

**6. (7:00 p.m.) PUBLIC HEARING: Crossroads Consolidated Sewer
District: West Stone Street Extension Consolidation**

All the information is on the February 29, 2011 Audit Workshop Meeting

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 16th day of April, 2012 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 SEQRA DESIGNATION AND DETERMINATION FOR THE TOWN BOARD TO ACT AS LEAD AGENCY IN A COORDINATED REVIEW AND TO ADOPT A NEGATIVE DECLARATION FOR THE WEST STONE STREET DISTRICT EXTENSION AND CONSOLIDATION PROJECT WITH CROSSROADS CONSOLIDATED SEWER DISTRICT OF THE TOWN OF NEWBURGH: AN UNLISTED ACTION

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

WHEREAS, the Town Board of the Town of Newburgh after thorough consideration of the various aspects of the problems and study of available information, is proposing to undertake a project generally described as the West Stone Street Extension and Consolidation Project which encompasses the construction of a sanitary sewer gravity collection system that will discharge into the City of Newburgh's existing gravity system and pump station and ultimate to the City's wastewater treatment plant (the "Action"); and

WHEREAS, the Action will include the extension of the Crossroads Consolidated Sewer District to include an area of the Town in the vicinity of West Stone Street and North Carpenter Avenue currently outside the boundaries of any established sewer district pursuant to Article 12-A of the Town Law of the State of New York;

WHEREAS, in conjunction with the establishment of the West Stone Street Sewer District Extension, the Town Board is also proposing to undertake a consolidation of the extension and the Crossroads Consolidated Sewer District pursuant to Article 17-A of the General Municipal Law; and

WHEREAS, in order for the City of Newburgh sewer system to be able to receive and transport the sewage from the West Stone Street District Extension Project to the City's wastewater treatment plant, the Town proposes to enter into an amendment to the current inter-municipal agreement between the Town of Newburgh and the City of Newburgh dated May, 2004, pursuant to which the Town will be afforded the right to undertake replacement and rehabilitation of certain sewer facilities and improvements at the City's Crescent Avenue Sewer

Pump Station on behalf of both the sewer district, extension and City; and

WHEREAS, the Town Board of the Town of Newburgh has caused a full Environmental Assessment Form Parts 1 and 2 (the "EAF") to be prepared for the proposed Action; and

WHEREAS, the Town Board has authority 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

WHEREAS, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQRA"), 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, has heretofore determined that the Action is subject to SEQRA and is an Unlisted Action under SEQRA and Part 617; and

WHEREAS, the Town Board has heretofore identified the following agencies identified by the EAF, using all due diligence, as involved agencies for the Action:

City of Newburgh

New York State Department of Environmental Conservation

and;

WHEREAS, the Town Board has heretofore identified the following agency as an interested agency for the Action:

None

and;

WHEREAS, the Town Board has determined that the Action is not located in an agricultural district; and

WHEREAS, , the Town Board pursuant to SEQRA, Part 617 and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, heretofore declared its intention to act Lead Agency for this Unlisted Action for the purpose of conducting a coordinated review and directed that a Lead Agency coordination letter be circulated among involved agencies together with copies of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQRA and Part 617, and that copies of the EAF also be forwarded to interested agencies, if any, for review and comment. ; and

WHEREAS, a Lead Agency coordination letter was circulated to the various involved

agencies together with copies of the EAF, and such other information as was appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQRA and Part 617; and

WHEREAS, the identified involved agencies have either agreed that the Town Board shall act as the Lead Agency for the Action or not responded within the thirty (30) calendar day time frame established under SEQRA; and

WHEREAS, in performing its review of the Action, the Town Board has (i) considered the Action as an action as defined in subdivisions 617.2(b) and 617.3(g) of Part 617, (ii) thoroughly reviewed the EAF, and any and all other documents prepared and submitted with respect to this proposed action and its environmental review, and (iii) 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 completed the coordinated review in accordance with paragraph 617.6(b)(3) of Part 617; and

WHEREAS, the Town Board has not identified relevant areas of environmental concern which would lead to a determination that the Action 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 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 declares itself Lead Agency for this Unlisted Action for the purpose of conducting a coordinated review.
2. The Town Board, acting in its capacity as Lead Agency, does hereby 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, 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 all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of law

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. (7:15 p.m.) PUBLIC HEARING: Crossroads Consolidated Sewer
District:
West Stone Street Extension**

All the information is on the February 29, 2011 Audit Workshop Meeting

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 16th day of April, 2012 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

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF THE WEST STONE STREET EXTENSION OF THE CROSSROADS CONSOLIDATED SEWER DISTRICT IN THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

-----X
In the Matter of the West Stone Street Extension
Of the Crossroads Consolidated Sewer District
in the Town of Newburgh, County of Orange,
State of New York
-----X

