

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

AGENDA

PUBLIC TOWN COUNCIL MEETING

Monday, June 4, 2012

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. **RESOLUTION:** for SEQRA Lead Agency Status, Local Law Amending Application & Public Hearing Notification Provisions
7. **RESOLUTION:** Scheduling Public Hearing for Local Law Amending Application & Public Hearing Notification Provisions
8. **RESOLUTION:** for SEQRA Determination for Local Law Rezoning Property of 84 Realty
9. **RESOLUTION:** Approving Comprehensive Plan Amendment for Local Law Rezoning Property of 84 Realty
10. **RESOLUTION OF ADOPTION** for Local Law Rezoning Property of 84 Realty
11. **JUSTICE COURT:**
 - A. Hiring of Full Time Court Clerk
 - B. Purchase of Mobile Shelving Unit
12. **PARKS AND RECREATION:** Duty Free Lunch for Camp Counselors
13. **CONSIDERATION OF REPORT AND RECOMMENDATIONS** on Disciplinary Hearing
14. **RESOLUTION** Requesting Assistance to Keep Branch Post Office Open
15. **TOWN ENGINEER:** NYSTA Water Service
16. **ANNOUNCEMENTS**
17. **PUBLIC COMMENTS**
18. **ADJOURNMENT**

6. **RESOLUTION: for SEQRA Lead Agency Status, Local Law Amending Application & Public Hearing Notification Provisions**
7. **RESOLUTION: Scheduling Public Hearing for Local Law Amending Application & Public Hearing Notification Provisions**

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 June, 2012 at 7:00 o'clock p.m.

607

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 DETERMINING THE PROPOSED 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 IS AN UNLISTED ACTION AND PROVIDING FOR 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 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, 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 the proposed change is consistent with and does not require an amendment to the Town's adopted Comprehensive Plan Update; 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 amending the Subdivision Regulations by adding a new article pertaining to Lot Line Changes (the "Action"); and

WHEREAS, the Town Board proposed 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.

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 the following are identified as interested agencies for the Action:

Orange County Department of Planning

Town of Newburgh Planning Board

Town of Newburgh Zoning Board of Appeals

and;

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a Lead Agency coordination letter be circulated among involved agencies, if any, 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 SEQR and Part 617, and that copies of the EAF also be forwarded to all interested agencies for review and comment.

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 ___th day of June, 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 TOWN BOARD
INTRODUCING
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 CALLING PUBLIC HEARING

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

BE IT RESOLVED that 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 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 the Town of Newburgh, New York on the ___th day of July 2012 at 7:___ 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 in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of his office not later than the day such notice is published; and

BE IT FURTHER RESOLVED that copies of the aforesaid local law and notice of the public hearing be forwarded to all municipalities, agencies and boards required to receive such copies and notices in accordance with the provisions of the New York State General Municipal Law, the New York State Town Law and the Town of Newburgh Zoning Code.

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.

**INTRODUCTORY LOCAL LAW # ___ OF 2012
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**

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 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: The notice shall otherwise be subject to the same mailing and posting requirements established for

hearings by the Zoning Board of Appeals in § 185-55 of Chapter 185.”

SECTION 4 – 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 of receipt of the complete application the Planning Board Chairman or other designated member or agent of the Planning Board shall cause a letter to be forwarded 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 in envelopes to be supplied, addressed and with required first class postage to have been paid for and affixed by the applicant.

- 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. The notice shall otherwise 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 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. The notice shall otherwise 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 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 of receipt of a complete application, the Planning Board Chairman or other authorized member or agent of the Planning Board shall cause a letter to be forwarded 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 them of the receipt of the plat and application, by first class mail in envelopes to be supplied, addressed and with required first class postage to have been paid for and affixed by the applicant. ”

F. 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 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. The notice shall otherwise 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 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 163-12.1 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 of receipt of a complete application, the Planning Board

Chairman or other authorized member or agent of the Planning Board shall cause a letter to be forwarded 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 them of the receipt of the plat and application, by first class mail in envelopes to be supplied, addressed and with required first class postage to have been paid for and affixed by the applicant.”

**SECTION 5 – 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 of receipt of a complete application for a new telecommunications tower, the Planning Board Chairman or other authorized member or agent of the Planning Board shall cause a letter to be forwarded 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 them of the receipt of the plat and application, by first class mail in envelopes to be supplied, addressed and with required first class postage to have been paid for and affixed by the applicant.”

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. 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.

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 – 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 be given of the substance of every appeal ~~for a~~ and variance and of every application for a special permit, together with notice of the hearing thereon, by causing notices thereof to be 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. However, in lieu of notice by certified mail, return receipt requested, if the application is for an area variance and the lot which is the subject of the public hearing contains or is proposed to contain one single family dwelling and permitted accessory uses to single family dwellings in the applicable district other than a home occupation or accessory apartment, and is used or proposed to be used for no other primary use, the Zoning Board of Appeals may authorize notice by first class mail in envelopes to 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, 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 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. 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 until after the public hearing is closed. 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.”

B. The following sentence 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 of receipt of a complete application and sketch plan, the Planning Board Chairman or other authorized member or agent of the Planning Board shall cause a letter to be forwarded 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 them of the receipt of the plat and application, by first class mail in envelopes to be supplied, addressed and with required first class postage to have been paid for and affixed by the applicant.”

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: 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 7 - 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 - 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 ___th day of June, 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 TOWN BOARD PROVIDING FOR REFERRAL OF 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

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

WHEREAS, the Town Board of the Town of Newburgh has caused a local law to be prepared 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, said 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 has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York.

NOW, THEREFORE, BE IT RESOLVED that copies of the aforesaid Local Law be 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; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid local law also be forwarded to the Town of Newburgh Zoning Board of Appeals for its comments.

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.

