

**TOWN COUNCIL MEETING  
PUBLIC MEETING AGENDA**

Monday, April 4, 2016  
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. TOWN SUPERVISOR: Recognition of Intern
7. POLICE:
  - A. Acceptance of PBA Contract
  - B. Swearing in of New Police Chief
8. RECESS
9. PUBLIC HEARING (7:00 P.M.): Petition of Orange Lake Construction --Plan Amendment and Rezoning R-3 to B
10. DEPARTMENT HEAD REPORTS
11. DPW: Education Reimbursement
12. RECREATION DEPARTMENT:
  - A. Fitness Equipment
  - B. Playground Equipment
  - C. Guard Variance
13. HIGHWAY DEPARTMENT: Awarding Trailer Bid
14. ANIMAL CONTROL: T-94 Account Withdrawal
15. PLANNING BOARD:
  - A. Stormwater Maintenance Agreements:
    1. Route 300 Realty
    2. CVS
    3. Matrix
  - B. Landscaping Estimate: Matrix
  - C. Developers Agreement: Matrix
16. ENGINEERING: Sewer Monitoring—Engaging an Engineering Consultant
17. SETTING WATER USAGE CHARGES: ANG District (Resolution)
18. ANNOUNCEMENTS
19. PUBLIC COMMENTS
20. POSSIBILITY OF EXECUTIVE SESSION:
  - A. Worth Litigation (selection of an expert)
  - B. CSEA Negotiations
21. ADJOURNMENT

Town of Newburgh  
and  
Town of Newburgh P.B.A.

2015 Collective Bargaining Package Proposal  
Memorandum of Agreement

The parties in attendance are duly recognized and exclusively authorized representatives from the Town of Newburgh and from the Town of Newburgh P.B.A. The parties have negotiated and have come to the following agreement in their collective bargaining negotiations for a contract proposal and are also in agreement to proceed with this collective bargaining package proposal for presentation to their respective bodies for a vote for ratification.

Terms as negotiated and agreed for ratification are to change or omit portions of the Collective Bargaining Agreement between the Town of Newburgh and the Town of Newburgh P.B.A. as follows:

1. Article V entitled "Rights of Employer"  
Section 3:

Highlighted section in yellow changed 10 work days' from "16 Calendar days":

"Scheduling of work and methods of staffing, except that an employee's posted schedule shall not be altered by the employer except upon 10 work days notice of such change."

2. Article IX entitled "Longevity":

Omit the repetitive and unnecessary sentences and condense the subsection to read the following:

"Employees who have completed five (5) years of service shall receive yearly longevity payments of \$600.00 each; employees who have completed ten (10) years of service shall receive yearly longevity payments of \$1100.00 each, employees who have completed fifteen (15) years of service shall receive yearly longevity payments of \$1,600.00 each; employees who have completed eighteen (18) years of service shall receive yearly longevity payments of \$2100.00 each and employees who have completed twenty (20) years of service shall receive yearly longevity payments of \$2300.00 each. An employee shall not lose his longevity payment if he is transferred from one grade to another."

Highlighted \$ amounts in yellow changed to reflect current longevity amounts.

**Section I:**

Add the following sentence in **yellow** to this section:

**Overtime compensation shall apply to all employees of the bargaining unit, full-time and part-time.**

**4. Article X entitled "Overtime"**

**Section II:**

OMIT the sentence highlighted in **green** and replace with sentence in **yellow**:

"The aforesaid 180-day period is a "rolling" period of time. **Employees may use compensatory time off while working on the A line subject to the terms and conditions stated herein regarding approval of use of compensatory time off.** Employees may use compensatory time while assigned to any shift subject to the terms and conditions stated herein regarding approval of use of compensatory time off. An employee has the option to convert compensatory time to cash at any time after it is earned. Compensatory time will be removed from an employee's compensatory time bank when used or cashed out, on a first-in first-out basis."

**5. Article XI entitled "Call in and court time pay"**

**Section II:**

OMIT the sentence highlighted in **green**:

**"If a police officer has not worked forty (40) hours in such a week, he shall be paid straight time"**

**6. Article XIII entitled "Meal allowance":**

Add the following notation as highlighted in **yellow**:

**"(Available only to full-time employees)"**.

**7. Article XVI entitled "Personal leave days"**

**Section I:**

Highlighted section in **yellow** changed from just 8 hour blocks to four (4) or eight (8):

**"Personal leave may be used in four (4) hour or eight (8) hour blocks."**

**8. Article XVI entitled "Personal leave days"**

**Section IV:**

Highlighted section in **yellow** changed from six (6) sick days to five (5):

Add the following to the section:

Furthermore in circumstances where an Officer is on leave due to a GML Section 207-C job related injury and returns to duty that Officer will receive his or her sick leave bonus pro-rated at 1/12 of \$1,200 or \$100.00 per month for any month in which the officer works at least 50% of their assigned shifts.

10. Article XIX entitled "Sick Leave" Section V entitled "Sick Leave Monitoring"

Subsection a:

Highlighted section in yellow changed from four (4) "undocumented sick leave" days to three (3):

"An employee who uses more than ~~(3) three~~ "undocumented sick leave" days in any consecutive three-month period..."

