

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

# AGENDA

AUDIT/WORKSHOP TOWN COUNCIL MEETING  
Wednesday, May 16, 2012  
7:00 p.m.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. SEWER: Eaton Sewer Outside User Agreement
7. ZONING CHANGE REQUEST: Lands of Christian & Kelly, New Road
8. ZONING CHANGE REQUEST: 84 Realty, Patton Rd. & S. Plank Road
9. LANDS OF HAMMOND: Performance Securities
10. INTRODUCTION OF LOCAL LAW
11. INTERNET: Wideband Upgrade
12. BUILDING & GROUNDS: Cleaning Services
13. ADJOURNMENT

5. APPROVAL OF AUDIT

MAY 16 2012

6

AUDIT # 9

May 16, 2012

VOUCHERS: 121865 to 122053

FUND	REGULAR	PREPAID
GENERAL	\$ 213,220.45	\$ 11,618.65
TRUST & AGENCY	12,161.55	-
STREET LIGHTING	1,408.00	15,087.68
HIGHWAY	15,285.75	-
WATER	62,593.04	1,955.46
SEWER	10,959.36	140.28
WATER CAPITAL	46,739.85	504,190.06
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	-	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 362,368.00	\$ 532,992.13
GRAND TOTAL	<u>\$ 895,360.13</u>	

MAY 15 12

AUDIT # 9  
5/16/2012  
VOUCHERS: 121865 to 122053

Audit Date: May 16, 2012

To the Supervisor:

I certify that the vouchers listed above were audited by the Town Board on the above date and allowed in the amounts shown. You are hereby authorized and directed to pay each of the claimants the amount opposite his name.

I acknowledge the following vouchers are in violation of New York State's General Municipal Law section 103 (Competitive Bidding Laws) and approve payment thereof.

<u>Voucher</u>	<u>Vendor Name</u>	<u>Amount</u>
121900	NY Communication	3,725.00
121932	Camo pollution	2,119.82
121933	Camo pollution	913.13
121959	NY Communication	9,340.00
121972	Spagnoli excavating	280.00

Dated: \_\_\_\_\_

\_\_\_\_\_  
Andrew J. Zarutskie, Town Clerk

Town Board:

Exceptions:

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6. **SEWER: Eaton Sewer Outside User Agreement**

Information not available at this time.

7. **ZONING CHANGE REQUEST: Lands of Christian & Kelly, New Road**

# Talcott Engineering DESIGN, PLLC.

1 GARDNERTOWN ROAD ~ NEWBURGH, NY 12550  
(845) 569-8400\* ~ (fax) (845) 569-4583  
E-mail: talcottdesign12@gmail.com

7  
APR 27 2012

Town of Newburgh  
Town Board  
1496 Route 300  
Newburgh, NY 12550

April 26, 2012  
Page 1 of 2

Attn: Town Board Members

Re: Proposed Zoning District Change  
Lands of Christian & Angela Kelly  
New Road, Town of Newburgh  
SBL: 34-2-16.3 – Presently Zone B

Dear Town Board Members:

On behalf of our client, Christian Kelly, Talcott Engineering (TE) formally petitions the Town of Newburgh for a zoning change to a portion of Town of Newburgh Tax Parcel: Section 34 Block 2 Lot 16.3 from its present B Zone (Business) to a residential R-2 Zone which is directly adjacent to the subject parcels westerly boundary.

The subject parcel is Lot No. 3 of a Commercial Subdivision Mr. Kelly filed in 2010, of which Lot No. 1 being his existing house, and Lot No. 2 being the future site for his Custom Window Repair Business. The approved filed subdivision map shows a proposed well location and septic design suitable for a 4 bedroom house, but also suitable for a 6500 sq. ft. office building. The consensus at the time of the Planning Board review was that once the map was filed, the Kellys could either sell Lot No. 3 for commercial use, or opt for their first choice, building a new house on Lot No. 3 for themselves. The latter choice would require either a use variance or a zoning district change. The real estate market being what it's been the last 3 years, a flag lot, in a predominantly residential neighborhood, had little or no chance of being purchased for development for any commercial use. However, the Zoning Board of Appeals, under strong legal advisement from their counsel, David Donovan, denied a use variance application to build a single family home because the hardship was ruled self created. TE advised the Kellys that even though the decision seemed challengeable, petitioning the Town Board for a Zoning District change would be the best course of action at this time.

The Kellys, who do not possess the resources to purchase another parcel on which to build a new house, have directed TE to petition the Town of Newburgh to join the main parallelogram portion of their Lot No. 3 (see highlighted areas on attached maps) to the adjacent R-2 Zoning District. R-2 is the predominant zoning classification in the immediate neighborhood. The pole portion of said lot is proposed to remain in the B Zone along with Lot No. 1 and Lot No. 2 of the Kelly Subdivision (see highlighted areas on attached maps).



