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CONSULTING ENGINEERS D.P.C.

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**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT: 511 GARDNERTOWN ROAD, LLC
PROJECT NO.: 19-05
PROJECT LOCATION: SECTION 60, BLOCK 2 LOT 62
REVIEW DATE: 1 MARCH 2019
MEETING DATE: 7 MARCH 2019
PROJECT REPRESENTATIVE: JMC ENGINEERING/ STAN SCHUTZMAN, ESQ.

1. A one story metal building is identified on the site which does not meet appropriate zoning bulk separations. In addition a shed appears within the front yard setback. These uses will require a zoning variance.
2. A two story wood framed dwelling is identified on proposed lot #2. A review of available aerial photos depicts this building as a commercial structure not a single family dwelling.
3. Utilities servicing all structures on lot #2 should be identified on the plans including well and septic system.
4. A review of available aerial photos identifies a significant number of vehicles and tractor trailer bodies as well as extensive grading activities occurring on the site. All activities on the site should be identified and all structures should be identified as to their use.
5. A proposed asphalt driveway is identified to be constructed accessing lot #2. Highway Superintendent's comments regarding the driveway location and design of the driveway servicing what appears to be a commercial use on the lot should be received.
6. County Planning referral is required due to proximity to the NYS Thruway.

Respectfully submitted,

**McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.**

Patrick J. Hines
Principal
PJH/kbw

• Regional Office • 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •



STANLEY A. SCHUTZMAN, P.C.

ATTORNEY AT LAW

STANLEY A. SCHUTZMAN

*Please mail correspondence
to Rockland Office.*

VISIT US AT:

Email: Schutzmanlaw@aol.com

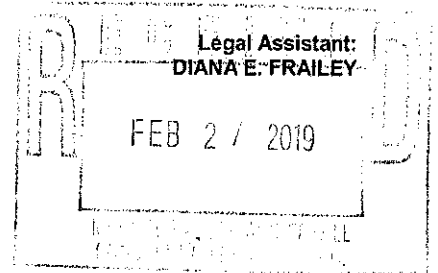
ROCKLAND OFFICE:

61 South Main Street
Suite 1 – 2nd floor
New City, N.Y. 10956

DUTCHESS OFFICE:

P.O. Box 969
Poughkeepsie, N.Y. 12602

Phone: (845) 600-8LAW (8529)
Fax: (845) 600-1LAW (1529)



Via: UPS Overnight

February 22, 2019

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

JPE
FEB 25 2019

Re: Application for Lot Line Change -
Premises: 511 Gardnertown Road, Newburgh, New York
New Project #2019-05

Dear Chairman Ewasutyn:

I am writing you as authorized representative of both Joseph Ruggerio and 511 Gardnertown Road, LLC, the owners of the two affected lots in respect of the Planning Board's review and approval is sought of the above referenced application for a lot line change.

I am writing to enclose my clients' Application for a Lot Line Change in support of which please also find enclosed a short form EAF and Preliminary Lot Line Change Plan. I am also writing to request that my clients' above referenced application be placed on the next Planning Board meeting agenda scheduled March 7, 2019 for discussion and the Planning Board's due consideration, review and determination thereof. Unfortunately I am scheduled to be out of state on business on March 7, 2019 so the initial presentation on behalf of the applicants will be attended by JMC Site Development Consultants.

1. JMC Site Plan

Dwg. No.

Title

LS-1

"Preliminary Lot Line Change Plan"

2. Short Form EAF

3. Town of Newburgh Application for Subdivision/Site Plan Review

4. Town of Newburgh Planning Board Checklist
5. Fee Acknowledgement
6. Farrell Proxy Statement
7. Ruggiero Proxy Statement
8. Planning Board Disclaimer Statement
9. Disclosure Addendum Statement to Application, Petition and Request
10. Check #56682 for the amount of \$500.00 (Filing Fee)
11. Check #56690 for the amount of \$1,500.00 (Escrow Fee)

Thanking you and the other Planning Board members in advance for your due consideration of this matter, I am

Sincerely yours,



Stanley A. Shtuzman

Enclosures
Copies to: clients

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, New York 12550**

DATE RECEIVED: _____ TOWN FILE NO: _____
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):

