

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

# AGENDA

## PUBLIC TOWN COUNCIL MEETING

Monday, July 23, 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. COMMENTS ON AGENDA ITEMS
7. PUBLIC HEARING (7:00 p.m.): Local Law Amending the Application and Public Hearing Notice Provisions of Chapter 83 entitled "Clearing and Grading", Chapter 163 entitled "Subdivision of Land", Chapter 168 entitled "Telecommunication Facilities, Wireless" and Chapter 185 entitled "Zoning" of the code of the Town of Newburgh
8. PUBLIC HEARING (7:15 p.m.): Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to Establish Supplementary Regulations Applications to Home Occupations
9. PUBLIC HEARING (7:30 p.m.): Local Law Amending Chapter 185 Entitled "Zoning", Amending the Marina Townhouse Accessory Use Regulations
  - A. Public Hearing
  - B. Approval of Open Development Area for Mid Hudson Marina
10. POLICE: Installation of Laptop Computers (TRACS Program)
11. ENGINEERING:
  - A. Highway Garage (Stand By Generator Electrical Upgrades)
  - B. Waring Road Culvert Budget Transfer
  - C. Schedule Special meeting for Water Supply Update
12. DATA PROCESSING:
  - A. Purchase of Hours
  - B. Purchase of 3 Computers for Accounting
13. HIGHWAY: Budget Transfer
14. ANNOUNCEMENTS
15. PUBLIC COMMENTS
16. ADJOURNMENT

**5. APPROVAL OF AUDIT**

JUL 23 2012

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AUDIT # 14

July 23, 2012

VOUCHERS: 122849 to 123070

<u>FUND</u>	<u>REGULAR</u>	<u>PREPAID</u>
GENERAL	\$ 179,677.24	\$ 1,000.00
TRUST & AGENCY	23,221.29	-
STREET LIGHTING	-	-
HIGHWAY	51,375.20	-
WATER	150,852.91	20,893.16
SEWER	5,856.65	-
WATER CAPITAL	-	-
SEWER CAPITAL	-	-
HIGHWAY CAPITAL	-	-
GENERAL CAPITAL	7,876.32	-
SPECIAL DISTRICT	-	-
TOTAL	\$ 418,859.61	\$ 21,893.16
GRAND TOTAL	<u>\$ 440,752.77</u>	

AUDIT # 14  
7/23/2012  
VOUCHERS: 122849 to 123070

Audit Date: July 23, 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>
122861	Freedom ford	1,596.08
122879	NY Communications	3,775.00
122904	Freedom ford	4,467.01
122923	NY Communications	9,340.00
122942	Arkel motors	280.19
122967	Mid hudson mack	314.66
122986	Valley septic service	270.00
123011	Schmidts wholesale	103.49

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

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

Town Board:

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Exceptions:

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7. **PUBLIC HEARING (7:00 P.M.) Local Law Amending the Application and Public Hearing Notice Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 163 entitled "Subdivision of Land", Chapter 168 entitled "Telecommunication Facilities, Wireless" and Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh**

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

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

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

**WHEREAS**, the Town Board of the Town of Newburgh recognizes the importance of sound planning as a means of promoting responsible development and protecting the health, safety and general welfare of the citizens of the Town of Newburgh and otherwise fulfilling the legislative findings and intent set forth in Town Law Section 272-a and has determined that that the proposed

zoning amendment does not require an amendment to the Town's Comprehensive Plan; and

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

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

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

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

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

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

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

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

and;

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

**WHEREAS**, the identified interested agencies were notified of the Town Board's intent to act as the Lead Agency for the Action in a coordinated review; and

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

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

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

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

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

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

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

**NOW THEREFORE, BE IT RESOLVED:**

1. The Town Board determines that it is the single involved agency for the Action and as it is proposing to directly undertake the Action, does further declare itself the Lead Agency for the purpose of conducting a review of this Action.
2. The Town Board, acting in its capacity as Lead Agency, does hereby further determine that the Action will not have an adverse environmental impact and, accordingly, does issue a negative declaration.
3. The Town Board accordingly determines that an Environmental Impact Statement will not be

prepared.

4. The Town Board hereby authorizes the Supervisor to execute and file the relevant section of the Environmental Assessment Form and a Negative Declaration with such further amendment and modification as may be required to elaborate the Lead Agency's determination herein, in accordance with the applicable provisions of law and regulation.

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

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

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

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

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

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

The resolution was thereupon declared duly adopted.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of July, 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. \_\_ OF 2012 - 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**, a Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 4th day of June, 2012; and

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

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

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

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

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

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

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

**WHEREAS**, due to the adoption of intervening introductory local laws and local laws introduced in the prior calendar year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. \_\_\_ of 2012; and

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

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

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. \_\_\_ of Year 2012 entitled "A Local Law Amending the Application and Public Hearing Notification Provisions of Chapter 83 Entitled "Clearing and Grading", Chapter 163 Entitled "Subdivision of Land", Chapter 168 Entitled "Telecommunications Facilities, Wireless" and Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh".
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.



**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 following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered.

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 following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. ”

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 following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered."

**SECTION 5 - AMENDMENT OF CHAPTER 168 ENTITLED  
"TELECOMMUNICATIONS FACILITIES, WIRELESS"**

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

"U. An applicant shall submit to the Clerk of the Board the number of completed applications determined to be needed at the preapplication meeting. A notification of the application shall be provided to the legislative body of all adjacent municipalities and to the County Planning Department if determined to be necessary, based upon the proposed location of the structure. Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered."

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 owners 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 following the applicant’s first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plan and application, by first class mail. The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. ”

- 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.



8. **PUBLIC HEARING (7:15 p.m.): Local Law Amending Chapter 185  
Entitled "Zoning" of the Code of the Town of Newburgh to Establish  
Supplementary Regulations Applications to Home Occupations**

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

PRESENT:

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

RESOLUTION OF SEQR DESIGNATION AND DETERMINATION: ADOPTION OF A PROPOSED LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH TO ESTABLISH SUPPLEMENTARY REGULATIONS APPLICABLE TO HOME OCCUPATIONS

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

**WHEREAS**, the Town Board of the Town of Newburgh has caused to be prepared a local law which will implement amendments to the Town of Newburgh Zoning Code to establish regulations for Home Occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones, as well as to require the discontinuance of the use of residential properties for nonconforming Home Occupations in residential zones when the use entails certain outdoor uses and activities; and

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

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

**WHEREAS**, the proposed local law was introduced before the Town Board on the 18th day of June, 2012, and the Town Board conducted a public hearing held on the 23th day of July, 2012

and heard all interested parties on said proposed local law; and

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

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

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

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

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

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

and;

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

**WHEREAS**, the identified interested agencies were notified of the Town Board's intent to act as the Lead Agency for the Action in a coordinated review; and

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

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

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

**WHEREAS**, recognizing that the impact that an action may have on population patterns or existing community character, with or without a separate impact on the physical environment is a

relevant concern in an environmental analysis since the statute includes these concerns as elements of the environment, the Town Board has considered and analyzed information pertaining to those impacts; and

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

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

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

**NOW THEREFORE, BE IT RESOLVED:**

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

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 July, 2012 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piauquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION OF ADOPTION OF LOCAL LAW NO. \_\_ OF 2012 - AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF TOWN OF NEWBURGH TO ESTABLISH SUPPLEMENTARY REGULATIONS APPLICABLE TO HOME OCCUPATIONS

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 to Establish Supplementary Regulations Applicable to Home Occupations was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 18th day of June, 2012; and

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

**WHEREAS**, the Town Board of the Town of Newburgh adopted a resolution on the 18th day of June, 2012 ordering a public hearing to be held on the 23th day of July, 2012 at 7:15 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law #\_\_ of the Year 2012 entitled "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations"; and

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

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

**WHEREAS**, the public hearing was duly held on the 23rd day of July, 2012 at 7:15 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 Town Board of the Town of Newburgh, acting as lead agency, has considered the adoption of said Local Law amending the Town of Newburgh Zoning Code as an Unlisted Action under the State Environmental Quality Review Act and has duly issued a negative declaration; and

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

**WHEREAS**, 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**, due to the adoption of intervening introductory local laws and local laws introduced in the prior calendar year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. \_\_\_ of 2012; and

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

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

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. \_\_\_ of Year 2012 entitled "A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations".
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.



**INTRODUCTORY LOCAL LAW # 3 OF 2012  
A LOCAL LAW AMENDING CHAPTER 185 ENTITLED  
"ZONING"  
OF THE CODE OF THE TOWN OF NEWBURGH TO ESTABLISH  
SUPPLEMENTARY REGULATIONS APPLICABLE TO  
HOME OCCUPATIONS**

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

SECTION 1 – TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Establish Supplementary Regulations Applicable to Home Occupations".

SECTION 2 – PURPOSE AND INTENT

The Town Board of the Town of Newburgh declares its intent to amend the Town of Newburgh Zoning Code in order to clearly prohibit accessory home occupation activities outside of dwellings so that such accessory uses are restricted to uses within dwellings. In that regard, the Town Board finds that certain uses cannot be conducted solely within dwellings as currently required by the Zoning Code and are accordingly to be explicitly prohibited. Additionally, the Town Board finds that certain activities that may be associated with home occupations will have detrimental impacts on neighboring residences and residential neighborhoods and accordingly supplemental regulations of home occupations are needed.

SECTION 3 – AMENDMENTS TO CHAPTER 185

1. Section 185-3 entitled "Definitions; word usage" is hereby amended by revising the definition of "HOME OCCUPATION" as follows:

**HOME OCCUPATION**

Any gainful occupation or profession customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee working on the premises at any one time and shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling, if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; and teaching, with musical, dancing and other instruction limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barbershop or beauty parlor, restaurant, animal hospital, ~~or~~ commercial animal breeding, taxi service or yard and in residential zones, uses which entail the outdoor use, maintenance, servicing, testing, cleaning, repair, loading, unloading or storage of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities conducted on the property containing the dwelling.

2. A new Section 185-48.6 entitled "Home Occupations" is hereby added to Chapter 185 to read as follows:

"§ 185-48.6 Home Occupations

- A. Findings. The Town of Newburgh permits customary Home Occupations to be conducted as accessory uses in dwellings subject to special permit in each of its residential districts and in the B (Business) district. The Town Board of the Town of Newburgh finds that certain occupations, which potentially could be conducted in dwellings, are detrimental to residential neighborhoods and accordingly are specifically prohibited. The Town Board of the Town of Newburgh additionally finds that occupations which require the use of outdoor motor equipment, machinery or vehicles or which involve outdoor on-premise work activities or outdoor storage upon the property occupied by the subject dwelling are also detrimental to residential neighborhoods as a result of noise, traffic on residential streets, emissions and related impacts, and accordingly the presence of such equipment, machinery and vehicles and such outdoor work activities should not be permitted on the property located in a residential zone in conjunction with Home Occupations.
- B. Purposes. Home Occupations are permitted subject to special permit in recognition that certain occupations and professions have been customarily conducted within dwellings by residents without changing the character of the structure as a residence or the property occupied by the structure. A Home Occupation will change the residential character of the structure and the property it occupies, however, if it is not confined to the interior of the dwelling or if the presence of non-residential employees is not limited. If an occupation which commences as a Home Occupation prospers and grows to a point where it is a business with more than one nonresident employee, then it should no longer be conducted as a Home Occupation. It is accordingly appropriate that the Zoning Board of Appeals require as a condition of the granting of all Home Occupation special permits that the permit be for a finite time period and subject to application by the applicant at the stated interval for renewal following review and hearing by the Zoning Board of Appeals.

Certain occupations due to the traffic they generate, noise or odor impacts are detrimental to neighboring residential properties or neighborhoods. Certain occupations which have indoor office components but also entail the use, maintenance, storage, testing, cleaning, repair, loading or unloading of outdoor machinery, motor equipment or commercial vehicles or outdoor work activities, to the extent such activities are conducted upon the property occupied by the dwelling, also have detrimental impacts to neighboring residential properties and neighborhoods.

The purpose of this section is to establish regulations for Home Occupations so that they do not have detrimental impacts on neighboring residences and residential neighborhoods and to specifically prohibit certain uses and activities as home occupations in residential zones in order to preserve the character of residential neighborhoods.

- C. No more than one nonresident employee, associate, assistant or intern shall work on the premises at any one time. The nonresident employee's, associate's, assistant's or intern's work activities shall be confined to space within the dwelling. The nonresident employee, associate, assistant or intern shall not engage in outdoor work activities. No additional nonresident employees, associates, assistants or interns shall report to the property for any purpose, including but not limited to transportation to off site work premises, conferences, training or testing.

F. The following are prohibited as home occupations:

1. clinic;
2. hospital;
3. barbershop;
4. beauty parlor;
5. restaurant;
6. animal hospital;
7. commercial animal breeding;
8. uses in residential zones which include the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles;
9. uses in residential zones which include outdoor work activities conducted on the property containing the dwelling; and
10. taxi or ambulance service or yard.

Any such use which has previously received a special permit from the Zoning Board of Appeals or existed prior to prohibition in the Zoning Code shall be deemed nonconforming.

- G. No outdoor machinery, motor equipment or commercial vehicular maintenance, service, testing, cleaning or repair, nor the loading and unloading of motor equipment in conjunction with a Home Occupation shall be conducted on the residential premises of the Home Occupation in residential zones, except inside a building on the premises.
- H. No commercial vehicle, trailer or motor equipment parking, storage, loading or unloading in conjunction with the Home Occupation shall take place outdoors on the residential premises of a Home Occupation in a residential zone, except for the parking of one vehicle as permitted pursuant to § 185-13E. Home occupations shall provide off-street parking for any and all anticipated increases in vehicles at the premises above and beyond the parking already required. Off-street parking required for the home occupation shall not be located in a front yard.
- I. Delivery and pickup of material or commodities to and from the residential premises of a Home Occupation in a residential zone by a commercial vehicle shall not exceed 20 vehicle trips per week.
- J. The Home Occupation shall not use, store, produce or dispose of any toxic or hazardous material.
- K. The Home Occupation in a residential zone shall not produce any odor, noise, vibration, smoke, dust, heat, or glare discernible at the property line.
- L. No outdoor display of goods other than agricultural food products or outdoor storage of goods, equipment, containers or material used in the Home Occupation shall be permitted in a residential zone.
- M. Home Occupations shall be limited to one per lot.
- N. When applicable, the building construction classification and fire separations for the building shall comply with the applicable fire and building safety requirements of the

Town for mixed use of residential and the applicable nonresidential use classification of such Home Occupation and shall be certified by the Building Inspector.

- O. No unlawful use of a building or structure or lot for a Home Occupation existing at the effective date of the local law enacting this Section shall be deemed to be a nonconforming use."

SECTION 4 - AMORTIZATION OF NONCONFORMING ACCESSORY HOME OCCUPATION USES

A. Notwithstanding Section 185-19 of the Town Code the following applies to Home Occupations rendered nonconforming by this Local Law

- (1) The Town Board finds that certain Home Occupations adjacent to and abutting other residential properties in residential districts adversely impact neighborhoods' quality of life, through outdoor work activities which produce noise, traffic on residential streets, emissions and related impacts on neighboring properties that cannot be eliminated without a cessation of such outdoor work activities. Such activities include outdoor equipment or vehicular and motor equipment maintenance, service, testing, cleaning and repair, the loading and unloading of equipment from vehicles or trailers and the storage, parking, starting, stopping and idling of more than one vehicle or motor equipment.
- (2) The Town Board further finds that the continued operation of Home Occupations which include outdoor work activities in residential districts and are rendered nonconforming by this Local Law will adversely affect the health, safety and welfare of the residents of the Town in general and the neighboring and nearby residences in particular and that their continued operation will likely adversely affect neighboring property values.
- (3) Based upon the foregoing findings, the Town Board has determined that in order to preserve and protect the health safety and welfare of the residents of the Town, and to preserve and protect the property values in the Town the continued use of residential properties for nonconforming Home Occupations in residential zones which entail the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles or other outdoor work activities should be discontinued and that said operation should be terminated upon the following provisions.

B. Termination.

- (1) The right to operate and maintain a nonconforming Home Occupation in a residential zone which entails the outdoor use, maintenance, servicing testing, cleaning, repair, loading,

unloading, or storage of outdoor machinery, motor equipment or commercial vehicles or other outdoor work activities conducted on the property containing the dwelling, where the property is adjacent to and abutting other residential property shall terminate one (1) year from the date this Local Law is adopted unless, within the time specified, the owner or mortgagee or both appeal to the Zoning Board of Appeals and the Zoning Board of Appeals by decision and resolution extends the termination date for an additional period of time not to exceed two (2) years from the date this Local Law is adopted.

- (2) In the event that an appeal is taken to a court of competent jurisdiction from any of the provisions of this amortization section or from any decision of the Zoning Board of Appeals, the period of termination set forth above shall continue to run during said appeal.
- (3) In the event the owner permanently ceases the outdoor use, maintenance, servicing testing, cleaning, repair, loading, unloading, or storage of outdoor machinery, motor equipment or commercial vehicles and other outdoor work activities, the nonconforming Home Occupation may continue in accordance with §185-19A following the expiration of the periods set forth above.

#### C. Notice of termination.

- (1) Upon the adoption of this Local Law, the Building Inspector shall serve a notice of termination upon the owners of the real property and the mortgagee, if any, of any mortgage on real property, notifying them that the operation of the nonconforming Home Occupation shall terminate on the date specified in the notice. The notice shall further state that the owner or mortgagee, or both, may, within 60 days of the date the notice is served, file an application with the Zoning Board of Appeals for an extension of the termination date.
- (2) If no such application is filed within the time set forth herein, it shall be presumptive proof that the termination date set forth in said notice is reasonable and that the nonconforming Home Occupation has been fully amortized, and the use shall terminate on the date specified in the notice.
- (3) The notice of termination shall be sent by certified mail, return receipt requested, to the owner of the real property at the address set forth on the most recent tax rolls of the Town and to any mortgagee at the address set forth on any recorded mortgage.
- (4) In the event that the certified letter is not accepted by the owner, the posting of a copy of the notice on the property and the mailing of a copy by regular mail to the owner's address shall be deemed sufficient notice.

D. Hearing.

- (1) Upon the filing of an application, the Zoning Board of Appeals shall schedule and notice a public hearing to determine the termination date.
- (2) The Zoning Board of Appeals shall be entitled to retain such experts and others it deems necessary to assist it in its review in accordance with the provisions of Chapter 104.
- (3) The applicant shall have the burden of establishing the right to continue the operation of the home occupation beyond the date set forth in the termination notice.
- (4) The Zoning Board of Appeals shall consider the following factors, among others, in making its determination:

[a] The value of the land without the buildings, fixed equipment, fixed structures and other fixed capital improvements existing on the property and used in the operation of the nonconforming Home Occupation, excluding the dwelling, as of the date it was acquired by the present owner.

[b] The value of all the buildings, fixed equipment, fixed structures and other fixed capital improvements existing on the property and used in the operation of the nonconforming Home Occupation excluding the dwelling as of the date the Home Occupation became a nonconforming use.

[c] The value of all the buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation, excluding the dwelling, as of the date the present owner acquired the property.

[d] The value of all buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation that were added pursuant to a valid building permit subsequent to the date the present owner acquired the property.

[e] The value of all additions, modifications and alterations made to buildings, fixed equipment, fixed structures and other fixed capital improvements used for the nonconforming Home Occupation that were added pursuant to a valid building permit subsequent to the date the present owner acquired the property.

[f] The depreciation of buildings, fixed equipment, fixed structures and other fixed capital improvements used in the nonconforming Home Occupation taken for income tax purposes by the present owner.

[g] The effect the operation of the nonconforming Home Occupation has upon property values in the area.

[h] The character of the neighborhood.

[i] The environmental effects the nonconforming Home Occupation has upon the neighborhood.

E. Standing. Any resident of the Town and the Town Board shall have the standing and the right to intervene in any hearing before the Zoning Board of Appeals.

#### SECTION 5 – VALIDITY

If any word, clause, sentence, paragraph, section or part of this local law or the application thereof to any person or circumstance 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 or the application thereof to any other persons or circumstances 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 hereby declares that it would have enacted this Local Law or the remainder thereof if the invalidity of such provision or application thereof had 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.

firearms and also excluding video game rooms, arcades and other such indoor recreational activities.

[Added 9-23-1998 by L.L. No. 10-1998]

#### **HIGH-WATER MARK**

The point on the bank or shore where the surface water is present often enough to leave a distinct mark. More specifically, the high-water mark is the point on the bank or shore up to which the water, by its presence and action, leaves a distinct mark indicated by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognizable characteristic. If a mark cannot be found, then the high-water mark shall be the line of mean high water. [Added 4-18-2005 by L.L. No. 6-2005]

#### **HOME OCCUPATION**

Any gainful occupation or profession customarily conducted within a dwelling by the residents thereof, clearly secondary to the use of the dwelling for living purposes, and which does not change the character of the structure as a residence. Said activity shall not have more than one nonresident employee working on the premises at any one time and shall not occupy more than 1/2 of the ground floor area of the dwelling or its equivalent elsewhere in the dwelling, if so used. Permissible home occupations include, but are not limited to, the following: art studio; dressmaking; offices for a clergyman, lawyer, physician, dentist, architect, engineer, real estate agent or accountant; and teaching, with musical, dancing and other instruction limited to one pupil at a time. However, home occupations shall not be construed to include uses such as the following: clinic or hospital, barbershop or beauty parlor, restaurant, animal hospital or commercial animal breeding.

#### **HOTEL**

One or more buildings containing rooms intended to be used or which are used, rented or hired out to be occupied for sleeping purposes by transient individuals or families and which provide rooms or areas for group assembly and a central kitchen only and a central dining room within the building or in an accessory building. A hotel shall not constitute an individual's primary residence and shall not be construed to be a multiple dwelling.

#### **JUNKYARD**

A parcel of land or part thereof, including any buildings thereon, which is occupied in any part by a deposit, collection or storage, outside of a completely enclosed building, of, or which is used for the disposal by abandonment, dumping, burial, burning or any other means or for whatever purpose of, wastepaper, rags, scrap metal, garbage, sewage, trash, refuse, junk, discarded materials, tires, debris from construction and demolition activities or waste material of any kind or for the collecting, dismantling, storing or salvaging of machinery or the sale of parts thereof, excepting any substance that is flammable, combustible, explosive, reactive, corrosive or toxic to humans, as defined in United States Environmental Protection Agency regulations under 40 CFR 116. One cubic yard of refuse located on a property for more than 30 days shall constitute a junkyard.

#### **JUNKYARD, MOTOR VEHICLE**

An area of land, including any buildings thereon, which is used for or occupied in any part by a deposit, collection or storage, outside of a completely enclosed building, of used or discarded motor vehicles or parts thereof, with or without dismantling, wrecking, salvage, sale or other use or disposition of the same. A deposit, collection or storage on a lot of two or more motor vehicles not in condition for legal use on the public highways, or parts thereof, for one week or more in a residential district or for three weeks or more in a nonresidential district shall constitute a motor vehicle junkyard.

#### **KENNEL**

A structure used for the harboring of more than five dogs with attendant commercial services that may include any one or a combination of the following: boarding, grooming, breeding, raising or veterinary care.

#### **LAKEFRONT**

The line of contact between a body of water and the land. [Added 12-30-2002 by L.L. No. 11-2002]

#### **LAKEFRONT ACCESS**

The use of a lot, as defined in § 185-2, lot, lakefront access for boat launching, docking, pedestrian or vehicular passage to moored or anchored boats, swimming, bathing and fishing from or incidental to a private lakefront access lot. [Added 4-18-2005 by L.L. No. 6-2005]

#### **LIGHT AND HEAVY INDUSTRIAL EQUIPMENT SALES, SERVICE AND REPAIR ESTABLISHMENTS**



additional number thereof, said tree or trees to be planted in median dividers, islands or such other locations as may be acceptable to the Planning Board.

- (b) All planting beds, landscaped islands and pedestrian walkways, if provided, shall be protected by curbs, sturdy posts, rails or walls 1 1/2 to two feet in height or other protective devices and shall be of sufficient width to prevent damage or injury to both plant materials and pedestrians. Additional barriers may be required by the Planning Board to give better protection and to improve pedestrian and vehicular circulation.