8. **RESOLUTION: for SEQRA Determination for Local Law Rezoning Property of 84 Realty**
9. **RESOLUTION: Approving Comprehensive Plan Amendment for Local Law Rezoning Property of 84 Realty**
10. **RESOLUTION OF ADOPTION for Local Law Rezoning Property of 84 Realty**

JUN - 4 2012

8
9
16

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 June, 2012 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 SEQR LEAD AGENCY DETERMINATION: AMENDMENT TO COMPREHENSIVE PLAN UPDATE, ADOPTION OF LOCAL LAW AMENDING CHAPTER 185 ENTITLED 'ZONING' OF THE CODE OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH: REZONING OF A PROPERTY BOUNDED BY PATTON ROAD AND SOUTH PLANK ROAD (NYS ROUTE 52) FROM B TO THE ADJACENT R-2 ZONING DISTRICT

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

WHEREAS, having received requests from the property owners for Zoning Map changes to their properties, pursuant to Town Law Section 272-a, the Town Board has prepared an amendment to the adopted Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of certain properties near Stewart Avenue, NYS Route 300 and Interstate 84, from IB (Interchange Business) to the adjacent R-3 (Residential) District Zoning and on both sides of Patton Road at its intersection with Old South Plank Road (NYS Route 52) from B (Business) District to the adjacent R-2 (Residential) District Zoning; and

WHEREAS, the Town Board has additionally prepared two local laws amending the Zoning Code and Zoning Map of the Town of Newburgh which will implement the proposed Comprehensive Plan Update Amendment; 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

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoptions of the Amendment to the Comprehensive Plan Update, the Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Two Lots Near Stewart Avenue and Interstate 84 from IB to the Adjacent R-3 Zoning District and the Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District; and

WHEREAS, the Town Board has determined that the proposed adoption of the aforesaid Amendment to the Comprehensive Plan Update and local laws should be reviewed as an action (the "Action") under 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; and

WHEREAS, the Town Board proposed 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, using all due diligence, has identified no other involved agencies, but has identified the following agencies as potentially interested agencies for the Action:

the Orange County Planning Department,

the Town of Newburgh Planning Board

the Town of Newburgh Zoning Board of Appeals; and

; and

WHEREAS, copies of the EAF have been forwarded to all interested agencies for review and comment; 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 Town Board has determined that the Action is an Unlisted Action; and

WHEREAS, the Town Board has determined that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, has further declared itself the Lead Agency for the purpose of conducting a review of this Action; and

WHEREAS, the Town Board has requested the property owner/ petitioner for the rezoning of the property on Patton Road and South Plank Road (NYS Route 52) to present a written representation evidencing its agreement to the condition contained in the local law that the Amendment to the Zoning Map is adopted upon condition that the property be used for single family residences consistent with the character of the adjoining residential neighborhood; and

WHEREAS, by e-mail of May 31, 2012, Stanley Schutzman, Esq. of Hanig & Schutzman, LLP, the attorneys for the property owner/petitioner, 84 Realty, LLC, wrote on behalf and with authority of their client:

"I write to confirm the agreement on behalf of 84 Realty LLC that based on the Town Board's agreement and actions in amending the current zoning of the Property to "R-2", 84 Realty LLC hereby agrees that the effectiveness of any such zoning change would be solely conditioned on my client's use and development of the Property for single family homes only and not for the

other multi uses which may be otherwise permitted under R-2 zoning and with no other conditions being required by my client.”;

and

WHEREAS, the Town Board heretofore proceeded with the review and approval of the portion of the amendment of the Comprehensive Plan Update and the rezoning of the properties near Stewart Avenue, NYS Route 300 and Interstate 84 and approval of a related Developer’s Agreement; and

WHEREAS, having secured the written agreement of the property owner/petitioner, the Town Board now wishes to proceed with the remaining portion of the amendment of the Comprehensive Plan Update and the rezoning of the property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District (the “Re-amended Action”); 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 Re-amended 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 Re-amended 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, that the Town Board, as Lead Agency, hereby determines that said Re-Amended Action will not have a significant effect on the environment and, accordingly, does issue a Negative Declaration; and

BE IT FURTHER RESOLVED, that the Town Board authorizes the Supervisor to execute and file the Environmental Assessment Form Determination of Significance annexed hereto 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 all other appropriate notices and documents to effectuate these resolutions in accordance with the applicable provisions of 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.

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 June, 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 TOWN BOARD IN THE MATTER OF THE ADOPTION OF THAT PART OF THE PROPOSED AMENDMENT TO THE COMPREHENSIVE PLAN UPDATE OF THE TOWN OF NEWBURGH PERTAINING TO THE REZONING OF PROPERTY BOUNDED BY PATTON ROAD AND SOUTH PLANK ROAD (NYS ROUTE 52) FROM BUSINESS B TO THE ADJACENT R-2 ZONING DISTRICT

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

WHEREAS, the Town Board 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

WHEREAS, the participation of citizens in an open, responsible and flexible planning process is essential to the designing of the optimum Town comprehensive plan; and

WHEREAS, pursuant to Town Law Section 272-a, having received petitions from the property owners and/or the owner's proxies, the Town Board prepared a proposed amendment to the adopted Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of certain properties near Stewart Avenue, NYS Route 300 and Interstate 84, from IB (Interchange Business) to R-3 (Residential) District Zoning and on both sides of Patton Road at its intersection with Old South Plank Road (NYS Route 52) from B (Business) District to R-2 (Residential) District Zoning; and

WHEREAS, in both instances the Zoning Map shows boundaries of the zoning districts to which the subject properties are proposed to be rezoned as adjacent to the properties; and

WHEREAS, Town Law Section 272-a provides that in the event a town board prepares a proposed town comprehensive plan amendment, the town board shall hold one or more public hearings and such other meetings as it deems necessary to assure full opportunity for citizen participation in the preparation of such proposed plan amendment, and in addition, the town board shall hold one or more public hearings prior to adoption of such proposed plan amendment; and

WHEREAS, the Town Board called and duly held a public hearing on the 19th day of

September, 2011 at 7:15 o'clock, p.m. to solicit citizen comment for the preparation of the proposed Amendment to the Comprehensive Plan Update for the Rezoning of Properties near Stewart Avenue and on Patton Road to adjacent residential zoning districts, and all parties in attendance were permitted to speak and comment; and

WHEREAS, the Town Board called and duly held a second public hearing prior to the adoption of the proposed Amendment to the Comprehensive Plan Update the Town Board prepared on the 5th day of March, 2012 at 7:00 o'clock, p.m. Prevailing Time and all parties in attendance were permitted to speak and comment ; and

WHEREAS, the Town Board has additionally considered the future housing needs of the region and 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, the Town Board has required the property owner/ petitioner for the rezoning of the property on Patton Road and South Plank Road (NYS Route 52) to present a written representation evidencing its agreement to the condition that the Amendment to the Zoning Map will be adopted upon the stated condition that the property be used for single family residences consistent with the character of the adjoining residential neighborhood; and

WHEREAS, by e-mail of May 31, 2012, Stanley Schutzman, Esq. of Hanig & Schutzman, LLP, the attorneys for the property owner/petitioner, 84 Realty, LLC, wrote on behalf and with authority of their client:

"I write to confirm the agreement on behalf of 84 Realty LLC that based on the Town Board's agreement and actions in amending the current zoning of the Property to "R-2", 84 Realty LLC hereby agrees that the effectiveness of any such zoning change would be solely conditioned on my client's use and development of the Property for single family homes only and not for the other multi uses which may be otherwise permitted under R-2 zoning and with no other conditions being required by my client.";

and

WHEREAS, the Town Board previously adopted only that portion of the proposed Amendment to the Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of certain properties near Stewart Avenue, NYS Route 300 and Interstate 84 from IB (Interchange Business) to R-3 (Residential) District Zoning and

WHEREAS, the Town Board after due deliberation has determined it is in the best interest of the Town to adopt at this time the remaining portion of the proposed Amendment to the Comprehensive Plan Update of the Town of Newburgh pertaining to the rezoning of property on both sides of Patton Road at its intersection with Old South Plank Road (NYS Route 52) from B (Business) District to R-2 (Residential) District Zoning.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Town Board of the Town of Newburgh hereby adopts the remaining part of Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of to the rezoning of property on both sides of Patton Road at its intersection with Old South Plank Road (NYS Route 52) from B (Business) District to R-2 (Residential) District Zoning attached as Exhibit "A" hereto.
2. The Town Clerk is hereby directed to enter this resolution in the minutes of this meeting.

