledgement in the form annexed to this letter. The plans shall not be signed until a properly executed certificate and acknowledgement has been delivered to the planning board.

### **Deferral of Landscape Fees**

A request for deferral of delivery of landscaping security has similar requirements. First, the deferral is not automatic and must be requested. If granted, deferral will run until issuance of the first building permit for the project. In order to obtain a deferral, several requirements need to be satisfied.

First, the site plan or subdivision plat must include the following bold-faced note (which must be as large as any other note on the plat or plans) reading as follows:

Pursuant to Town of Newburgh Town Board Resolution dated July 15, 2009 the delivery of Performance Security for landscaping improvements in the approved of [*fill in proper amount*] has been deferred until the issuance of the first building permit for the subject property. No building permit shall be issued until performance security for landscaping satisfying all Town of Newburgh requirements is delivered to the Town of Newburgh. The Town of Newburgh has the right to require the adjustment of the amount set forth above.

Next, an announcement of the deferral and the amount of the performance security deferred must be contained within the planning board's resolution of site plan or subdivision approval. It is, therefore, essential that you advise the planning board of your request for the deferral as soon in the process as possible.

Finally, each applicant obtaining a deferral shall be required to execute and deliver a certificate and acknowledgement in the form attached hereto. A property executed certificate and acknowledgement must be delivered to the planning board before the plat or plans will be signed.

As with all other post-approval compliance issues, the required documents should be delivered to Bryant Cocks, the planner for the Town of Newburgh Planning Board.

Very truly yours,



MICHAEL H. DONNELLY