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

WHEREAS, the Town Board of the Town of Newburgh, Orange County, New York has caused to be prepared a map, plan and report, including an estimate of cost, in accordance with law and in such manner and in such detail as has heretofore been determined by the Town Board of the Town of Newburgh, relating to the extension of the Crossroads Consolidated Sewer District of said Town, such Sewer District extension to be known as the "West Stone Street Extension of the Crossroads Consolidated Sewer District" of the Town of Newburgh, Orange County, New York; and

WHEREAS, said map, plan and report showing the facilities involved together with the proposed boundaries of the proposed West Stone Street Extension of the Crossroads Consolidated Sewer District was prepared by GHD Consulting Engineers, LLC, competent engineers, duly licensed by the State of New York, and has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the boundaries of the proposed extension of said sewer district extension are set forth in Appendix "A" annexed hereto and made a part hereof; and

WHEREAS, the Action which includes the proposed establishment of the extension of the Crossroads Consolidated Sewer District Stewart has been determined to be an "Unlisted Action" pursuant to Part 617 of the General Regulations ("Part 617") adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQR") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, for which the Town has prepared an Environmental Assessment Form, which Form has been filed in the office of the Town Clerk of said Town, where the same is available during regular business office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, on April 16, 2012, the Town Board acting as the Lead Agency in a coordinated SEQR review adopted a "Negative Declaration" pursuant to which it was determined that the proposed establishment of the extension of the Crossroads Consolidated Sewer District to include an area of the Town in the vicinity of West Stone Street and North Carpenter Avenue currently outside the boundaries of any established sewer district pursuant to Article 12-A of the Town Law of the State of New York and related project elements comprising the Action will not result in a significant effect on the environment; and

WHEREAS, \$525,000.00 is the maximum amount set forth in the map, plan and report as proposed to be expended for the improvements of the extension of the sewer district's facilities; and

WHEREAS, financing is proposed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town; and

WHEREAS, the estimated hook up fee is \$100 and the cost of the district extension to the typical property is \$375.90, equaling the sum of an estimated \$7.90 debt service charge for the district extension, an estimated \$134.00 debt service charge for the existing Crossroads Consolidated Sewer District and an estimated \$234.00 typical operation and maintenance charge, which is the same as the cost to the typical one and two family home; and

WHEREAS, in accordance with prior determinations and referendum, all the expenses of the Crossroads Consolidated Sewer District, including all extensions heretofore established, have been a charge against the entire area of the district as extended in accordance with the provisions of Town Law Section 206-a, and it is proposed that the Crossroads Consolidated Sewer District of the Town of Newburgh and the West Stone Street Extension of the Crossroads Consolidated Crossroads Consolidated Sewer District of the Town of New Crossroads Consolidated Sewer District of the Town of Newburgh and the West Stone Street Extension of the Crossroads

Consolidated Sewer District of the Town of Newburgh and the West Stone Street Extension of the Crossroads Consolidated Sewer District of the Town of Newburgh be consolidated pursuant to Article 17-A of the General Municipal Law concurrently with the extension of the sewer district; and

WHEREAS, an order was duly adopted by said Town Board on February 29, 2012, reciting a description of the boundaries of said proposed District, the services proposed, the fact that said map, plan and report was on file in the Town Clerk's Office for public inspection and specifying the 16th day of April, 2012, at 7:15 o'clock P.M., Prevailing Time, at the Town Hall, 1496 Route 300, in Newburgh, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the matter of the West Stone Street Extension of the Crossroads Consolidated Sewer District of the Town of Newburgh and said map, plan and report filed in relation thereto and the improvements therefore and to hear all persons interested in the subject thereof concerning the same and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting has been duly presented to the Town Board; and

WHEREAS, said public hearing was duly held at the time and place stated in said order, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said map, plan and report and the evidence given at said public hearing;

NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Newburgh, Orange County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

(a) The notice of hearing was published and posted as required by law and is otherwise sufficient;

(b) All the property and property owners within said proposed West Stone Street Sewer District Extension of the Crossroads Consolidated Sewer District are benefitted thereby;

(c) All the property and property owners benefitted are included within the limits of said proposed West Stone Street Sewer District Extension of the Crossroads Consolidated Sewer District;

(d) It is in the public interest to grant in whole the relief sought and establish

said West Stone Street Sewer District Extension of the Crossroads Consolidated Sewer District.

Section 2. The establishment of the West Stone Street Sewer District Extension of the Crossroads Consolidated Sewer District, as more fully described in the map, plan and report prepared by GHD Consulting Engineers, LLC, competent engineers, duly licensed by the State of New York, is hereby approved.

Section 3. Said GHD Consulting Engineers, LLC, competent engineers, duly licensed by the State of New York shall be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 4. This resolution is subject to a permissive referendum in the manner provided in Article Seven of the Town Law and Subdivision 3 of Section 209-e of the Town Law.

Section 5. The Town Clerk shall, within ten (10) days after the adoption of this resolution, post and publish a notice setting forth the date of adoption of the resolution and containing an abstract thereof concisely stating the purpose and effect thereof and specifying that the resolution was adopted subject to permissive referendum.

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.