11. Article XIX entitled "Sick Leave" (cont.)

Add the following new section: Section VI

Add the following highlighted in yellow to the new section:

An employee with at least ten (10) consecutive years of full-time service with the Town, and having a minimum of 320 hours of accumulated sick time at the time of the request, may be eligible to "sell back" up to 40 hours of accumulated sick leave at the employees current rate of pay. The employee must make the election to "sell back" their sick leave between December 1<sup>st</sup> and December 7<sup>th</sup> with payment for same made by March 31<sup>st</sup> of the next year. Employees who have been placed on "sick leave monitoring", as described in Section V of this Article, at any time during the previous year prior to their request to "sell back" their sick leave shall be ineligible.

12. Article XXI entitled "Insurance" Section III:

Highlighted section in yellow changed from \$550.00 to \$900.00:

"The above notwithstanding, should the cost of Dental and Optical exceed ~~\$900~~/year, the difference shall be paid by the employee."

13. Article XXVI entitled "tour of duty" (part-time schedule flexibility)

Section I: Add the following subsection in yellow:

a) The tour of duty and work schedule for part-time police officers shall be an eight (8) hour shift and shall coincide with the work hours, tour of duty and work schedule of full-time police officers with the flexibility for the part-time police officer to modify their hourly schedule up to a one hour maximum deviation. For

tour of duty and work schedule of full-time police officers. Any modification in part-time work hours shall not exceed an eight (8) hour shift.

14. Article XXVI entitled "tour of duty" (D.A.R.E. restructure)

Section IV: entitled "DARE" retitled as "Youth Resource Officer".

Entire section and subsections rewritten to read as follows:

**Section IV: Youth Resource Officer (Formerly DARE Officer)**

- (a) A Bargaining unit employee of the Town of Newburgh Police Department who is assigned to instruct educational curriculum (DARE program or equivalent) in participating schools shall work a tour of duty as described above in article XXVI (Tour of Duty) section II.
- (b) The choice of participating schools, curriculum and the duration of the period of time for curriculum instruction shall be at the mutual discretion of the Town Board, The Chief of Police and PBA. Participation in the Town of Newburgh Youth Resource Officer program will be at the sole discretion of the Town Board.
- (c) The duration of the instructional period will commence from September 1<sup>st</sup> through June 30<sup>th</sup> to coincide with the academic calendar(s) of those schools being serviced. Further instruction will be provided for a minimum of (4) weeks during the months of July - August for the provision of the Summer Youth Academy (Currently referred to as the Junior Police Academy). The offering of said Summer Youth Academy, to include the actual dates will be subject to the mutual agreement of the Town Board, Chief of Police and the Bargaining Unit.
- (d) The normal workday will be the same hours as the patrol "b-line" assignment, with the flexibility for the employee to modify such hourly work schedule with the approval of the Chief of Police or his/her designee. (Subdivision a, b & c of section II, above will not apply to said to employee).
- (e) The employee assigned to provide instructional curriculum will follow the Holiday Schedule, Article XV section I, and will observe Article XV section II as per employees working a 5 day on 2 day off schedule.
- (f) While not providing school or academy based instruction the employee will remain on the tour of duty described in Article XXVI Section II and perform tasks and duties, to include patrol assignments

well as the corresponding 8 % stipend previously associated with the position will cease. The assigned officer will henceforth be referred to as the "Youth Resource Officer" and will receive an annual stipend of 4%. The PBA further acknowledges that this position is not a Detective position and does not warrant any additional compensation or incentives as in the past.

14.

Article XXVII entitled "Miscellaneous conditions of work"

Section II.

Highlighted section in yellow added:

"Two police officers or one police officer and one court officer shall be present in the police vehicle when transporting prisoners. Under circumstances where a prisoner is being transported to or from an adjoining town or city and where such transport may be done reasonably and without risk to the officer's safety, one officer may transport that said prisoner. However, under such circumstances the described officer shall have the right to request a second transport member as described in the first sentence of this section. Two police officers must be present when transporting prisoners for reasons of MHU evaluations or medical treatment. When more than three prisoners are to be transported in the transport vehicle, then two police officers must be present."

15.

Article XXX entitled "Part time employment"

Section g:

Highlighted section in yellow added:

Part time officers will cumulatively work 12,500 hours per year and there will be a cap of 12 part time employees at any given time. – Effective January 1, 2016 and upon the Town fulfilling the agreement and maintaining the employment of not less than 42 FULL-TIME police officers (PBA members), the cap of 12 part-time employees shall be increased by one (1) for a total cap of 13 part-time employees.