511 Gardnertown Road Lot Modification

2. Owner of Lands to be reviewed:

Name	<u>Joseph Ruggiero</u>	/	<u>511 Gardnertown Road, LLC</u>
Address	<u>14 Gardner Street</u>	/	<u>2317 Montauk Highway</u>
	<u>Newburgh, NY 12550</u>	/	<u>Bridge Hampton, NY 11932</u>
Phone	<u>(914) 213-9777</u>		

3. Applicant Information (If different than owner):

Name	<u>511 Gardnertown Road, LLC</u>
Address	<u>2317 Montauk Highway</u>
	<u>Bridge Hampton, NY 11932</u>

Representative	<u>Umberto Balducci</u>
Phone	<u>(914) 273-5225</u>
Fax	<u>(914) 273-2102</u>
Email	<u>ubalducci@jmcpllc.com</u>

4. Subdivision/Site Plan prepared by:

Name	<u>JMC</u>
Address	<u>120 Bedford Road</u>
	<u>Armonk, NY 10504</u>
Phone/Fax	<u>(914) 273-5225; (914) 273-2102</u>

5. Location of lands to be reviewed:

511 Gardnertown Road, Newburgh, NY 12550

6. Zone	<u>R-3</u>	Fire District	<u>Winona Lake Fire District</u>
Acreege	<u>2.8</u>	School District	<u>Newburgh City School District</u>

7. Tax Map: Section 60 Block 2 Lot 62

8. Project Description and Purpose of Review:

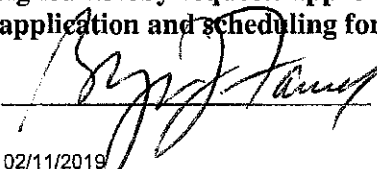
Number of existing lots 2 Number of proposed lots 2
Lot line change Yes
Site plan review N/A
Clearing and grading N/A
Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:

(Describe generally) 45' Wide Sanitary Sewer Easement
Deed Liber 14429 Page 1428

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature  Title Member
Date: 02/11/2019

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

TOWN OF NEWBURGH PLANNING BOARD

511 Gardnertown Road Lot Modification

PROJECT NAME

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. Environmental Assessment Form As Required
2. Proxy Statement
3. Application Fees
4. Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.

1. Name and address of applicant
2. Name and address of owner (if different from applicant)
3. Subdivision or Site Plan and Location
4. Tax Map Data (Section-Block-Lot)
5. Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. N/A Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. Date of plan preparation and/or plan revisions
9. Scale the plan is drawn to (Max 1" = 100')
10. North Arrow pointing generally up
North Arrow located on plan

11. N/A Surveyor,s Certification
12. N/A Surveyor's seal and signature
13. Name of adjoining owners
14. N/A Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. N/A Flood plain boundaries
16. N/A Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. Metes and bounds of all lots
18. Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19. Show existing or proposed easements (note restrictions)
20. Right-of-way width and Rights of Access and Utility Placement
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. N/A Lot area (in sq. ft. for each lot less than 2 acres)
23. Number of lots including residual lot
24. Show any existing waterways
25. N/A A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. N/A Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. N/A Show topographical data with 2 or 5 ft. contours on initial submission

30. N/A Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. N/A If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32. N/A Number of acres to be cleared or timber harvested
33. N/A Estimated or known cubic yards of material to be excavated and removed from the site
34. N/A Estimated or known cubic yards of fill required
35. N/A The amount of grading expected or known to be required to bring the site to readiness
36. N/A Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
-
37. N/A Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
-
38. N/A List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.



By: [Signature]
Licensed Professional

Date: 2/19/2019

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date):

FEE ACKNOWLEDGEMENT

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Bryan J Farrell

APPLICANT'S NAME (printed)



APPLICANTS SIGNATURE

02/11/2019

DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

PROXY

(OWNER) Joseph Farrell, DEPOSES AND SAYS THAT HE IS MANAGING
MEMBER OF 511 GARDNERTOWN ROAD, LLC WHICH HAS AN OFFICE AT
2317 Montauk Highway

IN THE COUNTY OF Suffolk

AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF _____
511 Gardnertown Road Lot Modification

