

*Andrew J. Zarutskie  
Town Clerk  
Town of Newburgh  
1496 Route 300  
Newburgh NY 12550  
Tel.(845) 564-4554*

# **AGENDA**

## **PUBLIC TOWN COUNCIL MEETING**

**Monday, April 1, 2013**

**7:00 p.m.**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. MOMENT OF SILENCE**
- 4. CHANGES TO AGENDA**
- 5. COMMENTS ON AGENDA ITEMS**
- 6. (7:00 p.m.) PUBLIC HEARING: Local Law Amending the Application and Public Hearing Notification Provisions**
  - A. Public Hearing**
  - B. SEQRA Determination**
  - C. Resolution of Adoption**
- 7. RESOLUTION to Schedule Public Hearing for Stop Signs on Carter Avenue at Leslie Road and Brooker Drive**
- 8. RESOLUTION to Schedule Public Hearing for FEMA Flood Plain Map Revision**
- 9. ANIMAL CONTROL: T-94 Withdrawal**
- 10. ANNOUNCEMENTS AND PRESENTATIONS**
- 11. PUBLIC COMMENTS**
- 12. POTENTIAL EXECUTIVE SESSION: Santa Monica Holdings vs. Town of Newburgh**
- 13. ADJOURNMENT**

6. **(7:00) PUBLIC HEARING: Local Law Amending the Application and Public Hearing Notification Provisions**
  - A. **Public Hearing**
  - B. **SEQRA Determination**
  - C. **Resolution of Adoption**

**INTRODUCTORY LOCAL LAW #\_\_ OF 2012  
A LOCAL LAW AMENDING THE APPLICATION  
AND PUBLIC HEARING NOTIFICATION PROVISIONS  
OF CHAPTER 83 ENTITLED "CLEARING AND GRADING",  
CHAPTER 125 ENTITLED "NOISE AND ILLUMINATION CONTROL",  
CHAPTER 163 ENTITLED "SUBDIVISION OF LAND",  
CHAPTER 168 ENTITLED "TELECOMMUNICATIONS FACILITIES,  
WIRELESS" AND  
CHAPTER 185 ENTITLED "ZONING"  
OF THE CODE OF THE TOWN OF NEWBURGH**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 125 Entitled "Noise and Illumination Control", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh."

**SECTION 2 - PURPOSE**

The legislative intent and purpose of this local law is to require that uniform and adequate public notice be given for public hearings conducted by the Planning Board and Zoning Board of Appeals pursuant to various chapters of the Town of Newburgh Municipal Code in order to promote the public health, safety and general welfare of the Town and its inhabitants..

**SECTION 3 - AMENDMENT OF CHAPTER 83 ENTITLED "CLEARING AND GRADING"**

A. Sub-section 83-8E of Section 83-8 entitled "Permit application review; issuance and compliance procedures" is hereby amended to read as follows:

**"§ 83-8. Permit application review; issuance and compliance procedures.**

E. The Town Planning Board may, upon its discretion, conduct public hearings which may be held in conjunction with hearings held during the environmental review or the preliminary review process on any permit applications and shall conduct public hearings which may also be held in conjunction with hearings held during the environmental review or the preliminary review process on permits for the following activities, which hearings shall be fixed at a reasonable time and shall be given notice by the official newspaper of the town at least ten (10) days prior to the date thereof: In addition to

publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The applicant shall be responsible for the cost of publication, posting and mailing of such notice.”

#### **SECTION 4 – AMENDMENT OF CHAPTER 125 ENTITLED “NOISE AND ILLUMINATION CONTROL**

- A. Subsection 125-10F entitled “Notice of hearing” of Section 125-10 entitled “Variances” is hereby amended to read as follows:

##### **§125-10. Variances.**

“F. Notice of hearing. Notice of any hearing shall be published by the Town Zoning Board of Appeals in the official newspaper of the town, or if none, a newspaper of general circulation in the town, at least five (5) days prior to the date of said hearing. The applicant shall mail by certified mail, return receipt requested, at least ten (10) days before the date of said hearing, notice of the hearing to all abutting property owners and to all owners of property situated directly across a street from the property affected by such appeal and to all other owners within three hundred (300) feet, or such additional distance as the Zoning Board of Appeals may deem advisable, from the exterior boundaries of the property, as the names of said owners appear on the last completed assessment roll of the town. Proof of such mailing shall be submitted to the Town Zoning Board of Appeals by the applicant prior to the hearing. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The applicant shall be responsible for the cost of publication, posting and mailing of such notice.”

#### **SECTION -5 – AMENDMENTS OF CHAPTER 163 ENTITLED “SUBDIVISION OF LAND”**

- A. Subsection 163-5F entitled “When officially submitted” of Section 163-5 entitled “Minor subdivision” is hereby amended to read as follows:

##### **§ 163-5. Minor subdivision.**

“F. When officially submitted. The time of submission of the subdivision plat shall be considered to be the date of the regular meeting of the Planning Board at which the complete application is to be considered, except where a later date is

provided for by law, rule or regulation, in which case the later date shall apply. At least 10 days prior to such meeting, the subdivision plat must be filed with the Secretary to the Planning Board. The application for plat approval may be placed on the agenda for consultation and discussion at the sole discretion of the Planning Board Chairperson even if the application is incomplete. Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town's Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification."

B. Subsection 163-5H(4)(b) of Section 163-5 entitled "Minor subdivision" is hereby amended to read as follows:

**§ 163-5. Minor subdivision.**

H. Preliminary plat public hearing; approval of preliminary plat; revocation of approval.

(4) Planning Board as lead agency under the State Environmental Quality Review Act; public hearing; notice; decision

"(b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a newspaper of general circulation in the town at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings."

C. Subsection 163-5H(5)(b) of Section 163-5 entitled "Minor subdivision" is hereby

amended to read as follows:

**§ 163-5. Minor subdivision.**

(5) Planning Board not as lead agency under the State Environmental Quality Review Act; public hearing; decision.