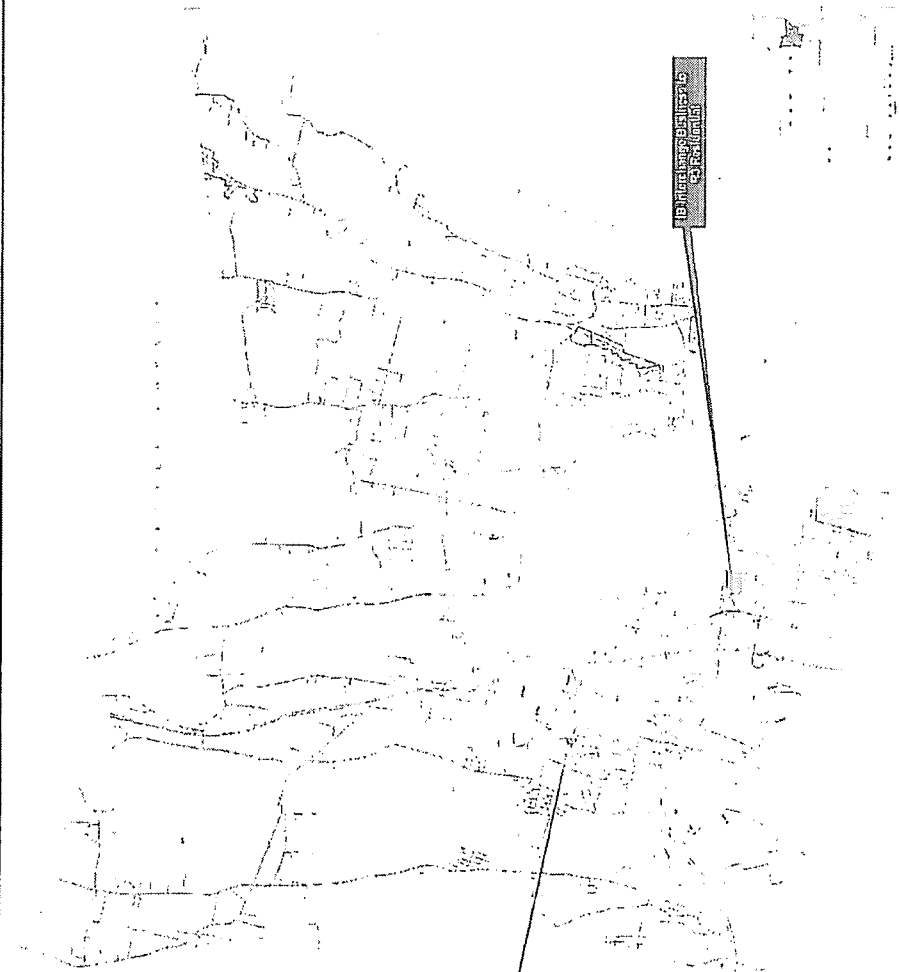
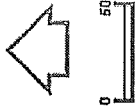
The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

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 _____

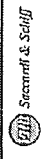
The resolution was thereupon declared duly adopted.

TOWN OF NEWBURGH
COMPREHENSIVE PLAN AMENDMENT
FOR THE REZONING OF TWO LOTS
NEAR STEWART AVENUE AND INTERSTATE 84
FROM IB TO THE ADJACENT R-3 ZONING DISTRICT
(PARKE LANE AT NEWBURGH, LLC)
AND ONE PROPERTY BOUNDED BY
PATTON ROAD AND SOUTH PLANK ROAD (NYS ROUTE 52)
FROM B TO THE ADJACENT R-2 ZONING DISTRICT
(84 REALTY, LLC)