Appendix A  
Town of Newburgh and  
Town of Newburgh PBA

Full Time Police Officer Steps

	Step	1/1/2015	1/1/2016	1/1/2017	1/1/2018
			2.50%	2.50%	2.50%
1	Non-Certified	50,677	51,944	53,243	54,574
2	Certified	55,428	56,814	58,234	59,690
3	After year 1	60,910	62,433	63,994	65,594
4	After year 2	64,564	66,179	67,833	69,529
5	After year 3	68,219	69,925	71,673	73,464
6	After year 4	71,265	73,046	74,872	76,744
7	After year 5	79,792	81,787	83,832	85,927

Full Time Sergeant Step Scale

	Step	1/1/2015	1/1/2016	1/1/2017	1/1/2018
			2.50%	2.50%	2.50%
1	Start	91,761	94,055	96,407	98,817
2	After year 1	95,751	98,145	100,598	103,114

Note: The Sergeant Salary rate at the time of promotion shall be the greater of either the amount stated as the starting Sergeant rate or \$1,500 more than the annual salary the employee received at the patrol officer step prior to promotion to Sergeant.

Detectives and Youth Officers shall receive an increment of the following percentages more than the employee's base salary during the time of such assignment:

As of 1/1/04 - 7.0%

As of 1/1/05 - 8.0%

SHIFT DIFFERENTIAL. The "A" Line shift (11:00 p.m. to 7:00a.m. will receive \$1.50/hour for all hours worked during this shift. This provision is effective January 1, 2013. Part time officers shall not be entitled to the "A" Line differential.

PART TIME SALARY

## Appendix D

# *TOWN OF NEWBURGH POLICE DEPARTMENT*

## **Drug and Alcohol Policy and Testing Plan**

### *Section I.*      **PURPOSE**

The purpose of the Drug and Alcohol Policy and Testing Plan is to ensure:

(A) A work environment where not only the citizens of the Town of Newburgh, but the Town of Newburgh Police Department personnel, are free from the risk of personnel who may be under the influence of alcohol while on duty or may be using illegal drugs;

(B) The capability of all Town of Newburgh Police Department personnel to perform their assigned duties at all times without being under the influence of alcohol or drugs that may impair abilities;

(C) That members of the Town of Newburgh Police Department share in the responsibility and understanding that when members of this Department, who may be using illegal drugs at any time or under the influence of alcohol while on duty, he/she is a detriment to themselves, other members of this Department and to the citizens we are sworn to protect. It is the obligation of all members to insure the safety of all concerned by reporting such conduct;

(D) The understanding of the Town of Newburgh Police Department personnel of the availability of the Employee Assistance Program in which, under confidentiality, they may request assistance and/or rehabilitation for alcohol or drug use;

(E) That Police Department personnel are cognizant of the ramifications of the use of illegal drugs at any time and being under the influence of alcohol while on duty.



## Alcohol Prohibitions

### Employees must not:

- Report for duty or remain on duty while having a Blood Alcohol Concentration (BAC) of 0.02% or higher;
- Consume alcohol on duty or be impaired under the influence of alcohol;
- Refuse to submit to a required alcohol test for the purpose of determining BAC.

## Controlled Substance Prohibitions

### Employees must not:

- Report for duty or remain on duty when the employee is under the influence of or uses any controlled substance, except when the use is pursuant to the instructions of a physician who has advised the employee that the substance does not adversely affect the employee's ability to perform his or her job duties;
- Refuse to submit to any test administered for the purpose of determining controlled substance use;
- Adulterate, substitute or dilute any required specimen.

**Section III. DEFINITIONS**

**COVERED EMPLOYEES:** All sworn officers of the Town of Newburgh Police Department.

**MEDICAL REVIEW OFFICER (MRO):** A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by an employer's drug or alcohol testing program who has knowledge of alcohol and/or substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's confirmed positive test result, together with his/her medical history and any other biomedical information.

**SUBSTANCE ABUSE PROFESSIONAL (SAP):** A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcoholism and/or controlled substances-related disorders.

**DESIGNATED EMPLOYER REPRESENTATIVE (DER):** The DER for the Town of Newburgh Police Department shall be the Chief of Police or Deputy Chief of Police. The DER shall be the only departmental representative who is able to receive communications and test results directly from medical review officers, BAT's, screening test technicians, collectors, and substance abuse professionals, and who is authorized to take immediate actions to remove employees from safety-sensitive duties and to make required decisions in the testing and evaluation processes. **Upon administering this policy, the DER may consult with the Town Supervisor.**

**ADULTERATED SPECIMEN:** A urine specimen into which the employee has introduced a foreign substance.

**DILUTE SPECIMEN:** A urine specimen whose creatinine and specific gravity values are diminished by the employee through the introduction of fluid (usually water) into the specimen either directly or through excessive consumption of fluids.

**SUBSTITUTED SPECIMEN:** A specimen that has been submitted by the employee in place of his/her own urine.

**BLOOD ALCOHOL CONCENTRATION (BAC):** The alcohol in a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test.

**EVIDENTIAL BREATH TEST (EBT):** An EBT approved by the National Highway Traffic Safety Administration (NHTA) for the evidential testing of breath and placed on the NHTA's "Conforming Products List of Evidential breath Measuring Devices" (CPL). Such device must be approved, calibrated and certified by NHTA.

**BREATH ALCOHOL TECHNICIAN (BAT):** An individual who is trained and certified to administer EBT's, who instructs and assists the employee in the Alcohol testing process and operates the EBT.