“(b) Public hearing; notice; length. The hearing on the preliminary plat shall be advertised at least once in a ~~newspaper of general circulation in the official newspaper of the town, or if none, a newspaper of general circulation in the town,~~ at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such preliminary plat. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The hearing on the preliminary plat shall be closed upon motion of the Planning Board within one hundred 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings.”

D. A new Subsection 163-7L is hereby added to 163-7 entitled “Preliminary plat for major subdivision” to read as follows:

“L. Public hearings on the preliminary plat shall be conducted in the same manner as specified in § 163-5 above.”

E. Subsection 163-7D entitled “Number of copies and when officially submitted” of Section 163-7 entitled “Preliminary plat for major subdivision” is hereby amended to read as follows:

“D. Number of copies and when officially submitted. The application for approval of the preliminary plat, complete with 15 copies of the preliminary plat and accompanied by the required fee and all data required by this chapter, shall be filed with the Secretary of the Planning Board at least 21 days prior to a regular monthly meeting of the Planning Board. A proposed submission which does not include all the required drawings and documents will be deemed incomplete and not be accepted for filing either when submitted or at the following Planning Board meeting. Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant

from the Town's Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification."

F. Subsection 163-8J(2) of Section 163-8 entitled "Final plat for major subdivision" is hereby amended to read as follows

**§ 163-8. Final plat for major subdivision.**

J. Public hearing; action on proposed final subdivision plat.

"(2) Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in ~~a newspaper of general circulation in the~~ official newspaper of the town, or if none, a newspaper of general circulation in the town, at least five days before such hearing if no hearing is held on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The list of property owners shall be obtained by the applicant from the Town's Assessor. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings."

G. Subsection 163-8J(4)(a)[2] of Section 163-8 entitled "Final plat for major subdivision" is hereby amended to read as follows:

**§ 163-8. Final plat for major subdivision.**

J. Public hearing; action on proposed final subdivision plat.

(4) Grounds for decision. The grounds for a modification, if any, or the grounds for disapproval shall be stated upon the records of the Planning Board.

(a) Planning Board not as lead agency; public hearing; notice; decision.

“[2] Public hearing; notice; length. The hearing on the final plat shall be advertised at least once in ~~a newspaper of general circulation in the official newspaper of the town, or if none a newspaper of general circulation in the town,~~ at least five days before such hearing if held independently of the hearing on the draft environmental impact statement or 14 days before a hearing held jointly therewith. The Planning Board may provide that the hearing be further advertised in such manner as it deems most appropriate for full public consideration of such final plat. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The hearing on the final plat shall be closed upon motion of the Planning Board within 120 days after it has been opened. The requirements herein for mailing and posting of the notice of public hearing are intended to and shall pursuant to Section 10 of the New York Municipal Home Rule Law amend Section 276 of the New York State Town Law as it relates to notices of public hearings.”

H. Subsection 163-12.1 entitled “When officially submitted” of Section 163-12.1 entitled “Lot line changes” is hereby amended to read as follows:

“H. When officially submitted. The time of submission of the lot line change plat shall be considered to be the date of the regular meeting of the Planning Board at which the complete application is to be considered, except where a later date is provided for by law, rule or regulation, in which case the later date shall apply. The application for lot line change plat approval may be placed on the agenda for consultation and discussion at the sole discretion of the Planning Board Chairperson even if the application is incomplete. Within ten business days following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town’s Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.”

**SECTION 5 6 – AMENDMENT OF CHAPTER 168 ENTITLED “TELECOMMUNICATIONS FACILITIES, WIRELESS”**

A. Subsection 168-6U of Section 168-6 entitled “Special use permit application and other requirements” is hereby amended to read as follows:

“U. An applicant shall submit to the Clerk of the Board the number of completed



applications determined to be needed at the preapplication meeting. A notification of the application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department if determined to be necessary, based upon the proposed location of the structure. Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, or such additional distance as the Planning Board may deem advisable as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town's Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in height of more than 10%, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification."

B. Section 168-16 entitled "Public hearing and notification requirements" is hereby amended to read as follows:

**"§ 168-16. Public hearing and notification requirements.**

A. Prior to the approval of any application for a special use permit for wireless telecommunications facilities, a public hearing shall be held by the Board, notice of which shall be published in the official newspaper of the town no less than 10 calendar days prior to the scheduled date of the public hearing. In order that nearby landowners are provided notice of the hearing, the applicant, at least three weeks prior to the date of said public hearing, shall be required to provide names and address of all landowners whose property is located within ~~300~~ 500 feet of any property line of the lot on which the new wireless telecommunications facilities are proposed to be located, or such additional distance as the Planning Board may deem advisable. The list of property owners shall be obtained by the applicant from the Town's Assessor. Further, the applicant shall send notice of the public hearing to the adjoining identified in this section, via certified or registered mail, at least 10 days prior to the scheduled date of the public hearing and shall submit to the Board at the public hearing proof of mailing of the notice of public hearing. The applicant shall additionally be required to post a copy of the notice in accordance with the requirements for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185. In addition to publication, the notice shall be subject to the same mailing and posting requirements established for hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185.

B. The Board shall schedule the public hearing referred to in Subsection A of this section

after it determines the application is complete. The Board, at any stage prior to issuing a special use permit, may require such additional information as it deems necessary.”

**SECTION 6-7 – AMENDMENTS OF CHAPTER 185 ENTITLED “ZONING”**

A. Subsection 185-55A of Section 185-55 entitled “Procedural, construal of provisions; conflict with state law” is hereby amended to read as follows:

“§ 185-55. Procedure; construal of provisions; conflict with state law.