AUGUST, 2011



**PROPOSED ZONING MAP AND
COMPREHENSIVE PLAN AMENDMENTS
NEWBURGH COMPREHENSIVE PLAN**
Town of Newburgh, New York



Date: July 2011

Legend

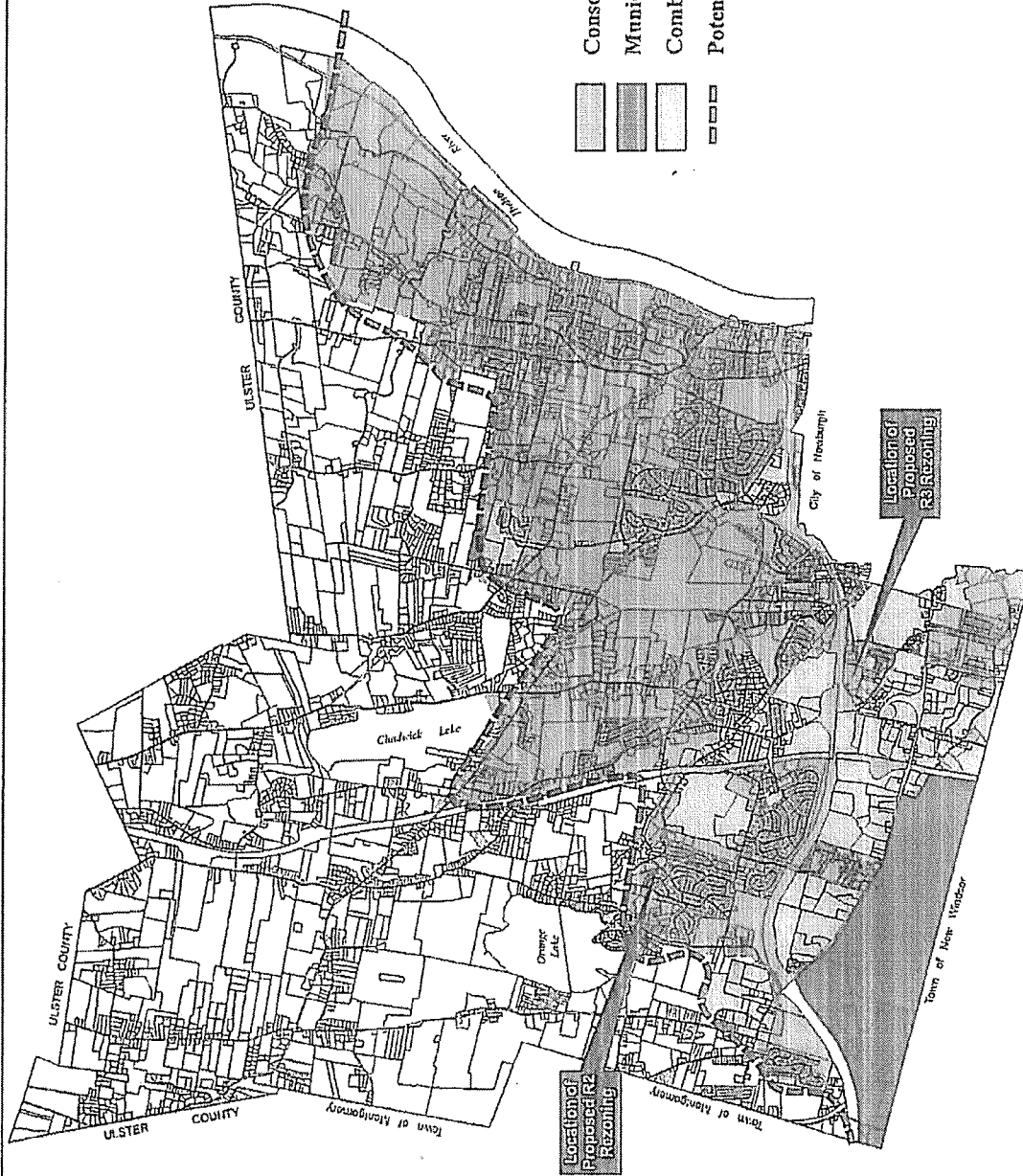
Zoning District	Labels
R1 - Residential	Shading
R2 - Residential	Restir
R3 - Residential	2005 Parcel Lines*
IR - Interchange Business	2005 Parcel Lines*
B - Business	2005 Parcel Lines*
L - Industrial Business	2005 Parcel Lines*
AR - Agricultural Residence	PO - Professional Office Overlay District
RR - Reserve Residence	A - Airport Overlay District

* 2005 Parcel Lines are shown for reference only.

Source: Orange County Planning Department January 2006

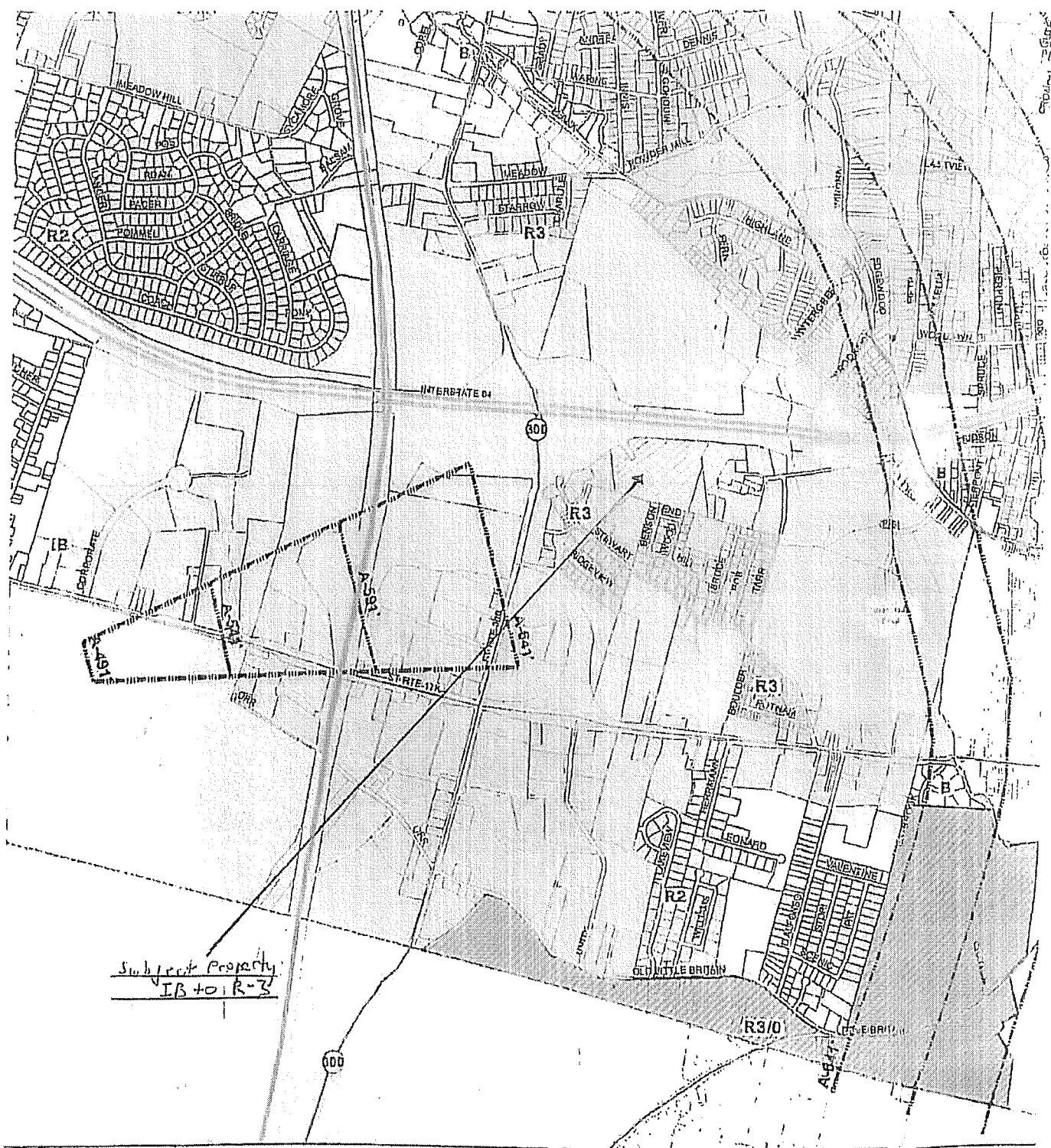


0 1 MILE



- Consolidated Water District
- Municipal Sewer Districts
- Combined Water and Sewer Coverage
- Potential Growth Boundary

Exhibit III-1
**GROWTH MANAGEMENT
 FACTORS**
COMPREHENSIVE PLAN UPDATE
 Town of Newburgh, New York
Severud & Stoff, Inc. - Planning and Development Consultants