E. Off-street parking of commercial and recreation vehicles in all residential districts. Commercial vehicles may be parked off street in residential districts, provided that: **[Amended 9-23-1998 by L.L. No. 10-1998]**

- (1) The vehicle is engaged in the provision of service, delivery or pickup at a residence.
- (2) The vehicle is on a private lot, other than those cited in Subsection E(1) above, and is operated by an occupant of the principal building and the commercial vehicle is totally contained within a garage or carport.
- (3) Farm and agriculturally related commercial vehicles located on agricultural residential parcels are exempt from these regulations.
- (4) Campers or recreational vehicles, camper trailers and utility trailers may not be parked in a residential district in a required front yard nor between the street line and the principal building. In no event shall such parked vehicles be used for residential purposes.

**§ 185-14. Sign regulations.**

A. No sign, poster, advertising display, structure or device shall be erected, moved, enlarged or reconstructed except as expressly permitted by this chapter.

B. Permitted types of signs.

- (1) The following types of signs may be permitted as indicated in Article IV, Schedules of District Regulations, Use Table, Column A, of this chapter:
  - (a) Professional: a sign in a residential district, freestanding or attached to the building, which shall have an area not greater than four square feet and, if freestanding, shall be set back at least 10 feet from any designated street line. Such signs may be indirectly illuminated by a light integral to the sign. In a nonresidential district a professional sign shall be regulated as a business sign [see Subsection B(1)(c) below].
  - (b) Institutional: a freestanding announcement sign for a school, church or other public or semipublic institution which may be illuminated, shall have an area not greater than 12 square feet and shall be located at least 15 feet from any street line.

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NEWBURGH TOWN CODE

§ 185-31

- (b) Any such vehicles or trailers shall be parked in a line in an orderly fashion, with not less than four feet between any parts of any two motor vehicles and not less than two feet between any parts of any two trailers.
  - (c) No such vehicle or trailer may be parked in any required front yard area.
- K. Appropriate plans shall be prepared to provide for the environmentally sound disposal or recycling of wastewater, oil and gasoline products or discharges.

**§ 185-29. Membership clubs.**

- A. Permanent outdoor public address systems shall be prohibited.
- B. Exterior lighting other than that essential for the safety and convenience of the members shall be prohibited.

**§ 185-30. Outdoor storage.**

- A. Unless otherwise provided in this chapter, outdoor storage of motor vehicles, trailers, building supplies, raw materials, finished products or machinery and equipment is prohibited, except in accordance with the following:
  - (1) Such use shall be an accessory use and shall be located on the same lot as the use to which it is accessory.
  - (2) Such materials or products shall not be stored within the front yard and shall not be closer than 10 feet to any side or rear lot line or 50 feet from a side or rear lot line adjacent to a residence district or lot in residential use.
  - (3) All outdoor storage areas shall be appropriately screened with landscaping so as to provide an opaque sight barrier at least eight feet in height. In no case shall materials be stored so as to exceed the height of the sight barrier.
  - (4) No storage area shall occupy more than 30% of the required side or rear yard.
- B. No material may be stored in such a storage facility that is flammable, combustible, explosive, reactive, corrosive or toxic to humans as defined and quantified in United States Environmental Protection Agency regulations under 40 CFR 116.

**§ 185-31. Stripping or filling of land.**

A. General.

- (1) Land may not be stripped or covered with fill for any purpose except in strict conformance with Chapter 83, Clearing and Grading, of this Code.
- (2) This section shall not be applicable to sand and gravel or other aggregate mining or quarry operations. Those uses are covered in § 185-36.

ZONING

185 Attachment 5  
Town of Newburgh

Table of Use and Bulk Requirements  
RR District - Schedule 1

A. Accessory Uses	B. Permitted Use	C. Prohibited Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimum Required							Maximum Permitted		
				Lot Area (acres)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Side Yard (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Lot Building Coverage (percent)	Building Height (feet)
1. Home occupations	C1, D1	1. Single-family dwellings, not to exceed 1 dwelling unit per lot	2	200	300	60	50	100	50	NA	NA	35	10%
2. Private garage or carport for not more than 4 vehicles	D1-3	2. Municipal buildings and town activities	NA	NA	NA	NA	NA	NA	NA	NA	NA	35	50%
3. Garden house, toolshed, wading or swimming pool or tennis court in accordance with § 185-43	C1, D1	3. Other developments for single-family detached dwellings, in accordance with § 185-26	NA	NA	NA	NA	NA	NA	NA	NA	NA	35	20%
4. Signs in accordance with § 185-14: a. Professional b. Institutional c. Identification	C1, D1	4. Community residence for the disabled	2	200	300	60	50	100	50	NA	NA	35	10%
5. Keeping up to 5 (fresh) eggs or less over 6 months of age	C1, D1	4. Public utility structures and rights-of-way	NA	NA	NA	NA	NA	NA	NA	NA	NA	35	40%
6. Keeping up to 2 horses on a lot of 2 acres or more	All												
7. Off-street parking as required by the municipal use	All												
8. Separate living quarters within the permitted structure for persons employed on the premises	C1, D1												
9. Accessory apartments in accordance with § 185-38f	C1, D1												
10. Satellite earth stations in accordance with § 185-40	C1, D1-3												
11. Nursery school or day care	D1												

NOTES:

1. For details, see the overall zoning.
2. Also requires a special permit from the Zoning Board of Appeals.
3. Amended 9-23-1993 by L.L. No. 10-1998

ZONING

185 Attachment 6

Town of Newburgh

Table of Use and Bulk Requirements  
AR District - Schedule 2

[Amended 9-23-1998 by L.L. No. 10-1998; 4-8-2000 by L.L. No. 2-2000]

A. Accessory Uses	B. Permitted with C1-3, D1 and 2 C1-3 and 5 D1-12 C1-3 D1-3, 10-12 C1-3 CA D4-7, 11, 12 C2-5, D1-12 C1-3 and 5 D1-3, B-12 C1-3 and 5 D1, J9	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimums Required							Maximums Permitted		
				Lot (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Lot Building Coverage (percent)	Building Height (feet)
1. Home occupations		1. Single-family dwellings, not to exceed 1 dwelling unit per lot		40,000	150	150	50	50	80	10%	20%		
2. Private garage or carport for not more than 4 vehicles		2. (Reserved)		NA	NA	NA	NA	NA	NA	20%	50%		
3. Garden house, poolshed, wading or swimming pool or tennis court in accordance with § 185-43		3. Municipal buildings and town activities 4. Agricultural operations as follows: a. Growing of field, greenhouse and garden crops, vineyards, orchards and nurseries b. Keeping of livestock c. Keeping of fowl		40,000	150	150	50	40	80	NA	NA		
4. Signs in accordance with § 185-14				20 acres	150	150	50	40	80	NA	NA		
5. Professional				10 acres	150	150	50	40	80	NA	NA		
6. Identification				NA	NA	NA	NA	NA	NA	10%	20%		
7. Keep up to 5 (total) dogs or cats over 6 months of age				10 acres	300	300	200	200	400	15%	35		
8. Keeping up to 2 domestic animals, excluding dogs and cats, and up to 25 fowl in lots of 2 acres or more				2 acres	150	150	50	50	100	20%	40%		
9. Off-street parking as required by the principal use													
10. Off-street parking for commercial vehicles in accordance with § 185-13													
11. Separate living quarters within the permitted structure for persons employed on the premises													
12. Fuel tanks in accordance with § 185-39													
13. Smallfire earth radiation in accordance with § 185-40													
14. Accessory apartments in accordance with § 185-38													
15. Barms, silos, machine-storage structures and parking washbouses not within 50 feet of any lot line													
16. Seasonal roadside stands in accordance with § 185-44													

NEWBURGH CODE

Table of Use and Bulk Requirements  
AR District - Schedule 2  
(Cont'd)

A. Accessory Uses	B. Permitted With	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimum Required					Maximum Permitted					
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
15. Outdoor storage of farm equipment in other than a front yard	C5													
16. Veterinarians' offices in accordance with § 185-45	D9													
17. Nursery school or day care	D1													

NOTES:  
1. Conventional semi-detached two (2) dwelling units per lot, zero lot line (one (1) dwelling unit per lot).  
2. Lot applies to the overall parcel.  
3. Also requires a special permit from the Zoning Board of Appeals.

ZONING

185 Attachment 7

Town of Newburgh

Table of Use and Bulk Requirements  
R-1 District - Schedule 3

[Amended 9-23-1998 by L.L. No. 10-1998; 4-8-2000 by L.L. No. 2-2000; 4-21-2008 by L.L. No. 2-2008]

A. Accessory Uses	B. Permitted With	C. Restricted Uses	D. Use Subject to Site Plan Review by the Planning Board	Minimum Required							Maximum Permitted			
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Side Yard (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
1. Home occupations 2. Private garage or carport for not more than 4 vehicles 3. Garden house, detached, wading or swimming pool and tennis court in accordance with § 185-43 4. Signs in accordance with § 185-14: a. Professional b. Institutional c. Identification 5. Keeping up to 5 (most) dogs or cats over 6 months of age 6. Keeping up to 2 horses on a lot of 2 acres or more 7. Off-street parking as required by the permitted use 8. Separate living quarters within the permitted structure for persons employed on the premises 9. Accessory apartments in accordance with § 185-38 <sup>6</sup> 10. Small fire earth stations in accordance with § 185-48 11. Nursery school or day care 12. Townhomes in accordance with § 185-34B(3), in the Marina Townhome Overlay District only	CL-3, D2 D1-7 D2-6 D2-6 D2 D7	1. Single-family dwellings, not to exceed 1 detached dwelling per lot. 2. (Reserved) 3. (Reserved) 4. Municipal buildings and town activities.	Use Subject to Site Plan Review by the Planning Board	40,000	150	150	50	40	30	80	1,500	10%	35	20%
			1. Conversion of existing dwellings for multi-family use in accordance with § 185-33 2. § 185-35 3. Medium-density residential recreational facilities in accordance with § 185-29 4. Places of worship, related parish houses, seminaries, dormitories and related structures 5. Substance abuse rehabilitation home 6. Community residence for the disabled 7. Marinas in accordance with § 185-34 8. Public utility structures and right-of-way 9. 2-family dwellings, not to exceed 2 dwelling units per lot 10. Seasonal dwellings, not to exceed 2 dwelling units per lot	NA	NA	NA	NA	NA	NA	NA	NA	20%	35	50%
				40,000/20,000	150	150	50	40	30	80	2,000/1,000	10%	35	20%
				NA	NA	NA	NA	NA	NA	NA	NA	10%	35	20%
				10 acres	300	300	200	200	200	400	NA	15%	35	30%
				2 acres	200	200	60	60	60	60	NA	15%	35	30%
				60,000	150	150	50	50	50	100	1,000 plus 100 per person	20%	35	40%
				5 acres	200	200	50	50	50	100	NA	40%	40	80%
				NA	NA	NA	NA	NA	NA	NA	NA	20%	35	40%
				100,000	200	150	50	40	30	80	1,500	10%	35	20%
				100,000/50,000	200/100'	150	50	40	30/40'	80/40'	1,500	10%	35	20%

- NOTES:
1. Conventional semi-detached (two dwelling units per lot), zero lot line (one dwelling unit per lot).
  2. Forty thousand square feet for first dwelling unit, 20,000 square feet for each additional dwelling unit.
  3. First dwelling unit, 2,000 square feet; each additional dwelling unit, 1,000 square feet.
  4. "Lot" applies to the overall parcel.
  5. No setback required at shoreline.
  6. Also requires a special permit from the Zoning Board of Appeals.

NO COMPASSION VERIFIED DIVISION

ZONING

185 Attachment 8

Town of Newburgh

Table of Use and Bulk Requirements  
R-2 District - Schedule 4

(Amended 9-23-1998 by L.L. No. 10-1998; 4-8-2000 by L.L. No. 2-2000)

A. Accessory Uses	B. Permitted With	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Minimum Required				Maximum Permitted			
							Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Let Building Coverage (percent)	Building Height (feet)	Let Surface Coverage (percent)
1. Home occupations? 2. Private garage or carport for not more than 4 vehicles 3. Garden house, coolshed, wading or swimming pool or tennis court in accordance with § 185-43 4. Signs in accordance with § 185-14: a. Commercial b. Institutional c. Identification 5. Keeping up to 5 (total) dogs or cats over 6 months of age 6. Keeping up to 2 horses on a lot of 2 acres or more 7. Off-street parking as required by the principal use 8. Off-street parking for commercial vehicles in accordance with § 185-13	CL-3, D2 CL-3 D1-10 CL-3 D2-4 CL-3, D3 D4, D4-8 C3, D2-10 CL-3 D1-5 CL-3 D2 and 3 All CL-1 and 2 D4-10	1. Single-family dwellings, not to exceed 1 dwelling unit per lot. a. Without any public sewer and public water systems. b. With both public sewer and public water systems. c. Either public sewer or public water systems only. 2. (Reserved) 3. (Reserved) 4. Municipal buildings and town activities	Uses Subject to Site Plan Review by the Planning Board	40,000 <sup>2</sup> 15,000 17,500	150 <sup>2</sup> 100	150 125	50 <sup>1</sup> 40	40	30 <sup>1</sup> 15	80 <sup>1</sup> 30	900	15%		30%
9. Separate living quarters within the permitted structure for persons employed on the premises 10. Accessory apartments in accordance with § 185-36 11. Squalls, sixth floors in accordance with § 185-40 12. Nursery school or day care	CL-3 D1-5, D7-10 CL-1 and 2 D2 and 3 CL-3 D1-10 D2	1. Conversion of existing dwellings for intensive use in accordance with § 185-23 2. Cluster developments in accordance with § 185-26 3. Apartment parking in accordance with § 185-47 4. Membership club in accordance with § 185-28: a. Providing outdoor recreational facilities b. Providing nonrecreational facilities 5. Places of worship, parish houses, seminaries, convents, dormitories and day centers 6. Nursery schools for preschool children 7. Schools for general education, including colleges, with related activities 8. Hospitals and nursing homes for general medical care 9. Substance abuse rehabilitation home 10. Community residence for the disabled 11. Public utility structures and adjacent streets		NA 15,000 per dwelling unit NA	NA 150 NA	NA 150 NA	NA 40 NA	NA 50 NA	NA 25 NA	NA 50 NA	NA 900 900	20% 20% 15%	20% 15% 15%	50% 40% 30%
				30,000 NA	125 NA	150 NA	40 NA	40 NA	15 NA	30 NA	1,000 plus 100 per person NA	25% 20%		50% 20%

NEWBURGH CODE

Table of Use and Bulk Requirements  
R-2 District -- Schedule 4  
(Cont'd)

A. Accessory Uses	B. Permitted With	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board 12. Family dwellings, not to exceed 2 dwelling units: a. With both public sewer and public water systems. b. With both public sewer and town water systems. c. Either public sewer or public water system only. 13. Semidetached dwellings, not to exceed 2 dwelling units per lot: a. Without both public sewer and public water systems. b. With both public sewer and public water systems. c. Either public sewer or public water system only.	Minimum Required					Maximum Permitted							
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)		
				100,000	200		50			30	80			35		
				50,000	125		40			25	50		900			50%
				100,000	200		50			30					25%	
				50,000	125-632		40			25						

NOTES:  
 1. "Lot" applies to the overall parcel.  
 2. Conventional semidetached (two dwelling unit per lot), zero lot line (one dwelling unit per lot).  
 3. Also requires a special permit from the Zoning Board of Appeals.





NEWBURGH CODE

Table of Use and Bulk Requirements  
R-3 District - Schedule 5  
(Cont'd)

A. Accessory Use	B. Permitted Yield	C. Permitted Uses	D. Useable Area Based on Minimum Setback	Minimum Required						Maximum Permitted			
				Lot Area (sq. ft.)	Lot Width (ft.)	Lot Depth (ft.)	Lot Front Setback (ft.)	Rear Setback (ft.)	1 Side Setback (ft.)	2 Side Setback (ft.)	Setback From Adjacent Lots (ft.)	Lot Building Coverage (Percent)	Building Coverage (Percent)
			17. Single-family dwellings, not to exceed 2 dwelling units per lot: a. without lot public sewer and public water systems; b. with lot public sewer and public water systems; c. with other public sewer or public water system (25)	100,000	200	175	75	4	30	None	30	30	40%
				92,000	105' x 90'	125	40	25	50' x 25'	50'			
				50,000	125' x 90'	75	40	25	50' x 25'				

NOTES:  
 1. Coverage and setbacks based on (1) dwelling unit per lot, zero lot line base (1) dwelling unit per lot.  
 2. Also requires a special permit from the Zoning Board of Appeals.  
 3. Lot area applies to the front yard.

ZONING

185 Attachment 11

Town of Newburgh

Table of Use and Bulk Requirements  
B District - Schedule 7  
(Amended 9-23-1998 by L.L. No. 10-1998; 1-20-2009 by L.L. No. 2-2009)

A. Accessory Uses	B. Permitted With C1 and 2 C1, 2, 4 and 5 D1-12	C. Permitted Uses 1. Existing single-family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public water systems 2. Existing family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public water systems 3. Municipal buildings and town activities 4. Membership clubs without outdoor recreation facilities in accordance with § 185-29 5. Parent homes	D. Use Subject to Site Plan Review by the Planning Board	Minimum Required						Maximum Permitted				
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Dwelling Units Per Acre	Lot Building Coverage (percent)
1. Home occupations				20,000	125	150	40	40	15	30	NA	25%	35	50%
2. Private garage or carport for not more than 4 vehicles				15,000	100	125					900			
3. Garden house, no heated, wading or swimming pool or tennis court in accordance with § 185-43				17,500										
4. Off-street parking as required by the principal use				30,000	150	175		50		50				
5. Storage buildings up to 50% of the floor area of the principal building				22,500					25					
6. Signs in accordance with § 185-14: a. Professional b. Business c. Institutional d. Identification				25,000	125	150								
7. Keeping up to 5 (total) dogs or cats over 6 months of age				NA	NA	NA	NA	NA	NA	NA	NA	20%	NA	
8. Off-street parking for commercial vehicles in accordance with § 185-13				25,000	150	175		40	15	30		25%		
9. Accessory apartments in accordance with § 185-38				15,000	100	125	40	30	15	30		40-60%	35	60-85% <sup>1</sup>
10. Fuel tanks in accordance with § 185-39				20,000							NA	40-50% <sup>2</sup>		80-95%
11. Satellite earth stations in accordance with § 185-40				5 acres	200	200	50					25%	50	60%
12. Churches and clinics for employees				5 acres	300	300	60					30%	40	80%
13. Restaurants and conference and banquet facilities				3 acres	300	300	60					30%	40	80%
14. Retail outlets				2 acres	200	200	50			50		25%	40	50%
15. Car wash				10 acres	400	400	60					25%	40	50%
16. Motor vehicle rental agency				NA	NA	NA	NA	NA	NA	NA		20%	35	50%
				40,000	120	150	50	30	15	30		40%	35	80%

Footings  
Permitted  
Special  
permits?

NEWBURGH CODE

A. Accessory Uses	B. Permitted With D1, 6, 8, 9 and 16	C. Permitted Uses	D. Use Subject to Site Plan Review by the Planning Board	Let Area (Acres)	Let Width (feet)	Let Depth (feet)	Minimum Required				Maximum Permitted				
17 Eating and drinking facilities or food preparation shops not offering full table service.			16. Minimums.  17. Veterinarian offices and related services necessary for the complete practice of veterinarian medicine in accordance with § 185-45.	2 acres	200	200	Front Yard (feet)	Rear Yard (feet)	Side Yard (feet)	Back Yard (feet)	Habitable Floor Area Per Dwelling Unit (Square Feet)	Dwelling Units Per Acre	Let Building Coverage (Percent)	Building Height (feet)	Let Surface Coverage (Percent)
				40,000	150	150	40	40	30	60	NA	NA	40%	35	60%

NOTES:

- 1 Forty without public water and sewer; 60 with public water and sewer.
- 2 Forty without public water and sewer; 50 with public water and sewer.
- 3 Minimum 1,500 square feet of lot area per guest room.
- 4 Also requires a special permit from the Zoning Board of Appeals.

9. **PUBLIC HEARING (7:30 p.m.): Local Law Amending Chapter 185 Entitled "Zoning", Amending the Marina Townhouse Accessory Use Regulations**
  - A. **Public Hearing**
  - B. **Approval of Open Development Area for Mid Hudson Marina**

JUL 23 2012



**INTRODUCTORY LOCAL LAW NO. 4 of 2012  
TOWN BOARD  
TOWN OF NEWBURGH  
COUNTY OF ORANGE: STATE OF NEW YORK  
A LOCAL AMENDING  
THE MARINA TOWNHOME  
ACCESSORY USE REGULATIONS OF  
CHAPTER 185 ENTITLED "ZONING"  
OF THE CODE OF THE TOWN OF NEWBURGH**

BE IT ENACTED by the Town Board of the Town of Newburgh, New York as follows:

Section 1. Title. This Local Law shall be referred to as "A Local Law Amending the Marina Townhome Accessory Use Regulations of Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh."

Section 2. Amendment to Chapter 185. Chapter 185 of the Code of the Town of Newburgh, entitled "Zoning," is hereby amended in the following manner:

- A. Subparagraph 185-34B(3)(b) of Subsection 185-34B entitled "Accessory uses" of Section 185-34 entitled "Marinas" is hereby amended to read as follows:

“(3) Townhomes are permitted as an accessory use to a marina subject to the following conditions and restrictions:

...

(b) The marina must contain at least ~~100~~ 20 boat slips and no more than ~~150~~ 40 boat slips;”

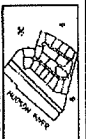
Section 3. Validity. If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgement shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgement shall have been rendered.

Section 4. Effective Date. This Local Law shall be effective immediately upon filing with the New York Secretary of State.