The powers and duties of the Zoning Board of Appeals shall be exercised with the following procedure:

A. Public hearings.

(1) The Zoning Board of Appeals shall not grant any appeal ~~for a~~ or variance or issue any special or temporary permit or interpretation without first holding a public hearing, notice of which hearing and of the substance of the appeal or application shall be given by publication in the official newspaper of the Town at least five days before the date of such hearing. In addition to such published notice, ~~the applicant shall cause notice to~~ shall be given of the substance of every appeal ~~for a~~ and variance and of every application for a special permit or interpretation, together with notice of the hearing thereon, by ~~causing~~ causing notices thereof ~~to be~~ being mailed at least 10 days before the date of said hearing to the owners of all property abutting that held by the applicant in the immediate area (whether or not involved in such appeal or application) and to all other owners within ~~300~~ 500 feet, or such additional distance as the Zoning Board of Appeals may deem advisable, from the exterior boundaries of the land involved in such appeal or application, as the names of such owners appear on the last completed assessment roll of the Town. Such notice shall be ~~by certified mail, return receipt requested, and the applicant shall furnish proof of compliance with the notification procedure.~~ by first class mail in envelopes which have been addressed and on which required first class postage has been paid for and affixed by the applicant, to be mailed by the secretary of the Zoning Board of Appeals or another employee or officer of the Town, who shall complete and file an affidavit of mailing with the Board listing each address to which the notice was sent. Any or all of the notices required by this section for the Zoning Board of Appeals shall be issued by the Secretary of the Zoning Board of Appeals on order of the Zoning Board of Appeals. The notice shall identify both the street address of the lot(s) and the section, block and lot number(s) assigned on the Orange County tax map for the Town to the land involved in the application or appeal. An 11 inch by 17 inch copy of the notice shall also be posted at the property for which the application is made. The notice must be posted on or near a front property line within view of the nearest adjacent street right of way. If the property fronts on two or more streets, notices shall be posted on all the front property lines. The notice must not obstruct traffic visibility. The applicant shall submit a notarized affidavit

of posting and photograph of the posting to the Secretary of the Zoning Board of Appeals prior to or on the tenth day prior to the public hearing date. The posted notice must be maintained and updated with amended information if there is any change to the information contained in the original notice until after the public hearing is closed. An applicant shall not be deemed to have violated the requirement to maintain the notice if the notice is removed or destroyed by an unrelated party or natural force and replaced within a reasonable period of time. The notice must be removed and properly disposed of within 10 days of the close of the public hearing.

(2) Provided that due notice shall have been published as above set forth and that there shall have been substantial compliance with the remaining provisions of the preceding subsection, the failure to give notice in exact conformance herewith shall not be deemed to invalidate action taken by the Zoning Board of Appeals in connection with the granting of any appeal or variance or issuance of any special or temporary permit pursuant thereto.

(3) For those applications to the Planning Board to which the mailing and posting requirements of this section apply, the word "Planning Board" shall be substituted for "Zoning Board of Appeals."

B. The following sentences shall be inserted after the first sentence of Subsection 185-57B(1) of Subsection 185-57B entitled "Sketch plan review" of Section 185-57 entitled "Application procedure":

Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plan and application, by first class mail. The list of property owners shall be obtained by the applicant from the Town's Assessor. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes a modification in a proposed use, an increase in the number of buildings or an increase of more than 10% in the height or footprint of a proposed building or structure, other than an accessory building or structure, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification."

C. Subsection 185-57K(1) of Section 185-57 entitled "Application procedure" is hereby amended to read as follows:

"§ 185-57. Application procedure.

K. Public hearings.

(1) Before authorizing any use or approving any plan, the Planning Board may hold a public hearing, the notice for which shall be subject to the same requirements established by this chapter for hearings on variances by the Zoning Board of Appeals in § 185-55. Such notice shall additionally include the following information, as of the date of publication: the size of the lot(s), the number of buildings and size of each building's footprint, number of stories and height of each building or structure, and a detailed description of the proposed use provided by the applicant, or where the use classification is generic and the applicant cannot commit to a particular use at the time of the application, a description of the possible uses to which the site might be put as permitted by the applicable Table of Use and Bulk Requirements for the classification of use subject to site plan approval for which approval is requested."

### **SECTION 8 – EXEMPTION FOR PENDING APPLICATIONS FOR WHICH PUBLIC HEARING NOTICE HAS BEEN SUBMITTED FOR PUBLICATION**

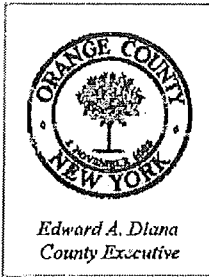
Notwithstanding anything to the contrary contained in this local law, applications which are pending before the Planning Board and Zoning Board of Appeals as of the effective date of this Local Law for which a notice of public hearing has already been submitted to the official newspapers of the town shall be exempt from additional or expanded mailing, posting and content requirements set forth herein.

### **SECTION 7-9 - VALIDITY**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### **SECTION 8 10 - EFFECTIVE DATE**

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



**ORANGE COUNTY DEPARTMENT OF PLANNING**

DAVID CHURCH, AICP  
COMMISSIONER

www.orangecountygov.com/planning  
planning@orangecountygov.com

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124

TEL: (845) 615-3840  
FAX: (845) 291-2533

**County Reply – Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l, m, &n**

**Local Referring Board:** Town of Newburgh Town Board

**Referral ID #:** NBT09-13M

**Applicant:** Town of Newburgh Town Board

**Tax Map #:** N/A

**Proposed Action:** Expands and/or introduces additional mailing and posting requirements for notices of application and public hearings for clearing and grading permits, subdivisions, wireless telecommunications facilities and site plans.

**Local File #:** N/A

**Reason for County Review:** Adoption of a Local Law which affects planning and/or zoning within 500 feet of State and County highways and municipal boundaries.

**Date of Full Statement:** February 11, 2012

**Comments:**

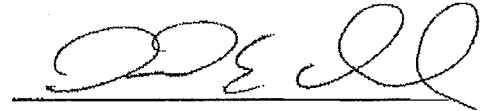
County Planning has received the above referenced Local Law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. Our office would like to include the following as advisory comments:

1. County Planning would like to commend the Town Board for reviewing and incorporating portions of our original comments into the language of the Local Law.
2. Under Section 4, 125-10 Variances, Our office recommends that the sentence regarding the "official newspaper of the Town" be consistent with other references which include "newspaper of general circulation".
3. County Planning is still concerned with the use of "newspaper of general circulation". Although the local residents are aware of which papers this may consist of, potential Applicants that are not from the area may not know or be able to determine which paper is of "general circulation". Our office recommends that the Local Law provide information of who will notify or where the

Applicant is able to identify the "newspapers of general circulation". This would most likely be the Town Clerk; another option would be to utilize the LLC Newspaper Designations outlined by the County Clerk, which is viewable at <http://www.orangecountygov.com/content/124/861/891.aspx>. Although not an exhaustive list, it would be a place that Applicants are able to view a list of common newspapers in the County.