Subject Property
IB + 0.1 R-3

- Roads*
- County Highways
 - State Highways
 - Federal Highways
 - Interstates

Lakes



subject property
R to R-2

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 June, 2012 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. 3 OF 2012 - AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO REZONE PROPERTY BOUNDED BY PATTON ROAD AND SOUTH PLANK ROAD (NYS STATE ROUTE 52) FROM B TO THE ADJACENT R-2 ZONING DISTRICT

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

WHEREAS, a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 22nd day of August, 2011; 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 22nd day of August, 2011 ordering a public hearing to be held on the 19th day of September, 2011 at 7:15 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law entitled "A Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone " Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District"; and

WHEREAS, a notice of public hearing was 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 7th day of September, 2011 in The Mid-Hudson Times and on the 9th day of September, 2011 in The Sentinel and posted on the Town Clerk's sign board on the 6th day of September, 2011; and

WHEREAS, the Public Hearing was duly held on the 19th day of September, 2011 at 7:15

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 Public Hearing was held open and reconvened on the 5th day of March, 2012, when all parties in attendance were afforded the opportunity to speak on behalf or in opposition of the proposed Local Law or any part thereof prior to the close of the Public Hearing; and

WHEREAS, the Town Board of the Town of Newburgh, acting as lead agency, has duly considered the adoption of said Local Law amending the Town of Newburgh Zoning Code and Zoning Map to Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District as part of an Unlisted Action under the State Environmental Quality Review Act which also included an Amendment to the Comprehensive Plan Update of the Town of Newburgh 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, the Town Board of the Town of Newburgh has additionally considered the future housing needs of the region and 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, the Town Board has requested the property owner/ petitioner for the rezoning of the property on Patton Road and South Plank Road (NYS Route 52) to present a written representation evidencing its agreement to the condition stated in the Local Law that the Amendment to the Zoning Map is adopted upon condition that the property be used for single family residences consistent with the character of the adjoining residential neighborhood; and

WHEREAS, by e-mail of May 31, 2012, Stanley Schutzman, Esq. of Hanig & Schutzman, LLP, the attorneys for the property owner/petitioner, 84 Realty, LLC, wrote on behalf and with authority of their client:

"I write to confirm the agreement on behalf of 84 Realty LLC that based on the Town Board's agreement and actions in amending the current zoning of the Property to "R-2", 84 Realty LLC hereby agrees that the effectiveness of any such zoning change would be solely conditioned on my client's use and development of the Property for single family homes only and not for the other multi uses which may be otherwise permitted under R-2 zoning and with no other conditions being required by my client.";

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 that, upon condition of the execution,

acknowledgment and delivery of the Developer's Agreement to the Town by the other parties thereto:

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. 1 of Year 2012 entitled "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District".
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.

**LOCAL LAW #3 OF 2012
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH
AND
THE ZONING MAP
OF THE TOWN OF NEWBURGH
TO REZONE
PROPERTY
BOUNDED BY PATTON ROAD AND SOUTH PLANK ROAD (NYS ROUTE 52)
FROM B TO THE ADJACENT R-2 ZONING DISTRICT**

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property Bounded by Patton Road and South Plank Road (NYS Route 52) from B to the Adjacent R-2 Zoning District."

SECTION 2 - PURPOSE

The purpose of this local law is to rezone a certain lot located at the intersection of Patton Road and South Plank Road (New York State Route 52) from the B (Business) Zoning District to the adjacent R-2 (Residential) Zoning District.

The rezoning will encompass approximately 9.4 acres of land. The area is comprised of a property which is situated on both the north and south sides of Patton Road at its intersection with South Plank Road (New York State Route 52). The R-2 zoning will be consistent with the Town of Newburgh's adopted Comprehensive Plan, as amended. The owner of the property, 84 Realty, LLC, has applied for the change in zoning.

SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP

1. The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-5, as last amended by Local Law No. 8 of 2009, is hereby amended to change the Zoning District from IB to R-2 for the following property:

Tax Map Section 47 Block 1 Lot 44

2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk.

3. The Amendment to the Zoning Map is adopted upon condition that the property be used for single family residences consistent with the character of the adjoining residential neighborhood, as represented in the owner's application for the amendment.

SECTION 4 – REPEAL All ordinances and local laws and any parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5 - 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 of this local law or the application 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. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 - 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.

11. JUSTICE COURT:

- A. Hiring of Full Time Court Clerk**
- B. Purchase of Mobile Shelving Unit**

JUN - 4 2012



NEWBURGH TOWN COURT
311 ROUTE 32
NEWBURGH, NEW YORK 12550

11a

TELEPHONE (845) 564-7165
FACSIMILE (845) 564-7171


HON. JUDE T. MARTINI
TOWN JUSTICE

FRANCES BOCKEMUHL
COURT CLERK TO TOWN JUSTICE

MEMORANDUM

TO: Wayne Booth, Supervisor
Ernest Bello, Councilman
Elizabeth J. Greene, Councilwoman
Gilbert J. Piaquadio, Councilman
George A. Woolsey, Councilman

CC: Charlene Black, Personnel

FROM: Hon. Jude T. Martini, Town Justice 

DATE: May 30, 2012

RE: Full-time Civil Service Position

There is currently a vacancy at the Court for a full-time Court Clerk in my part. I am requesting the Board grant permission for the Personnel Department to begin the process necessary to fill this position from the Civil Service list.

Thank you.



APR 26 2012

NEWBURGH TOWN COURT
311 ROUTE 32
NEWBURGH, NEW YORK 12550

TELEPHONE (845) 564-7165
FACSIMILE (845) 564-7171

113
FILE COPY

HON. JUDE T. MARTINI
TOWN JUSTICE

HON. RICHARD CLARINO
TOWN JUSTICE

MEMORANDUM

TO: Wayne Booth, Town Supervisor
Ernest Bello, Town Councilman
Elizabeth J. Greene, Town Councilwoman
Gilbert J. Piaquadio, Town Councilman
George A. Woolsey, Town Councilman

FROM: Richard Clarino, Town Justice
Jude T. Martini, Town Justice

DATE: April 26, 2012

SUBJECT: Purchase of Additional Mobile Shelving Systems

On March 7, 2012 the Town of Newburgh Court received \$15,000 from a grant under the 2011-12 cycle of the Justice Court Assistance Program (JCAP). A copy of the notice of deposit is attached.

The grant request was for the purchase of additional mobile shelving for storage of court records in the amount of \$12,750.00. A copy is also attached. We are now seeking your approval for said purchase.

Please place this matter on the next available Council agenda for your approval.

Thank you.