Section IV. **REQUIRED TESTING**

A. Pre-Employment

Conducted before applicants are hired. All pre-employment testing shall be performed at the Town's expense.

B. Random

Conducted on a random unannounced basis. Tests must be unannounced and spread throughout the calendar year. Random selection could result in an employee being selected for testing more than once in a calendar year. All random testing shall be performed at the Town's expense.

C. Reasonable Suspicion

Conducted when an employee's behavior or appearance is directly observed and that behavior is characteristic of the influence of alcohol or controlled substances. The Town will require that the trained supervisors verify and document the behavior before it is brought before the DER. Determination for a suspected employees test based upon direct observations and reasonable suspicion shall rest with the DER. All Reasonable suspicion testing shall be performed at the Town's expense.

D. Post-Accident

Conducted following every motor vehicle accident, which results in personal injury. Should an employee require medical attention then that shall take precedence over the testing. However, alcohol testing (if necessary) should occur within three (3) hours after the accident. Drug testing should occur within thirty-two (32) hours after the accident. If unable to test as required above, documentation as to why testing wasn't done may be required. All post-accident testing shall be performed at the Town's expense.

E. Return to Duty

Conducted prior to a return to duty after an individual who has violated controlled substances prohibitions and engaged in prohibited alcohol or drug use; the employee shall undergo a "Return to Duty" drug test and/or be tested for alcohol use with a verified negative result, after completion of any recommended treatment program or action. All return to duty tests shall be performed at the Town's expense.

F. Follow-Up

Following a positive test and subsequent return to work, unannounced follow-up drug and/or alcohol testing will be required. A minimum of six (6) follow-up drug and/or alcohol tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up

## Drug and/or Alcohol Testing

Testing for drugs will be conducted only by urinalysis. A Breath Alcohol Technician (BAT) using an Approved, calibrated and certified breath-testing device (EBT) will conduct testing for alcohol.

A certified care provider will conduct all drug and alcohol collections.

### Drug testing:

Drug testing will be conducted by analyzing an employee's urine specimen. The analysis will be performed at laboratories certified and monitored by SAMHSA and DHHS. The employee will provide a urine specimen in a location that affords privacy; and the "collector" seals and labels the specimen, complete a custody and control form (CCF) and prepare the specimen and accompanying paperwork for shipment to a testing laboratory in the presence of the employee. The specimen collection procedures and chain of custody will ensure that the specimen's security, proper identification and integrity are not compromised. Drug testing will include split specimen procedures. Each urine specimen will be sub-divided into two clean and sterile containers and labeled as "primary" and "split" specimen. Both containers will be sent to a laboratory. If the analysis of the primary specimen confirms the presence of an illegal or controlled substances, the employee has 72 hours to request the split specimen be sent to another SAMHSA/DHHS certified laboratory for analysis at the employee's expense. If the split specimen proves to be negative, the Town will pay the expense. This split specimen procedure essentially provides the employee with an opportunity for a "second opinion."

### Alcohol testing:

Confirming alcohol tests will be conducted using current and certified evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Such device shall be approved, calibrated and certified by NHTSA.

Preliminary screening tests will be conducted by using approved instruments for administering field sobriety tests to licensed motor vehicle operators. Preliminary screening alcohol testing may be administered by the DER or his designee.

Two blood alcohol concentration breath tests (in addition to the preliminary screening test) must be conducted using an approved, calibrated and certified Evidential Breath-Testing device (EBT) that prints out the test results, the date and time of the test, a sequential test number, the name and serial number of the EBT, the blank 0.00% BAC sample as well as the reference sample test calibration results of the EBT to ensure the reliability of the test results shall be required to determine if an employee has a prohibited alcohol concentration. A screening test is conducted first. A blood alcohol concentration breath test result indicating less than or equal to 0.019% BAC Blood Alcohol Concentration is considered a negative test and the employee may be allowed to return to work. At the discretion of the DER, should the preliminary screening test result negative, then the subsequent breath tests may not be required.

Should the blood alcohol concentration breath tests results indicate a Blood Alcohol Concentration is 0.02% BAC or greater, a confirmation test must be conducted (not less than 20 minutes or more than 30

The **Medical Review Officer (MRO)** is responsible for:

A. The Notification Procedure.

Upon a positive test result for alcohol use or prohibitive substances, the **MRO** must first contact the employee directly on a confidential basis and determine whether the employee wants to discuss the test result. In making the contact the **MRO** must explain to the employee that if he/she declines to discuss the test result the **MRO** will verify a positive result.

B. The **MRO** must attempt to reach the employee using the day and/or evening phone numbers provided on the custody and control form (**CCF**), over a period of at least 24 hours using reasonable efforts. The **MRO** shall:

- Document the attempts to contact the employee with dates and times.
- Following contacting and advising the employee or efforts to do so as described in section B above, the **MRO** shall next contact and advise the Designated Employer Representative (**DER**).