**County Recommendation: Local Determination**

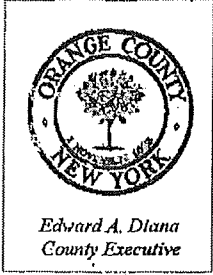
**Date:** February 19, 2013



**Prepared by:** Chad M. Wade, R.L.A.  
Planner

**David Church, AICP**  
**Commissioner of Planning**

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available on-line at [www.orangecountygov.com/planning](http://www.orangecountygov.com/planning).



**ORANGE COUNTY DEPARTMENT OF PLANNING**

**DAVID CHURCH, AICP**  
COMMISSIONER

124 MAIN STREET  
GOSHEN, NEW YORK 10924-2124  
TEL: (845) 615-3840  
FAX: (845) 291-2533

www.orangecountygov.com/planning  
planning@orangecountygov.com

**Report of Final Action by Local Board  
as per NYS General Municipal Law §239-l, m, &n**

As stated in Section 239 of the General Municipal Law of the State of New York State, within thirty days of taking final action in regard to a required referral to the Orange County Planning Department, the local referring agency shall file a report as to the final action taken.

**Local Board: Town of Newburgh Town Board**

**County Referral ID #: NBT 09-13M**

**Project Name:**

**Date of Local Action:** \_\_\_\_/\_\_\_\_/\_\_\_\_

**#Ayes:** \_\_\_\_\_ **# Nays:** \_\_\_\_\_

In regard to the proposed action described above, the following final action was taken (*check one*):

\_\_\_\_\_ Our local board **approved** this action.

\_\_\_\_\_ Our local board **approved** this action **with modifications**. *Briefly describe the modifications below.*

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\_\_\_\_\_ Our local board **disapproved** this action.

Reasons for acting contrary to County Planning Department's recommendation(s), if applicable:

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\_\_\_\_\_ Project **withdrawn** by sponsor

**Please return to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Questions or comments? Call: 845-615-3840**

***Dickover, Donnelly, Donovan & Biagi, LLP***  
**Attorneys and Counselors at Law**

**James B. Biagi**  
**David A. Donovan**  
**Michael H. Donnelly**  
**Robert J. Dickover**

**28 Bruen Place**  
**P.O. Box 610**  
**Goshen, NY 10924**  
**Phone (845) 294-9447**  
*mhd@doddolan.com*  
**Fax (845) 294-6553**  
*(Lit. for Service of Process)*

Successor Law Firm To:  
Alexander Appelbaum, P.C., Florida, N.Y. (1915-1988)  
Ludmerer & Vurno, Esqs., Warwick, N.Y.

February 13, 2013

Town of Newburgh Town Board  
1498 Route 300  
Newburgh, New York 12550

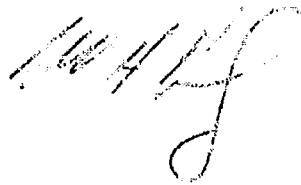
RE: Mailed Notices of Public Hearings

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Members of the Board:

The planning board reviewed proposed Local Law # during its meeting on February 7, 2013. The planning board wishes to report to you that it fully endorses the proposed changes made to the code provisions in question.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm



MAR 18 2013

6 7

APR 1 2013

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of March, 2013 at 7:00 o'clock p.m.

PRESENT:

- Wayne C. Booth, Supervisor
- George Woolsey, Councilman
- Gilbert J. Piacquadio, Councilman
- Elizabeth J. Greene, Councilwoman
- Ernest C. Bello, Jr., Councilman

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING THE APPLICATION AND PUBLIC HEARING NOTIFICATION PROVISIONS OF CHAPTER 83 ENTITLED "CLEARING AND GRADING", CHAPTER 125 ENTITLED "NOISE AND ILLUMINATION", CONTROL, CHAPTER 163 ENTITLED "SUBDIVISION OF Land", CHAPTER 168 ENTITLED "TELECOMMUNICATIONS FACILITIES, WIRELESS" AND CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a local law which will implement amendments to provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 125 Entitled "Noise and Illumination Control", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Code of the Town of Newburgh to require that uniform public notice procedures be used for public hearings conducted by the Planning Board and Zoning Board of Appeals, including, *inter alia*, to require posting of notice of public hearings, to require the mailing a notification letter to property owners within 500 feet of the submission of a complete application to the Planning Board, to increase the minimum distance from 300 feet to 500 feet for determining whether a nearby property owner is required to receive notice by mail, to specify certain content requirements for site plan public hearing notices and to authorize the use of first class mailings and affidavits of mailing by Town officers and employees instead of certified mailings; and

WHEREAS, the Town Board of the Town of Newburgh recognizes the importance of sound

planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a and has determined that that the proposed zoning amendment does not require an amendment to the Town's Comprehensive Plan; and

**WHEREAS**, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of said local law amending the Zoning Code of the Town of Newburgh (the "Action"); and

**WHEREAS**, the proposed local law was introduced before the Town Board on the 4th day of June, 2012, and the Town Board conducted a public hearing held on the 23th day of July, 2012 and heard all interested parties on said proposed local law; and

**WHEREAS**, following the public hearing, the local law was revised and reintroduced before the Town Board on the 30th day of January, 2013, and the Town Board conducted a public hearing held on the 18th day of March, 2013 and heard all interested parties on said proposed local law; and

**WHEREAS**, the Town Board has determined that the Action is an Unlisted Action under Part 617 of the General Regulations adopted pursuant to Article 8 of the Environmental Conservation Law and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