Attachments

New York State Office of the State Comptroller
Thomas P. DiNapoli, State Comptroller

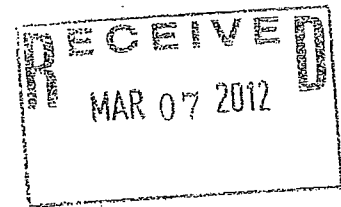
*** Remittance Information for ACH Trace# 02092490 ***
*** Effective Date of Deposit is March 7, 2012 ***

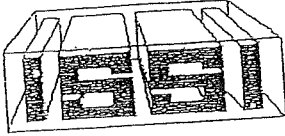
Agency Code/Name: 05005	OCA OFFICE OF BUDGET AND FINANCE	518-453-8600			
<u>Reference/Invoice No.</u>	<u>Ref/Inv Date</u>	<u>Invoice Amount</u>	<u>Payment Amount</u>	<u>Batch No.</u>	<u>Voucher No.</u>
JCAP GRANT 933	03/01/2012	15,000.00	15,000.00	123640	120676
		Total ACH Deposit	15,000.00		

For additional information about your payment, please call the telephone number for the agency listed above.

[[History of Payments](#)]

[[Information On Other Payments](#)]





INNER SPACE SYSTEMS, INC.

PRICE QUOTATION:	
NO.	4840

DATE: 7/6/2011
 NYS Contract# PC64041

PRESENTED BY: AR

F.O.B. DESTINATION

SHIPPING POINT

PRESENTED TO:

Town of Newburgh Court
 311 Rte. 32
 Newburgh, N.Y. 12550

This quotation is presented for your information and prepared in duplicate.

To order the items listed, sign and return for acceptance.

DESCRIPTION OF EQUIPMENT/SERVICES	AMOUNT
Spacesaver Mechanical Mobile Shelving Systems, as shown in attached layout drawings: <u>System A-Remaining components</u> <ul style="list-style-type: none"> • 1 mobile carriages-14'6" length (32"w) with end frames and handle. • 1 mobile carriage-14'6" length (16"w) with end frame and handle. • 1 mobile carriage-14'6" length (24"w) with end frame and handle. • 4 units on mobile carriages-42"w x 24"d x 82"h-10 levels of ticket boxes • 4 units on mobile carriages-42"w x 32"d x 82"h-6 levels of bankers boxes • 4 units on mobile carriages-42"w x 16"d x 82"h- same <p style="text-align: right;">Total price including delivery/installation</p>	<p>\$12,750.00</p>
<u>System B-Remaining components</u> <ul style="list-style-type: none"> • 3 mobile carriages-14'6" length (32"w) with end frames and handles. • 12 units on mobile carriages-42"w x 32"d x 82"h-6 levels of bankers boxes. • 8 units fixed on floor- 42"w x 24"d x 82"h-11 levels of ticket boxes. • 1 unit fixed on floor- 36"w x 24"d x 82"h- same <p style="text-align: right;">Total price including delivery/installation</p>	<p>\$14,450.00</p>

sales taxes additional, if applicable
 4 weeks free storage of product in local warehouse
 It is customer's responsibility to instruct us when to ship items.

Our order is hereby placed, as per the terms and conditions of the above quotation, subject to acceptance by the home office of Inner Space Systems, Inc.

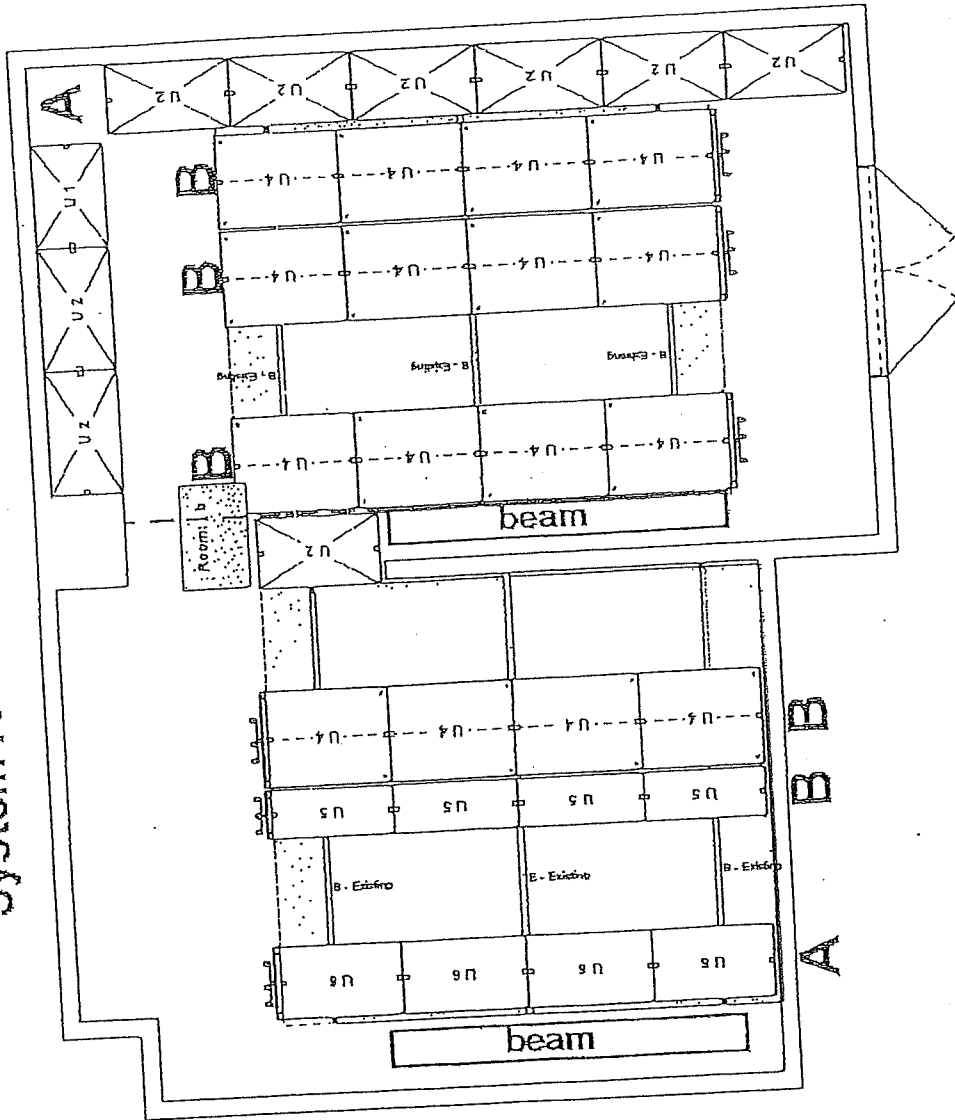
Accepted by: _____

Accepted by:
 Inner Space Systems, Inc.
 301 Fields Lane
 Brewster, N.Y. 10509
 Ph. (845) 277-7400
 fax (845) 277-7755
 E-Mail: andy@innerspacesystems.com