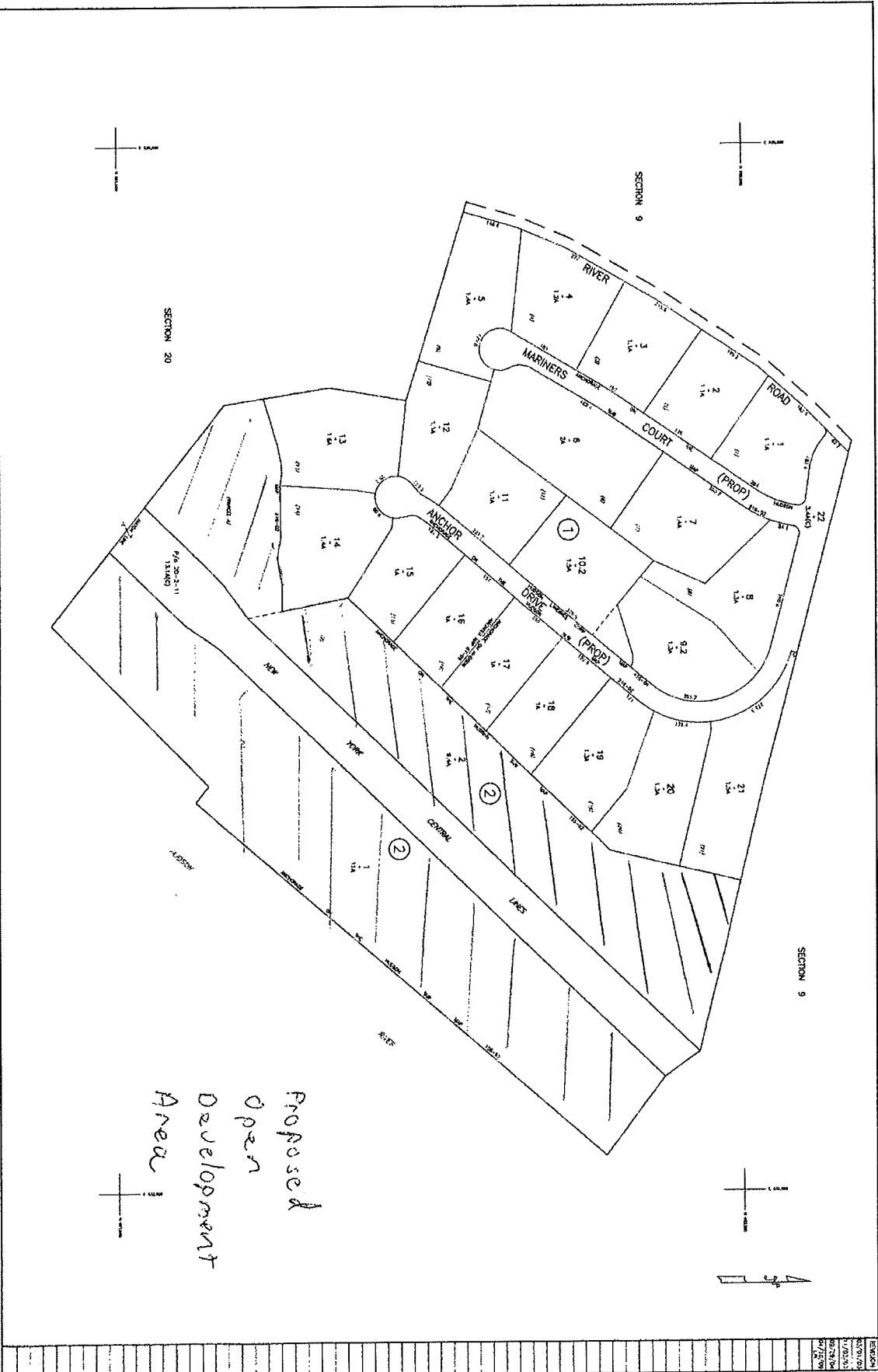
SECTION	SECTION NO.	SECTION AREA (AC)	SECTION PERCENTAGE
SECTION 9	9	121.00	100%
SECTION 20	20	121.00	100%

LEGEND

ORANGE COUNTY - NEW YORK  
 TOWN OF NEWBURGH  
 SECTION 9



TOWN OF NEWBURGH  
 SECTION NO. 121



SECTION 9

SECTION 9

SECTION 20

SECTION 9

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 July, 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 ADOPTION OF SEQR INVOLVED AGENCY FINDINGS STATEMENT BY THE TOWN BOARD OF THE TOWN OF NEWBURGH FOR PROPOSED ADOPTION OF LOCAL LAW AMENDING THE MARINA TOWNHOME ACCESSORY USE REGULATIONS OF CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND THE CREATION OF AN OPEN DEVELOPMENT AREA PURSUANT TO NEW YORK STATE TOWN LAW SECTION 280-a FOR THE MID-HUDSON MARINA SITE

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

**WHEREAS**, the owner of property situated within the Industrial Business District (I) and the Marina Townhome Overlay District (MT) of the Town of Newburgh being shown and designated as Section 121, Block 2, Lots 1 & 2 on the Tax Map of the Town of Newburgh, and known as the Mid-Hudson Marina, has requested a Zoning Code text revision to reduce the minimum number of boat slips required in order for a marina use in the MT District to be able to have accessory townhomes and the creation of an Open Development Area pursuant to NYS Town Law Section 280-a; and

**WHEREAS**, the owner will be further applying for site plan and subdivision approval for a 20 unit residential town home development and marina from the Planning Board of the Town of Newburgh to be known as the Mid-Hudson Marina; and

**WHEREAS**, the Planning Board, on September 16, 2010, having determined that the action was an Unlisted Coordinated Action for purposes of SEQRA, and having duly coordinated Lead Agency designation with other involved agencies, including the Town Board of the Town of Newburgh, assumed Lead Agency status for purposes of SEQRA review of the proposed action; and



**WHEREAS**, the project site, through a previous owner and applicant, received an amended approval of the project site for a 263 boat slip marina and associated restaurant in the 1996/1997 year, commonly known as the "Anchorage On the Hudson"; and

**WHEREAS**, the project site, through a previous owner and applicant, received an approval of the project site for a 110 boat slip marina and 20 condominium residential site plan in the year 2006, known as the "Anchorage At Balmville"; and

**WHEREAS**, the Planning Board, in its capacity as lead agency for environmental impact review, issued a request for SEQRA comparison; and

**WHEREAS**, the applicant submitted a Full Environmental Assessment Form in November 2011; and

**WHEREAS**, the applicant submitted a SEQRA Comparison of the 1996/1997 approval, 2006 approval, and the currently proposed project in November 2011; and

**WHEREAS**, the Planning Board adopted a Lead Agency Findings Statement pursuant to SEQRA with respect to the Action on May 17, 2012; and

**WHEREAS**, the Town Board of the Town of Newburgh, as an involved agency, is required by SEQRA to make a written findings statement prior to making a final decision to undertake, fund, approve or disapprove an action; and

**WHEREAS**, the Town Board is accordingly required to make a written findings statement prior to making final decisions regarding the proposed adoption of a Local Law Amending the Marina Townhome Accessory Use Regulations of Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh to reduce the minimum and maximum numbers of boat slips required for a marina in the marina townhome overlay district to be able to have accessory townhomes from 100 boat slips to 20 boat slip and from 150 boat slips to 40 boat slips and regarding the creation of an Open Development Area pursuant to NYS Town Law Section 280-a.

**NOW THEREFORE, BE IT RESOLVED:**

1. The Town Board hereby determines, makes and adopts the Lead Agency Findings Statement dated May 17, 2012 annexed hereto as Schedule "A", as the Town Board's Involved Agency Findings Statement for the Action.
2. The Town Board hereby authorizes the Supervisor to execute and file such documents and papers as are required for compliance with SEQRA and the applicable provisions of law in

this regard.

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.

SCHEDULE "A"

**TOWN OF NEWBURGH PLANNING BOARD RESOLUTION AND  
NOTICE OF ADOPTION OF LEAD AGENCY FINDINGS STATEMENT  
PURSUANT TO SEQRA**

**MID HUDSON MARINA  
Town of Newburgh, New York**

Proposed Actions: Open Development Area Referral  
Zoning Text Amendment Referral  
Subdivision Approval  
Site Plan Approval

Lead Agency: Town of Newburgh Planning Board, Newburgh, New York

At a regular meeting of the Town of Newburgh Planning Board held on the 17th day of May, 2012, at the Town Hall, 1496 Route 300, Newburgh, New York, the following resolution was moved by John Ward and seconded by Joseph Profaci.

WHEREAS, the applicant is the owner of property situated within the Industrial Business District (I) of the Town of Newburgh, such property being shown and designated as Section 121, Block 2, Lots 1 & 2 on the Tax Map of the Town of Newburgh; and

WHEREAS, the property described within is also part of the Marina Townhome Overlay District (MT) of the Town of Newburgh; and

WHEREAS, the attorney to the Planning Board of the Town of Newburgh outlined a procedure for requesting Zoning Text Revisions and the creation of an Open Development Area pursuant to NYS Town Law Section 280-a, dated September 13, 2011, and identifying the Planning Board of the Town of Newburgh as the lead agency for environmental review of past approvals of the project site; and

WHEREAS, the Town Board of the Town of Newburgh and the Town Planning Board of the Town of Newburgh received request of Zoning Text Revisions and Open Development Designation from Mid-Hudson Marina Corp. (the "applicant") in November, 2011 for the project site; and

WHEREAS, the Town Planning Board of the Town of Newburgh received a referral request from the Town Board of the Town of Newburgh dated December 30, 2011 referencing the request for zoning text revisions and open development designation, Mid-Hudson Marina, Oak Street, Town of Newburgh, NY; and

WHEREAS, the applicant will be further seeking site plan and subdivision approval for a 20 unit residential town home development and marina from the Planning Board of the Town of Newburgh; and

WHEREAS, access to the town homes and marina site is provided from River Road to Oak Street to the site; and

WHEREAS, the project site, through a previous owner and applicant, received an amended approval of the project site for a 263 boat slip marina and associated restaurant in the 1996/1997 year, commonly known as the "Anchorage On the Hudson"; and

WHEREAS, the project site, through a previous owner and applicant, received an approval of the project site for a 110 boat slip marina and 20 condominium residential site plan in the year 2006, known as the "Anchorage At Balmville"; and

WHEREAS, the applicant now proposes the expansion of the existing marina in two phases, the first phase to include the construction of the 20 town homes and marina with 24 boat slips, with the expansion of the marina to 104 boat slips upon further Planning Board of the Town of Newburgh approval,

WHEREAS, the Planning Board, in September 16, 2010, having determined that the action was an Unlisted Coordinated Action for purposes of SEQRA, and having duly coordinated Lead Agency designation with other involved agencies, assumed Lead Agency status for purposes of SEQRA review of the proposed action; and

WHEREAS, the Planning Board, in its capacity as lead agency for environmental impact review, issued a request for SEQRA comparison; and

WHEREAS, the applicant submitted a Full Environmental Assessment Form in November 2011; and

WHEREAS, the applicant submitted a SEQRA Comparison of the 1996/1997 approval, 2006 approval, and the currently proposed project in November 2011; and

WHEREAS, following initial review and discussion of the SEQRA Comparison and proposed town homes and marina site plan, referred herein to as the conceptual plan, with the Planning Board, the applicant determined that various aspects of the site plan and town home plan should be modified; and

WHEREAS, the Planning Board of the Town of Newburgh received the applicant's revised SEQRA comparison on May 9, 2012; and

WHEREAS, the Planning Board of the Town of Newburgh subsequently received a modified conceptual plan on April 12, 2012; and

WHEREAS, the applicant's last revised conceptual plan dated May 5, 2012, included changes to: reduce the number of town homes from 24 to 20; provide a 20 feet wide, gravel emergency road to the abutting residential single family homes, ensure a separation distance of at least 80

feet from the neighboring above ground oil tanks, provide an emergency access and non-motorized boat launch access, and a marina slip count for the first phase of 24 slips; and

WHEREAS, the applicant's agreed to continue to carry forward the mitigation measures included in the 1996/1997 marina/subdivision plans and approval as appropriate to the project site outlined in the conceptual plan; and

WHEREAS, the applicant has provided a suggested traffic peak trip generation condition and limitation of the property to be included with the Open Development Area referral to the Town Board of the Town of Newburgh; and

WHEREAS, the Planning Board, upon concluding its review of the proposed actions, has determined that there are numerous mitigation measures which will be implemented in the course of final subdivision and site plan review for the residential town homes and marina uses proposed as part of this action; and

WHEREAS, the proposed residential use and the existing marina uses are allowed by the Zoning District regulations in effect for the property; and

WHEREAS, the Planning Board has given due consideration to the Full Environmental Assessment Form submitted, and the SEQRA Comparison prepared for the Mid Hudson Marina project, as well as the existing zoning and character of development in the I District with the MT overlay district and neighboring properties, and the comments received from other involved agencies;

NOW THEREFORE BE IT DETERMINED that the Planning Board does make the following findings pursuant to NYS SEQRA regulations:

1. That full consideration has been given to the SEQRA Comparison for the Mid Hudson Marina project; and
2. That all requirements of NYS SEQRA regulations have been met; and
3. That consistent with social, economic and other essential considerations, from among the reasonable alternatives considered this action is the one which minimizes or avoids adverse environmental effects to the maximum extent practicable, including the effects disclosed in the Environmental Impact Statement prepared for the Mid Hudson Marina project; and
4. That consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects discussed in the Anchorage on the Hudson Environmental Impact Statement process will be minimized or avoided by incorporating as conditions to the decisions of the Planning Board those mitigation measures which were identified as practicable to the extent such measures are not already incorporated in the project plan; and

5. Alternative conceptual plans were provided for review, discussion, and comments; and
6. The action, together with the mitigation measures proposed by the applicant, minimizes or avoids the potentially significant adverse environmental impacts identified during the 1996/1997 approvals, to the maximum extent practicable; and
7. That the following specific findings and determinations are applicable to the areas of environmental concern discussed below:

## **TRANSPORTATION**

### *Potential Impacts*

The currently proposed project includes a reduction in the number of slips from 110 to 24 boat slips for phase 1 of the project and the total number of boat slips to be 104 upon the completion of phase 2 of the marina expansion. The boat ramp will be used for non-motorized and/or emergency use only, and the truck/trailer parking area have been eliminated, resulting in a reduction in traffic. The currently proposed project is expected to result in less impact in comparison to the 2006 Anchorage at Balmville project due to the slight reduction in the number of boat slips and the elimination of the non-emergency boat ramp and truck/trailer parking area. All mitigation measures required for the original approval that are applicable to the currently proposed project will be utilized.

### *Traffic Mitigation Required as a Result of Mid Hudson Marina*

- River Road, Oak Street & Lower River Road Intersection-Install "Stop" signs and pavement markings.
- Lower River Road- Provide pavement repair, resurfacing, drainage improvements, minor widening and pavement markings between River Road and the site.
- Railroad crossing- If any alterations are proposed, the existing at-grade rail crossing will require improvements as determined by CSX and as per the New York State Manual of Uniform Traffic Control Devices.
- Emergency access gate – Installation of a emergency access connection to the adjacent Anchor Drive.
- Maintenance of the widened emergency access road will be provided and maintained by the town homes home owner association.

## **NOISE**

### *Potential Impacts*

The potential impacts related to noise for the currently proposed project are expected to be primarily short term impacts related to the construction of the townhouses and related structures. Although noise related to activities at the marina could occur during seasonal

operations, with the elimination of the non emergency boat ramp use and truck/trailer parking area, impacts associated with noise from the marina are expected to be less.

*Noise Mitigation Required as a Result of Mid Hudson Marina*

- The applicant has agreed, and the Board will require, that no public address system, amplified music or outdoor concerts will be allowed.
- The Board will require the applicant provide appropriate assurance that on-site management and/or security staff responsible for marina operations will enforce compliance.
- The Board will require that the applicant utilize a slip lease agreement that incorporates the mitigation measures identified. The basic boat slip lease agreement is included in the 1996/1997 FEIS as Appendix D. That agreement contains language regarding operational practices to eliminate or reduce noise generated by marina users and operations, such as minimized engine idling, enforcing speed limits on boats as they transit marina facilities, prohibition on playing of radios/stereos and parties on-board moored boats, that will be enforced by the on-site marina management and security staff.
- The Board will require that the applicant will prohibit jet skis and similar personal watercraft from being rented, serviced or launched at Mid Hudson Marina in accordance with and as proposed by the previous applicant in the 1996/1997 FEIS.
- As a condition of site plan approval, the Board will limit construction activities to daylight hours between 7:00a.m. and 5:30p.m. Monday through Saturday for the marina project and daylight hours between 7:00a.m. and 7:00p.m. Monday through Saturday for the subdivision project.
- The Board finds that more than half of the site will remain wooded to help reduce any noise prior to reaching adjoining residential areas.
- The site amenities for the marina were to be for the use of the residents and boat slip lessees only, not accessible to the general public.

## **GEOLOGY AND TOPOGRAPHY**

### **Potential Impacts -Geology and Topography**

The Mid Hudson Marina project development area is located in the same area of the site as the 2006 project, and was also designed to follow the natural topography to the greatest extent practicable. The layout has been revised to provide a landscaped buffer along the northern portion of the site, resulting in a greater setback from the property line. Impacts from slope failure at the adjacent subdivision could be a potential concern as with the 2006 plan.

#### *Geology and Topography Mitigation Required as a Result of Mid Hudson Marina*

- The Board will require that the site plan incorporate the proposed alignment of the roadways as prescribed in the conceptual plan.
- Compliance with all conditions of approval, including subdivision plan notes, covenants and restrictions, and mitigation measures, will be required as a condition of issuance of building permits and certificates of occupancy for residences on the subdivision lots.

## **SOILS**

### **Potential Impacts- Soils**

Potential impacts related to soils are not generally an issue for the currently proposed project given the general flatness of this portion of the site, and the redesigned layout that provides a 40 foot landscaped buffer along the northern property line.

#### *Soils Mitigation Required as a Result of Mid Hudson Marina*

- A detailed erosion and sedimentation control plan will be developed by the applicant to minimize any storm water-related impacts of the project on the Hudson River, prior to approval of the subdivision plan and the site plan.
- The Board will require the construction phasing plan to be implemented so as to minimize the amount of clearing and grading in progress at any given time. Phased implementation will also enhance the effective operation of the erosion and sedimentation control features.

## **WATER RESOURCES**

### **Potential Impacts- Water Resources**

Potential impacts resulting from the currently proposed project are expected to be similar to those anticipated for the 2006 proposed AAB project, except that the amount of water usage is expected to be slightly less due to the reduction in the number of boat slips from 110 to 104, after completion of phase 2.



### *Water Resources Mitigation Required as a Result of Mid Hudson Marina*

- The proposed project will be served by a community well and septic system. The project thus will not place any demand on municipal water and sewage systems.
- As a condition of site plan approval, the Board will require that the applicant provide the proposed sanitary pump-out facility for the use of marina renters and other recreational boaters, and that the operator of the marina incorporate a condition in all slip rental agreements that requires tenants of the marina to use the pump-out facility for disposal of sanitary waste.
- As a condition of subdivision and site plan approval, the Board will require that the applicant implement the proposed storm water management program in accordance with Town of Newburgh and NYSDEC regulations, so as to effectively avoid or mitigate any impacts associated with erosion and runoff associated with the project.
- As a condition of site plan approval, the Board will require that the applicant provide all treatment determined by the Health Department to be necessary to ensure that any public (community) water supplies shown on the marina site plan comply with applicable standards and requirements for public water supplies.

### **TERRESTRIAL ECOLOGY**

#### **Impacts -Terrestrial Ecology**

Potential impacts associated with the currently proposed Mid Hudson Marina project are significantly less than those resulting from the 2006 proposed project. Temporary impacts may occur to vegetation during grading for the construction of the townhouse units; however, most of the site is generally open and sparsely vegetated. The currently proposed project include elimination of the full use boat ramp and truck/trailer parking area as well as a revised layout to provide a landscape buffer along the northern property line, resulting in more green space.

#### *Terrestrial Resource Mitigation Required as a Result of Mid Hudson Marina*

- As a condition of site plan approval, the Planning Board will require the applicant, to limit and restrict, to the greatest extent possible, clearing and construction of roads so as to avoid the breeding season for bird species possibly to be breeding on the project site.

### **AQUATIC ECOLOGY**

#### **Potential Impacts- Aquatic Ecology**

As in previous proposals, the project has been designed so that no increase in sedimentation will occur and there will be no appreciable changes to the bottom type or topography. With the 2006 proposed project, the marina was reduced in size from 263 boat slips to 110 boat slips. The currently proposed project includes a slight total reduction of 104 boat slips. The currently

proposed project also includes elimination of the truck/trailer parking area, which minimizes the amount of motor boat activity from nonmember usage.

#### *Aquatic Ecology Mitigation Required as a Result of Mid Hudson Marina*

- As a condition of site plan approval, requiring that the applicant construct the permanent decking and boardwalk (approximately 79% of the over-water structures)
- for the marina as proposed, so as to ensure that the portions of those structures above the water surface will be sufficiently high (11 ft above mean low water) to maximize incidental solar radiation and reduce darkness for benthic habitats.
- As a condition of site plan approval, the applicant will be required to schedule in- water construction to take place during times scheduled by DEC and other state and federal agencies with jurisdiction over Hudson River waters so as to avoid impacts on fish spawning and early life stages. The applicant will utilize pile-driving and bulkhead installation methods that will reduce sedimentation and noise to the maximum extent practicable per request of the Planning Board as set forth in the 1996/1997 FEIS.

#### **WETLANDS, THREATENED/ENDANGERED SPECIES, SIGNIFICANT HABITAT**

##### **Potential Impacts- Wetlands, Species, Habitats**

Due to the project site frontage on and near the Hudson River, a potential area of concern included impact on coastal wetlands, significant aquatic and terrestrial habitats, and rare or endangered species.

#### *Wetlands, Species, Habitats Mitigation Required as a Result of Mid Hudson Marina*

- In order to ensure that the site plan for the marina minimizes the potential for adverse impact on the wetland cove and the associated waterfowl habitats, the Board will require the implementation of the erosion control and storm water discharge plan incorporated in the site plan and subdivision plan.
- No dredging that would disrupt benthos and cause extensive turbidity;
- Stormwater management and erosion control to reduce runoff effects and improve the existing situation;
- Provision of pump-out facilities for marina residents and other recreational boaters to reduce unauthorized septage releases;
- All work within the marina will be performed from shore and/or construction barges;
- The floating docks will be assembled off site and installed by cranes; the pump-out storage tank will be installed on shore; and construction will be scheduled to comply with any restrictions required under NYSDEC and USACOE permits.

## **SITE PLAN**

### **Potential Impacts- Site Plan**

The currently proposed project will meet the requirements of the Marina Overlay District for the residential buildings and total boat slip counts. During the review of the conceptual plan, the ability to increase the secondary emergency access driveway functionality from 8 feet in width to 20 feet in width was provided. The Site Plan will need to create and maintain a pedestrian corridor along the residential parcel for potential future river walkway creation or expansion(s), as the Town sees appropriate.

#### *Site Plan Mitigation Required as a Result of Mid Hudson Marina*

- With respect to the marina support building and town homes, the applicant will be required to provide an adequate water supply for building sprinklers and hydrants for fire-fighting purposes, which may be a main yard pump with standby power to supply water from the river or a storage tank supplied by the marina well with sufficient fire pumping capability.
- The residential homes will need to maintain an 80 feet minimum separation from the adjacent properties above ground oil tanks.
- The residential homes HOA will be required to maintain the 20 feet wide emergency access lane and proposed pedestrian hard scape features, as approved in the site plan.

## **CULTURAL AND VISUAL RESOURCES**

### **Potential Impacts- Cultural and Visual Resources**

As with the 2006 proposed project, the currently proposed project development results in a contrast from what presently exists on the site, which is a relatively open area with an older building and several small outbuildings.

#### *Cultural and Visual Resources Mitigation Required as a Result of Mid Hudson Marina*

- The change of use from a restaurant with larger parking areas and reduced total number of boat slips will provide mitigation through total reduction of development.

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

John Ewasutyn           Aye

Kenneth Mennerich   Aye

Frank Galli             Aye

Clifford Browne       Aye

Joseph Profaci      Aye

John Ward            Aye

Thomas Fogarty      Aye

The resolution was thereupon duly adopted.

**SEQRA CONSISTENCY DETERMINATION  
TOWN OF NEWBURGH PLANNING BOARD**

**MID-HUDSON MARINA**

Determination: Please take notice that, according to the provisions of 6NYCRR, Part 617.7, the Town of Newburgh Planning Board, as lead agency, having reviewed and considered an environmental assessment form and plans for the proposed uses, has determined that the actions as cited and described below will not have an adverse impact on the environment and the Planning Board has, therefore, adopted a resolution to this effect.

**Lead Agency:** Town of Newburgh Planning Board

**Contact Person:** Mr. John P. Ewasutyn, Chairman  
Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550  
(845) 564-7804

**SEQRA Status:** Type I, Original Findings Statement issued June 5, 1997, SEQRA Comparison Documents submitted to the Town of Newburgh Town Board in May 2006

**Location:** River Road near Oak Street, on Hudson River

**Tax Map Parcel:** 121-2-1.0 and 121-2-2.0

**Action:** 20 Townhouse Units and 24 boat slips with clubhouse (20.38 ac)

## **INTRODUCTION**

The Town of Newburgh Planning Board adopted a Findings Statement pursuant to SEQRA for a project known as Anchorage on the Hudson (AOH) on June 5, 1997. The proposal consisted of the construction of 21 single family residences, a marina with 263 slips/moorings, 217 parking spaces for marina users, a 5,500 SF restaurant, a boat sales building and pedestrian access to the Hudson River along 2,013 linear feet of boardwalk in addition to other various site amenities. The total site acreage was 50.52 acres.

The project was approved as two separate actions. The single family residential subdivision was approved on 32.5 acres and has been filed in the County Clerk's office. The subdivision roads and related infrastructure have been completed and homes are presently under construction. The marina/restaurant portion of the project on 18 acres also received approval on October 18, 2001, but was never constructed. Subsequently, Hillside Homes, Inc., applied and received a building permit for construction of the restaurant and marina.

In 2006, the AOH project was purchased by the previous applicant and that owner pursued an amendment to the Town Zoning Ordinance from the Town Board for the former marina/restaurant portion of the project. The former Applicant proposed an amended project which was called Anchorage at Balmville (AAB). The amended project consisted of 20 townhouse units, a 1,345 SF gatehouse, swimming pool, a 3,000 SF cabana, a river house, and a 110-slip marina. This amended project required approval by the Town Board to apply a Marina Townhouse Overlay district to the project area to allow townhouses as an accessory use to a marina use. The owner also pursued an amendment to the Findings Statement for the original FEIS and a new site plan approval from the Planning Board.

The Town granted this approval in 2006. Based on a SEQR comparison prepared by Clough Harbour Associates, LLP, for this project dated May 2006, the impacts associated with the 2006 AAB project were approximately 50% of those of the originally approved AOH project. Due to the reduction in the number of boat slips, in comparison with the originally approved plan, the 2006 AAB project resulted in a reduction of 1,100 pilings in the river for docks. The docks proposed in 2006 were to be comprised of underwater wave attenuating baffles beneath the docks and walkways anchored by helix screws. The number of boat slips was reduced from 263 to 110 slips for the 2006 AAB project, thereby allowing for a reduction in the linear feet (LF) of dock to be constructed from 9,673 LF to 4,635 LF. The restaurant was eliminated from the project and the number of parking spaces reduced from 208 to 100 for the overall site plan. A right-of-way for a public pedestrian walkway and future connection with the Greenway Riverwalk was included in the 2006 proposed site plan. The boat sales building was replaced by the riverhouse, and the marina parking lot surface was to be constructed of gravel in lieu of impervious asphalt. The boat travel-lift was eliminated.