**WHEREAS**, the Town Board proposes to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board has determined that the Action does not involve a federal agency; and

**WHEREAS**, the Town Board, using all due diligence, has identified no other involved agencies for the Action; and

**WHEREAS**, the Town Board has identified the following interested agencies for the Action:

Orange County Department of Planning  
Town of Newburgh Planning Board  
Town of Newburgh Zoning Board of Appeals

and;

**WHEREAS**, the EAF and other appropriate information were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board, together with copies of the proposed local law, in accordance with the requirements of the General Municipal Law and the Town of Newburgh Zoning Code and to the Town of Newburgh Zoning Board of Appeals; and

**WHEREAS**, the identified interested agencies were notified of the Town Board's intent to

act as the Lead Agency for the Action in a coordinated review; and

**WHEREAS**, pursuant to Section 617.6(b)(1) of Part 617, “[w]hen a single agency is involved, that agency will be the lead agency when it proposes to undertake, fund or approve a Type I or Unlisted action that does not involve another agency”; and

**WHEREAS**, the Action is consistent with the adopted Town of Newburgh Comprehensive Plan Update and is also consistent with the Orange County Comprehensive Plan; and

**WHEREAS**, the Town Board has also considered the consistency of the amendment with the needs and goals identified by the April, 2009 *Tri-County Affordable Housing Study*, conducted jointly by Orange, Dutchess, and Ulster Counties, and the potential affects of the Action on the Town’s ability to meet goals for providing rental and owner occupied affordable housing; and

**WHEREAS**, recognizing that the impact that an action may have on population patterns or existing community character, with or without a separate impact on the physical environment is a relevant concern in an environmental analysis since the statute includes these concerns as elements of the environment, the Town Board has considered and analyzed information pertaining to those impacts; and

**WHEREAS**, the Town Board has undertaken further information gathering and these further analyses in recognition that conclusory statements unsupported by empirical or experimental data, scientific authorities or any explanatory information will not suffice as a reasoned elaboration for its determination of environmental significance or non-significance; and

**WHEREAS**, the Town Board has (i) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (ii) thoroughly analyzed the potential relevant areas of environmental concern to determine if the proposed action may have a significant adverse impact on the environment, including the criteria identified in 6 NYCRR Section 617.7(c); and

**WHEREAS**, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the adoption of the proposed local law may have a significant adverse effect on the environment either in the short term, long term or cumulatively given the likely consequences, setting, probability of occurrence, duration, irreversibility, geographic scope, magnitude and the number of people affected.

**NOW THEREFORE, BE IT RESOLVED:**

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, does further declare itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby further determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
3. The Town Board accordingly determines that an Environmental Impact Statement will not be prepared.
4. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law and regulation.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of March, 2013 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. \_\_ OF 2013 - AMENDING THE APPLICATION AND PUBLIC HEARING NOTIFICATION PROVISIONS OF CHAPTER 83 ENTITLED "CLEARING AND GRADING", CHAPTER 125 ENTITLED "NOISE AND ILLUMINATION CONTROL", CHAPTER 163 ENTITLED "SUBDIVISION OF LAND", CHAPTER 168 ENTITLED "TELECOMMUNICATIONS FACILITIES, WIRELESS" AND CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

WHEREAS, a Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 4th day of June, 2012; and

WHEREAS, pursuant to resolution of the Town Board, copies of the aforesaid local law were forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code respectively, and to the Town of Newburgh Zoning Board of Appeals; and

WHEREAS, the Town Board of the Town of Newburgh adopted a resolution on the 4th day of June, 2012 ordering a public hearing to be held on the 23th day of July, 2012 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law # \_\_ of the Year 2012 entitled "A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh"; and

WHEREAS, a notice of Public Hearing and copy of the local law were mailed to the clerks of the municipalities and counties with boundaries within 500 feet of the properties affected

by the zoning amendment at least ten days prior to the date of the Public Hearing; and

**WHEREAS**, a notice of said Public Hearing was duly advertised on the \_\_th day of July, 2012 in The Mid-Hudson Times and on the \_\_th day of July, 2012 in The Sentinel and posted on the Town Clerk's sign board on the \_\_th day of July, 2012; and

**WHEREAS**, the public hearing was duly held on the 23rd day of July, 2012 at 7:00 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, upon consideration of the reviews and comments it received, the Town Board determined to revise the Local Law; and

**WHEREAS**, the Local Law re-entitled as a Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 125 Entitled "Noise and Illumination Control", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh was reintroduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 30th day of January, 2013; and

**WHEREAS**, the Town Board of the Town of Newburgh adopted a resolution on the 30th day of January, 2013 ordering a public hearing to be held on the 18th day of March, 2013 at 7:00 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, now designated as Introductory Local Law #1 of the Year 2013 entitled "A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled 'Clearing and Grading', Chapter 125 Entitled 'Noise and Illumination Control', Chapter 163 Entitled 'Subdivision of Land', Chapter 168 Entitled 'Telecommunications Facilities, Wireless' and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh"; and

**WHEREAS**, a notice of Public Hearing and copy of the local law were mailed to the clerks of the municipalities and counties with boundaries within 500 feet of the properties affected by the zoning amendment at least ten days prior to the date of the Public Hearing; and

**WHEREAS**, a notice of said Public Hearing was duly advertised on the \_\_th day of March, 2013 in The Mid-Hudson Times and on the \_\_th day of March, 2013 in The Sentinel and posted on the Town Clerk's sign board on the \_\_th day of March, 2013; and

**WHEREAS**, the public hearing was duly held on the 18th day of March, 2013 at 7:00 o'clock p.m., at Town Hall, 1496 Route 300, Newburgh, New York and all parties in attendance were permitted to speak on behalf or in opposition of the proposed Local Law or any part thereof; and

**WHEREAS**, the Town Board of the Town of Newburgh, acting as lead agency, has

considered the adoption of said Local Law amending the Town of Newburgh Zoning Code as an Unlisted Action under the State Environmental Quality Review Act and has duly issued a negative declaration; and

WHEREAS, the Town Board of the Town of Newburgh has duly considered the reports and responses it has received from the Orange County Planning Department and the Town of Newburgh Planning Board; and

WHEREAS, due to the adoption of intervening introductory local laws and local laws introduced in the prior calendar year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. 2 of 2013; and

WHEREAS, the Town Board of the Town of Newburgh, after due deliberation finds it in the best interest of the Town to adopt said Local Law.