Presented by: *Andrew K...*

System B

System A



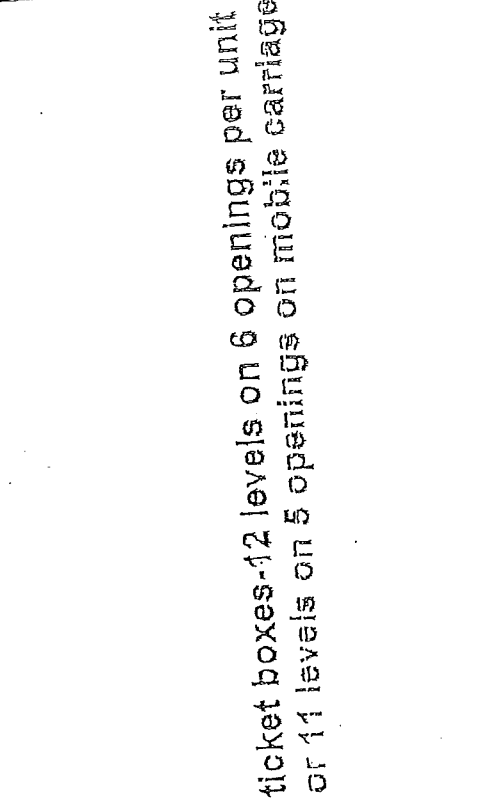
Filename:	records room-1.dwg
Saved Date:	07/05/2011
Revision:	
Printed Date:	07/11/2011
Scale:	3/16" = 1'
Total Actual LFI:	11804 LFI
Rep:	ar
Dwn by:	ar
Sheet No:	2 of 2

Project Name:
Town of Newburgh Court

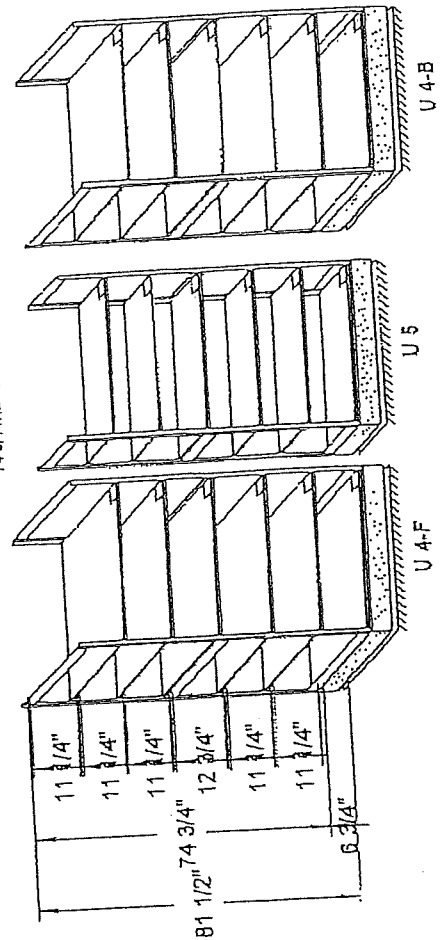
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SYSTEMIC
Inner Space Systems, Inc.
Document Management Solutions

Shelf Elevations



ticket boxes-12 levels on 6 openings per unit
or 11 levels on 5 openings on mobile carriage



bankers boxes-6 levels per unit on
mobile carriages

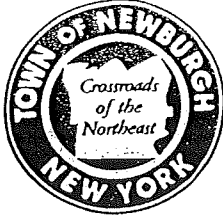
Project Name:
Town of Newburgh Court

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Project No:	4458
Revision:	
Printed Date:	07/11/2011
Scale:	1/4" = 1'
Rep:	ar
Drawn by:	ar
Total Actual LFI:	11804 LFI
Sheet No:	1 of 2

ISSI SYSTEMS, Inc.
 Inner Space Systems, Inc.
 Equipment Management Solutions

12.PARKS AND RECREATION: Duty Free Lunch for Camp Counselors



12
TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo
Commissioner of Parks, Recreation & Conservation

845-564-7815
FAX: 845-564-7827

APPROVED

Date of Town Board Action: MAY - 2 2011

Vote of Town Board: 5-0

ajz
Andrew J. Zarutskie, Town Clerk

April 15, 2011

TO: Wayne Booth, Supervisor
Town Board Members ✓

FROM: Robert J. Petrillo, Commissioner

RE: Camp Variance Request

The Town policy requires a duty-free half hour lunch for those working six or more consecutive hours. At this time, I'm asking for a variance to this policy for our 2011 Camp summer staff.

The time used for lunch for the staff is still required to be used in a supervisory position to monitor the activities and safety of the young campers. This is also the case whenever the camp takes a day trip and camper supervision takes priority to any other activity.

Could you please consider my proposal and advise what action can be taken.

Regards,

Robert J. Petrillo
Commissioner

**13. CONSIDERATION OF REPORT AND RECOMMENDATIONS on
Disciplinary Hearing**

Information not available at this time.

**14.RESOLUTION Requesting Assistance to Keep Branch Post
Office Open**

JUN - 4 2012

14

RIDER, WEINER & FRANKEL, P.C.

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(845) 632-6094

MEMORANDUM

TO: HON. WAYNE C. BOOTH, SUPERVISOR
TOWN BOARD MEMBERS

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: RESOLUTION OF TOWN BOARD OF THE TOWN OF NEWBURGH
REQUESTING ASSISTANCE FROM FEDERAL ELECTED OFFICIALS
TO KEEP BRANCH POST OFFICE ON NYS ROUTE 52 IN THE TOWN
OF NEWBURGH OPEN
OUR FILE NO. 800.1(B)() (2012)

DATE: JUNE 1, 2012

In accordance with Supervisor Booth's request, enclosed please find the above draft resolution for the Town Board's consideration.

Should you have any questions in this regard, please feel free to contact me.