The currently proposed project, which is now called the Mid-Hudson Marina (MHM), is similar to that proposed in 2006, with 24 boat slips to be constructed in the first phase and final potential boat slip count of 104 slips. This will be a slight reduction from 110 boat slips in 2006, to 104 boat slips. The truck/trailer parking area has been eliminated and the use of the existing boat ramp will be restricted to emergency personnel and the launching of small non-motorized watercraft. The residential component will consist of 20 townhouse units. The layout of the townhouses has been revised to provide a landscaped buffer along the northern property line. The buildings are two stories and a walk out basement, staying in conformance with the Town's 35 foot height limitation.

The gatehouse that was proposed in the 2006 plan has been eliminated from the MHM plan. The pool and pool house will remain part of the site plan. The marina will continue to use a small support building for amenities such as showers, restrooms and lockers for boat slip owners, in addition to an ice machine, sink, refrigerator, and picnic area with outdoor grill. The first phase of the marina will consist of 24 boat slips, with the potential for up to 104 future boat slips, similar to 2006 plan. A pier will also continue to be provided, similar to the 2006 plan.

## SEQRA

In 2006, Clough Harbour & Associates LLP prepared a SEQR comparison of the potential environmental impacts associated with the 2006 AAB project and the original Findings Statement adopted for the AOH project. The 2006 comparison demonstrated that the impacts associated with AOH were expected to be about 50% less than those associated with the original AOH project. The following analysis compares the impacts of the originally approved AOH project, the 2006 proposed AAB project, and the currently proposed Mid-Hudson Marina project.

### 1.0 TRANSPORTATION

#### Original AOH Project

The traffic study prepared for the originally approved AOH project and reviewed by the Town's consulting traffic engineer adequately evaluated the relevant traffic issues and concerns that were originally identified by the Town in the scoping process as well as concerns identified by the public and involved agencies. In particular, the traffic study addressed six specific areas identified during the public participation process:

- Discussion of River Road update/clarification on traffic volume database
- Accident history of the River Road corridor
- Consideration of the Beaux Rivage restaurant traffic
- Consideration of alternate access configuration
- Consideration of existing rail grade crossing
- Proposed mitigation measures

#### Potential Impacts

Potential areas of concern included the impact of additional traffic associated with marina operations and the marina restaurant, especially towed boat trailers, on the roads and intersections serving the adjacent residential area, including River Road, Balmville Road, Balmville Circle, and Upper Oak Street. Other potential impacts identified include the cumulative impact of project traffic and traffic from the recently approved Beaux Rivage restaurant, the adequacy of access to the site for emergency services, the increased potential for accidents due to trailer traffic, areas of existing roadway that require improved marking or pavement conditions, parking for uses on the marina parcel and access to Route 9W, a State highway, from the project.

The traffic study, which considered the cumulative traffic resulting from the nearby Beaux Rivage restaurant, indicated that minor impacts on the traffic levels at the intersections near the site would be expected to occur with the originally approved project. The study also included a review of the accident history along River Road and other roads in the immediate vicinity. The accident

history provides no indication that accidents were associated with specific infrastructure deficiencies, or that increased levels of traffic associated with the project are likely to cause an increase in the number of accidents.

The EIS also considered the impacts of project traffic on the existing and proposed means of access to the project site. Access to the residential subdivision is provided by a town road that was constructed by the applicant from River Road and two cul-de-sacs constructed from the project road to serve the individual lots. The access to the marina parcel was provided by improvement of the existing marina entranceway from Lower Oak Street. An emergency access road for use by emergency services was proposed to be constructed to allow access in emergency situations via the new subdivision road. Access was to be controlled by a locked crash gate.

### Mitigation Measures

A number of mitigation measures were identified in the EIS (Appendix A of the FEIS narrative) that would mitigate potential traffic impacts on the surrounding area resulting from the proposed project. The Board's approval was conditional upon adoption, implementation and construction of those mitigation measures required by the project which measures will be funded by the applicant. The updated traffic study identified a comprehensive listing of recommended traffic mitigation measures that will be employed during the construction and operational phases of the project to minimize or eliminate potential traffic impacts generated by the project.

Provision was made for a gated emergency access connection between the marina site and the roadway serving the residential subdivision for emergency fire protection access. Adequate parking was provided on the marina site plan for the proposed uses and sufficient parking would be implemented in phases coordinated with the phased development plan for the marina to ensure that adequate parking is available in each phase.

Boat trailer and restaurant traffic from the marina was to be directed by signage to use Route 9W via northern River Road and Marlboro Turnpike. In addition, the frequency of boat trailer traffic was reduced as a result of the applicant's agreement to put restrictions in the slip agreements that will limit marina tenants to launch and remove their boats once during the boating season with limited exceptions for purposes of repair or similar activities, and directing all traffic to access the site to and from the north on River Road. Implementation of these mitigation measures would reduce as well as direct boat trailer traffic from the marina and restaurant traffic away from the residential community on River Road between Balmville Circle and Oak Street. In addition, the availability of onsite winter boat storage and limitations on boat launching and removal would further minimize boat trailer traffic on River Road to and from the site.

The updated traffic study also analyzed general traffic conditions along roads and intersections in excess of two miles away from the project site, in light of public concern and comments about traffic. The Town Engineer and the Town Highway Superintendent advised the Planning Board that many of these suggestions have been or will be incorporated into the Town's routine road maintenance programs. While these measures might help resolve some of the transportation-related issues expressed during the public participation process, the Town Engineer, Town



Highway Superintendent and the Planning Board's traffic consultant concluded these items were not needed to mitigate highway impacts generated by the proposed project.

The Planning Board determined that the mitigation measures for the project, which are summarized below and discussed in greater detail in the DEIS and in the traffic related responses throughout the FEIS, would be effective to minimize or avoid traffic impact from the proposed project and will be incorporated as a condition of any site plan or subdivision approval issued by the Planning Board.

The Planning Board noted that certain of the proposed traffic mitigation measures associated with the marina operations involves installation of signage on roads or other work within the right-of-way that will require approval by the Town of Newburgh, Town Board and the New York State Department of Transportation (NYSDOT) prior to their adoption of construction.

As a condition of site plan approval, the Planning Board required that the applicant enter into an acceptable memorandum of understanding with those agencies to coordinate approvals, establish time frames for installation of improvements and allocate responsibilities for installation and costs of the traffic mitigation measures that were identified in the FEIS as required as a result of the implementation of the AOH project.

Traffic mitigation measures required as a condition of approval of the original AOH proposal were as follows:

At the intersection of Route 9W and Cedar Hill Road, traffic signal warrants are projected to be met under the no-build condition and with the proposed project under the future build condition. In order to mitigate the applicant's traffic impact on the Route 9W-Cedar Hill Road intersection, the applicant was required to:

- Monitor the intersection to determine if traffic signal warrants have been met. Such monitoring shall be conducted at the following intervals:
  - Upon opening of the restaurant at the marina.
  - Upon rental of 90% of the slips in Phases I and II of the marina.
  - Upon rental of 90% of all slips in Phases I, II, and III of the marina site.
- Complete a design for a traffic signal installation at the Route 9W - Cedar Hill Road intersection.
- Contribute its pro-rata projected share of the cost of the traffic signal installation by the payment of the sum of \$9,600 which sum shall be in addition to completing the traffic monitoring studies and the traffic signal design as provided for above.

The Planning Board estimated, at that time, that the cost for the monitoring, design and contribution towards the installation of the traffic signal by the applicant would be \$22,000 and constituted a reasonable contribution by the applicant to mitigate the traffic impacts of the proposed project on the Route 9W - Cedar Hill Road intersection.

- "Stop" signs and pavement striping would be installed at the intersection of Oak Street.

- A traffic control sign would be installed directing exiting motorists from Lower River Road to make a right turn north to access Route 9W.
- The section of Lower River Road between the two existing Hess oil storage tanks and the marina entrance would be resurfaced by the applicant.
- The existing railroad crossing would be upgraded by the applicant according to the design criteria approved with Conrail.
- Signing would be installed by the applicant along Route 9W directing traffic to access the Anchorage on Hudson restaurant and marina via Cedar Hill Road (with NYSDOT approval).
- As part of the applicant's lease conditions for marina slips, all boat trailer traffic to and from the site would be directed to utilize Route 9W and Cedar Hill Road to access the facility.
- At the intersection of the residential access road with River Road, the existing vegetation would be cleared, and grading completed and slopes stabilized by the applicant to provide adequate site distance for traffic entering and exiting the residential portion of the site.
- An emergency access connection with a locked crash gate would be provided by the applicant between the residential and restaurant/marina portions of the project. Pavement markings and signage will prohibit parking in the vicinity of the access to the commercial portion of the project. Maintenance of this access point would be provided by the marina owner.
- On Oak Street (east leg) a drainage swale would be defined along the edge of the pavement and centerline striping will be installed. Pavement repair including resurfacing of Oak Street at its intersection with River Road with a high friction asphalt surface would be completed by the applicant. Some additional widening of lower Oak Street would also be undertaken where possible by the applicant.

## **2006 AAB Project**

### Potential Impacts

A Traffic Impact Study was completed by Clough Harbour & Associates, dated April 16, 2006, which evaluated the impacts of the 2006 proposed development on the surrounding road network and also compares the proposed development to the originally proposed restaurant/marina development. The 2006 concept was expected to generate approximately 50% less traffic than the originally approved site plan.

### Mitigation Measures

The 2006 development concept was not expected to have a significant impact on the operations of the adjacent roadway system. At the intersection of US Route 9W and Cedar Hill Road, the

existing and projected operations of the intersection were evaluated and a traffic signal was not recommended as a result of the 2006 Anchorage at Balmville project.

The following improvements were recommended:

- River Road, Oak Street & Lower River Road Intersection-Install "Stop" signs and pavement markings.
- Lower River Road- Provide pavement repair, resurfacing, drainage improvements, minor widening and pavement markings between River Road and the site.
- Railroad crossing- If any alterations are proposed, the existing at-grade rail crossing will require improvements as determined by CSX and as per the New York State Manual of Uniform Traffic Control Devices.
- Emergency access gate – installation of the emergency access connection is recommended.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

The currently proposed project includes a slight reduction in the number of slips from 110 to 104. The truck/trailer parking area has been eliminated and the use of the existing boat ramp will be restricted to emergency personnel and the launching of small non-motorized watercraft, resulting in further reduction in traffic and the elimination of impacts related to truck/boat trailer traffic. Chazen has reviewed the current project and the Traffic Impact Study by Clough Harbour & Associates dated April 16, 2006, and concludes that the proposed project changes will result in a reduction in traffic generated by the site.

#### Mitigation Measures

The currently proposed project is expected to result in fewer impacts than the 2006 AAB project due to the slight reduction in the number of boat slips, the elimination of the truck/trailer parking area and the restrictions on the use of the existing boat ramp. All mitigation measures required for the original approval that are applicable to the currently proposed project will be utilized.

#### **Conclusion**

With regard to traffic, it was anticipated that the 2006 proposed AAB project would result in fewer impacts than those resulting from the originally approved AOH due to the elimination of the restaurant and a reduction in the number of boat slips. The amount of traffic was expected to be reduced by approximately 50%. The currently proposed project is expected to reduce the impacts further due to the restrictions on the use of the existing boat ramp and the elimination of the truck/boat trailer traffic. Use of the boat slips will be restricted to residents of the townhomes.

## **NOISE**

### **Original AOH Project**

#### Potential Impacts

Concern was expressed about the impact of noise levels associated with the operation of the marina on adjoining residences, particularly power boat traffic and amplified sound associated with parties and events during evening hours. Another area of concern was the level of noise that could be generated during project construction activities, particularly pile driving activities associated with the proposed marina expansion.

The EIS incorporated a noise impact analysis conducted by John Collins Engineer (Appendix G of the DEIS). That analysis evaluated the existing noise levels and those expected during and after construction of the originally approved AOH project.

The study identified the potential for temporary impacts associated with increased noise levels during certain periods of heavy construction, primarily as the result of pile driving activities associated with the expansion of the dock areas at the marina. However, the study noted that the construction activities will occur at significant distance from the adjoining residential properties (the nearest residence is approximately 1,200 feet from the marina area) and temporary construction impacts would be reduced due to the attenuation of distance and intervening mutual vegetated buffers.

The study also noted that a significant factor affecting noise levels in the site area is noise associated with trains using the Conrail line which cause recurrent peak noise levels approximately 20dB, higher than typical ambient levels. The transient peaks from train traffic last 5 minutes and occur 20 times per day. The frequency and level of these existing peak events will attenuate the saliency of noise impacts associated with marina activities. The noise study concluded that noise levels will be similar in both the build and no-build conditions and within recommended guidelines for residential areas.

In response to comments made during the public hearing on the DEIS with respect to potential noise impacts from increasing existing marina operations on adjacent residences, the applicant agreed to incorporate the following restrictions on outdoor noise sources at the marina to minimize any potential impact on residences: no diners will be seated outdoors after 10:00 pm, excluding public address systems from any part of the marina site, forbidding outdoor music at the marina, restrictions on certain boat operations and forbidding launching and mooring of jet skis. The relocation of the restaurant towards the northern part of the marina site increased separation distances from the majority of existing residences abutting the property and further reduced related potential noise impacts for the same.

### Mitigation Measures

Subject to incorporation of the following mitigation measures, which the Planning Board will require as a condition of site plan approval, the Planning Board finds and determines that the proposed site plan meets the requirements of the Town of Newburgh Town Code with respect to noise levels:

- The applicant agreed, and the Board required, that no public address system, amplified music or outdoor concerts be allowed in the marina site plan portion of the project (marina and restaurant).
- The Board required the applicant provide appropriate assurance that on-site management and security staff responsible for marina and restaurant operations will enforce compliance.
- The Board required that the applicant utilize a slip lease agreement that incorporates the mitigation measures identified. The basic boat slip lease agreement was included in the FEIS as Appendix D. That agreement contains language regarding operational practices to eliminate or reduce noise generated by marina users and operations, such as minimized engine idling, enforcing speed limits on boats as they transit marina facilities, prohibition on playing of radios/stereos and parties on-board moored boats, that will be enforced by the on-site marina management and security staff.
- The Board required that the applicant prohibit jet skis and similar personal watercraft from being rented, serviced, moored or launched at the Anchorage on the Hudson marina in accordance with and as proposed by the applicant in the FEIS.
- As a condition of site plan approval, the Planning Board limited construction activities to daylight hours between 7:00 am and 5:30 pm Monday through Saturday for the marina project and daylight hours between 7:00 am and 7:00 pm Monday through Saturday for the subdivision project.
- The Planning Board determined that more than half of the site will remain wooded to help reduce any noise prior to reaching adjoining residential areas.

### **2006 AAB Project**

#### Potential Impacts

The potential impacts related to noise for the 2006 AAB project are expected to be primarily short term impacts related to the construction of the townhouses and related structures. Additionally, noise related to activities at the marina could occur during seasonal operations between Memorial Day and Labor Day.

#### Mitigation Measures

With the 2006 AAB project, the marina docks were to be floating docks tethered to helix screws embedded in the river bottom. The floating docks were to be removed and stored on-site during winter months. The boardwalk and boat slips were to be anchored into place and removed

seasonally, with a minimum number of pilings installed. The existing concrete boat ramp was to remain for the launching of small boats; however, no travel lift for the placement of large boats in and out of the river was proposed. The site amenities were to be for the use of the residents and boat slip lessees only, not accessible to the general public.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

The potential impacts related to noise for the currently proposed project are expected to be primarily short term impacts related to the construction of the townhouses and related structures. Although noise related to activities at the marina could occur during seasonal operations between Memorial Day and Labor Day, with the further reduction in the number of boat slips and the restrictions on the use of the boat ramp and elimination of the truck/trailer parking area, impacts associated with noise from the marina are expected to be insignificant.

#### Mitigation Measures

The currently proposed project includes the restriction of the use of the existing boat ramp to emergency personnel and the launching of small non-motorized watercraft and the elimination of the truck/trailer parking area, which will greatly reduce potential noise generated by the marina. The number of slips at full buildout of the marina has been slightly reduced to 104 slips; therefore, noise resulting from power boats will be reduced. Any mitigation measures approved for the original AOH project and the 2006 AAB project that are still applicable for the currently proposed project will be implemented.

#### **Conclusion**

With regard to noise, it was determined that the 2006 AAB project would have less impacts than those of the originally approved AOH due to the elimination of the restaurant and a reduction in the number of boat slips. The current proposal further reduces noise impacts due to a further reduction in the number of boat slips from 110 to 104 slips, the restricted use of the existing boat ramp and the elimination of the truck/trailer parking area, which will greatly reduce noise generated by the marina to that of an insignificant level. Any mitigation measures approved for the originally approved AOH project that are still applicable will be utilized for the current project.

### **GEOLOGY AND TOPOGRAPHY**

#### **Original AOH Project**

#### Potential Impacts

Concern was expressed as to the suitability of portions of the site for development, due to steep grades, the potential for erosion, and the impact of construction on the site's natural vegetation.

### Mitigation Measures

The Planning Board required the following mitigation measures:

- The subdivision was to be sequenced with respect to the grading plan so that side slopes for lots adjoining the road would be graded and stabilized at the same time as the road; additional grading on residential lots would not take place until individual building lot plans were known.
- The Board required that the subdivision plan and site plan incorporate the proposed alignment of the roadways. The proposed roadways were revised and designed by the applicant to follow the natural topography reducing the required earthwork involved in the project to the greatest extent possible and in compliance with the town road requirements.
- The applicant agreed that the lot plans for residences would be designed with appropriate consideration for the grade change within the building envelope, i.e. split level home design will be encouraged to limit the earthwork involved, dependent on lot topography, so as to minimize soil disturbance and grading within the building envelope to the maximum extent practicable.
- The applicant was to provide stepped landscape walls, similar to a keystone wall, in those instances where it is necessary to make grade changes between the level areas that surround the proposed residences and the natural topography.
- Compliance with all conditions of approval, including subdivision plan notes, covenants and restrictions, and mitigation measures, was required as a condition of issuance of building permits and certificates of occupancy for residences on the subdivision lots.

### **2006 AAB Project**

#### Potential Impacts

The 2006 AAB project is generally located on the flattest portion of the original AOH site at the base of the residential subdivision where the steepest slopes exist. Impacts from slope failure at the adjacent subdivision could be a potential concern. One townhouse unit is proposed to be constructed along the northern property line near the Hess tanks, which will require significant grading to accommodate the steep slopes in this area.

#### Mitigation Measures

The 2006 AAB project development was designed to follow the natural topography to the greatest extent practicable. As proposed for the 2006 AAB project, the applicant will provide stepped landscape walls as necessary and consistent with mitigation measure D above. A grading plan will be submitted for review and approval by the Planning Board during the site plan review process.

## **Currently Proposed Mid-Hudson Marina Project**

### Potential Impacts

The currently proposed Mid-Hudson Marina project development is located in the same area of the site as the 2006 AAB project, and was also designed to follow the natural topography to the greatest extent practicable. The layout has been revised to provide a 40 foot landscaped buffer along the northern portion of the site, resulting in a greater setback from the property line. Impacts from slope failure at the adjacent subdivision could be a potential concern as with the 2006 plan.

### Mitigation Measures

The currently proposed Mid-Hudson Marina project development is designed to follow the natural topography to the greatest extent practicable. As proposed for the 2006 AAB project, the applicant will provide stepped landscape walls as necessary and consistent with any applicable mitigation measures listed above. A grading plan will be submitted for review and approval by the Planning Board during the site plan review process.

### **Conclusion**

With regard to geology and topography, it is anticipated that, similar to the 2006 AAB project, the currently proposed Mid-Hudson Marina project will result in less impacts than those of the originally approved AOH since development is generally located on the flattest portion of the overall site adjacent to the river. Slopes along the northern property line will be mitigated through the construction of retaining walls. Impacts resulting from the currently proposed project are expected to be less than with the 2006 project since a 40 foot landscaped buffer is now provided along the northern property line, north of the proposed townhomes.

## **SOILS**

### **Original AOH Project**

#### Potential Impacts

Concern was expressed about the potential impact of development on steep grades characterizing a portion of the site, and the potential for erosion and sedimentation problems to occur. All necessary grading of roadways and necessary grading of side slopes on the adjoining lots were shown on the detailed grading plans, and any grading necessary for approval of septic facilities on the individual lots was to be done by the applicant as part of the initial grading work, ensuring coordinated grading of the subdivision and effective implementation of the erosion and sedimentation control plan measures identified in the EIS.

The applicant will coordinate cuts and fills to avoid or minimize the need to remove materials from the site. Further mitigation is provided by the applicant's proposed sequencing plan, which will



defer construction of the majority of lots that require waiver of the slope grading requirement until Phase II, although erosion control measures will be installed in Phase I.

### Mitigation Measures

The Planning Board determined that the impact on soils would be minimized or avoided to the maximum extent practicable by the following mitigation measures:

- A detailed erosion and sedimentation control plan developed by the applicant to minimize any stormwater related impacts of the project on the Hudson River was incorporated into the subdivision plan and the site plan.
- Compliance with that plan, which includes the installation and maintenance of a stormwater extended detention basin, catch basins, and riprap protection for discharge outlets, was to be required during both the construction and the operational phases of the project.
- The Board required the construction phasing plan proposed by the applicant in connection with the residential portion of the project to be implemented so as to minimize the amount of clearing and grading in progress at any given time. Phased implementation would also enhance the effective operation of the erosion and sedimentation control features.
- The extended detention pond was designed to provide for the treatment of the "first flush" to provide water quality benefits. The first flush is discharged over a 24 hour period.

### **2006 AAB Project**

#### Potential Impacts

Potential impacts related to soils are not generally an issue for the 2006 AAB project given the general flatness of this portion of the site. The one area of concern could be the northern portion of the site near the Hess tanks where existing steep slopes would be regraded to accommodate one of the townhouse units.

#### Mitigation Measures

Since original AOH project was approved, the regulations regarding erosion and sedimentation control in New York State have become more stringent. Any development which disturbs more than one acre would require compliance with the State Pollution Discharge Elimination System (SPDES) General Permit Program effective at that time and the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society. The 2006 site plan for AAB was be designed in accordance with these standards which will provide greater mitigation than was previously proposed for the originally approved AOH.

## **Currently Proposed Mid-Hudson Marina Project**

### Potential Impacts

Potential impacts related to soils are not generally an issue for the currently proposed project given the general flatness of this portion of the site, and the redesigned layout that provides a 40 foot landscaped buffer along the northern property line.

### Mitigation Measures

Since original AOH project was approved, the regulations regarding erosion and sedimentation control in New York State have become more stringent. Any development which disturbs more than one acre would require compliance with the State Pollution Discharge Elimination System (SPDES) General Permit Program (Permit No. GP-0-10-001, effective January 29, 2011) and the "New York Standards and Specifications for Erosion and Sediment Control" published by the Empire State Chapter of the Soil and Water Conservation Society. The currently proposed site plan for the Mid-Hudson Marina will be designed in accordance with these standards which will provide greater mitigation than was previously proposed for the originally approved AOH and the 2006 proposed project.

### **Conclusion**

With regard to soils, it is anticipated that both the 2006 AAB project and the currently proposed Mid-Hudson Marina project would have less impacts than those of the originally approved AOH project due to new regulations established by New York State for erosion and sedimentation control.

## **WATER RESOURCES**

### **Original AOH Project**

#### Potential Impacts

Individual wells will be developed in order to utilize groundwater resources on the site as sources for water supply to the residences, restaurant and marina. The water resources on-site appear to be adequate as to quantity and quality based on the on-site well test performed by the applicant.

Surface water quality may be affected by runoff from the site and temporary alterations in quality associated with construction or marina operations. Other potential impacts identified in the EIS were associated with the provision of fueling facilities and sewage discharges from boats, but these have been completely mitigated as described below.

The applicant conducted percolation tests and prepared adequate plans for septic treatment of sewage generated by the proposed residences and marina in conformance with Department of Health standards. Prior to final subdivision approval, the Department of Health reviewed and approved specific design criteria for individual septic systems, ensuring that there will be adequate

treatment by each system and that there would not be any significant harmful impact on groundwater resources. The applicant must comply with all Department of Health standards for potable water supplies.