**NOW, THEREFORE, BE IT RESOLVED** as follows:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. 2 of Year 2013 entitled "A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled 'Clearing and Grading', Chapter 125 Entitled 'Noise and Illumination Control', Chapter 163 Entitled 'Subdivision of Land', Chapter 168 Entitled 'Telecommunications Facilities, Wireless' and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh".
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.
3. A report of final action in the matter of the adoption of said Local Law amending the Zoning Code of the Town of Newburgh shall be delivered to the Orange County Planning Department in accordance with the requirements of the General Municipal Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**7. RESOLUTION to Schedule Public Hearing for Stop Signs on Carter Avenue  
At Leslie Road and Brooker Drive**



**INTRODUCTORY LOCAL LAW #2 OF 2013  
AMENDING CHAPTER 174 ENTITLED  
"VEHICLES AND TRAFFIC "  
OF THE CODE OF THE TOWN OF NEWBURGH:  
ADDITIONAL STOP INTERSECTIONS  
ON CARTER AVENUE**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 174 entitled 'Vehicles and Traffic' of the Code of the Town of Newburgh: Additional Stop Intersections on Carter Avenue".

SECTION 2 - AMENDMENT TO SECTION 174-42 OF CHAPTER 174

§174-42 entitled "Schedule IX: Stop Intersections" of Chapter 174 entitled "Vehicles and Traffic" of the Code of the Town of Newburgh which provides in part "[i]n accordance with the provisions of §174-12, the following described intersections are hereby designated as stop intersections, and stop signs shall be installed as follows:" is hereby amended by the addition of the following intersection:

<b>Stop Sign on</b>	<b>Direction of Travel</b>	<b>At Intersection of</b>
Carter Avenue	Both	Leslie Road
Carter Avenue	Both	Brooker Drive

SECTION 4 - VALIDITY

The invalidity of any provision of this Local Law shall not affect the validity of any other provision of this Local Law that can be given effect without such invalid provision.

SECTION 5 - EFFECTIVE DATE

This Local Law shall take effect on July 1, 2013.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 1st day of April, 2013 at 7:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piaquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD  
INTRODUCING LOCAL LAW  
AMENDING CHAPTER 174  
ENTITLED "VEHICLES AND TRAFFIC"  
OF THE CODE OF THE TOWN OF  
NEWBURGH: ADDITIONAL STOP  
SIGN INTERSECTIONS ON  
CARTER AVENUE AND PROVIDING FOR  
PUBLIC NOTICE AND PUBLIC HEARING

Councilman/woman \_\_\_\_\_ presented the following resolution which was  
seconded by Councilman/woman \_\_\_\_\_.

BE IT RESOLVED that a Local Law Amending Chapter 174 entitled 'Vehicles and Traffic' of the Code of the Town of Newburgh: Additional Stop Intersections on Carter Avenue be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the \_\_\_\_th day of \_\_\_\_\_, 2013 at 7:00 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing, and posting of such notice together with a copy of such local law in accordance with the requirements of the Municipal Home Rule Law and Chapter 25 of the Code of the Town of Newburgh.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**NOTICE OF PUBLIC HEARING  
ON PROPOSED LOCAL LAW**

PLEASE TAKE NOTICE that there has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on April 1, 2013, Introductory Local Law No.2 of the Year 2013 entitled "A Local Law Amending Chapter 174 entitled 'Vehicles and Traffic' of the Code of the Town of Newburgh: Additional Stop Sign Intersections on Carter Avenue" the effect of which is to provide for the designation of the following intersections as stop intersections at which stop signs shall be erected:

**Stop Sign on:** Carter Avenue **Direction of Travel:** Both **At Intersection of:** Leslie Road

**Stop Sign on:** Carter Avenue **Direction of Travel:** Both **At Intersection of:** Brooker Drive

PLEASE TAKE FURTHER NOTICE that pursuant to Section Twenty of the Municipal Home Rule Law, a public hearing will be held on the aforesaid proposed Local Law before the Town Board of the Town of Newburgh at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York at 7: \_\_ o'clock p.m. on \_\_\_\_\_, 2013 at which time all interested parties will be heard.

Dated: April \_\_, 2013

Andrew J. Zarutskie  
Town Clerk, Town of Newburgh

MAR 27 2013

8

RECEIVED 3-22-13



**TOWN OF NEWBURGH POLICE DEPARTMENT**

300 Gardnertown Road, Newburgh, New York 12550

**Michael Clancy**  
**Police Chief**

**(845) 564-1100**

To: Wayne Booth, Town Supervisor  
From: Chief Michael Clancy  
Subject: Carter Avenue  
Date: March 22, 2013

With regards to the possible placement of stop signs along Carter Avenue, it is my opinion that the placement of said signs at different points along the road would cause motorists to reduce their speeds and make for a safer travel.

Before forming this opinion, I looked at several factors. First, I reviewed the results of the 2012 traffic study commissioned by the Town which showed that a high percentage of drivers on Carter Avenue are exceeding the speed limit and that some speeds were more than double the posted speed limit. I then examined the character of the road and noted that it's quite narrow with no shoulders. Many residents must back out of their driveways to get onto the road which can be difficult during peak times and when other drivers are well over the speed limit. Lastly, I took into consideration dozens of complaints made to the Police Department by Carter Avenue residents complaining of both high speed traffic and reckless driving that, they claim, occurs daily and poses a risk of accidents.

It would be my recommendation that if stop signs were to be placed on Carter Avenue, they should be placed facing both directions at both the Leslie Road and Brooker Drive intersections. I would further recommend that if signs are installed, that they be covered up for a period of about three weeks to afford passing motorists a chance to see that new signs are there and will soon be in effect.