The **DER** for the Town of Newburgh Police Department shall be the **Chief of Police or Deputy Chief of Police**. The **DER** shall be the only departmental representative who is able to receive communications and test results from the **MRO**. Contacting and advising only the **DER** and the employee will ensure that the confidentiality, security and integrity of the employee and the Department are not compromised.

# 1. Random Testing

A. All covered Town of Newburgh Police Department members shall be entered into a database managed by the independent agency administering the testing. During the month of January of each year the entire list of covered members shall be updated and confirmed by the **DER** and the Union President or his designee.

B. Testing shall be conducted on a random unannounced basis. Tests must be unannounced and spread throughout the calendar year. Random selection could result in an employee being selected for testing more than once in a calendar year however an employee shall not be subject to more than two random tests in the same calendar year.

C. Employees, upon notification that they are being scheduled for Random Drug Testing, will without unreasonable delay, appear as required at the location specified for testing. Random Drug tests shall only be given during a member's shift.

- Employees who are off duty on previously scheduled approved vacation, other accrued leave or a day off and are not scheduled for duty within 72 hours shall temporarily be excluded from their selection. Under these circumstances, the employee shall be tested upon his or her return to work. An employee who uses his or her accrued leave at the time of their notification may still be required to attend the random testing.

D. The procedure for random selection shall be determined by the independent agency administering the tests based upon a list of members, identified by social security number consisting of eight (8%) percent of the unit plus two (2) alternates. In the event that a primary member is unavailable for random testing, an alternate from the list shall be selected by the **MRO**.

- The randomly selected list of employees shall be forwarded to the **DER** at the Police department. Upon receipt, in the presence of the union president or his or her designee, the **DER** shall seal the secret list of those employees selected for unannounced random testing in an envelope. The envelope shall be initialed by the **DER** and the union president or his or her designee and then secured in the **DER** office. The **DER** shall notify the selected employees of the random selection and the testing shall proceed without unreasonable delay. After the testing has been completed, the PBA president or his or her designee shall be given the sealed envelope in order to confirm that the proper members were tested. This confirmation will be done in the presence of the **DER**.

E. Pending the results of a random test, the employee shall be allowed to perform their duties and will not suffer any loss of wages or accrued leave. All random testing will be performed at the Town's expense and only during the member's shift. On the occasion that the random testing is performed during hours that extend beyond the members shift, the member shall be compensated at the overtime rate pursuant to the respective section of the collective bargaining agreement.

Selected employees will be tested at a designated testing facility.

Upon receipt of a positive test result from the **Medical Review Officer (MRO)**, the employee will be

## 2. Reasonable Suspicion Testing

Reasonable suspicion is the criterion established by the Courts as the basis for the action by an Employer when a member is suspected of illegally using drugs either on or off duty or being under the influence of alcohol while on duty. Reasonable suspicion need not rise to the level of the standard probable cause, but must be substantially more than a hunch. All supervisors within the Town of Newburgh Police Department shall receive four (4) hours of training regarding the detection of alcohol and substance abuse and the procedures set forth in this section. Records of this training shall be maintained by the Town of Newburgh Police Dept. Copies of these records shall be provided to the PBA upon request.

A. If an employee while on duty exhibits a physical condition, conduct or pattern of erratic behavior which indicates that the employee has violated the alcohol or controlled substances prohibitions and may be under the influence of a prohibited illegal drug or substance or under the influence of alcohol, and the employee's supervisor has reasonable cause to believe, based on direct observation of use or based on observation of the employee's conduct, performance or behavior which indicates that the employee is under the influence of a prohibited illegal drug or substance or alcohol, or if the supervisor is provided with information from a reliable and credible source which is independently corroborated that the employee is engaging in use of or is under the influence of prohibited illegal drugs or substances or alcohol while on duty or that the employee is engaging in illegal use, possession, distribution, or sale of a controlled substance on duty, the supervisor shall make a written report to the Chief of Police or Deputy Chief of Police - hereinafter referred to as the "DER". The DER shall be either the Chief of Police or the Deputy Chief of Police or both.

B. The **DER** shall decide whether there is reason to investigate for purposes of ascertaining if available facts objectively indicate reasonable suspicion exists to pursue the inquiry, which may include meeting with the employee for purposes of providing the employee an opportunity to explain the conduct, performance or behavior. In the event such a meeting is going to be held, the Union President shall be advised and granted the opportunity to confer with the employee (and counsel if desired) prior to any meeting with or questioning by the **DER**, but in no event shall the meeting be delayed for more than one (1) hour to accommodate Union representation. The employee may then request that the Union representative and or legal counsel attend the meeting. The investigation of the employee's behavior shall be confidential with due consideration for the dignity and privacy of the employee.