### Mitigation Measures

The Planning Board determined that the impact on water resources would be minimized or avoided to the maximum extent practicable by the following mitigation measures:

- The proposed project would be served by individual wells and septic systems. The project thus will not place any demand on municipal water and sewage systems.
- As a condition of site plan approval, the Planning Board required that the applicant provide the proposed sanitary pump-out facility for the use of marina renters and other recreational boaters, and that the operator of the marina would incorporate a condition in all slip rental agreements that requires tenants of the marina to use the pump out facility for disposal of sanitary waste.
- As a condition of site plan approval, the Planning Board required that the marina boat repair facility conduct all boat repairs on impervious surfaces connected to a sump, that the sump be periodically pumped out and disposed of by a licensed hauler, and that all slip rental agreements include a condition prohibiting pollution of waters by on board repairs, painting and any other on board activities of the lessee. The staff of the marina would be responsible for enforcing these conditions. No refueling services would be permitted on the site and are not incorporated in the plans or permitted by the Planning Board.
- As a condition of subdivision and site plan approval, the Planning Board required that the applicant implement the proposed stormwater management program in accordance with Town of Newburgh and NYSDEC regulations, so as to effectively avoid or mitigate any impacts associated with erosion and runoff associated with the project. A stormwater management basin was to be installed and maintained during both the construction and operational phases of the project as incorporated into the project plans.
- As a condition of site plan approval, the Planning Board required that the applicant provide all treatment determined by the Health Department to be necessary to ensure that any public water supplies shown on the marina site plan comply with applicable standards and requirements for public water supplies.

### **2006 AAB Project**

#### Potential Impacts

The original EIS proposed to serve the restaurant (3,920 gpd), marina ancillary buildings (1,825 gpd), and marina hose bibs (9,468 gpd) (average 36 gpd x 263 boat slips) with an existing well located at the marina site which produced 40 gpm. The total projected usage was 15,213 gpd. This well was tested in August 1990 and the findings stated that the water sample tested positive for

the presence of total coliform bacteria but tested negative for fecal coliform bacteria. The results were discussed with the Orange County Department of Health (OCDOH) and it was determined that the owner would install and maintain a disinfection system (softener and chlorinator) for the restaurant/marina portion of the project. The final approved site plans for the original AOH project contained a water treatment building with storage tank, booster pumps, sodium hypochlorite solution tank and brine tank to address these concerns.

The intent for the 2006 AAB project was to redevelop the previously tested well, if possible. Otherwise new wells will be developed and tested to utilize groundwater resources on the site as sources for water supply to the townhouses and other amenities. The water supply system must be approved by OCDOH during site plan approval. The amount of water usage associated with the 2006 project, including a 20% reduction for water saving fixtures, was as follows: 14 two bedroom units and 1 two bedroom gatehouse- 3,600 gpd; 6 three bedroom units- 1,920 gpd; cabana- 1,280 gpd; river house-2,200 gpd; folly- 320 gpd; and 110 boat slips at 36 gpd (less 20%) - 3,168 gpd, for a total water usage of 12,488 gpd.

#### Mitigation Measures

It was anticipated that the originally designed storage tank system or similar design would be used for this project since the amount of water usage proposed is less than with the originally approved AOH. The applicant would comply with all Department of Health standards for potable water supplies. Establishment of a transportation corporation may be required to supply water to the townhouse owners as well as the other AAB users.

Prior to site plan approval, the Department of Health will review and approve specific design criteria for the septic system to ensure there will be adequate treatment and no significant impact on groundwater resources.

The applicant would comply with the mitigation measures above that are still applicable, except that a boat repair facility was no longer proposed. The stormwater management basin described above has been completed as part of the subdivision. The new site plan stormwater management design will be completed in accordance with the NYS Stormwater Management Design Manual and the SPDES (State Pollutant Discharge Elimination System) General Permit for Stormwater Discharges from Construction Activities in effect at that time. The report will assess the drainage conditions on site and in the surrounding areas in both the pre- and post-construction states. Measures taken during all phases of construction would be documented in a Stormwater Pollution Prevention Plan (SWPPP).

#### **Currently Proposed Mid-Hudson Marina Project**

##### Potential Impacts

Potential impacts resulting from the currently proposed project are expected to be similar to those anticipated for the 2006 proposed AAB project, since the number of residential townhouse units

did not change, and the number of boat slips was reduced just slightly from 110 to 104 at full buildout.

### Mitigation Measures

As with the 2006 AAB project, the applicant will comply with the mitigation measures above that are still applicable. The new site plan stormwater management design will be completed in accordance with the NYS Stormwater Management Design Manual and the SPDES (State Pollutant Discharge Elimination System) General Permit for Stormwater Discharges from Construction Activities GP-0-10-001. The report will assess the drainage conditions on site and in the surrounding areas in both the pre- and post-construction states. Measures taken during all phases of construction will be documented in a Stormwater Pollution Prevention Plan (SWPPP).

### **Conclusion**

With regard to water resources, it is anticipated that both the 2006 AAB project and currently proposed Mid-Hudson Marina project would have similar impacts as those contemplated during the review of the originally approved AOH with regard to water supply, septic system design and stormwater management. The amount of water and sanitary waste generated will be less than the originally proposed uses and the stormwater management area must conform to new design standards currently in effect since the original site plan was approved.

## **TERRESTRIAL ECOLOGY**

### **Original AOH Project**

#### Potential Impacts

The EIS describes temporary impacts to vegetation that may result from construction activities, and a permanent loss of some vegetation as the result of grading and clearing of roadways and house locations.

#### Mitigation

The Planning Board determined that the impact on terrestrial ecology will be minimized or avoided to the greatest extent practicable by the following mitigation measures:

- The Planning Board required that the applicant impose restrictions proposed in the EIS as notes on the subdivision in order to minimize the extent and location of clearing on the residential lots and maintain existing vegetative buffers.
- As a condition of subdivision and site plan approval and in consideration of the slope waivers, the Planning Board required that open space areas on the residential portion of the property be landscaped with indigenous vegetation species appropriate to both the soils and the bioclimatic and groundwater conditions of the site.

- As a condition of site plan approval, the Planning Board required the applicant to limit and restrict, to the greatest extent possible, clearing and construction of roads so as to avoid the breeding season for bird species likely to be breeding on the project site.

## **2006 AAB Project**

### Potential Impacts

Temporary impacts may occur to vegetation during grading for the construction of the townhouse units; however, most of the site is generally open and sparsely vegetated.

### Mitigation Measures

The development area for the 2006 AAB project is generally open and void of substantive vegetation except along the northern property line. The applicant will, to the greatest extent practicable, retain existing vegetative buffers and limit clearing and grading to avoid breeding season for bird species likely to be breeding on the project site. Additionally, a landscaping plan will be prepared for the townhouse site plan which utilizes landscape materials indigenous to the area to support native birds and wildlife. A planted buffer will be installed consisting of native evergreen and deciduous trees and shrubs along the north and east property line. The developer is also investigating establishing buffer easements on adjacent properties to the north of the site which would be planted and remain undisturbed by establishing a permanent buffer easement.

## **Currently Proposed Mid-Hudson Marina Project**

### Potential Impacts

Potential impacts associated with the currently proposed Mid-Hudson Marina project are expected to be less than those resulting from the 2006 proposed AAB project. Temporary impacts may occur to vegetation during grading for the construction of the townhouse units; however, most of the site is generally open and sparsely vegetated. The currently proposed project includes the restriction of the use of the existing boat ramp to emergency personnel and the launching of small non-motorized watercraft, and the elimination of the truck/trailer parking area, as well as a revised layout to provide a 40 foot landscape buffer along the northern property line, resulting in more green space.

### Mitigation Measures

The development area for the currently proposed Mid-Hudson Marina project is the same as that of the 2006 proposed project, and is generally open and void of substantive vegetation except along the northern property line. As with the 2006 AAB project, the applicant will, to the greatest extent practicable, retain existing vegetative buffers and limit clearing and grading to avoid breeding season for bird species that may breed on the project site. The layout for the townhomes has been revised to provide a 40 foot buffer along the northern property line. A landscaping plan will be prepared for the townhouse site plan which utilizes landscape materials indigenous to the area to support native birds and wildlife. A planted buffer will be installed

consisting of native evergreen and deciduous trees and shrubs along the north and east property line. The developer is also investigating establishing buffer easements on adjacent properties to the north of the site which would be planted and remain undisturbed by establishing a permanent buffer easement. The layout of the currently proposed project includes elimination of the truck/trailer parking area, in addition to the 40 foot landscaped buffer along the northern property line, resulting in a significant reduction in proposed impervious surface and increased amount of green space.

### **Conclusion**

With regard to terrestrial ecology, it was anticipated that the 2006 AAB project would have less impact than those associated with the originally approved AOH since this portion of the site is mostly sparsely vegetated, and at project completion, the site will be landscaped with indigenous plant materials. The currently proposed Mid-Hudson Marina project contains significantly less impervious surface than the 2006 project, and a 40 foot buffer is now proposed along the northern property line. Thus, impacts associated with the currently proposed project will be significantly less than those associated with the 2006 AAB project.

## **AQUATIC ECOLOGY**

### **Original AOH Project**

#### Potential Impacts

The DEIS discussed the aquatic ecology of the river in the vicinity of the marina, analyzing both expected effects that would result from near field changes at the project site as well as far-field cumulative effects associated with other marinas in the Hudson River. The document analyzed near-field effects both during construction of the marina, as well as long term during proposed site operation, in order to consider effects that might not take place except over many years. This includes the effects of physical construction disturbance due to pile driving, as well as loss of benthic habitat and creation of encrusting habitat on the piles, and the biological effects of the altered current regime, any changes to sedimentation patterns, and effects of platform shading on aquatic life. There will be a small but permanent loss of existing benthic habitat due to the placement of piles, but the amount of encrusting habitat will increase, which may result in a net increase in organic production and food organisms for fish and waterfowl compared to existing conditions, as well as increasing attached algae production to offset the effects of shading on phytoplankton.

The project was designed so that no increase in sedimentation would occur, so that no appreciable changes to the bottom type or topography were predicted to occur. Also, no changes in the current patterns that would be harmful to the fish species collected in the near-shore areas is expected to occur. The marina was designed to minimize the amount of permanent decking and boardwalk over the river, and was designed to ensure that the structures that must be located over the water will be constructed in a manner that maximizes incident solar radiation and

reduces darkness for benthic habitats. The project was modified to move the restaurant from a location over the river to an inland area.

Marina operations were to be conducted in a manner that ensures potential sources of pollution from boats or marina repair and maintenance operations are strictly controlled, as set forth in this findings statement. Marina plans will contain no refueling provisions and a pump-out facility will be provided and addressed in lease provisions, so as to reduce the possibility of unauthorized seepage releases.

### Mitigation Measures

The Planning Board determined that the impact on aquatic ecology would be minimized or avoided to the greatest extent practicable by the following mitigation measures:

- As a condition of site plan approval, the applicant was required to construct the permanent decking and boardwalk (approximately 79% of the over water structures) for the marina so as to ensure that the portions of those structures above the water surface will be sufficiently high (11 feet above mean low water) to maximize incidental solar radiation and reduce darkness for benthic habitats.
- As a condition of site plan approval, the applicant was required to schedule in-water construction to take place during times scheduled by DEC and other state and federal agencies with jurisdiction over Hudson River waters so as to avoid impacts on fish spawning and early life stages. The applicant was to utilize pile driving and bulkhead installation methods that will reduce sedimentation and noise to the maximum extent practicable per request of the Planning Board as set forth in the FEIS.

## **2006 AAB Project**

### Potential Impacts

The project has been designed so that no increase in sedimentation will occur and there will be no appreciable changes to the bottom type or topography. With the 2006 AAB proposed project, the marina was reduced in size from 263 boat slips to 110 boat slips.

### Mitigation Measures

As identified in the original DEIS, the marina operations will be conducted in a manner which ensures that potential sources of pollution from boats are strictly controlled. Marina plans will contain no refueling provisions and a pump-out facility will be provided and addressed in lease provisions to reduce the possibility of unauthorized seepage releases. With the 2006 AAB project, the linear footage of dock area was been reduced by more than 50% from the original proposal, which reduced the impacts from darkness for the benthic habitats and maximize the incidental solar radiation. The dock system was to be constructed of helix screw anchors embedded in the river bottom and tethered to the floating docks, in lieu of timber pilings as originally approved. As with the previous proposal, the applicant will schedule in-water construction to take place in accordance with NYS DEC and other state and federal agencies with jurisdiction over Hudson River



waters so as to avoid impacts on fish spawning and early life stages. Floating docks will be removed in the winter.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

As in previous proposals, the project has been designed so that no increase in sedimentation will occur and there will be no appreciable changes to the bottom type or topography. With the 2006 AAB proposed project, the marina was reduced in size from 263 boat slips to 110 boat slips. The currently proposed Mid-Hudson Marina project includes a further reduction in the number of boat slips from 110 to 104 at full buildout, with 24 slips in the first phase. The currently proposed project also includes restrictions on the use of the existing boat ramp for emergency personnel and the launching of small non-motorized watercraft, and elimination of the truck/trailer parking area, which reduces the amount of motor boat activity at the marina.

#### Mitigation Measures

As with the previous proposals, marina operations will be conducted in a manner which ensures that potential sources of pollution from boats are strictly controlled. Marina plans will contain no refueling provisions and a pump-out facility will be provided and addressed in lease provisions to reduce the possibility of unauthorized seepage releases. The currently proposed project is expected to result in reduced impacts than the 2006 project, since the use of the existing boat ramp will be restricted and the truck/trailer parking has been eliminated from the project, which reduces potential motor boat activity in the area of the marina. As with the previous proposals, the applicant will schedule in-water construction to take place in accordance with NYSDEC and other state and federal agencies with jurisdiction over Hudson River waters so as to avoid impacts on fish spawning and early life stages. The floating docks will be removed in the winter.

### **Conclusion**

With regard to aquatic ecology, it is anticipated that the currently proposed Mid-Hudson Marina project will have less impacts on aquatic ecology than the previously proposed projects since the number of boat slips slightly reduced from 110 to 104 at full buildout. The restrictions on the use of the existing boat ramp and the elimination of the truck/trailer parking will limit the potential motor boat traffic to residents of the townhomes.

## **WETLANDS, THREATENED/ENDANGERED SPECIES, SIGNIFICANT HABITAT**

### **Original AOH Project**

#### Potential Impacts

Due to the project site frontage on and near the Hudson River, a potential area of concern included impact on coastal wetlands, significant aquatic and terrestrial habitats, and rare or endangered species. The DEIS identified a portion of the cove along the shoreline as a coastal

wetland not subject to DEC jurisdiction. Portions of two housing lots border the cove and discharge of stormwater would occur. Construction activities on the residential lots potentially could affect the wetland area and associated habitats for waterfowl.

No indication of any rare or endangered plant or animal species was found on the site itself, either on any terrestrial or wetland portion of the site, nor in the area proposed for marina construction. The DEIS notes that the shortnosed sturgeon, which is a state and federally listed endangered species, uses the deeper channel areas of the river, including Newburgh Bay, although it is reported to be more common upriver, and its spawning areas are located upriver. The bald eagle uses the Hudson River as a wintering area, but the bulk of eagle activity occurs south of the Anchorage Marina site in Cornwall Bay and Lana Island, with activity peaking in January and February. Osprey, a threatened species, is a seasonal migrant along the river.

The DEIS demonstrated that no significant habitats were identified on the site. With respect to potential impacts on the endangered short-nosed sturgeon, the section on aquatic ecology demonstrates that the project would not be expected to result in any harmful impacts. The marina portion of the project would not be operating in winter during peak bald eagle use of the river.

#### Mitigation Measures

The Planning Board determined that the impacts on wetlands and habitats would be minimized or avoided to the greatest extent practicable by the following mitigation measures:

- In order to ensure that the site plan for the marina minimizes the potential for adverse impacts on the wetland cove and the associated water fowl habitats, the Board required the implementation of the erosion control and stormwater discharge plan incorporated in the site plan and subdivision plan.
- Impacts on aquatic and terrestrial habitats will also be avoided by the mitigation measures discussed in the respective ecological sections of the DEIS.

#### **2006 AAB Project**

##### Potential Impacts

As identified in the original DEIS, the project site fronts on and near the Hudson River, a potential area of concern which includes potential impact on coastal wetlands, significant aquatic and terrestrial habitats, and rare or endangered species.

##### Mitigation Measures

A field investigation was conducted by Clough Harbor & Associates, LLP, on April 6, 2006, to determine the presence of federal wetlands on the site in accordance with procedures provided in the US Army Corps of Engineers (USACOE) Wetlands Delineation Manual (1987). It was determined that there are no federal wetlands on the site. Clough Harbor & Associates also requested information from the NYSDEC Natural Heritage Program and the US Fish and Wildlife Service regarding the presence of any threatened or endangered plant or animal species on or

adjacent to the site. Correspondence from NYSDEC dated May 5, 2006, indicated that the Hudson River is a known habitat for the short nose sturgeon, a state and federal endangered species.

Consistent with the original findings statement, the applicant agreed to prepare and implement an erosion and sedimentation control plan and stormwater discharge plan for the new site plan. Also, in accordance with the original DEIS, impacts to aquatic and terrestrial habitats will be avoided by the following previously approved mitigation measures:

- No dredging that would disrupt benthos and cause extensive turbidity;
- Stormwater management and erosion control to reduce runoff effects and improve the existing situation;
- Provision of pump-out facilities for marina residents and other recreational boaters to reduce unauthorized septage releases;
- All work within the marina will be performed from shore and/or construction barges;
- The floating docks will be assembled off site and installed by cranes; the pump-out storage tank will be installed on shore; and construction will be scheduled to comply with any restrictions required under NYSDEC and USACOE permits.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

As identified in the original DEIS, the project site fronts on and near the Hudson River, a potential area of concern which includes potential impact on coastal wetlands, significant aquatic and terrestrial habitats, and rare or endangered species.

#### Mitigation Measures

As with the 2006 AAB project and consistent with the original findings statement, the applicant will prepare and implement an erosion and sedimentation control plan and stormwater discharge plan for the new site plan. Also as with the 2006 AAB project and in accordance with the original DEIS, impacts to aquatic and terrestrial habitats will be avoided by the following previously approved mitigation measures:

- No dredging that would disrupt benthos and cause extensive turbidity;
- Stormwater management and erosion control to reduce runoff effects and improve the existing situation;
- Provision of pump-out facilities for marina residents and other recreational boaters to reduce unauthorized septage releases;
- All work within the marina will be performed from shore and/or construction barges;
- The floating docks will be assembled off site and installed by cranes; the pump-out storage tank will be installed on shore; and construction will be scheduled to comply with any restrictions required under NYSDEC and USACOE permits.

## **Conclusion**

With regard to wetlands, threatened/endangered species and significant habitats it is anticipated that the 2006 AAB project would have less impact than those contemplated during the review of the originally approved AOH since the length of dock and boardwalk is reduced by approximately 50% from what was originally proposed, and there are no federal wetlands or threatened or endangered species on the site. Impacts resulting from the currently proposed project are expected to be considerably less than the 2006 AAB project, since the number of boat slips has been slightly reduced from 110 to 104, the use of the existing boat ramp will be restricted to emergency personnel and the launching of small non-motorized watercraft, and the truck/trailer parking has been eliminated.

## **SITE PLAN**

### **Original AOH Project**

#### Potential Impacts

The appropriateness of including a restaurant as part of the marina site plan was identified as a concern during scoping due to the residential zoning of the property and the potential impact on the character of the community. The applicant was also asked to address the feasibility of water dependent uses as an alternative use to the proposed action, and to consider alternative sized restaurant uses. Public access to the river was identified as a potential mitigation measure to be considered.

The proposed project was to comply with the requirements of the Town's Zoning Law and Subdivision Regulations. Following initial discussions with the Town in 1992, the applicant revised the proposed project to reduce its scope and modified other significant aspects of the project, such as the number of lots and location of the restaurant, to further minimize or avoid impacts.

The applicant then prepared and submitted the revised DEIS and FEIS and revised preliminary subdivision and site plan maps that form the basis for the findings statement. In order to comply with the requirements of SEQRA, various alternative land use configurations and uses were considered in the EIS, and those alternatives, as well as the proposed project plan were reviewed by the Planning Board and its consultants.

The AOH project elements complied with the Town of Newburgh zoning code in all respects. The requested waivers of subdivision regulations in lot grading standards for those specific lots previously enumerated and the maximum cul de sac length requirements for roadway "B" were specifically considered by the Planning Board. The Board determined these waivers to be consistent with the objectives of the respective sections of the Town code and to be further warranted in so far as these measures achieved the objective of reducing the visual impacts of the project, allowing appropriate development of those portions of the site best suited for development, and ensuring that the approved project will avoid or minimize the impacts of development on soil and erosion concerns identified and discussed in the EIS.

With respect to the project's conformance with the Town's zoning law, the zoning law specifically allowed marinas within the R-1 District as a use subject to site plan review. Concerns about the restaurant becoming an alcohol-oriented entertainment establishment were addressed not only through the facility's plans, but also through the Town of Newburgh Zoning Law, which defines a restaurant as "an eating establishment". Also, the Zoning Law's definition of a restaurant excludes "an establishment that primarily dispenses alcoholic beverages or a fast food establishment". The Zoning Law permits restaurants as accessory services to a marina. Further, the residential subdivision, as proposed, provides development at a density lower than permitted in the R-1 District. Both aspects of the project were therefore consistent with the provisions of the Town of Newburgh Zoning Law.

Based on the requirements of the Zoning Law, and based on the information provided in the proposed marina plans and the DEIS and FEIS, the Planning Board determined that the site was suitable for the proposed phased marina expansion, considering that the marina site terrain can be developed without extensive earthmoving and filling, and that the proposed use can be developed in accordance with the proposed plans without extensive disruption of aquatic and benthic habitats. The Planning Board further determined that the proposed marina expansion and the general character thereof as set forth in the plans and further described in the DEIS and FEIS, is compatible with its immediate surroundings, because the site is currently a marina and the proposed plans involve an expansion that would be compatible in character with, if not an improvement to the character, of the existing site use. With respect to the mix of adjoining land uses, the marina as expanded would continue to act as a transitional use on the river front between the power plant and oil terminal and the existing residences on River Road; and coupled with the design and operational measures enumerated previously to mitigate visual, noise and other concerns, and coupled with the vegetation, topographic and distance separations between the marina and existing and proposed residences, would be compatible. Based on the traffic studies reported in the DEIS and FEIS, and based on the implementation of the recommendations therein set forth in the Transportation section of this document, the Planning Board determined that street access to the site would be adequate for the intended level of use and would not involve traffic of a type or intensity that would cause a detrimental effect on the character of the area. With respect to accessory uses, fuel supply storage and sales are not permitted, but boat repair and sales, boat storage, and a restaurant were permitted and proposed. The site plan for the marina and its accessories fulfills the requirements of the Zoning Law.

The Planning Board noted additionally that the marina site plan requires approval from other agencies including, but not necessarily limited to, U.S. Army Corps of Engineers, New York State Department of Environmental Conservation, New York State Department of State, and Orange County Department of Health. Permits from these agencies cannot be issued until and unless the SEQR review process is completed. Any specific conditions which Involved Agencies may impose with respect to matters including but not limited to wastewater disposal, marina construction, shoreline protection, and other matters will be incorporated by the Lead Agency in any final land use approval it may grant. Further, all permits from these involved agencies must be obtained prior to site plan approval being granted for the marina portion of the project.

### Mitigation Measures

The Planning Board determined that the impact on planning and zoning issues and community character will be minimized or avoided to the greatest extent practicable by the following mitigation measures:

- With respect to the marina restaurant, the applicant represented that the restaurant would be managed as a quality steak and lobster type establishment and provided a conceptual floor plan. Therefore, as a condition of issuance of a certificate of occupancy for the proposed use, the operator of the restaurant would be required to provide a floor plan to the building inspector that substantially adheres to the same ratio of dining room to bar area as discussed in the FEIS. As mentioned above, the Town Zoning Law definition of restaurant protects against a primarily alcohol-oriented use of said facility.
- With respect to the marina restaurant, as a condition of site plan approval the applicant was required to provide a copy of relevant lease provisions substantially implementing the representations made in the EIS to the building inspector at the time of application for a certificate of occupancy for the restaurant, and a note regarding the same provisions was to be added to the final site plan for the marina project.
- With respect to the marina restaurant and the other commercial building on the marina site, the applicant was required to provide an adequate water supply for building sprinklers and hydrants for fire-fighting purposes, which may be a main yard pump with standby power to supply water from the river or a storage tank supplied by the marina well with sufficient fire pumping capability.
- With respect to the marina parcel, the applicant included an emergency connection between the marina and the residential subdivision into the site plan and subdivision plan in order to provide secondary access for emergency vehicles.