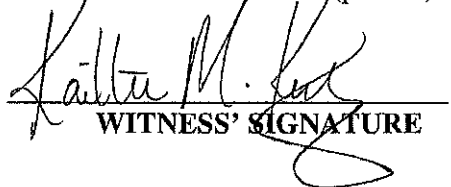
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
PLANNING BOARD AND Stanley A. Schutzman, P.C. IS AUTHORIZED
TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 02/11/2019


OWNERS SIGNATURE

JMC Planning Engineering Landscape
Architecture & Land Surveying, PLLC

Bryan Farrell, Member
OWNERS NAME (printed)


WITNESS' SIGNATURE

NAMES OF ADDITIONAL
REPRESENTATIVES

Kaitlin Kelly
WITNESS' NAME (printed)

PROXY

(OWNER) Joseph Ruggiero, DEPOSES AND SAYS THAT HE/SHE

RESIDES AT 14 Gardner Street

IN THE COUNTY OF Orange

AND STATE OF NY

AND THAT HE/SHE IS THE OWNER IN FEE OF ORANGE Wk. East
501 GARDNERTOWN Rk NEWBURGH, N.Y

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
PLANNING BOARD AND Stanley A. Schutzman, P.C. IS AUTHORIZED
TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 2-13-19


OWNERS SIGNATURE

JMC Planning Engineering Landscape
Architecture & Land Surveying, PLLC

Joseph Ruggiero
OWNERS NAME (printed)

NAMES OF ADDITIONAL
REPRESENTATIVES

WITNESS' SIGNATURE

WITNESS' NAME (printed)

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

02/11/2019

DATED

Bryan J Farrell, Member

APPLICANT'S NAME (printed)



APPLICANT'S SIGNATURE

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

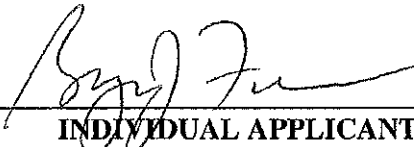
_____ **NONE**

_____ **NAME, ADDRESS, RELATIONSHIP OR INTEREST**
(financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

_____ **TOWN BOARD**
_____ **PLANNING BOARD**
_____ **ZONING BOARD OF APPEALS**
_____ **ZONING ENFORCEMENT OFFICER**
_____ **BUILDING INSPECTOR**
_____ **OTHER**