*A. H. [unclear]*

**8. RESOLUTION to Schedule Public Hearing for FEMA Flood Plain Map  
Revision**

**INTRODUCTORY LOCAL LAW #3 OF 2013  
A LOCAL LAW  
AMENDING CHAPTER 109 ENTITLED  
"FLOOD DAMAGE PREVENTION"  
OF THE CODE OF THE  
TOWN OF NEWBURGH**

**BE IT ENACTED** by the Town Board of the Town of Newburgh as follows:

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Amending Chapter 109 Entitled 'Flood Damage Prevention' of the Code of the Town of Newburgh."

**SECTION 2 - AMENDMENT TO CHAPTER 109.**

Section 109.6 entitled "Basis for establishing the areas of special flood hazard" of Chapter 109 entitled "Flood Damage Prevention" of the Code of the Town of Newburgh is hereby amended to read as follows:.

**"§109.6 Basis for establishing the areas of special flood hazard**

The areas of special flood hazard for the Town of Newburgh, Community Number 360627, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

- |              |              |              |              |
|--------------|--------------|--------------|--------------|
| 36071C0107E, | 36071C0109E, | 36071C0120E, | 36071C0126E, |
| 36071C0127E, | 36071C0128E, | 36071C0129E, | 36071C0131E, |
| 36071C0133E, | 36071C0134E, | 36071C0136E, | 36071C0137E, |
| 36071C0138E, | 36071C0139E, | 36071C0141E, | 36071C0142E, |
| 36071C0143E, | 36071C0144E, | 36071C0161E, | 36071C0163E, |
| 36071C0330E, | 36071C0331E, | 36071C0332E, | 36071C0351E  |

whose effective date is August 3, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Orange County, New York, All Jurisdictions@ dated August 3, 2009.

- (3) Letter of Map Revision, Case Number 12-02-0928P, effective July 16, 2013, revising FIRM Panels 36071C0137E and 36071C0139E, Flood Insurance Study Floodway Data Table 10, and Stream Profiles 33P-35P.

The above documents are hereby adopted and declared to be a part of this Chapter. The Flood Insurance Study and/or maps are on file at:

Town of Newburgh Code Compliance Department  
308 Gardnertown Road  
Newburgh, New York 12550

or such other address as the Code Compliance Department may relocate to from time to time.”

### SECTION 3 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

### SECTION 4 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.



**DRAFT**

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 1st day of April, 2013 at 7:00 o'clock p.m.

**PRESENT:**

Wayne C. Booth, Supervisor  
George Woolsey, Councilman  
Gilbert J. Piaquadio, Councilwoman  
Elizabeth J. Greene, Councilwoman  
Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD  
DETERMINING THAT PROPOSED  
LOCAL LAW AMENDING CHAPTER  
109 ENTITLED "FLOOD DAMAGE  
PREVENTION " OF THE CODE OF  
TOWN OF NEWBURGH IS  
AN UNLISTED ACTION AND PROVIDING FOR  
UNCOORDINATED REVIEW UNDER SEQR

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded  
by Councilman/woman \_\_\_\_\_.

WHEREAS, the Town Board of the Town of Newburgh has caused to be prepared a  
local law entitled "A Local Law Amending Chapter 109 Entitled 'Flood Damage Prevention' of  
the Code of the Town of Newburgh"; and

WHEREAS, the Local Law will implement an amendment to the Town of Newburgh  
Code to promote the public health, safety, and general welfare, and to continue to qualify and  
maintain the Town for participation in the National Flood Insurance Program by incorporating a  
revision to the Town's Flood Insurance Rate Map; and

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental  
Assessment Form (the "EAF") to be prepared for the proposed adoption of the proposed local  
Law (the "Action"); and

WHEREAS, the Town Board proposes to undertake, fund and approve the Action and  
wishes to perform an uncoordinated review of the Action pursuant to the State Environmental  
Quality Review Act.

NOW, THEREFORE, BE IT RESOLVED, the Town Board pursuant to Article 8 of the  
Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted  
pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the  
Town of Newburgh Municipal Code, hereby determines that the Action is subject to SEQR and  
is an Unlisted Action; and

BE IT FURTHER RESOLVED, that the following agencies identified by the EAF, using  
all due diligence, are involved agencies for the Action:

None

and:

BE IT FURTHER RESOLVED, that an uncoordinated review of the Action be conducted  
and that the Town Board proceed as if it were the only involved agency for the Action.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the 1st day of April, 2013 at 7:00 o'clock p.m.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF TOWN BOARD  
INTRODUCING LOCAL LAW  
AMENDING CHAPTER 109  
ENTITLED "FLOOD DAMAGE  
PREVENTION" OF THE CODE OF THE  
TOWN OF NEWBURGH  
AND PROVIDING FOR  
PUBLIC NOTICE AND PUBLIC HEARING

Councilman/woman \_\_\_\_\_ presented the following resolution which was seconded by Councilman/woman \_\_\_\_\_.

BE IT RESOLVED that a Local Law Amending Chapter 109 entitled "Flood Damage Prevention" of the Code of the Town of Newburgh be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the \_\_\_\_th day of \_\_\_\_\_, 2013 at 7:00 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing, and posting of such notice together with a copy of such local law in accordance with the requirements of the Municipal Home Rule Law and Chapter 25 of the Code of the Town of Newburgh.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

George Woolsey, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Councilman voting \_\_\_\_\_

Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_

Ernest C. Bello, Jr., Councilman voting \_\_\_\_\_

Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

**9. ANIMAL CONTROL: T-94 Withdrawal**

APR 1 2013

9



**TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER**  
645 Gidney Ave. Newburgh, NY 12550

March 25, 2013

To: Town Board

Subject: Authorization to Pay Veterinarian Services Utilizing T-94 Account

I am requesting authorization to use the T-94 account to pay for veterinarian services from Flannery Animal Hospital for the month and February and for your authorization for payment of this voucher in the total amount of \$619.