### **2006 AAB Project**

#### Potential Impacts

The 2006 AAB site plan no longer included the construction of a restaurant, and the total number of boat slips was reduced from 263 to 110. However, between the time of the original site plan approval in 2001 and present, the zoning of the site was changed from R-1 district to I district. Residential uses were not permitted in an I district. Marinas were a permitted use in the I District, subject to site plan approval by the Planning Board.

#### Mitigation

A zoning amendment was adopted by the Town Board which created a Marina Overlay District which could be applied to certain properties along the River with Town Board approval. The Marina Overlay District includes townhouses as a permitted accessory use to a marina use. Any

mitigation measures required for the original approval that are still applicable would be implemented for the 2006 proposed project.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

The currently proposed project does not meet some of the requirements of the Marina Overlay District and the applicant has requested amendments to the Overlay District to address the required requirements.

#### Mitigation

The Applicant has appeared before the Town Board with a proposed amendment to Section 185-34(B)(3)(a) of the Town of Newburgh Zoning Code which relates to the Marina Overlay District. The proposed amendment allows for the construction of the marina in phases, allowing for the proposed construction of only 24 boat slips in Phase 1. Any mitigation measures required for the original approval that remain applicable will be implemented for the currently proposed Mid-Hudson Marina project.

#### **Conclusion**

Impacts associated with the currently proposed Mid-Hudson Marina project is expected to be significantly less than those associated with the 2006 proposed AAB project due to the significant reduction in impervious surface, slight reduction in the number of boat slips as well as the provision of a landscaped buffer along the north property line and elimination of the truck/trailer parking area, resulting in more green space. The project is consistent with the spirit of the Town's Code and Comprehensive Plan since a waterfront property is proposed for recreational use with reduced impacts to the environment over previously approved site plans. Any mitigation measures required for the original approval that remain applicable will be implemented for the currently proposed Mid-Hudson Marina project.

### **CULTURAL AND VISUAL RESOURCES**

#### **Original AOH Project**

#### Potential Impacts

Among the areas of potential environmental concern were the visual impact of the proposed project on adjoining properties and the view from the Hudson River, the consistency of the proposed plan with the State Coastal Zone Management Policies, and the possibility that historically significant resources might be affected by the project.

Consistency with the Coastal Zone Management Plan objectives was addressed in Section 2.5.2 of the DEIS. In addition to providing public access to the water front, the replacement, renovation and enhancement of existing marina facilities and provision of pump out facilities would provide

and enhance water-dependent recreational facilities. The project was to be constructed to minimize impact on natural resources from erosion and construction in the shoreline environment, and thus would have an overall beneficial impact on the project site and its environs consistent with the objectives of the Coastal Zone Management Plan.

The EIS discussed visual impacts on the viewshed from the river as a result of the development of the residences and the marina expansion. The EIS included a detailed visual assessment which noted that, from viewing locations that are unobstructed by intervening landforms or vegetation, some components of the proposed projects would be visible; however, no portion of the project would impinge upon the horizon line of the ridge top west of River Road and east of Route 9W.

Upon the completion of the project, site clearing would open to view more than half of the 21 single family dwellings and may expose limited areas of cut and fill required for roads and related grading, and septic field construction. This exposure would result in a textural change when viewed in contrast to the wooded hillsides to the north, but will be consistent with the pattern to the west and south. As proposed by the applicant, the area of clearing on the residential lots was limited by notes on the subdivision maps and covenants to an area only within a "building envelope" in each lot; outside of this area, clearing would only be allowed for a driveway and installation and maintenance of a septic system, well and utilities, such that existing retained vegetation would help to reduce potential visual impacts of the houses. Because only the clearing for the road and related grading would take place initially, any additional clearing for septic systems, driveways, houses and utilities would take place as individual lots were under construction. Additional limits to potential visual impacts were created by virtue of other map notes and covenants limiting color of residences to natural colors and by other design restrictions on roof and roof slopes, and on the extent of eave lines in relation to total wall length.

The visual impact analysis provided a pictorial representation of the site from several different vantage points, both before and after development as proposed. It is clear that the site development would result in some change to the local landscape. However, the question of whether that change is a harmful one is somewhat subjective, and must also be considered in the context of the zoning and the surrounding land uses. Just north of the site, the riverscape is dominated by the Hess bulk storage tanks and the Roseton and Danskammer electrical generating plants, and the site acts as a transition between these highly visible heavy industrial facilities and the residences to the south. Given that a marina already exists on the site, and taking into consideration that the zoning permits a marina in the R-1 zone, the Planning Board did not consider the visual impacts that would be created by the facility to be significantly harmful.

The EIS also identified a potential impact on historic resources located on Lot 13 that may result from development. Stage IA and IB cultural resource surveys were completed and submitted to New York State Office of Parks, Recreation and Historic Preservation (NYSOPRHP) for comment and recommendation. The response from NYSOPRHP indicates that data recovery excavations were to take place on Lot 13 if construction related disturbance of the portion of that site with potential historic significance cannot be avoided.



### Mitigation Measures

As a condition of site plan approval, the Planning Board required the applicant to delineate on the final subdivision plan the portion of Lot 13 that was identified as an area of potential historic significance, as recommended by NYSOPRHP, and provide a map note that development should be avoided. In the event that avoidance proves to be infeasible, the Board required that the lot owner consult with OPRHP with regard to recovery efforts prior to development of Lot 13 and advise the Planning Board of any proposed modification of the development plan for Lot 13 prior to issuance of a building permit or certificate of occupancy. As a condition of final approval of the subdivision plan, the Planning Board required that notes be added to the subdivision map regarding restrictions substantially in the form presented in Appendix J of the DEIS, including limits on lot clearing, house size, color and exterior materials for homes, and prohibitions on noxious or nuisance activities, in order to maintain vegetative buffers, reduce and minimize visual impacts from the Hudson River and east shore, and ensure privacy and well-being of residents and adjoining property owners.

### **2006 AAB Project**

#### Potential Impacts

The 2006 AAB project development results in a contrast from what presently exists on the site, which is a relatively open area with an older building and several small outbuildings.

#### Mitigation

According to the original DEIS, no areas of archeological significance were discovered during the completion of the Stage 1A and 1B cultural resources survey in the area of the marina and proposed townhomes. The proposed residential structures were to be designed to resemble turn of the century shingle style homes or historic inns, rather than a typical row of townhouse units. The buildings were to be two stories in height and would not exceed the Town's 35 foot height limitation. Dormers and other architectural elements were to be utilized to break up the scale of the houses. The project would provide a visual transition from the residential development to the south and west and the bulk storage tanks, which are visually dominant immediately to the north. The 2006 project would blend in visually with the single family portion of Anchorage and was not expected to have a significant visual impact.

### **Currently Proposed Mid-Hudson Marina Project**

#### Potential Impacts

As with the 2006 proposed AAB project, the currently proposed Mid-Hudson Marina project development results in a contrast from what presently exists on the site, which is a relatively open area with an older building and several small outbuildings.

### Mitigation

According to the original DEIS, no areas of archeological significance were discovered during the completion of the Stage 1A and 1B cultural resources survey in the area of the marina and proposed townhomes. As with the 2006 AAB project, the proposed residential structures will be designed to step with the elevation, to diffuse the appearance of row style homes. Additionally, dormers and other architectural elements will be utilized to break up the scale of the houses. The project will provide a visual transition from the residential development to the south and west to the bulk storage tanks, which are visually dominant immediately to the north. It was anticipated that the 2006 project would blend in visually with the single family portion of Anchorage and would not have a significant visual impact. The currently proposed project further reduces the visual impacts due to further reduction in the number of boat slips from 110 to 104 and the elimination of the truck/trailer parking area. The provision of a buffer along the northern property line and the elimination of the truck/trailer parking area results in more green space on the site.

### **Conclusion**

With regard to cultural and visual resources it was determined that the 2006 AAB project would have less impact than those of the originally approved AOH since the proposed use was changed to a residential design at a residential scale and character. The development of this area into townhouses will provide a transition from the residential development to the south and west to the industrial use to the north. The currently proposed Mid-Hudson Marina project with slightly less boat slips at full buildout, the restrictions on the use of the existing boat ramp, and the elimination of the truck/trailer parking area will further reduce these impacts by reducing impervious surface and providing more vegetative buffer and green space.

**Involved Agencies:**

Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550

Town of Newburgh Town Board  
1496 Route 300  
Newburgh, New York 12550

City of Newburgh City Manager  
123 Grand Street  
Newburgh, New York 12550  
Att: Sewers Department

Orange County Health Department  
124 Main Street  
Goshen, New York 10924

New York State Department of Environmental Conservation  
21 South Putt Corners Road  
New Paltz, New York 12561

United States Army Corps of Engineers  
New York District-Regulatory Branch  
J. Javits Federal Building, 26 Federal Plaza  
New York, New York 10278-0090

Town of Newburgh Zoning Board  
308 Gardnertown Road  
Newburgh, New York 12550

Town of Newburgh Highway Department  
90 Gardnertown Road  
Newburgh, New York 12550

**Interested Agencies/Parties:**

Michael Donnelly, Esquire  
PO Box 610  
Goshen, New York 10924

James Osborne, P.E.  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

Orange County Planning Department  
124 Main Street  
Goshen, New York 10924

Town of Newburgh Volunteer Ambulance Corps  
Attn: Sue Ostrander, President  
97 South Plank Road  
Newburgh, New York 12550

Middlehope Fire Department  
11 Lattintown Road  
Newburgh, New York 12550

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 July, 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. \_\_\_ OF 2012 - AMENDING THE MARINA TOWNHOME ACCESSORY USE REGULATIONS OF CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF TOWN OF NEWBURGH

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

**WHEREAS**, a Local Law Amending the Marina Townhome Accessory Use Regulations of Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh was introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York on the 18th day of June, 2012; and

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

**WHEREAS**, the Town Board of the Town of Newburgh adopted a resolution on the 18th day of June, 2012 ordering a public hearing to be held on the 23th day of July, 2012 at 7:30 o'clock p.m., prevailing time, to hear all interested parties on said proposed local law, designated as Introductory Local Law #\_\_ of the Year 2012 entitled "A Local Law Amending the Marina Townhome Accessory Use Regulations of Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh"; and

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

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

**WHEREAS**, the public hearing was duly held on the 23rd day of July, 2012 at 7:30 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 Planning Board of the Town of Newburgh, acting as the Lead Agency, has adopted a Lead Agency Findings Statement for the Action which includes the proposed adoption of said Local Law amending the Town of Newburgh Zoning Code and the Town Board of the Town of Newburgh, acting as an involved agency, has adopted and made an Involved Agency Findings Statement under the State Environmental Quality Review Act; 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**, due to the adoption of intervening introductory local laws and local laws introduced in the prior calendar year, upon adoption and filing with the Secretary of State said Local Law will be designated as Local Law No. \_\_ of 2012; and

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

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

1. The Town Board of the Town of Newburgh hereby adopts said Local Law No. \_\_ of Year 2012 entitled "A Local Law Amending the Marina Townhome Accessory Use Regulations of Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh".
2. The Town Clerk is hereby directed to enter this resolution and said Local Law in the minutes of this meeting and the Local Law Book of the Town of Newburgh and to give due notice of the adoption of said Local Law to the Secretary of State and to the public.
3. A report of final action in the matter of the adoption of said Local Law amending the Zoning Code of the Town of Newburgh shall be delivered to the Orange County Planning Department in accordance with the requirements of the General Municipal Law.

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

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

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

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

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

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

The resolution was thereupon declared duly adopted.

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 July, 2012 at 7:00 P.M., Prevailing Time.

PRESENT:

Wayne C. Booth, Supervisor

George Woolsey, Councilman

Gilbert J. Piacquadio, Councilman

Elizabeth J. Greene, Councilwoman

Ernest C. Bello, Jr., Councilman

RESOLUTION TO ESTABLISH  
AN OPEN DEVELOPMENT AREA  
IN THE TOWN OF NEWBURGH FOR  
THE PROPERTY COMPRISED OF THE  
TAX PARCELS DESIGNATED  
AS SECTION 121 BLOCK 2 LOTS 1 AND 2  
ON THE TAX MAP OF THE TOWN OF  
NEWBURGH PURSUANT TO  
NEW YORK STATE TOWN LAW  
SECTION 280-a

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

**WHEREAS**, New York State Town Law Section 280-a, provides that a town board may, by resolution, establish an Open Development Area or areas within the town, wherein permits may be issued for the erection of structures to which access is given by right of way or easement, upon such conditions and subject to such limitations as may be prescribed by general or special rule of the planning board, if one exists, or of the town board if a planning board does not exist.; and

**WHEREAS**, the Town Board of the Town of Newburgh and the Planning Board of the Town of Newburgh received a request for an Open Development Area designation from Mid-Hudson Marina Corp. in November, 2011 for its property, such property being shown and designated as Section 121, Block 2, Lots 1 & 2 on the Tax Map of the Town of Newburgh, more fully described in Schedule "A" annexed hereto and made a part hereof (the "Property"); and

**WHEREAS**, Mid-Hudson Marina Corp. will be applying for site plan and subdivision approval for a 20 unit residential town home development and marina from the Planning Board of the Town of Newburgh; and

**WHEREAS**, New York State Town Law Section 280-a further provides that if a planning board exists in such town, the town board, before establishing any such open development area or areas, shall refer the matter to such planning board for its advice and shall allow such planning board a reasonable time to report; and

**WHEREAS**, the Town Board of the Town of Newburgh has duly referred the matter of the request of Mid-Hudson Marina Corp. for the designation of the Property as an Open Development



Area to the Planning Board of the Town of Newburgh for its report; and

**WHEREAS**, the Planning Board by report dated May 22, 2012, has recommended the establishment of the requested Open Development Area, subject to a condition limiting the vehicle peak trip generation for the site; and

**WHEREAS**, the Planning Board of the Town of Newburgh, acting as the Lead Agency, has adopted a Lead Agency Findings Statement for the Action which includes the proposed adoption of said Local Law amending the Town of Newburgh Zoning Code and the Town Board of the Town of Newburgh, acting as an involved agency, has adopted and made an Involved Agency Findings Statement under the State Environmental Quality Review Act.

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

1. The Town Board of the Town of Newburgh hereby establishes the Property of Mid-Hudson Marina Corp. designated as Section 121, Block 2, Lots 1 & 2 on the Tax Map of the Town of Newburgh, as more fully described on Schedule "A" annexed hereto and made a part hereof as an Open Development Area in the Town of Newburgh to be known as the "Mid-Hudson Marina Open Development Area" pursuant to Town Law Section 280-a subject to the condition recommended by the Planning Board that the vehicle peak trip generation for the Property shall be limited as follows:  
  
Weekday AM Peak Hour: 19 trips (11 trips [townhomes] + 8 trips [marina])  
Weekday PM Peak Hour: 31 trips (11 trips [townhomes] + 20 trips [marina])  
Saturday Midday Peak Hour: 37 trips (9 trips [townhomes] + 28 trips [marina]).
2. Pursuant to Town Law Section 280-a, the Mid-Hudson Marina Open Development Area is established upon such additional conditions and subject to such limitations as may be prescribed by general or special rule of the Town of Newburgh Planning Board.
3. This resolution of establishment shall take effect immediately.
4. 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. Piaquadio, Councilman voting \_\_\_\_\_

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

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

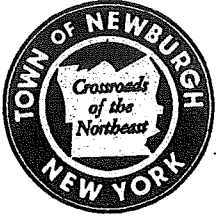
Wayne C. Booth, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.  
SCHEDULE "A"

**10. POLICE: Installation of Laptop Computers (TRACS Program)**

JUL 23 2012

10



**TOWN OF NEWBURGH POLICE DEPARTMENT**  
300 Gardnertown Road, Newburgh, New York 12550

(845) 564-1100

Michael Clancy  
Chief of Police

July 13, 2012


To: Town Board

From: Chief Michael Clancy

Subject: Authorization to Purchase Equipment for TRACS Program

In 2011 the Department received three laptop computers on a Grant from the Orange County Sheriff's Office. These laptops are to be installed and used in police vehicles to implement the TRACS Program, electronic filing of citations and accident reports. I am requesting your authorization to purchase the necessary equipment for installation of these three laptop computers. The equipment can be purchased off New York State Contract # PT60949 through L-TRON Corporation. Please see the attached state contract and price quote for needed items from L-TRON Corporation.

Respectfully Submitted,

  
Chief Michael Clancy

**11. ENGINEERING:**

- A. Highway Garage (Stand By Generator Electrical Upgrades)**
- B. Waring Road Culvert Budget Transfer**
- C. Schedule Special meeting for Water Supply Update**

JUL 23 2012

11a

**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:** July 17, 2012  
**RE:** H \ **HIGHWAY GARAGE – STANDBY GENERATOR \**  
**ELECTRICAL UPGRADES**

---

I am proposing the following schedule subject to Town Board approval for the bidding and contract award of the above contract:

Advertise for Bids	July 31, 2012 (Sentinel) Aug. 1, 2012 (MHT & THR)
Pre-Bid Site Inspection / Conference	Aug. 15, 2012 @ 10:00 AM
Bid Opening	Aug. 27, 2012 @ 10:00 AM
Contract Award	September 5, 2012
Pre-Construction Mtg. / Contract Signing	September 17, 2012

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda for approval. If you have any questions or comments, I am available to discuss them with you.

JWO/id

cc: M. Taylor, Attorney  
J. Platt, DPW  
D. Benedict, Hwy. Supt.  
L. Cornell, B & G  
J. Calarco, Accountant

JUL 23 2012

118

**TOWN OF NEWBURGH  
TOWN SUPERVISOR**  
1496 Rte. 300  
Newburgh, NY 12550  
(845) 564-4552

**MEMORANDUM**

**TO:** Town of Newburgh Town Board  
**FROM:** Wayne Booth, Supervisor  
**DATE:** June 21, 2012  
**RE:** H \ **WARING ROAD CULVERT REPLACEMENT**

---

I am requesting Town Board approval of the following budget transfers:

From: #5112.0412 – Permanent Improvements

To: #9902.0900 – Interfund

Amount: \$82,000

**AND**

From: #9902.0900 – Interfund

To: #8039.0200 Capital Project

Amount: \$82,000

If you have any questions, please see me.

WB/id

cc: J. Calarco, Accountant

**11. ENGINEERING**

**C. Schedule Special Meeting for Water Supply Upgrade**

**The information is not available at this time.**



**12.DATA PROCESSING:**

**A. Purchase of Hours**

**B. Purchase of 3 Computers for Accounting**

JUL 23 2012

TOWN OF NEWBURGH  
1496 ROUTE 300  
NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Town Hall

CLAIMANT'S NAME AND ADDRESS  
Firthcliffe Technologies, Inc.  
198 Willow Ave.  
Cornwall, NY 12518

Order No. 12a  
DO NOT WRITE IN THIS BOX

Date Voucher Received		AMOUNT	VOUCHER NO.
FUND - APPROPRIATION			
TOTAL			
Abstract No.			

Vendor's Ref. No.

TERMS	Date	Quantity	Description of Materials or Services	Unit Price	Amount
	7/17/12	1	Maintenance Agreement	3000.00	3000.00
(See Instructions on Reverse Side)				TOTAL	3000.00

CLAIMANT'S CERTIFICATION

I, Linda K Lewis, certify that the above account in the amount of \$ 3000.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/17/12 DATE      Linda K Lewis SIGNATURE      President TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

AUDITING BOARD

Firthcliffe Technologies, Inc.

198 Willow Ave  
Cornwall, NY 12518  
PH: 845-534-9800

# Invoice

Date	Invoice #
7/17/2012	3800

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	Maintenance Agreement	3,000.00	3,000.00
0	-- Purchase of Block of 37.5 Hours for Computer Repair		0.00

Thank you for your business!

**Total**

\$3,000.00

TOWN OF NEWBURGH  
1496 ROUTE 300  
NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Town Hall

CLAIMANT'S NAME AND ADDRESS  
Firthcliffe Technologies, Inc.  
198 Willow Ave.  
Cornwall, NY 12518

Order No. DO NOT WRITE IN THIS BOX

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
TOTAL		
Abstract No.		
Vendor's Ref. No.		

TERMS

Dates	Quantity	Description of Materials or Services	Unit Price		Amount	
7/17/12	1	Maintenance Agreement	3000	00	3000	00
			TOTAL		3000 00	

(See Instructions on Reverse Side)

CLAIMANT'S CERTIFICATION

I, Linda K Lewis, certify that the above account in the amount of \$ 3000.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/17/12 DATE      Linda K Lewis SIGNATURE      President TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

AUDITING BOARD

Firthcliffe Technologies, Inc.

198 Willow Ave  
Cornwall, NY 12518  
PH: 845-534-9800

# Invoice

Date	Invoice #
7/17/2012	3801

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	Maintenance Agreement	3,000.00	3,000.00
0	-- Purchase of Block of 37.5 Hours for Computer Repair		0.00

Thank you for your business!	<b>Total</b>	\$3,000.00
------------------------------	--------------	------------



Firthcliffe Technologies, Inc.  
 198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Statement

Date
7/18/2012

To:
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

Amount Due	Amount Enc.
\$2,705.53	

Date	Transaction	Amount	Balance
06/10/2012	Balance forward		-714.47
06/11/2012	INV #3631. 6/5/12 Remote Administration (Paul)	40.00	-674.47
06/11/2012	INV #3634. 6/5/12 Service Call (Pierre)	40.00	-634.47
06/11/2012	INV #3640. 6/8/12 Service Call (Pierre)	261.89	-372.58
06/11/2012	INV #3642. 6/5/12 Service Call (Pierre)	40.00	-332.58
06/12/2012	INV #3644. VOID: Maintenance Agreement - block of time	0.00	-332.58
06/14/2012	INV #3649. 6/5/12 Service Call (Pierre)	80.00	-252.58
06/20/2012	INV #3681. 6/18/12 Service Call (Paul)	40.00	-212.58
06/21/2012	INV #3683. 6/20/12 Service Call (Bob)	60.00	-152.58
06/22/2012	INV #3695. 5/4/12 Remote Administration (Paul)	80.00	-72.58
06/22/2012	INV #3696. 4/11/12 Remote Administration (Paul)	40.00	-32.58
06/27/2012	INV #3710. 6/26/12 Remote Administration (Paul)	100.00	67.42
06/27/2012	INV #3714. 6/27/12 Service Call (Fred)	240.00	307.42
06/28/2012	INV #3724. 6/20/12 Service Call (Paul)	820.00	1,127.42
06/28/2012	INV #3727. 6/15/12 Service Call (Paul)	520.00	1,647.42
06/28/2012	INV #3728. 6/14/12 Service Call (Paul)	1,280.00	2,927.42
06/28/2012	INV #3729. 6/15/12 Service Call (Bob)	340.00	3,267.42
06/28/2012	INV #3732. 6/13/12 Service Call (Paul)	200.00	3,467.42
06/28/2012	INV #3749. 6/27/12 Service Call (Paul)	240.00	3,707.42
07/06/2012	INV #3758. 6/29/12 Service Call (Paul)	660.00	4,367.42
07/06/2012	INV #3759. 6/28/12 Remote Administration (Paul)	80.00	4,447.42
07/06/2012	INV #3760. 6/29/12 Service Call (Paul)	240.00	4,687.42
07/06/2012	INV #3763. Priority In Shop Labor	800.00	5,487.42
07/06/2012	INV #3767. 7/2/12 Remote Administration (Paul)	80.00	5,567.42
07/06/2012	INV #3768. 7/3/12 Remote Administration (Fred)	40.00	5,607.42
07/09/2012	INV #3773. 7/3/12 Service Call (Bob)	40.00	5,647.42
07/09/2012	INV #3784. 7/9/12 Service Call (Bob)	40.00	5,687.42
07/12/2012	INV #3792. 7/10/12 Remote Administration (Fred)	40.00	5,727.42
07/12/2012	INV #3794. 7/10/12 Remote Administration (Fred)	80.00	5,807.42
07/17/2012	PMT #058464. Inv# 3640, 3644 ck 7/13/12	-3,101.89	2,705.53
07/17/2012	INV #3800. VOID: Maintenance Agreement - block of time	0.00	2,705.53
07/17/2012	INV #3801. VOID: Maintenance Agreement - block of time	0.00	2,705.53

CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	2,705.53	0.00	0.00	0.00	\$2,705.53

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/14/2012	3649

<b>Bill To</b>
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	<b>** Animal Shelter **</b> 6/5/12 Service Call (Pierre) <ul style="list-style-type: none"> <li>• Tested Internet connection in shop and pc wouldn't connect</li> <li>• Removed old network interface card</li> <li>• Installed replacement NIC</li> <li>• Installed NIC drivers</li> <li>• Tested Internet connection in shop and pc connected fine.</li> <li>• Returning to site</li> </ul>	80.00	40.00
0.5	6/5/12 Priority In Shop Labor <ul style="list-style-type: none"> <li>-- Compared network settings on all 3 pc's in office and there configurations did not match.</li> <li>-- Unable to access router as password is unknown.</li> <li>-- Reset router to default settings, thus gaining access.</li> <li>-- Reconfigured router and changed all pc's to DHCP.</li> <li>-- All pc's in shop are now connected to Internet without issue</li> </ul>	80.00	40.00
Thank you for your business!		<b>Total</b>	\$80.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/20/2012	3681

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	<p>6/18/12 Service Call (Paul)</p> <p>-- Arrived onsite to see why court1 PC wasn't working. It didn't see Court32 program database or the Internet so the network wasn't working</p> <p>-- Tried having Windows 7 resolve the issue, even power on and off but still no network connection – this had been working all the while we were converting the court over to the new server and PCs.</p> <p>-- Traced out network wires, found an older network switch under the desk which had all the port lights on and blinking even though only the one PC and the uplink should have been on.</p> <p>-- Powered off the switch for 30 seconds, plugged it back in and it went back to normal. PC network connection started working again</p> <p>-- Explained what I had reset to Toni in case it happens again during court.</p> <p>-- PC was now working and Toni could get into the court32 program now for tonight court sessions</p>	80.00	40.00

Thank you for your business!