C. If the **DER** determines that there is reasonable suspicion and the employee is referred for reasonable suspicion alcohol or drug testing, the following procedure shall be followed: The "reasonable suspicion form" shall be completed and signed by the initial reporting supervisor and the **DER** of which their signatures shall attest to the bases to support the reasonable suspicion that the employee is under the influence of alcohol or prohibitive controlled substances. There must be good cause for the suspicion with the reasons set forth in writing on the "reasonable suspicion form" and provided to the employee, at the time such testing is directed, including the factual basis for the directive. Such factual basis of specific and direct observations and good cause shall be reduced to writing by the DER and initial reporting trained supervisor on the "Reasonable Suspicion Form". A reasonable suspicion test may be given up to twenty-

D. The President of the Town of Newburgh PBA (or his/her designee) shall be contacted and advised immediately. The Union (and counsel if desired) shall be given the opportunity to be present and consult privately with the member who may thereafter be ordered to submit to a drug and/or alcohol test and at the same time the employee and the Union shall be given a brief verbal statement of the basis for reasonable suspicion and a copy of the signed reasonable suspicion checklist. Refusal to submit to the test shall be deemed a positive test. Refusal to cooperate during the testing procedure shall constitute grounds for disciplinary action. The employee shall have the right to have a Union representative present for collection of the sample. In no event shall collection be delayed for more than one hour to accommodate the presence of a Union official.

E. Once the DER has determined that a test is required, it shall be the responsibility of the trained supervisor to provide the employee transportation to and from the testing facility. The supervisor shall remain with the employee until the testing is concluded and upon completion of the testing, shall transport the employee home until the results are received by the (DER). Under such circumstances, the employee shall be temporarily relieved of their duties and pending the test results will not suffer any loss of wages or accrued leave. At any time during this process the employee shall have the right to his or her Union representation. However, such consultation shall not unreasonably delay the testing process.

F. Pending the Town receipt of the test results, the employee may at the discretion of the Chief of Police be assigned to modified desk duty or not be allowed to perform his or her job duties but will not suffer any loss of wages or accrued leave. Upon receipt of a negative reasonable suspicion test result from the Medical Review Officer (MRO), the employee will return to work without suffering any loss of wages or benefits and will be granted no less than two (2) additional vacation days to be used at the employees discretion with no restrictions.

**G. For protocols outlining testing procedures see section V of this Article. For testing standards outlining parameters of positive test results see section IX of this Article. For consequences of a positive controlled substance drug tests or positive blood alcohol concentration breath tests see Section X of this Article.**

H. The "Reasonable Suspicion Form," if the test result is positive, will be included in the employee's personnel file. If the test result is negative the form will be discarded. Upon written request, a covered employee may obtain copies of any records pertaining to the covered employee's use of alcohol while on duty and/or controlled substances, including any records pertaining to his/her alcohol and/or controlled substance tests.



### 3. Post Accident Testing

Conducted following every motor vehicle accident, which results in personal injury. Should an employee require medical attention then that shall take precedence over the testing. **However, alcohol testing (if necessary) should occur within three (3) hours after the accident.** Drug testing should occur within thirty-two (32) hours after the accident. If unable to test as required above, documentation as to why testing wasn't done may be required. All post-accident testing shall be performed at the Town's expense. The Town will be responsible for transporting the employee to and from the collection facility. On the occasion that the post-accident testing is performed during hours that extend beyond the members shift, the member shall be compensated at the overtime rate pursuant to the respective section of the collective bargaining agreement.

A. **Until the Town receives the test results, at the discretion of the DER, the employee may or may not be allowed to perform his or her job duties, however will not suffer any loss of wages or accrued leave. Upon receipt of a negative test result, the employee will return to full duties.**

B. **Upon receipt of a POSITIVE TEST RESULT of drug test for prohibited controlled substances from the Medical Review Officer (MRO), the employee will be transported home pending the procedures set forth in Section X of this Article entitled "Consequences for a Refusal or a Positive Test result".**

C. **Upon receipt of a POSITIVE TEST RESULT of a blood alcohol concentration breath test measurement from an Breath Alcohol Technician (BAT) using an approved, calibrated and certified Evidential Breath-Testing device (EBT), pursuant to procedures set for in Section IX of this article, the employee may be transported home pending the procedures as set forth in Section X of this Article entitled Consequences for refusal or a Positive Test result".**

### 4. Follow Up Testing

Positive test results require the employee to submit to a minimum of six (6) follow-up tests for prohibited alcohol and/or drug use during the first 12 months following the initial positive test result. Such follow up tests may be unannounced upon written demand by the DER or SAP. Follow up tests within the first 12 months may be either on duty or off. On the occasion that follow up testing is performed during hours that extend beyond the members shift, the member shall be compensated at the overtime rate pursuant to the respective section of the collective bargaining agreement. The Substance Abuse Professional (SAP) may also require follow-up tests up to 60 months after return to duty. Any such tests shall be at the discretion of the SAP.

### 5. Test Results

All records are considered confidential and will not be shared with other employees. Test results and other confidential information will only be released to the Designated Employer Representative (DER), Medical Review Officer (MRO), and the Substance Abuse Professional (SAP) who evaluates the extent of the

## *Section VII.* **VOLUNTARY TREATMENT**

When a member, or the union president or his designee, on the members behalf, voluntarily informs the Chief that he/she is experiencing problems with alcohol or drug use, who has not previously been the subject of a disciplinary penalty for such use and has not been involved in any conduct which would require the member to face reasonable suspicion testing pursuant to this policy, that member will be afforded the opportunity to participate in a rehabilitation program, rather than being subjected to disciplinary action. Enrollment in a program through the **EAP** in lieu of disciplinary action may only be available where the member has never previously tested positive for prohibited alcohol or drug use while employed by the Town.