**DISTRICT EXTENSION DESCRIPTION
WEST STONE STREET EXTENSION
NORTH CARPENTER AVENUE**

All that certain plot, piece, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being bounded and described as follows:

BEGINNING at a point on the Town of Newburgh/City of Newburgh boundary line, said point being on the northerly right-of-way line of North Plank Road and at the southeasterly corner of the Town of Newburgh's tax map Section 84, Block 4 Lot 26 (1996); thence in a westerly direction along said North Plank Road right-of-way line a distance of 224.2± ft. to the southwesterly corner of tax map Section 84 Block 3 Lot 9; thence in a northerly direction along the westerly property line of said Lot 9 and Lots 9 and 7 a distance of 149.7± ft. to the northwesterly corner of said Lot 7, said point also being on the southerly property line of Lot 6; thence in a westerly direction along the southerly property line of said Lot 6 a distance of 50± ft. to the southwesterly corner of said Lot 6; thence in a northerly direction along the westerly property line of said Lot 6 a distance of 9.4± ft. to the southeasterly corner of Lot 4, said point also being on the westerly property line of said Lot 6; thence in a westerly direction along the southerly property line of said Lot 4 a distance of 50± ft. to the southwesterly corner of said Lot 4, said point also being on the easterly property line of Lot 3; thence in a southerly direction along the easterly property line of said Lot 3 a distance of 6.3± ft. to the southeasterly corner of said Lot 3; thence in a westerly direction along the southerly property line of said Lot 3 and Lot 2 a distance of 147.9± ft. to the southwesterly corner of said Lot 2, said point also being on the easterly property line of Lot 1; thence in a southerly direction along the easterly property line of said Lot 1 and Lot 15 a distance of 132.6± ft. to the southeasterly corner of said Lot 15, said point being on the northerly right-of-way line of said Plank Road; thence in a northwesterly direction along the northerly right-of-way line of said Plank Road and the southerly property line of said Lot 15 and the tax map Section 84, Block 2 Lot 1.1 a distance of 212± ft. to the southwesterly corner of said Lot 1.1, said point being on the northerly right-of-way of said Plank Road; thence in a northerly direction along the westerly property line of said Lot 1.1 a distance of 144± ft. to the northwesterly corner of said Lot 1.1, said point being on the southerly property line of Lot 1.2; thence in a northwesterly direction along the southerly property line of said Lot 1.2 a distance of 50± ft. to the southwesterly corner of said Lot 1.2; thence in a northerly direction along the westerly property line of said Lot 1.2 a distance of 50± ft. to the southwesterly corner of said Lot 1.2; thence in a northwesterly direction along the southerly property line of said Lot 1.2 a distance of 154.5± ft. to the southwesterly corner of said Lot 1.2; thence in a northwesterly direction along the westerly property line of said Lot 1.2 a distance of 67.5± ft. to the westerly corner of said Lot 1.2; thence in a northeasterly direction along the westerly property line of said Lot 1.2 a distance of 98.6± ft. to the northwesterly corner of said Lot 1.2; thence in a southeasterly direction along the northerly property line of said Lot 1.2 and across Stone Street a distance of 300± ft. to the westerly right-of-way line of said Stone Street and the westerly property line of tax map Section 84 Block 5 Lot 1; thence in a northerly direction along the westerly property line of said Lot 1 and Lot 4.1 a distance of 85.3± ft. to the northwesterly corner of said Lot 4.1; thence in an easterly direction along the northerly property line of said Lot 4.1 a distance of 101.6± ft. to the northerly corner of said Lot 4.1; thence in a southeasterly direction along the northerly property line of said Lot 4.1 and Lot 6.1 a distance of 362± ft. to the northerly corner of said Lot 6.1; thence in an easterly direction along the northerly property line of said Lot 6.1 a distance of 40.1± ft. to the northeasterly corner of said Lot 6.1; thence in a southerly direction along the easterly property line of said Lot 6.1 a distance of 43± ft. to the southeasterly corner of said Lot 6.1; thence in a westerly direction along the southerly property line of said Lot 6.1 a distance of 87.5± ft. to a point on the southerly property line of said Lot 6.1, said point being the northeasterly corner of Lot 9; thence in a southerly direction along the westerly property line of said Lot 9 across Stone Street a distance of 154± ft. to the southerly right-of-way line of said Stone Street, said point being the northwesterly corner of tax map Section 84 Block 4 Lot 1; thence in a northeasterly direction along the southerly right-of-way line of said Stone Street and the northerly property line of said Lot 1 a distance of 48.8± ft. to the northeasterly corner of said Lot 1; thence in a southerly direction along the easterly property line of said Lot 1 a distance of 98± ft. to the southeasterly corner of said Lot 1, said point being on the northerly property line of Lot 29; thence in a westerly direction along the northerly property line of said Lot 29 a distance of 67.9± ft. to the northeasterly corner of said Lot 29; thence in a southerly direction along the easterly property line of said Lot 29 and Lots 28 and 26 a distance of 211.9± ft. to the southeasterly corner of said Lot 26.