**Total**

\$40.00



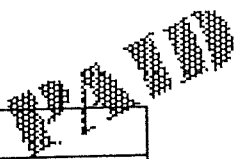
# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/21/2012	3683

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.75	6/20/12 Service Call (Bob)  -- Helped Paul check out the wiring under Janet's desk. found that these wires are in bad shape... unstapled from the floor and hooked up switch. Paul reset the Cable modem, Pix and router all now working for Janet and Toni. -- Changed out the switch in the court room that I took over. all now seems to be working as intended in the court room also.	80.00	60.00

Thank you for your business!

**Total**

\$60.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
Cornwall, NY 12518  
PH: 845-534-9800

# Invoice

Date	Invoice #
6/22/2012	3695

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	5/4/12 Remote Administration (Paul)  -- Added email addresses to the Untangle server so the town emails are on the safe senders list. This may help lessen or totally alleviate spam filtering on the internal emails so just external emails are checked when they come in. -- Cut and pasted the web filtering categories from the web help pages on the Untangle server and put them in wordpad and then converted to PDF files so Gil can see the categories from both the regular and lite filters so he can discuss with the county and other board members what Websites should be filtered out -- Sent email to Gil with PDF attachments of filtering categories	80.00	80.00
Thank you for your business!		<b>Total</b>	<b>\$80.00</b>

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/22/2012	3696

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	4/11/12 Remote Administration (Paul) -- Connected to the domain controller and endpoint servers in the town hall with LogMeIn and ran a Broadband speed test to see how much faster it is after the upgrade by Time Warner prior to making arrangements to setup the Untangle server -- The speed tests out at 33 down and 5 up on the Endpoint server but the Domain Controller tests out at 5 down and 5 up. We probably need to look for a reason as to why the domain controller is so much slower when testing the Internet speed -- This new speed should be good for the Untangle and it should make for a better connection when the Animal control starts using terminal services	80.00	40.00
Thank you for your business!		<b>Total</b>	<b>\$40.00</b>

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/27/2012	3710

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	6/26/12 Remote Administration (Paul)	80.00	80.00
0.25	6/26/12 Remote Administration (Bob)	80.00	20.00
	<p>Court</p> <p>-- Connected the new 24 port Dell switch on our network and tried configuring it again as we did at the Newburgh court</p> <p>-- Still couldn't access the management web interface correctly</p> <p>-- While I was looking at the manuals, Bob did a quick search on Google and found a posting a to how to get into the switch in the correct mode to manage it</p> <p>-- You needed both a serial connection with HyperTerminal, a web connection through the Ethernet as well as pushing the manage button on the front of the switch and unplugging and hitting enter on the HyperTerminal session after plugging the switch back in to get it in the Wizard mode to allow the web interface login. This was not described in any of the manuals that came with the switch.</p> <p>-- Once I got into the switch I change the IP address to 192.168.1.252 and set port 1-12 to a locked in speed of 100MB . I left ports 13-24 I auto so they can still connect at any 10MB, 100MB or 1000MB.</p> <p>-- This will allow us to put devices at the courthouse that have cat5 connection down in the first 12 ports to force a 100MB connection</p>		

Thank you for your business!	<b>Total</b>	\$100.00
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Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/27/2012	3714



Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1.5	6/27/12 Service Call (Fred)	80.00	120.00
1.5	6/27/12 Service Call (Paul)	80.00	120.00
	Meeting with Gil about status of Court and Code Enforcement Developed plan for Accessors to move off of county ISP and move to server Developed Plan for Water Dept to connect to Tax collectors for water and sewer software		

Thank you for your business!	<b>Total</b>	\$240.00
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**TOWN OF NEWBURGH**  
 1496 ROUTE 300  
 NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Town Hall

CLAIMANT'S NAME AND ADDRESS  
Firthcliffe Technologies, Inc.  
198 Willow Ave.  
Cornwall, NY 12518

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		AMOUNT	VOUCHER NO.
FUND - APPROPRIATION			
TOTAL			

Abstract No.

Vendor's Ref. No.

TERMS

Date	Quantity	Description of Materials or Services	Unit Price	Amount
7/17/12	1	Maintenance Agreement	3000 00	3000 00
(See Instructions on Reverse Side)			TOTAL	3000 00

CLAIMANT'S CERTIFICATION

I, Linda K Lewis, certify that the above account in the amount of \$ 3000.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/17/12  
DATE

Linda K Lewis  
SIGNATURE

President  
TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

AUTHORIZED OFFICIAL

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/17/2012	3800

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	Maintenance Agreement	3,000.00	3,000.00
0	-- Purchase of Block of 37.5 Hours for Computer Repair		0.00
Thank you for your business!		<b>Total</b>	<b>\$3,000.00</b>

**TOWN OF NEWBURGH**  
 1496 ROUTE 300  
 NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT Town Hall

CLAIMANT'S NAME AND ADDRESS  
Firthcliffe Technologies, Inc.  
198 Willow Ave.  
Cornwall, NY 12518

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		AMOUNT	VOUCHER NO.	
FUND - APPROPRIATION				
TOTAL				
Abstract No.				

Vendor's Ref. No.

TERMS

Dates	Quantity	Description of Materials or Services	Unit Price		Amount	
7/17/12	1	Maintenance Agreement	3000.00		3000.00	
TOTAL					3000.00	

(See Instructions on Reverse Side)

CLAIMANT'S CERTIFICATION

I, Linda K Lewis, certify that the above account in the amount of \$ 3000.00 is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

7/17/12  
DATE

[Signature]  
SIGNATURE

President  
TITLE

(Space Below for Municipal Use)

DEPARTMENT APPROVAL

The above services or materials were rendered or furnished to the municipality on the dates stated and the charges are correct.

AUTHORIZED OFFICIAL

APPROVAL FOR PAYMENT

This claim is approved and ordered paid from the appropriations indicated above.

AUDITING BOARD



Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/17/2012	3801

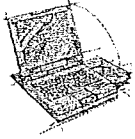
Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	Maintenance Agreement	3,000.00	3,000.00
0	-- Purchase of Block of 37.5 Hours for Computer Repair		0.00
Thank you for your business!		<b>Total</b>	<b>\$3,000.00</b>

12a

# Statement



Firthcliffe Technologies, Inc.  
 198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date
7/18/2012

To:
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

		Amount Due	Amount Enc.		
		\$2,705.53			
Date	Transaction	Amount	Balance		
06/10/2012	Balance forward		-714.47		
06/11/2012	INV #3631. 6/5/12 Remote Administration (Paul)	40.00	-674.47		
06/11/2012	INV #3634. 6/5/12 Service Call (Pierre)	40.00	-634.47		
06/11/2012	INV #3640. 6/8/12 Service Call (Pierre)	261.89	-372.58		
06/11/2012	INV #3642. 6/5/12 Service Call (Pierre)	40.00	-332.58		
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06/20/2012	INV #3681. 6/18/12 Service Call (Paul)	40.00	-212.58		
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06/28/2012	INV #3729. 6/15/12 Service Call (Bob)	340.00	3,267.42		
06/28/2012	INV #3732. 6/13/12 Service Call (Paul)	200.00	3,467.42		
06/28/2012	INV #3732. 6/13/12 Service Call (Paul)	240.00	3,707.42		
06/28/2012	INV #3749. 6/27/12 Service Call (Paul)	660.00	4,367.42		
07/06/2012	INV #3758. 6/29/12 Service Call (Paul)	80.00	4,447.42		
07/06/2012	INV #3759. 6/28/12 Remote Administration (Paul)	240.00	4,687.42		
07/06/2012	INV #3760. 6/29/12 Service Call (Paul)	800.00	5,487.42		
07/06/2012	INV #3763. Priority In Shop Labor	80.00	5,567.42		
07/06/2012	INV #3767. 7/2/12 Remote Administration (Paul)	40.00	5,607.42		
07/06/2012	INV #3768. 7/3/12 Remote Administration (Fred)	40.00	5,647.42		
07/09/2012	INV #3773. 7/3/12 Service Call (Bob)	40.00	5,687.42		
07/09/2012	INV #3784. 7/9/12 Service Call (Bob)	40.00	5,727.42		
07/12/2012	INV #3792. 7/10/12 Remote Administration (Fred)	80.00	5,807.42		
07/12/2012	INV #3794. 7/10/12 Remote Administration (Fred)	-3,101.89	2,705.53		
07/17/2012	PMT #058464. Inv# 3640, 3644 ck 7/13/12	0.00	2,705.53		
07/17/2012	INV #3800. VOID: Maintenance Agreement - block of time	0.00	2,705.53		
07/17/2012	INV #3801. VOID: Maintenance Agreement - block of time	0.00	2,705.53		
CURRENT	1-30 DAYS PAST DUE	31-60 DAYS PAST DUE	61-90 DAYS PAST DUE	OVER 90 DAYS PAST DUE	Amount Due
0.00	2,705.53	0.00	0.00	0.00	\$2,705.53

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/14/2012	3649

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	<b>** Animal Shelter **</b> 6/5/12 Service Call (Pierre) <ul style="list-style-type: none"> <li>• Tested Internet connection in shop and pc wouldn't connect</li> <li>• Removed old network interface card</li> <li>• Installed replacement NIC</li> <li>• Installed NIC drivers</li> <li>• Tested Internet connection in shop and pc connected fine.</li> <li>• Returning to site</li> </ul>	80.00	40.00
0.5	6/5/12 Priority In Shop Labor <ul style="list-style-type: none"> <li>-- Compared network settings on all 3 pc's in office and there configurations did not match.</li> <li>-- Unable to access router as password is unknown.</li> <li>-- Reset router to default settings, thus gaining access.</li> <li>-- Reconfigured router and changed all pc's to DHCP.</li> <li>-- All pc's in shop are now connected to Internet without issue</li> </ul>	80.00	40.00
Thank you for your business!		<b>Total</b>	\$80.00

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/20/2012	3681

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	6/18/12 Service Call (Paul) -- Arrived onsite to see why court1 PC wasn't working. It didn't see Court32 program database or the Internet so the network wasn't working -- Tried having Windows 7 resolve the issue, even power on and off but still no network connection – this had been working all the while we were converting the court over to the new server and PCs. -- Traced out network wires, found an older network switch under the desk which had all the port lights on and blinking even though only the one PC and the uplink should have been on. -- Powered off the switch for 30 seconds, plugged it back in and it went back to normal. PC network connection started working again -- Explained what I had reset to Toni in case it happens again during court. -- PC was now working and Toni could get into the court32 program now for tonight court sessions	80.00	40.00
Thank you for your business!		<b>Total</b>	\$40.00

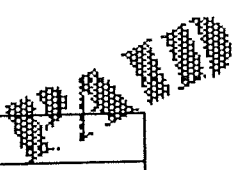
# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/21/2012	3683

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.75	6/20/12 Service Call (Bob) -- Helped Paul check out the wiring under Janet's desk. found that these wires are in bad shape... unstapled from the floor and hooked up switch. Paul reset the Cable modem, Pix and router all now working for Janet and Toni. -- Changed out the switch in the court room that I took over. all now seems to be working as intended in the court room also.	80.00	60.00
Thank you for your business!			<b>Total</b> \$60.00

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/22/2012	3695

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	5/4/12 Remote Administration (Paul)  -- Added email addresses to the Untangle server so the town emails are on the safe senders list. This may help lessen or totally alleviate spam filtering on the internal emails so just external emails are checked when they come in. -- Cut and pasted the web filtering categories from the web help pages on the Untangle server and put them in wordpad and then converted to PDF files so Gil can see the categories from both the regular and lite filters so he can discuss with the county and other board members what Websites should be filtered out -- Sent email to Gil with PDF attachments of filtering categories	80.00	80.00
Thank you for your business!		<b>Total</b>	<b>\$80.00</b>

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
6/22/2012	3696

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	4/11/12 Remote Administration (Paul)  -- Connected to the domain controller and endpoint servers in the town hall with LogMeIn and ran a Broadband speed test to see how much faster it is after the upgrade by Time Warner prior to making arrangements to setup the Untangle server -- The speed tests out at 33 down and 5 up on the Endpoint server but the Domain Controller tests out at 5 down and 5 up. We probably need to look for a reason as to why the domain controller is so much slower when testing the Internet speed -- This new speed should be good for the Untangle and it should make for a better connection when the Animal control starts using terminal services	80.00	40.00

Thank you for your business!

**Total**

\$40.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/27/2012	3710

<b>Bill To</b>
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	6/26/12 Remote Administration (Paul)	80.00	80.00
0.25	6/26/12 Remote Administration (Bob)	80.00	20.00
	Court -- Connected the new 24 port Dell switch on our network and tried configuring it again as we did at the Newburgh court -- Still couldn't access the management web interface correctly -- While I was looking at the manuals, Bob did a quick search on Google and found a posting a to how to get into the switch in the correct mode to manage it -- You needed both a serial connection with HyperTerminal, a web connection through the Ethernet as well as pushing the manage button on the front of the switch and unplugging and hitting enter on the HyperTerminal session after plugging the switch back in to get it in the Wizard mode to allow the web interface login. This was not described in any of the manuals that came with the switch. -- Once I got into the switch I change the IP address to 192.168.1.252 and set port 1-12 to a locked in speed of 100MB . I left ports 13-24 I auto so they can still connect at any 10MB, 100MB or 1000MB. -- This will allow us to put devices at the courthouse that have cat5 connection down in the first 12 ports to force a 100MB connection		

Thank you for your business!

**Total** \$100.00



Firthcliffe Technologies, Inc.

198 Willow Ave  
Cornwall, NY 12518  
PH: 845-534-9800

# Invoice

Date	Invoice #
6/27/2012	3714

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1.5	6/27/12 Service Call (Fred)	80.00	120.00
1.5	6/27/12 Service Call (Paul)	80.00	120.00
	Meeting with Gil about status of Court and Code, Enforcement Developed plan for Accessors to move off of county ISP and move to server Developed Plan for Water Dept to connect to Tax collectors for water and sewer software		
Thank you for your business!		<b>Total</b>	\$240.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3724

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
7.25	<p>Justice Court</p> <p>6/20/12 Service Call (Paul)</p> <p>-- Worked with Bob untangling network wires, mounting new Dell 24 port gigabit switch to the wall and moving other network devices like the Cisco Pix, Link router, and cable modem to the small shelf on the wall</p> <p>-- Re-routed the wires and moved everyone over to the new 24 port switch and took the 12 port switch off the network</p> <p>-- Shortly after the switch over, network problems started to happen. Bob and I started to look at the issues but he had to leave for another appointment. We started looking at managing the new switch and setting the ports to certain speeds but the management software wasn't working.</p> <p>-- Continued to look at the network issues and found that all the wires are not CAT5e which will cause issues with the Gigabit connections. I spoke with Fred about the issues and we agreed I should revert the network back to the original 100MB 12 port switch until we can determine the problem. I spoke with Fran and told her our plan to back off on the switch upgrade for now until we can research and check it out in our office.</p> <p>-- Reverted the switches back but still was having issues. I found a Linksys hub sharing the Ethernet connection for Jeanette and Toni under Jeanette's desk. The small 8 port switch in the large courtroom also appeared to be an issue, it was failing again as it had on Monday afternoon.</p> <p>-- Called to discuss with Bob and he was going to pick up a couple of switches from our office so we could replace the one in the large court room and the hub under Jeanette's desk. We put a new 8 port gigabit switch in the large court room and the network connection started working again.</p> <p>When we put the new switch back in the main room by the server the port to the court room needs to be set at 100MB because the wire to the court room is only CAT5 not CAT5e.</p> <p>-- We put a borrowed 100MB switch from Firthtech in to replace the Linksys hub but we still had problems with the connections from Jeanette's and Toni's PCs. The LAN connections worked but we had no Internet on their PCs.</p> <p>-- Bob suggested I reset the cable modem, the DLink router, and the Cisco PIX again. I had reset it before but not since the other switches were put in the court room and under</p>	80.00	580.00

Thank you for your business!	<b>Total</b>
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Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3724



Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
3	<p>Jeanette's desk. The reset seemed to fix the Internet issues with their PCs.                      -- The problems with the Court program lockups seem to stop. We will leave the network configured this was until we can investigate the wiring and experiment with the new Dell switch offline at our office prior to putting it back online on the court network.</p> <p>6/20/12 Service Call (Bob)</p> <p>-- Finish up on Misc. things from install on 6-14-12 )like moving network switch, router, modem , etc. off of floor to shelves and wall                      -- Untangled all cat5 cables                      -- Attached new switch to the wall ( Mounted)                      -- Moved all devices ( cable modem, router,pix) to a nearby shelf that Fran asked us to set those devices on                      -- Started looking at issues that popped up after new switch was attached to the network</p>	80.00	240.00

Thank you for your business!	<b>Total</b>	\$820.00
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Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3727

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
6.5	Justice Court 6/15/12 Service Call (Paul)  -- Finished the setup on the Court2 PC which Bob had started Thurs and finished the setup of the Judge's chambers PC which Paul had started Thurs. -- Tried installing the FTR Gold program used with the old recording equipment but the software they have isn't Windows 7 compatible. Spoke with Debbie and Fran about this and only Judge Martini uses the old system as a backup to the newer recording system on the laptops. Fran said if Judge Martini requires this she will let us know and then we can look for newer software or try it under the virtual XP for Windows 7. The XP laptops also still have this software. -- Bob removed the drives from the old PCs for me, so I could connect them to a PC get the missing folders and files for the DMV website transfers. I copied the missing data back to a share on the new server where Bob and I could access it to fix the problems with the DMV data transfers and the missing links inside the SEI Court program which came back after putting the folders and data back.	80.00	520.00
Thank you for your business!		<b>Total</b>	

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3727



Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
	<p>-- Worked with tech support to get around issues with the state web site and downloading the data with Internet Explorer 9. Had to use a right click instead of just clicking, browse to the folder where you wanted data to go and then save as to get it. This was a minor work around from the state for the issue where you can't just click the download. Had to show this to the users and also point each PC to the correct download folder the first time. If a user wasn't available for login at that time, they may need assistance the first time. We shoed this to Debbie.</p> <p>-- Installed Logmein on additional PCs that Bob had not already done for our remote assistance support</p> <p>-- Worked on getting the Windows 2008 server backup program to backup the new server to the external USB hard drive.</p> <p>-- Copied the original backups on that drive to a folder on the new server because the drive preparation to use the Windows 2008 server backup formats and locks the drive for use as a backup drive. It can no longer be seen as a regular drive in windows. Created backups and tested then scheduled to run automatically.</p> <p>-- Worked with any issues that came up with the end users. Answered any questions cause by differences in Windows 7.</p> <p>-- Spoke with Fran about returning on Weds the 20th to move switches and other network boxes to complete network upgrade</p>		
Thank you for your business!		<b>Total</b>	\$520.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3728

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
8	6/14/12 Service Call (Bob)	80.00	640.00
8	6/14/12 Service Call (Paul)	80.00	640.00
	-- Removed all old PCS ( 11 PC's ) from each workstation 1 by 1 then replaced it with the new PC's( 11 PC's ) -- Added new PC to the NEW domain( newbrgcourt ) domain. -- Changed the name of the new PC to that of the user at the court. -- Turned off UAC for each PC -- Copied all data from old PC onto the my USB drive then copied back to the new installed PC -- Updated and scanned PC with MSSE -- Installed both printers -- Installed Ccleaner and defragger on each PC -- Created a shortcut to that users documents on the desktop. -- Setup the Court program on each PC and redirected to the data base on the server -- Copied data between the old server and the new server using batch jobs Paul had created. These were used multiple times to get their documents on the old server and their court data copied to the new server -- Worked with users on any issues they had accessing data and questions about Windows 7 -- Users still on the old server had the live court data throughout the day, users moved to the new server could only search and view until the live database was finally moved to it when the two front window PCS were moved.		