## *Section VIII.* **EMPLOYEE ASSISTANCE PROGRAM (EAP)**

(A) Personnel of the Town of Newburgh Police Department have the availability of the Employee Assistance Program (**EAP**) to seek assistance and/or rehabilitation in coping with problems of alcohol and/or drug dependency and/or abuse.

(B) Personnel seeking assistance shall notify either the coordinator of the Employee Assistance Program or contact the designated **EAP** agency. Contacts to these programs are under strict confidentiality.

(C) Personnel may also be referred by another member of this Department. Any such referral shall maintain confidentiality for the affected member.

(D) The Town of Newburgh Police Department will grant a maximum total of two (2) sick leave periods during the member's career, as prescribed by the **EAP** Coordinator, a licensed counselor, and/or **SAP** for a member to receive treatment for alcohol and/or drug dependency. A sick leave period will not be granted within twelve (12) months of a previous leave period.

(E) Entry and participation in such treatment and rehabilitation may occur prior to the employee selection for random testing or selection for reasonable suspicion or post-incident testing.

# Section IX. TESTING STANDARDS

## CONTROLLED SUBSTANCES:

Concentrations of a drug at or above the following levels shall be considered a positive test result when using the initial drug screening test:

### Initial Test Level (ng/ml)

Marijuana Metabolite	100 or 50*
Cocaine Metabolite	300
Opiate Metabolites	300**
Phencyclidine	25
Amphetamines	1000
Steroids	Levels to be determined

\* = Dependent upon laboratory set-up

\*\* = 15 ng/ml if immunoassay specific for free morphine.

Concentration of drug at or above the following levels shall be considered a positive test result when performing a confirmatory GM/MS test on a urine specimen that tested positive using a technologically different initial screening method:

	Confirmatory Test Level (ng/ml)
Marijuana Metabolite	15 (1)
Cocaine Metabolite	150 (2)
Opiates:	
Morphine	300
Codeine	300
Phencyclidine	25
Amphetamines:	
Amphetamine	500
1) Delta-9-tetrahydrocannabinol-9-carboxylic acid	
2) Benzoyllecgonine	
Steroids	Levels to be determined

## ALCOHOL

Confirming alcohol tests will be conducted using current and certified evidential breath testing (EBT) devices approved by the National Highway Traffic Safety Administration (NHTSA). Such device shall be approved, calibrated and certified by NHTSA.

Preliminary screening tests will be conducted by using approved instruments for administering field sobriety tests to licensed motor vehicle operators. Preliminary screening alcohol testing may be administered by the DER or his designee.

Two blood alcohol concentration breath tests (in addition to the preliminary screening test) must be conducted using an approved, calibrated and certified Evidential Breath-Testing device (EBT) that prints out the test results, the date and time of the test, a sequential test number, the name and serial number of the EBT, the blank 0.00% BAC sample as well as the reference sample test calibration results of the EBT to ensure the reliability of the test results shall be required to determine if an employee has a prohibited alcohol concentration. A screening test is conducted first. A blood alcohol concentration breath test result indicating less than or equal to 0.019% BAC Blood Alcohol Concentration is considered a negative test and the employee may be allowed to return to work. At the discretion of the DER, should the preliminary screening test result negative, then the subsequent breath tests may not be required.

Should the blood alcohol concentration breath tests results indicate a Blood Alcohol Concentration is 0.02% BAC or greater, a confirmation test must be conducted (not less than 20 minutes or more than 30 minutes following the first screening test). The employee and the Breath Alcohol Technician BAT must complete the alcohol testing form to ensure that the results are properly recorded. The confirmation test, if required, must be conducted using an approved, calibrated and certified Evidential Breath-Testing device (EBT) that prints out the test results, the date and time of the test, a sequential test number, the name and serial number of the EBT, the blank 0.00 sample as well as the reference sample test calibration results of the EBT to ensure the reliability of the test results

- Less than or equal to 0.019% BAC Blood Alcohol Concentration is considered a negative test.
- 0.02% BAC or greater is considered a positive test.
- See Section X of this Article for Consequences for a positive alcohol concentration breath tests or Refusal of test.

# REFUSAL OR A POSITIVE TEST RESULT

All covered employees must submit to alcohol and/or drug testing.

## 1. REFUSAL TO TEST

Refusal to submit to testing is prohibited. The consequences for a refusal are therefore the same as if the person had submitted to testing and had a positive test result.