MCT:kac

Enclosure

cc: Andrew J. Zarutskie, Town Clerk

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 June, 2012 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 THE TOWN BOARD OF THE TOWN OF NEWBURGH REQUESTING ASSISTANCE FROM FEDERAL ELECTED OFFICIALS TO KEEP BRANCH POST OFFICE ON NYS ROUTE 52 IN THE TOWN OF NEWBURGH OPEN

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

WHEREAS, the Town Board of the Town of Newburgh has been informed that the contract branch office of the United States Post Office at Algonquin Plaza, NYS Route 52 in the Town of Newburgh will close on June 29, 2012 due to the inability of the Postal Service and operator to reach a new contract, the Postal Service having demanded a contract based upon the amount of business generated at the site; and

WHEREAS, the closure of the branch Post Office will impose a hardship on many residents of the Town, particularly senior citizens and those on fixed incomes, who will be required to travel further and incur additional transportation expenses in order to use a postal facility.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Newburgh in its capacity as governing body of the Town, does hereby request that our Federal elected officials provide immediate assistance in keeping the contract branch post office on NYS Route 52 in the Town of Newburgh open; and

BE IT FURTHER RESOLVED, that certified copies of this Resolution be delivered by the Town Clerk to the Hon. Kristen E. Gillerbrand, Senator, the Hon. Charles Schumer, Senator, the Hon. Maruice D. Hinchey, Representative for the 18th District and the Hon. Nan Hayworth, Representative of the 22nd District; and

BE IT FURTHER RESOLVED, that the foregoing resolutions shall take effect immediately.

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.

15. ENGINEERING: NYSTA Water Service

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: June 4, 2012
RE: W \ NYSTA WATER SERVICE

The NYSTA has agreed to pay back charges as delineated in my letter dated 27 March 2012 (attached). They are requiring that the Town execute the attached release. The Supervisor needs Town Board authorization to execute the release.

Please place this item on the next available agenda. If you have any questions or comments, I am available to discuss them with you.

JWO/id

Attachment

cc: M. Taylor, Attorney
ML. Venuto, Rec'r. of Taxes
J. Calarco, Accountant



Howard P. Milstein
Chairman

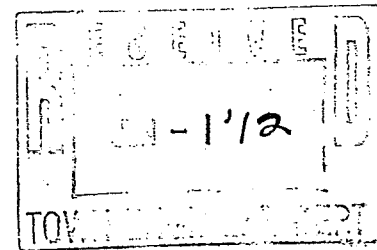
New York State Thruway Authority
New York State Canal Corporation

200 Southern Boulevard, Post Office Box 189
Albany, New York 12201-0189
www.thruway.ny.gov



Thomas J. Madison, Jr.
Executive Director

May 30, 2012



Mr. James Osborne
Town Engineer
Town of Newburgh
1496 Route 300
Newburgh, New York 12550

Re: Release and Settlement of Claim
Water/Sewer Bill – NYSTA Plattekill/Modena Service Areas
Bill Number: 00170614 – 2nd Quarter 2011

Dear Mr. Osborne:

As per our recent conversation, enclosed is a copy of the Release and Settlement of Claim regarding bill number 00170614 of August 12, 2011. Please have the enclosed release signed and notarized and return it to my attention at the following address: New York State Thruway Authority, 200 Southern Boulevard, Albany, New York 12209.

Thank you for your time and attention to this matter.

Sincerely,

Vanessa A. McCarthy
Assistant Counsel
(518) 436-2869

Enclosure

cc: Joseph Stahl
Mike Weis
Christiano DeSorrento

RELEASE AND SETTLEMENT OF CLAIM

For the sole Consideration of sixty thousand, eight hundred and seventy-three and 28/100 Dollars (\$60,873. 28) of lawful money of the United States, to me/us in hand paid by or on behalf of the NEW YORK STATE THRUWAY AUTHORITY (hereinafter "AUTHORITY ") in satisfaction of those charges set forth on the Town of Newburgh Water and Sewer Bill, Bill number 00170614, dated August 12, 2011 for under-billed water usage occurring at the Platekill and Modena Service Areas during time periods preceding the first (1st) quarter of 2011, the receipt of which is hereby acknowledged, I/we the Town of Newburgh having an address at 1496 Route 300, Newburgh, New York, 12550 being legally authorized, do hereby release, acquit and forever discharge the AUTHORITY from any and all actions, causes of action, claims and demands, damages, costs, expenses and liabilities, and from any and all additional billings, charges or fees of any kind for any other under-billed water usage occurring at the Platekill and Modena Service Areas during time periods preceding the first (1st) quarter of 2011, as set forth above, and do hereby for ourselves, executors and administrators, successors and assigns covenant with the AUTHORITY to indemnify and save harmless the AUTHORITY from all claims, costs, expenses and compensation on account of, or in any way arising from said any other under-billed water usage occurring at the Platekill and Modena Service Areas during time periods preceding the first (1st) quarter of 2011, as set forth above.

It is expressly understood and agreed that the acceptance of the above stated amount is in full accord and satisfaction of a disputed claim and the parties agree that this settlement is not in any way an admission of liability.

In Witness Whereof, I/we have set my/our hand and seal this ___ day of _____, 20__

TOWN OF NEWBURGH

By: _____
Title: _____
Signature: _____
Federal ID#: _____

State of New York)
) ss.:

County of)

On _____, 20__, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/ their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

day



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

27 March 2012

Vanessa A. McCarthy
New York State Thruway Authority
200 Southern Boulevard
Albany, New York 12201-0189

Re: W \ NYSTA Water Service

Dear Ms. McCarthy:

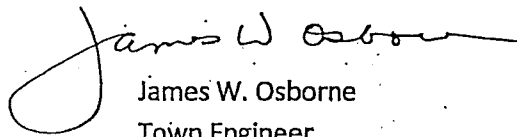
I am in receipt of your letter dated 21 March 2012 regarding the above. Based on my review, I have the following comments. Firstly, the agreement with the Town of Newburgh, consistent with all of our 6500 accounts, requires payment for water delivered through the meter designated by the Town. There are two pay meters involved in this issue – one for water delivered into the Thruway’s private line at the edge of Route 300 and a second at the end of Heinsman Lane at the service entrance to the Plattekill Service Area measuring water delivered to the Leptondale Elementary School. The Thruway’s sub-meters are used for its own billing purposes and do not capture all of the water delivered to the Thruway’s water service line. This is apparent insofar as the water lost during the water main failure in 2008 was not captured or measured by any Thruway meter. As stated previously, the reading taken directly from the register attached to the meter itself, not the remote indicator, is accurate and the basis for the additional charges being requested by the Town.

Secondly, I agree that the payments should be calculated at the rate during the year that the water was used. However, there is not enough data to determine an allocation to the several years of water usage in question. In an effort to be fair, I have allocated the un-metered volume of water proportionately to each of the quarters in question. Using the rate structure in place for each given year, I have calculated the amount due to be \$60,873.28. Payment of this amount

should be forwarded to the Town at the Thruway's earliest opportunity as this issue has been under discussion for several months.

I am available to discuss this in more detail if so required. You can reach me at the phone number or e-mail indicated below. If you have any questions, please do not hesitate to call me.

Respectfully,



James W. Osborne
Town Engineer

CC: W. Booth, Supervisor
M. L. Venuto, Receiver of taxes