02/11/2019
_____ **DATED**


_____ **INDIVIDUAL APPLICANT**

_____ **511 Gardnertown Road, LLC**
CORPORATE OR PARTNERSHIP APPLICANT

BY: Bryan Farrell, Member
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

Short Environmental Assessment Form

Part 1 - Project Information

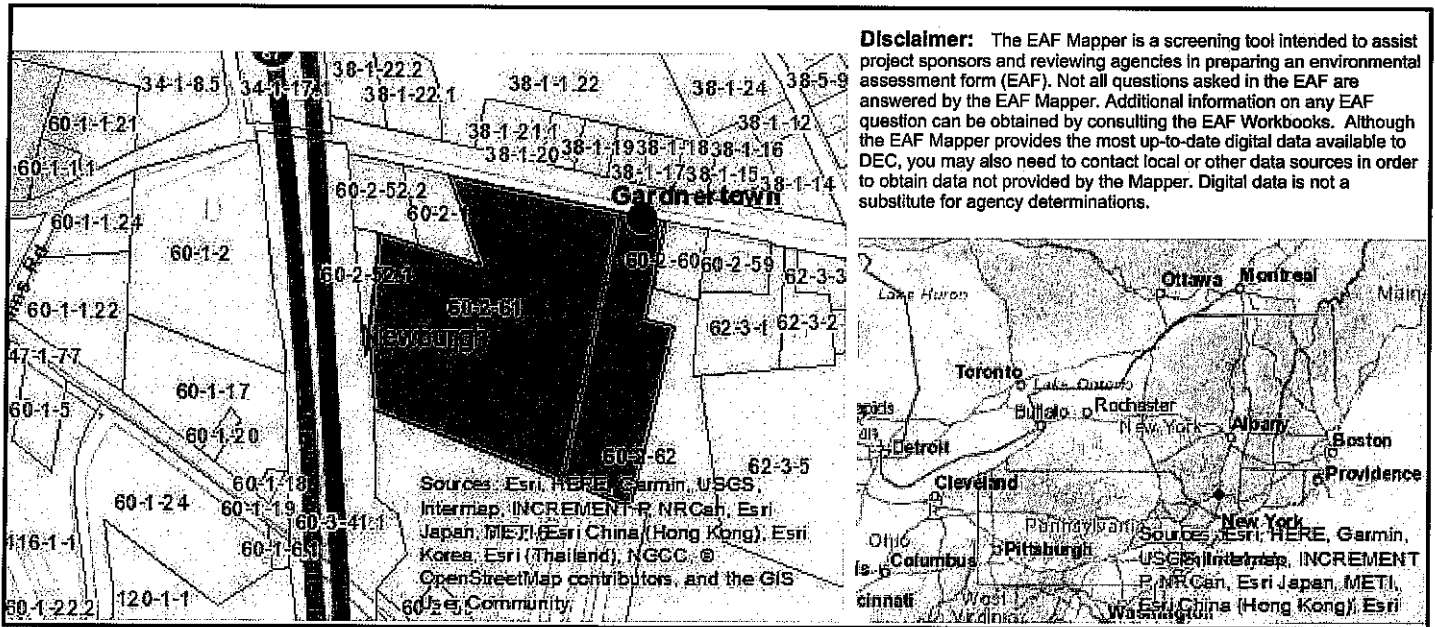
Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information			
Name of Action or Project: 511 Gardnertown Road Lot Modification			
Project Location (describe, and attach a location map): 511 Gardnertown Road, Newburgh, NY 12550			
Brief Description of Proposed Action: Lot line change from tax parcel 60-2-62 to 60-2-61. Owner of 60-2-61 plans to purchase 2.8 acres of property from 60-2-62.			
Name of Applicant or Sponsor: 511 Gardnertown Road, LLC		Telephone: (914) 213-9777	
Address: 2317 Montauk Highway		E-Mail:	
City/PO: Bridge Hampton		State: NY	Zip Code: 11932
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:			YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 2.8 acres			
b. Total acreage to be physically disturbed? _____ 0 acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 12.91 acres			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban)			
<input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	N/A		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
8. a. Will the proposed action result in a substantial increase in traffic above present levels? b. Are public transportation services available at or near the site of the proposed action? c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	NO	YES	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____ _____	N/A		
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____ _____	N/A		
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: _____ _____	N/A		
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	NO	YES	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ _____ _____	NO	YES	



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	No

Project:

Date:

***Short Environmental Assessment Form
Part 2 - Impact Assessment***

Part 2 is to be completed by the Lead Agency.

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

FARRELL
BUILDING COMPANY

P.O. Box 14
Bridgehampton, N.Y. 11932

GOLD COAST BANK
50-1445/214

56682

2/11/2019

PAY TO THE ORDER OF Town of Newburgh

\$**500.00

Five Hundred and 00/100*****
DOLLARS

PROTECTED AGAINST FRAUD



Town of Newburgh
308 Gardhertown Rd.
Newburgh, NY 12550



MEMO

[Handwritten Signature]

⑈056682⑈ ⑆02144455⑆ ⑆201002944⑈

Farrell Building Co., Inc.

56682

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
2/11/2019	Bill	Planning Board Sub	500.00	500.00	2/11/2019	500.00
					Check Amount	500.00

FARRELL
BUILDING COMPANY

P.O. Box 14
Bridgehampton, N.Y. 11932

GOLD COAST BANK
50-1446/214

56690

2/11/2019

PAY TO THE ORDER OF Town of Newburgh

\$ 1,500.00

One Thousand Five Hundred and 00/100*****
DOLLARS

PROTECTED AGAINST FRAUD

Town of Newburgh
308 Gardnertown Rd.
Newburgh, NY 12550



[Handwritten Signature]

MEMO

⑈056690⑈ ⑆021414455⑆ 1201002944⑈

Farrell Building Co., Inc.

56690

Town of Newburgh

Date Type Reference
2/11/2019 Bill Planning Brd Escrow

Original Amt.
1,500.00

Balance Due
1,500.00

2/11/2019
Discount
Check Amount

Payment
1,500.00
1,500.00

