

RIDER, WEINER & FRANKEL, P.C.

ATTORNEYS & COUNSELLORS AT LAW

DAVID L. RIDER
CHARLES E. FRANKEL
MICHAEL J. MATSLER
MAUREEN CRUSH
MARK C. TAYLOR
RODERICK E. DE RAMON
DONNA M. BADURA
M. JUSTIN RIDER (NY AND FL)
SHAY A. HUMPHREY
JEFFREY S.E. SCULLEY (NY AND IL)
DARREN H. FAIRLIE
VIKAS VARMA (NY AND INDIA)
DEBORAH WEISMAN-ESTIS (NY AND NJ)

655 LITTLE BRITAIN ROAD
NEW WINDSOR, NEW YORK 12553

(MAILING ADDRESS:)
POST OFFICE BOX 2280
NEWBURGH, NEW YORK 12550

TEL. (845) 562-9100

FAX (845) 562-9126

firm@riderweiner.com

www.riderweiner.com

M.J. RIDER (1906-1968)
ELLIOTT M. WEINER (1915-1990)

STEPHEN P. DUGGAN, III
BRUCE C. DUNN, SR.
COUNSEL

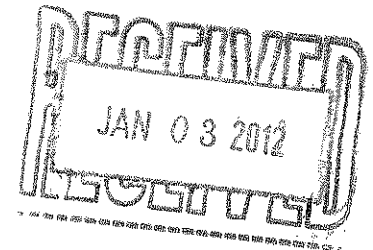
CRAIG F. SIMON
OF COUNSEL

1289 RT. 9
SUITE #3
WAPPINGERS FALLS, NY 12590
(845) 632-6094

December 30, 2011

BY HAND DELIVERY

John P. Ewasutyn, Planning Board Chairman
Town of Newburgh Planning Board
Town of Newburgh
308 Gardnertown Road
Newburgh, New York 12550



Re: Request for Zoning Text Revisions and Open Development Area Designation
Mid-Hudson Marina, Oak Street, Town of Newburgh, NY
OUR FILE NO. 800.1(B)() (2011)

Dear John:

Enclosed please find a copy of the letter dated November 18, 2011 with enclosures from George Cronk, P.E. on behalf of Mid-Hudson Marina, LLC, addressed to Supervisor Booth and you requesting, among other things, Zoning Code text revisions and an Open Development Area designation. The Town Board discussed the request at its December 28, 2011 work session. Prior to meeting with the applicant and proceeding further with more formal consideration of the request, the Town Board directed that the request be referred to the Planning Board for its review and comment, it being understood that the Planning Board will continue to conduct its SEQRA review. The Town Board's members also requested that I advise the Planning Board that they do **not** favor any of the requested Zoning Code text amendments, except for "Amendment Request 2" which would change the Code's language pertaining to 100 boat slips from mandatory to permissive.

Please consider this letter as such request for your Board's comments on the Zoning text revisions requested by the applicant. Should the Town Board decide to proceed to consider any amendment upon receipt of your comments and after meeting with the applicant, the proposed local law implementing the Zoning amendment and other related documents would of course be referred to your Board and to the Orange County Department of Planning for their formal reports, as well as

John P. Ewasutyn, Planning Board Chairman
December 30, 2011
Page -2-

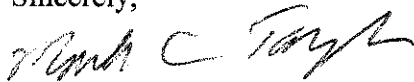
the Zoning Board of Appeals.

Please also consider this letter as the referral of the matter of the Open Development Area establishment request pursuant to the requirements of Town Law Section 280-a. The Town Board requests that the Planning Board provide not only your recommendation in this regard, but also any additional supporting information. The Town Board additionally requests that you advise of any proposed conditions and limitations the Planning Board intends to prescribe by general or special rule with respect to the proposed Open Development Area pursuant to Section 280-a.

By copy of this letter, I am also forwarding the request to Grace Gardone, Chairman of the Zoning Board of Appeals, so that the Zoning Board of Appeals may also have the opportunity to review the request and provide comments to the Town Board.

Should you have any questions in this regard, please do not hesitate to contact me.

Sincerely,



Mark C. Taylor, Attorney for the Town

MCT/sel
Enclosure

cc: Hon. Wayne C. Booth, Supervisor *(via e-mail)*
Town Board Members *(via e-mail)*
Hon. Andrew Zarutskie, Town Clerk (by hand)
Grace Cardone, Zoning Board of Appeals Chairman (by hand)
Planning Board Members *(via e-mail)*
James Osborne, Town Engineer *(via e-mail)*
Gerald Canfield, Code Compliance Supervisor *(via e-mail)*
Michael Donnelly, Planning Board Attorney *(via e-mail)*
David Donovan, Zoning Board of Appeals Attorney *(via e-mail)*
George Cronk, P.E., The Chazen Companies
David Smith, VHB *(informational - via e-mail)*