Attached hereto is a Tax Map/Zoning Overlay which provides a view of the B Zoning District north of NYS Route 32 between Weyants Lane (to the west) and New Road (to the East). Included on this map is a breakdown of the uses within this portion of the district, as well as a separate breakdown of the uses along the westerly side of New Road located in this B Zoning District. This breakdown points out that not only are residential uses in the majority, but that vacant parcels also outnumber the commercial uses in this district. This map also depicts the irregular boundary which presently exists between the B and R-2 Zoning District. This boundary demonstrates that Mr. Kelly's petition would not create an uncommon change, as similar jogs and jut outs already occur in the division line between the districts.

Environmentally, the use and zone requested proposes far less of an impact. A single family house in an R-2 Zone only allows 30% lot surface coverage, whereas an office building in a B Zone is allowed 80% lot surface coverage. That's 50% less lot surface coverage allowed on a R-2 zoned parcel.

TE has also included a copy of Sheet 1 of 2 of the site plan set and Sheet 1 of 3 of the Kelly's filed subdivision plan set. Sheet 1 of the Site Plan set demonstrates the locations of Mr. Kelly's proposed house, well and septic location. Sheet 1 of the filed subdivision plan set shows the complete metes and bounds of Lots 1 thru 3, existing easements, as well as existing structures on and near the Kelly property. On both plans the portion Lot 3 (SBL:34-2-16.3) requested to be re-zoned is highlighted in yellow. The portion of Lot 3 proposed to remain in the B Zoning District is highlighted in pink.

To complete the petition package, TE has provided a proxy allowing TE to make this petition, a metes and bounds description of that portion of Tax Parcel SBL: 34-2-16.3 for which the Kellys are requesting the R-2 Zoning Classification and a Short Environmental Assessment Form for use in the State Environmental Quality Review.

TE requests this petition be placed on the next available audit meeting for a initial review and discussion. If any of the Town Board members or their advisors have any questions regarding this petition, and its accompanying attachments, please feel free to contact us by phone (845-569-8400) or by e-mail ([talcottdesign12@gmail.com](mailto:talcottdesign12@gmail.com)).

Sincerely



Charles T. Brown, P.E.

President – Talcott Engineering Design, PLLC

Pc: J. Osborne, PE - Town Engineer /attach.  
M. Taylor, Esq. - Town Attorney/attach.  
A. Zarustskie - Town Clerk /attach.  
C. Kelly /attach.

TOWN OF NEWBURGH

PROXY

Christian Kelly DEPOSES AND SAYS THAT  
HE/SHE RESIDES AT 39 New Road, Newburgh, NY 12550  
IN THE COUNTY OF Orange AND STATE OF New York  
AND THAT HE IS THE OWNER IN FEE OF Town of Newburgh Tax Parcel:  
Section 34 Block 2 Lot 16.3

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING PETI -  
TION AND THAT HE HAS AUTHORIZED Talcott Engineering Design, PLLC  
TO MAKE THE FOREGOING PETITION AS DESCRIBED THEREIN.

DATED: 4/6/12

Christ Kelly

OWNER'S SIGNATURE

[Signature]

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 6 DAY OF April 2012

[Signature]  
NOTARY PUBLIC

THOMAS R. LYNCH  
Notary Public, State of New York  
Qualified in Ulster County  
Registration No. 01LY6201381  
Commission Expires February 23, 2013

**Description  
Parcel Requesting  
R-2 Zoning Classification  
Lands of  
Christian & Angela Kelly**

**ALL** that piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, requesting a change in its zoning classification from a Business 'B' Zone to a Residential 'R-2' Zone and being a portion of Tax Parcel SBL: 34-2-16.3, designated as Lot No. 3 on a map entitled "**PROPOSED 3 LOT SUBDIVISION FOR : CHRIS KELLY**" dated September 23, 2004, last revised January 8, 2010 and filed in the Orange County Clerk's Office August 2, 2010 as Map No. 304-10 and being all of that portion of said Tax Lot 16.3 and said Subdivision Lot 3 which is west of the westerly property line of Tax Parcel SBL: 34-2-16.2, also designated as Lot No. 2 of the above referenced Map No. 304-10, and being more particularly bounded and described as follows:

**BEGINNING** at a point in the division line between the lands now or formerly of Malcolm, Tax Parcel SBL: 34-2-13 situated in a R-2 Zoning District, on the west, and the lands of Kelly being Lot No. 3 of the above referenced filed Map No. 304-10, Tax Parcel SBL: 34-2-16.3 and situated in a B Zoning District, on the east, said point of beginning being the southwesterly corner of said Lot No. 3 and the southwesterly corner of the parcel requesting the zoning classification described herein; thence, along the division line between the lands now or formerly of Malcolm and the lands of Kelly, and also along the division line between the R-2 Zoning District and the B Zoning District as depicted on the Town of Newburgh Zoning Map adopted March 6, 2006, North 6°03'00" East 185.62 feet to a point in the division line between the lands now or formerly of Malcolm, Tax Parcel SBL: 34-2-15.2 on the north and the parcel herein described on the south; thence, along the last said division line and through the B Zoning District as shown on the aforesaid Town of Newburgh Zoning Map, South 75°36'00" East 205.99 feet to a point in the division line between Lot No. 2 of filed No. 304-10, Tax Parcel SBL: 34-2-16.2 on the east and the parcel herein described on the west; thence, along the last said division line and continuing through the B Zoning District as shown on the aforesaid Town of Newburgh Zoning Map, South 1°25'42" West 146.37 feet to a point, said point being the southwesterly corner of the aforesaid Lot 2 of filed Map No. 304-10; thence, through the lands of Lot No. 3 of filed Map No. 304-10, Tax Parcel SBL: 34-2-16.3, and continuing through the B Zoning District as shown on the aforesaid Town of Newburgh Zoning Map, South 1°25'42" West 25.65 feet to a point in the division line between the lands now or formerly of Falky, Tax Parcel SBL: 34-2-17.1, on the south and the parcel herein described on the north; thence, along the last said division line and continuing through the B Zoning District as shown on the aforesaid Town of Newburgh Zoning Map, North 75°36'00" West 15.41 feet and North 75°53'00" West 205.70 feet to the point or place of beginning, containing 0.90 of an acre of land more or less.

8. **ZONING CHANGE REQUEST: 84 Realty, Patton Rd. & S. Plank Road**

**TOWN OF NEWBURGH  
TOWN ENGINEER  
1496 Rte. 300  
Newburgh, NY 12550  
(845) 564-7814**

**MEMORANDUM**

**TO:** Wayne Booth, Town Supervisor & Town Board  
**FROM:** James W. Osborne, Town Engineer *JWO*  
**DATE:** 15 May 2012  
**RE:** M \ 84 REALTY LLC ZONING CHANGE

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Based on my review of the Sketch Subdivision Plan, I offer the following comments:

1. For a stormwater management pond (SWMP) that is included as part of a public drainage district, the Town strongly prefers that they be located on a separate lot distinct from any residential lot in the subdivision.
2. If the SWMP is located in an easement on an individual lot, it must be situated such that it does not encroach any closer to the residence than the minimum bulk requirements for the zoning. This includes any grading, landscaping and access driveways for the SWMP.
3. Access to the SWMP must be provided for Town equipment to perform required maintenance. Additionally, equipment access to the outlet control structure must be provided.
4. Given the fact that the project is split into two separate parcels by Patton Road, it is highly unlikely that a single SWMP can be made to work for this project. Therefore, two SWMP's will be required, increasing the required area for installation.

Based on the above, it is my estimation that the maximum number of lots that will ultimately be able to be developed is thirteen (13).

If you have any questions or comments, I am available to discuss them with you.

JWO/id  
cc: M. Taylor, Attorney

9. **LANDS OF HAMMOND: Performance Securities**

Information not available at this time.

## 10. INTRODUCTION OF LOCAL LAW



Information not available at this time.

## 11. INTERNET: Wideband Upgrade

May 16, 2012 Audit Meeting      Agenda Item # 11

I obtained prices and recommended to Supervisor Booth upgrading the speed of our internet service at Town Hall.

This is being done because the untangle software slows down the signal and Animal Control needs a faster upload speed to access the server.

The speed chosen is 35Mbps/5Mbps for a monthly cost of \$ 229.99

We were paying for 10Mbps/1Mbps at a cost of \$ 64.95 for a monthly increase of \$ 165.04

In the near future we will be cancelling the Code Compliance internet account which will result in a savings of \$ 64.95

**12. BUILDING & GROUNDS: Cleaning Services**



# TOWN OF NEWBURGH

1496 ROUTE 300, NEWBURGH, NEW YORK 12550

Les Cornell  
Director of Buildings & Grounds

Ph: 845-564-4556  
Fax: 845-566-1432

May 14, 2012

To: Supervisor and Town Board

From: Les Cornell

Re: Outside Cleaning Firm

Since the Building and Grounds Department is down to three men I have found it necessary to hire an outside firm to clean Town Hall, Old Town Hall and the Police Department.

Town Hall and Old Town Hall would be done twice a week Tuesday's and Sunday's The Police Department would be done once a week on Sunday's.

The cost of this service would be \$1,580.00 per month. The total cost for the remainder of the year ( June thru December ) will be a total of \$11,060.00

Thanking you in advance.

Les Cornell,   
Director of Buildings & Grounds