Thank you for your business!	<b>Total</b>	\$1,280.00
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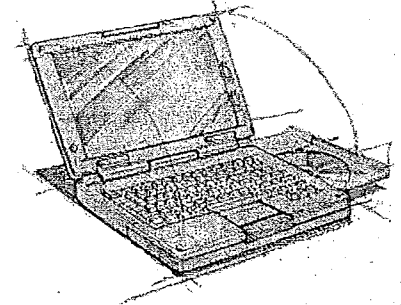
**Firthcliffe Technologies, Inc.**

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3729

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550



Description	P.O. No.	Terms	Estimate
	Quantity	Price Each	Amount
6/15/12 Service Call (Bob)	4.25	80.00	340.00
-- Worked on new handheld scanners and Dymo label printers that are to be used with the Court32 program -- Pulled hard drives from old PCs so Paul could attach them to a PC and copy back files needed for data transfer from the DMV website for tickets, etc. These folders and files were missed during the first data capture for the migration. We didn't know about them. -- Also worked on adding LogMeIN to client PCs so we can access them if they have questions or problems after the move to Windows 7 and the new Windows server 2008 domain. This will allow quicker response to many minor issues that may come up as long as the PCs are still connected to the Internet. -- Worked with SEI tech support on issues with the Label printers			
Thank you for your business!	<b>Total</b>		\$340.00
NOTE: There will be a \$20 charge for any check returned by the bank. Finance Charges will accrue at a rate of 2% per month after 20 days from the date of the invoice with a minimum charge of \$1.00 per month.	<b>Pmts/Credits</b>		\$-174.47
	<b>Bal Due</b>		\$165.53

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3732

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
2.5	6/13/12 Service Call (Paul)  -- Deliver the server and 11 PCS onsite at the Town of Newburgh Justice Court -- Unpack the new Dell 24port Gigabit switch and the new APC UPS for the new server -- Also setup the new UPS and got the new gigabit switch and the server powered up by that UPS -- Patch the new switch into the network and get the server up and running -- fix DNS issue on server by borrowing monitor from the small court room -- will put monitor back after new server has replaced the role of the old one -- Created batch files on the new server to map the old server data drive and to copy the data from the shared folders on the old server to a folder on the new server. Did a partial copy of data from the old server -- Skipping the Court data for now -- Spoke with Debbie and Fran about relocating the existing network boxes onto the shelves on the wall behind where the server will be -- Got a list of the usernames and passwords from Fran that are used on the old server so we can try and duplicate on the new server -- Called SEI about court program and spoke with Sean. He said it's not a very big download and we will be able to get it from the SEI website. -- Got a list of additional printers -- including the personal USB attached ones at peoples desks -- Both servers can be accessed from outside using LogMeIn	80.00	200.00

Thank you for your business!	<b>Total</b>	\$200.00
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Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
6/28/2012	3749

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
3	<p>6/27/12 Service Call (Paul)</p> <ul style="list-style-type: none"> <li>-- Re-mounted the court's new Dell switch back on the wall</li> <li>-- Made sure I could get back into the managed switch and see the ports and speeds</li> <li>-- Started putting devices that wouldn't disrupt the court back into the switch</li> <li>-- Have the switch set so ports 1 thru 12 are set at 100MB and ports 13-24 are auto and can go up to 1000MB</li> <li>-- Only moved devices that had CAT5e cables to the higher speed ports, like the server. Any other devices where I could not trace out the wires or where I did know they were just CAT5 went into the slower ports</li> <li>-- Checked accessing the network shares and the Internet from all the PCs after the switch. There were intermittent problems for a while where I needed to reboot some of the PCs. I think it's because of disrupting the connection to the Cisco PIX which is handing out the IP addresses. We may want to switch that to the server.</li> <li>-- The PCs in the court rooms and the judge's chambers definitely had the slower CAT5 wiring so they were put into the slower part of the switch</li> <li>-- Had issues again with Jeanette's and Toni's PCs and the Internet. I also had to fix the link to the DMV secure login on Toni's PC to get it to login to the website</li> <li>-- Debbie was having issues with the court program and she contacted SEI and they had everyone get out of the program while they repaired something with the database.</li> <li>-- Had to fix the Office 2010 on Patti's PC. The users didn't understand that only Debbie and Fran had full versions of Office because they use Outlook for email. Patti had tried activating Office Home and Small Business 2010 on her PC using the code from either Debbie's or Fran's keycard. I explained the codes were only meant for those PCs. I removed the full version that would not authenticate and reverted it back to the Starter edition with just Word and Excel with the advertisement panel. That panel was the reason Patti was trying to upgrade. I explained that I can't remove that from the display.</li> <li>-- Moved the server to the other side of the rolling cabinet and moved the Cisco PIX, DLink router, and cable modem down into the upper shelf of the rolling cabinet as per Fran's request. This puts all the network wiring behind the cabinet and server out of the way of anyone bothering the wires</li> </ul>	80.00	240.00
Thank you for your business!		<b>Total</b>	\$240.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/6/2012	3758

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
2	<p>Code Compliance</p> <p>6/29/12 Service Call (Paul)</p> <p>-- Setup a spare switch and extra network connections borrowed from Firthtech in Jerry's office to be able to use the new Windows 7 PC and the old Windows 2000 PC simultaneously. -- we just needed to switch the monitor back and forth while it was off because we only had one.</p> <p>-- Put then new PC in the domain and added the network drives tom Jerry's login. Also made him a local Admin on the new PC</p> <p>-- Pierre and I tried the Old DOS programs form Eric Lindstrom under the XP Virtual PC that Pierre had installed. It seemed to work but we get one error when starting up the software. I told him I thought I got the same error under Window 7 so we tried it there and received the same error on startup but the software seemed to work</p> <p>-- Went to see Tom and he called someone to explain how to install the Firehouse software program. I installed the software from the installation files I found for version 6.3.10 on the server.</p> <p>-- One of the times Jerry came back onsite we had him try the Eric's DOS programs under Windows 7 and he said it all appeared to be working correctly despite the one error that displays when you launch any of the modules.</p> <p>-- We made a shortcut to the documents Jerry has on the server until we can include it in the documents library under Windows 7.</p> <p>-- Left Pierre to continue working on Jerry's email and other migration issues between the two PCs while I went to test a terminal service remote desktop connection next door for another project</p>	80.00	160.00
5	6/29/12 Service Call (Pierre)	80.00	400.00
Thank you for your business!		<b>Total</b>	

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
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# Invoice

Date	Invoice #
7/6/2012	3758

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1.25	<p>6/29/12 Service Call (Paul)</p> <ul style="list-style-type: none"> <li>• Installed and configured windows XP mode</li> <li>• Ran test of server programs in XP mode successfully</li> <li>• Decided to try to run in windows 7, this was successful as well</li> <li>• Exported email and contacts from 'outlook express 6'</li> <li>• Imported email and contacts onto windows 7 'windows live mail'</li> <li>• Installed Microsoft Office H&amp;B 2010</li> <li>• Configured Outlook with accounts ' Code Compliance + Fire Inspector</li> </ul> <p>-- Tried getting the Canon IR3235 copier working as a printer on Jerry's new Windows 7 pc - I tried at least 3 additional drives since the first one that Pierre tried and I have not been able to print to the Canon</p> <p>-- Copied the data from his old desktop to his new one</p> <p>-- Spoke with Jerry about his new PC when he arrived back onsite</p> <p>-- We discussed his email setup that Pierre had finished as well as having him try the Firehouse software which we installed on his new PC</p> <p>-- Shut down his old computer, and put his old PC, keyboard, and mouse aside in case we need to retrieve anything else.</p> <p>-- Put is new PC on his desk and attached the peripherals. We test printed to his HP Inkjet printer again</p> <p>-- Jerry will use the new PC and let us know how it is working prior to continuing with replacing the other PCs</p> <p>-- Also fixed Google Chrome by re-installing it because it wasn't working</p> <p>-- We may need to contact Canon about the copier. Even though Jerry didn't care if he printed to it some of the other new PCs will need to when we install them.</p> <p>-- Jerry asked about sharing a calendar in Outlook, but after talking with Fred we may want to suggest they use a Google or Yahoo calendar since they don't have Exchange and trying to share a personal calendar in Outlook with multiple people may not work. If the Outlook calendar did work it would require everyone trying to access it to have a full copy of Office 2010 not the starter edition</p>	80.00	100.00
Thank you for your business!		<b>Total</b>	<b>\$660.00</b>

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/6/2012	3759

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	6/28/12 Remote Administration (Paul)  -- Logged into the Terminal server at the town hall -- Doing Windows updates and checking out the Terminal services since the Animal control isn't using it yet. Need to make sure it is functioning for another project where we will be working with Jason Browne from Software Consulting 783-0104 to allow the Water dept PCs at the other building to access Marylou's Water Billing program in the near future. -- Setup testing account for water department to experiment with running Marylou's water program with Remote desktop remotely for use from the water dept building . made sure I could remote login to the terminal server. -- Sent Jason Browne an email asking his availability tomorrow for testing purposes	80.00	80.00
Thank you for your business!		<b>Total</b>	<b>\$80.00</b>

Firtheliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/6/2012	3760

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
3	Tax Receiver 6/29/12 Service Call (Paul)  -- Left Pierre working on Jerry's new PC in code compliance and went to the vault near MaryLou to look at the Newburgh Terminal server and configure it to allow using Jason's water and bond programs in MaryLou's dept -- Had already setup a user for testing purposes prior to coming onsite -- Called Jason to see if he was available but he was on a phone call. The person I spoke with said they would have him call back -- Waited for his call and then we worked on trying to access the server with LogMeIn rescue but needed to be in as the Domain Admin. We got him connected, we mapped the required drive from the domain controller and then Jason's setup the terminal server to access his software. -- Seemed to launch under the network admin logon. WE then tried with Jason getting into terminal services as the test user but we were denied accessing the software drive. We decided I would need to research the security issue then get in touch with him when I thought it was fixed. -- Reviewed all the setting for mapped drives, groups, logon ids, and it looks like it should work. I tried as the test user with remote desktop as well as with a local logon and it failed to access the needed drive. However, it worked correctly as the Domain Admin. -- Pierre stopped in from next door and I showed him the problem. I will need to research how much I locked down the remote desktop access when I set it up 6 months ago. It still seems to work for the AMS software from BAS but they do not need any mapped drives and Jason's program does. I may need to loosen up the security settings. This will require some additional checks. -- Will need to let Jason know when I think I have it working for his software.	80.00	240.00
Thank you for your business!		<b>Total</b>	\$240.00

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
7/6/2012	3763

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
10	Priority In Shop Labor - 10 systems <ul style="list-style-type: none"> <li>• Installed Adobe Flash player</li> <li>• Installed Adobe Reader / Nitro Reader</li> <li>• Installed Microsoft Silverlight</li> <li>• Installed Microsoft Security Essentials Anti-Virus</li> <li>• Installed Google Chrome Web browser</li> <li>• Updated Internet Explorer web browser from 9 to 9.1 Enhanced</li> <li>• Applied windows updates.</li> <li>• Installed Windows XP Mode</li> </ul>	80.00	800.00

Thank you for your business!

**Total**

**\$800.00**

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/6/2012	3767

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	<p>7/2/12 Remote Administration (Paul)</p> <p>-- Created a login script and linked it to the Court Staff OU so they all receive the correct mapped drives when they log into the network.</p> <p>-- Tested it remotely on the server and then called Fran to ask if I could test it on Debbie's PC</p> <p>-- Attached to Debbie's PC with LogMeIn and logged in as the domain Admin which does not run the script and did not receive the mapped drives. Logged back in as Debbie and received all three mapped drives without any errors.</p> <p>-- Had also created a test id for Firthcliffe called firhtech and it is a Domain admin as well as in the Court Staff OU and it gets the drives on logon.</p> <p>-- We are hoping that a fresh mapping every time through the script may help with some issues accessing the court mapped data</p> <p>-- Also spoke with Fran via the phone and asked that when they first logon to a PC they wait a few minutes prior to trying to run the court program or access the Internet.</p>	80.00	80.00

Thank you for your business!

**Total**

**\$80.00**

# Invoice

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

Date	Invoice #
7/6/2012	3768

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	7/3/12 Remote Administration (Fred) -- The window computer #2 was not printing. -- Got on remotely and saw there was a warning indicator on the printer control. -- Turn to offline and back on and item printer from queue. -- User tried a second document and that didn't print the control panel said it was off line. -- Had user power printer off, wait 60 seconds, and powered on. -- The document printed. Repeated printing the document and it was OK this time	80.00	40.00
Thank you for your business!		<b>Total</b>	\$40.00



Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/9/2012	3773

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms.	

Quantity	Description	Rate	Amount
0.5	7/3/12 Service Call (Bob) -- Helped Fran run a cat5 cable over to the new desk location. (they all moved there desks around and some of the cat5 cables were to short) ok now. -- Worked on patties office issue seems after they entered the product key for the full version it only sees the full version of office 2010 and will not use the starter kit of office 2010. need to look into on how to fix this issue. (files do not associate with the started word 2010 but will open if using file\open in word)	80.00	40.00
Thank you for your business!		<b>Total</b>	\$40.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/9/2012	3784

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	7/9/12 Service Call (Bob)  -- Checked on what the issue was. seemed that the server and the switch was in a weird state(locked) had to hard reset the server and unplug the switch for a few minutes. noticed that the server was making a buzzing noise like the hard drive head was scrapping (going bad) opened up the server to listen to see if it was around the drive itself. not 100% sure that it is the drive but I still would like to run seatools on this hard drive to make sure that the drive does not go bad. cleaned the front of the server of all dust. -- Rebooted the server and the switch all now is working as intended.	80.00	40.00
Thank you for your business!		<b>Total</b>	\$40.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/12/2012	3792

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
0.5	Accounting 7/10/12 Remote Administration (Fred)  -- Jackie in accounting having problem logging into server. -- This is the second day in a row that this has happened. -- We agreed that KVS data needed to backed up. -- She will call KVS for guidance and back up data.	80.00	40.00
Thank you for your business!		<b>Total</b>	\$40.00

Firthcliffe Technologies, Inc.

198 Willow Ave  
 Cornwall, NY 12518  
 PH: 845-534-9800

# Invoice

Date	Invoice #
7/12/2012	3794

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	7/10/12 Remote Administration (Fred)  -- Called Jerry at KVS and went over problem with Jackie's server. He just copied all her data to her workstation and at the end of the day will need to do the same for several files which will change. I went over the direction of going to the new server with several new Windows 7, 64-bit workstations from Code enforcement. -- I need access server to get software version to send to KVS	80.00	80.00
Thank you for your business!		<b>Total</b>	<b>\$80.00</b>

Firthcliffe Technologies, Inc.

198 Willow Ave  
Cornwall, NY 12518  
PH: 845-534-9800

# Invoice

Date	Invoice #
7/17/2012	3799

Bill To
Town of Newburgh 1496 Route 300 Newburgh, NY 12550

P.O. No.	Terms	Project
	Per M/A terms	

Quantity	Description	Rate	Amount
1	NETGEAR GS108 8-port 10/100/1000BASE-T Gigabit Ethernet unmanaged switch  See Invoice 3724	106.24	106.24
Thank you for your business!		<b>Total</b>	\$106.24



## Request for Computer Service Work Order

From: Town of Newburgh  
1496 Route 300  
Newburgh, New York  
845 564-4552 or 566-7785  
Charlene Black  
charleneblack@hvc.rr.com

To: Firthcliffe Technologies  
198 Willow Avenue  
Cornwall, New York  
845 534-9800  
support@firthtech.com

Date: work done on these dates onsite 6/13/12, 6/14/12, 6/15/12, 6/20/12  
(PN) (PN+3) (PN+8) (PN+35)

Please supply service on the Computer located at: TOWN Court Tel # 564-7161

The person to see at this location is: Fran

Reporting the following problem:

This is a priority 3 Repair # 1 2 (3) One being the highest priority

This lower section to be completed by Firthcliffe Technician \*

Described repair performed Install 11 new PCs + one new server at the Town Court. Migrate data between PCs and servers as needed. Install new switch + relocate network PIX, router + cable modem. Install new hand scanners + label printer for use with court program

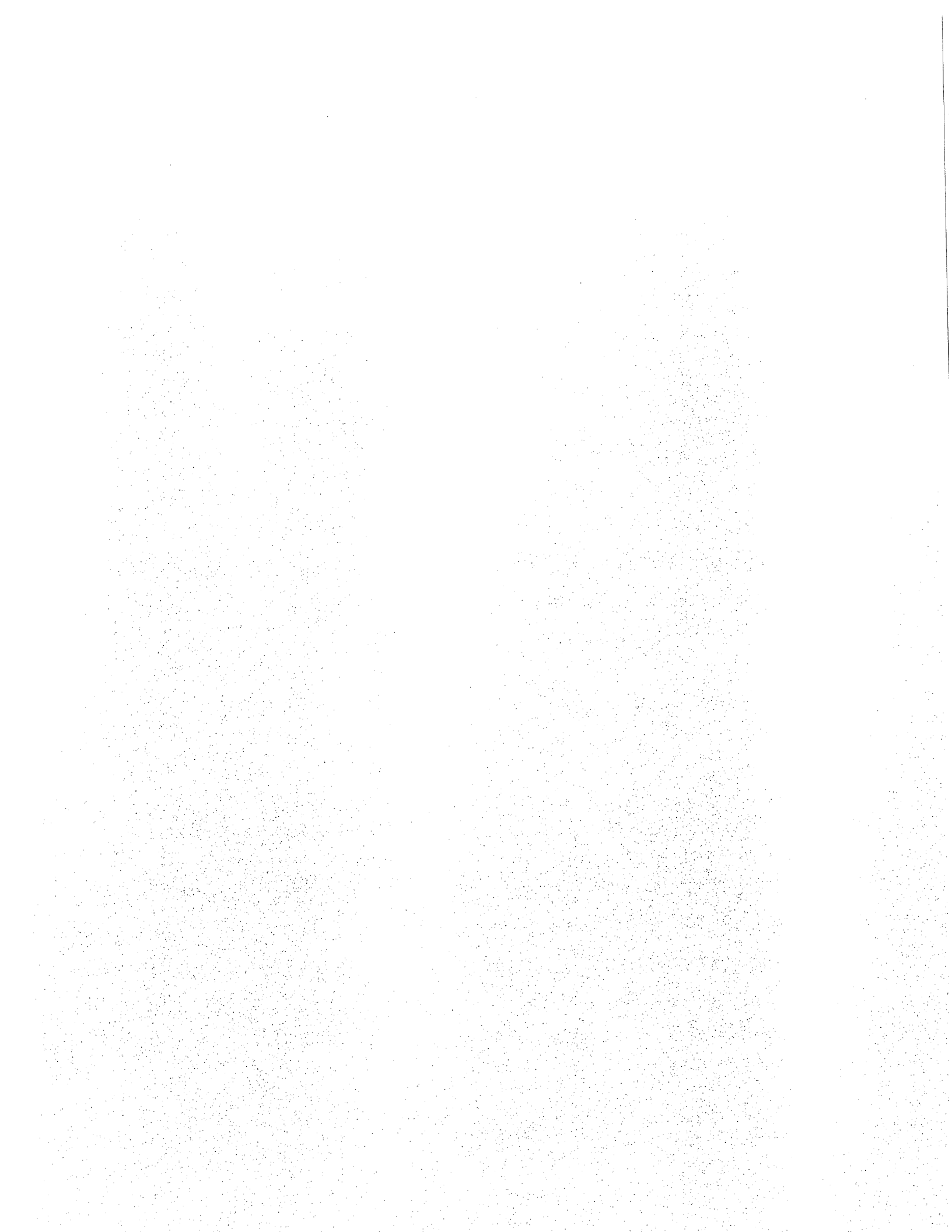
Time spent on this repair done over multiple days Firthcliffe Technician Paul + Bob

This work order is complete please circle Yes (No) - all work done except new network switch needs to be returned + installed with customized settings

Department Head or employee Name \_\_\_\_\_

Signature X \_\_\_\_\_ Date \_\_\_\_\_

This form when completed should be presented to the Accounting Department by Firthcliffe Technologies or faxed to 845 566-9461 Attn: Jackie Clarco



12 B

**For Agenda**

**Town Board Meeting Monday July 23rd 2012**

**1. Purchase of (3) OptiPlex Computers from Dell for Accounting Dept**

- 3. Dell OptiPlex 790 Mini Tower Computers @ \$ 998.40  
For a total purchase of .....\$ 2,592.52

From the computer reserve fund 001-878 currently has \$ 75,960.00

**2. Purchase of blanket of 75 hours at \$ 80.00 per hour for a total of \$ 6000.00 from Firthcliffe Technologies to be funded by the computer maintenance account**

This \$ 6000.00 purchase will be made from the computer maintenance account.  
# 001-1680.0497 which currently has \$ 30,854.00





**QUOTATION**

Quote #: 620538520  
 Customer #: 000459815  
 Contract #: 44ADD  
 Customer Agreement #: PT65340  
 Quote Date: 05/08/2012  
 Customer Name: TOWN OF NEWBURGH

Date: 05/08/2012

Thanks for choosing Dell! Your quote is detailed below; please review the quote for product and informational accuracy. If you find errors or desire certain changes please contact your sales professional as soon as possible.

**Sales Professional Information**

SALES REP: WESLEY A DEWALD PHONE: 1800 - 5713355  
 Email Address: [wesley\\_dewald@Dell.com](mailto:wesley_dewald@Dell.com) Phone Ext: 7250392

**GROUP: 1 QUANTITY: 5 SYSTEM PRICE: \$998.40 GROUP TOTAL: \$4,992.00**

Base Unit	OptiPlex 790 Desktop Base, Standard PSU (225-0772)	1
	Opti 790, CORE i3 2120 Processor (3.3GHz, 3M) (317-6646)	1
	8GB, Non-ECC, 1333MHz DDR3, 2x4GB, Dell OptiPlex 990 (317-6782)	1
	Dell USB Entry Keyboard, No Hot Keys, English, OptiPlex (331-2024)	1
	No Monitor Selected, OptiPlex (320-3704)	1
	Integrated Video, HD Graphics 2000, Dell Optiplex 790 (320-2520)	1
	500GB SATA 6.0Gb/s and 16MB Data Burst Cache, Dell OptiPlex 790 (342-2494)	1
	Windows 7 Professional, No Media, 64-bit, Optiplex, English (421-5606)	1
	Windows 7 Label, OptiPlex, Fixed Precision, Vostro Desktop (330-6228)	1
	Dell Client System Update (Updates latest Dell Recommended BIOS, Drivers, Firmware and Apps), OptiPlex (421-5334)	1
	Dell MS111 USB Optical Mouse, OptiPlex and Fixed Precision (330-9458)	1
	Intel Standard Manageability, Dell OptiPlex 790 (331-2680)	1
	16X DVD-ROM SATA, Data Only, Dell OptiPlex 790 Desktop and Minitower (318-0622)	1
	Cyberlink Power DVD 9.5, No Media, Dell OptiPlex, Latitude and Precision Workstation (421-4370)	1
	Heat Sink, Mainstream, Dell OptiPlex 790 Desktop (317-6620)	1
	Internal Speaker, Optiplex (318-0319)	1
	Enable Low Power Mode for EUP Compliance, Dell OptiPlex (330-7422)	1
	Dell Data Protection Access, OptiPlex (421-5078)	1
	OptiPlex 790 Desktop Standard Power Supply (318-0872)	1
	Regulatory Label, Dell OptiPlex 790 Desktop (331-2678)	1
	Documentation, English and French, Dell OptiPlex (331-2030)	1
	Power Cord, 125V, 2M, C13, Dell OptiPlex (330-1711)	1
	Dell Energy Smart Power Management Settings Enabled, This Item is Not EStar Qualified, OptiPlex (330-4817)	1
	Resource DVD contains Diagnostics and Drivers for Dell OptiPlex 790 (331-2683)	1
	Shipping Material for System, Desktop, Dell OptiPlex 990 (331-1269)	1
	Tech Sheet, English, Dell OptiPlex 790, Factory Install (331-2686)	1
	Microsoft Office Starter 2010, OptiPlex, Precision and Latitude (421-3950)	1
	Microsoft Office Home and Business 2010, English, OptiPlex, Precision and Latitude (421-3954)	1
	Basic Hardware Service: Next Business Day Limited Onsite Service After Remote Diagnosis 2 Year Extended (938-7662)	1

Basic Hardware Service: Next Business Day Limited Onsite Service After Remote Diagnosis Initial Year (951-7510)	1
Dell Limited Hardware Warranty Plus Service Extended Year(s) (935-2478)	1
Dell Limited Hardware Warranty Plus Service Initial Year (929-6637)	1

<b>*Total Purchase Price:</b>	<b>\$4,992.00</b>
Product Subtotal:	\$4,992.00
Tax:	\$0.00
Shipping & Handling:	\$0.00
State Environmental Fee:	\$0.00
Shipping Method:	LTL 5 DAY OR LESS

(\* Amount denoted in \$)

#### Statement of Conditions

The information in this document is believed to be accurate. However, Dell assumes no responsibility for inaccuracies, errors, or omissions, and shall not be liable for direct, indirect, special, incidental, or consequential damages resulting from any such error or omission. Dell is not responsible for pricing or other errors, and reserves the right to cancel orders arising from such errors.

Dell may make changes to this proposal including changes or updates to the products and services described, including pricing, without notice or obligation.

This proposal is not intended to create a contractual relationship. Unless expressly agreed otherwise in a writing signed by the parties, all orders by TOWN OF NEWBURGH for Dell products and services shall be subject to Dell's Terms and Conditions of Sale-Direct, which can be found at [www.dell.com/terms](http://www.dell.com/terms), and which incorporate Dell's U.S. Return Policy, at [www.dell.com/returnpolicy#total](http://www.dell.com/returnpolicy#total). Please read those terms carefully and in their entirety, and note in particular that Dell EqualLogic and EqualLogic-branded products, Dell|EMC and EMC-branded products, PowerVault ML6000 tape libraries, non-Dell-branded enterprise products, enterprise software, and customized hardware or software products may not be returned at any time. Orders also shall be subject to the terms of any applicable service contract(s), which can be found at [www.dell.com/servicecontracts](http://www.dell.com/servicecontracts).

All information supplied to TOWN OF NEWBURGH for the purpose of this proposal is to be considered confidential information belonging to Dell.

#### About Dell

Dell Inc. (NASDAQ: DELL) listens to customers and delivers innovative technology and services they trust and value. Uniquely enabled by its direct business model, Dell is a leading global systems and services company and No. 34 on the Fortune 500. For more information, visit [www.dell.com](http://www.dell.com).

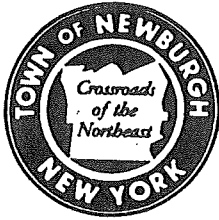
#### Privacy Policy

Dell respects your privacy. Across our business, around the world, Dell will collect, store, and use customer information only to support and enhance our relationship with your organization, for example, to process your purchase, provide service and support, and share product, service, and company news and offerings with you. Dell does not sell your personal information. For a complete statement of our Global Privacy Policy, please visit [dell.com/privacy](http://dell.com/privacy).

**13.HIGHWAY: Budget Transfer**

JUL 23 2012

13



# HIGHWAY DEPARTMENT

90 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177  
FAX 845-561-8987

DARRELL BENEDICT  
HIGHWAY SUPERINTENDENT

TODD DEPEW  
DEPUTY HIGHWAY SUPERINTENDENT

**TO:** Wayne C. Booth, Supervisor and Town Board Members  
**FROM:** Darrell Benedict, Highway Superintendent (DB)  
**DATE:** July 17, 2012  
**RE:** Transfer Request

I would like to request the following budget transfer could you please put this on the agenda for the next meeting:

<b>FROM:</b>	<b>TO:</b>	<b>AMOUNT:</b>
030.5142.0413 Meals	030.5110.0462 Uniforms	\$50.00

If you have any questions please feel free to contact me. Thank you.

**DB:ch**  
**cc:** J. Calarco, Accounting