Sincerely,

Chantel Haight  
Animal Control Supervisor

Cc: Accounting

CITY OF NEWBURGH  
 BUREAU OF AUDIT AND CONTROL  
 83 BROADWAY  
 NEWBURGH, NEW YORK

*Terms of Newburgh Animal Control*

Flannery Animal Hospital  
 789 Little Britain Road  
 New Windsor, NY 12553  
 9180

SPACE BELOW FOR CITY USE

PURCHASE ORDER NO.	
DATE RECEIVED	
FUND AND APPROP. CHARGED	AMOUNT
A0522 3510.448	
VERIFIED	

CHECK NO. \_\_\_\_\_  
 DATE PD. \_\_\_\_\_  
 VOUCHER NO. \_\_\_\_\_

TERMS February 2013 voucher CLAIMANTS INVOICE # \_\_\_\_\_

DATES	QUANTITY	Description	UNIT PRICE	AMOUNT
2-14-13	1	IWH 64957 Gray+white pupp	2-13	320.00
2-28-13	1	IWH 67484 (2/22/13 PD), (PAID)		299.00
				619.00

JEAN Tobin CERTIFY THAT THE FOREGOING ACCOUNT IN THE AMOUNT OF \$ 619.00  
 TRUE AND CORRECT; THAT THE SERVICES AND DISBURSEMENTS CHARGED THEREIN WERE RENDERED TO OR FOR THE CITY OF  
 NEWBURGH ON THE DATES STATED; THAT NO PART THEREOF HAS BEEN PAID OR SATISFIED; AND THAT THE AMOUNT CLAIMED IS  
 ACTUALLY DUE.

3-20-13 DATE  
Jean Tobin AUTHORIZED SIGNATURE TITLE Asst manager FEDERAL ID OR SOCIAL SECURITY # 272821754

DEPARTMENT APPROVAL  
 I HEREBY APPROVE THIS CLAIM AND ORDER IT PAID FROM THE APPROPRIATIONS INDICATED THE ABOVE.  
 APPROVED FOR PAYMENT  
 DATE \_\_\_\_\_ COMPTROLLER OR CITY MANAGER \_\_\_\_\_  
 I HEREBY APPROVE THIS CLAIM AND ORDER IT PAID FROM THE APPROPRIATIONS INDICATED THE ABOVE.  
 DATE \_\_\_\_\_ AUTHORIZED OFFICIAL \_\_\_\_\_





# Flannery Animal Hospital

CARING FOR OUR COMMUNITY'S PETS

789 Little Britain Rd  
New Windsor, NY 12553  
845-565-7387

**Town Of Newburgh Animal Control (# 18987)**  
645 Gidney Avenue  
Newburgh, NY 12550

**Feb 28, 2013**

**Invoice Number  
67484**

Home Phone: (845) 561-3344  
Work Phone: ( ) - ext:

**2/22/13 Pitbull (# AHO)**

Species: Canine      Sex: Male  
Age: 2 years and 1 month old  
Breed: Pit Bull  
Coat Color: Chocolate  
Weight: 0 lbs.  
Rabies Tag Number:

Date	Description	Qty		Price
02/22/2013	Boarding - Animal Control	3.00	\$	78.00
02/24/2013	Office Visit - Compl. w/ Town of Newburg	1.00	\$	0.00
<b>Total for 2/22/13 Pitbull:</b>			<b>\$</b>	<b>78.00</b>

Bordetella Vaccine Booster: 02/27/2014

**Panser (# AHP)**

Species: Canine      Sex: Male Neutered  
Age: 2 years and 1 month old  
Breed: Rottweiler  
Coat Color: Black /rust  
Weight: 97 lbs.  
Rabies Tag Number: 0415

Date	Description	Qty		Price
02/27/2013	Town AC Spay/Neuter Super Item-B95	1.00	\$	0.00
	◆ Town - Rabies Vac.-Adopted	1.00	\$	19.00
	◆ --Pre-Anesthetic Medication	1.00	\$	0.00
	◆ Town/Shelter -Canine Neuter 91 lbs & ove	1.00	\$	121.00
	◆ Ancillary Surgical Services - Shelter	1.00	\$	0.00
	◆ --Anesthesia	1.00	\$	0.00
	◆ --Hospitalization	1.00	\$	0.00
	◆ --Medical Waste Disposal	1.00	\$	0.00
	◆ --Nursing Care	1.00	\$	0.00
	◆ --Pain Medication	1.00	\$	0.00
	◆ ~dex-domitor	0.30	\$	0.00
	◆ ~Morphine per ml.	1.35	\$	0.00
	◆ ~Propofol per ml	13.00	\$	0.00
	Catheter & IV Fluids - Surgical	1.00	\$	108.50

**Town Of Newburgh Animal Control (# 18987)**

**Panser (# AHP) - Continued**

<b>Date</b>	<b>Description</b>	<b>Qty</b>		<b>Price</b>
		1.00	\$	(108.50)
02/27/2013	Courtesy Discount	1.00	\$	29.00
02/27/2013	Town/City - DHLPPC Vaccine	1.00	\$	24.00
	Town/City - Heartworm/Lymes/Anaplasmosis	1.00	\$	28.00
	Bordetella Annual Vaccine Booster	1.00	\$	0.00
	ORX-Written Prescription Dispensed	1.00	\$	0.00
	Your Veterinary Technician was Desiree	1.00	\$	0.00

**Total for Panser:** \$ 221.00

**Total Invoice:** \$ 299.00

**Previous Balance:** \$ \_\_\_\_\_

**Total Amount Due:** \$ \_\_\_\_\_

**New Balance Due:** \$ \_\_\_\_\_

Provider Boarding  
Dr. Erin Schulz  
Dr. Eric R. Evans

## **10. ANNOUNCEMENTS AND PRESENTATIONS**

## **11. PUBLIC COMMENTS**

**12. POTENTIAL EXECUTIVE SESSION: Santa Monica Holdings vs.  
Town of Newburgh**