The following actions may also constitute a refusal:

- Failure to show up for any test within a reasonable time after being properly directed to do so by the employer.
- Refusal to sign the certification provided by the Technicians.
- Deliberate failure or refusal to provide adequate breath or urine sample. If the employee is physically unable to provide an adequate breath or urine sample, the Town shall direct the employee to obtain an evaluation from a licensed physician, acceptable to the Town, as soon as practical to determine the employee's medical ability to provide an adequate breath or urine sample. If the physician determines that a medical condition did (or could have) prevented the employee from providing an adequate sample the failure shall not constitute a refusal. However, if the physician is unable to make such a determination, the employee's failure shall constitute a refusal.
- Engaging in conduct that clearly obstructs the testing process, e.g., adulteration or dilution of specimen.
- Claiming an "unsupported illness", using sick leave upon notification of testing and failing to submit to the required test. For the purpose of this section an "unsupported illness" shall be defined as an employee who, upon request, cannot provide documentation from a licensed physician that supports his or her claim that they were experiencing a true illness. When a member provides such documentation, they shall be relieved and then submit to the required drug test as soon as possible. If it is determined that a member used their sick leave to avoid a required drug test such action shall constitute a refusal.

## POSITIVE TEST - Controlled Substances :

If it is determined that a member has engaged in the prohibited use of a controlled substance while on duty after they received a positive test result as defined herein, they shall be subject the following penalties:

- A. Upon the results of a positive drug test the member shall be immediately removed from all duties and, at the Town's discretion, he or she may face suspension without pay for up to thirty (30) calendar days. Depending on the circumstances the employee may still face additional disciplinary action pursuant to Article XXVIII, "Resignation and Discipline," of the collective bargaining agreement up to and including termination. The Town may reserve the right to suspend any disciplinary action while the member is undergoing the recommended course of treatment. The suspended disciplinary action will remain pending during the member's treatment. Upon the member's successful completion of his or her treatment, accompanied by a "Return to Duty" test with a verified negative result, the suspended disciplinary action shall be withdrawn. At such time the member may return to full duty. Members who test positive for prohibited controlled substances will be allowed one opportunity for treatment and counseling.
- B. At any time during an employee's tenure with the Town of Newburgh Police Department a second positive test for a prohibited controlled substance, which is not subject to a medical exception, may result in immediate and automatic suspension without pay and disciplinary action for termination pursuant to Article XXVIII, "Resignation and Discipline," of the collective bargaining agreement.
- C. No return to duty will be permitted until a substance abuse professional "SAP" has evaluated the member and determined that the member has complied with treatment recommendations and has been cleared for return to full duty. Thereafter, a "return to duty" test must be performed. Upon a satisfactory test result the employee shall return to full duty. A satisfactory result will be one that is verified as negative for all controlled substances.
- D. A member who is referred by the SAP for treatment will be required to sign a Rehabilitation Agreement, and a release permitting the Town to obtain the member's treatment records. The member will be expected to comply with all treatment recommendations set forth in the Rehabilitation Agreement as a condition of further employment. Failure to follow treatment recommendations may result in the member's termination upon the successful establishment of a disciplinary charge pursuant to Article XXVIII, "Resignation and Discipline," of the collective bargaining agreement.
- E. During the period of treatment, the member will be eligible to utilize their accrued sick leave. After utilizing their sick leave, the member may utilize his or her, other accrued

allowed the opportunity for treatment and counseling.

F. Once the member returns to duty, unannounced follow-up tests shall be conducted. A minimum of six (6) follow-up tests will be administered in the first twelve (12) months. An employee may be subject to follow-up testing for up to sixty (60) months after return to duty upon the recommendation made by the Substance Abuse Professional. All follow-up tests shall be given at any time during a member's shift, or no more than thirty minutes before, or thirty minutes after a member's shift. A positive test following the member's return to work will result in the member's termination upon the successful establishment of a disciplinary charge pursuant to Article XXVIII. "Resignation and Discipline." of the collective bargaining agreement.

### POSITIVE TEST - Alcohol:

#### A. 0.051% BAC OR GREATER RESULTS:

A single occasion incident positive alcohol test result measurement of 0.051% or greater BAC Blood Alcohol Concentration from an approved **Evidential Breath Test (EBT)** device properly administered by a certified **Breath Alcohol Technician (BAT)** will be considered a positive result demanding immediate corrective action. An employee who has a positive alcohol test measurement of 0.051% BAC or greater may face an immediate suspension without pay for THIRTY (30) calendar days. Any additional disciplinary measure shall be subject to standing grievance and arbitration procedures as outlined by the collective bargaining agreement and/or Section 75 of the Civil Service Law. Upon the removal from duty for the THIRTY (30) calendar day suspension, the employee will also not be eligible to return to work pending an evaluation by a Substance Abuse Professional SAP. The SAP shall provide a recommended course of treatment.

Upon successful completion of the Substance Abuse Professional SAP treatment, such employee must also receive a certification from the SAP that the employee is able to perform their full duties. Under circumstances which the SAP recommended course of treatment extends beyond the suspension period of thirty (30) days without pay, and the employee is not yet allowed to return to work, the employee may begin to use their own accrued leave (accrued sick leave, personal, etc.). However the employee will not be allowed to return to work pending successful completion of SAP recommended course of treatment. and shall only be allowed to return to work after that employee submits to a "Return to Duty" alcohol test and the results of such testing indicate that the employee has a 0.00% BAC concentration. Such testing should be immediately upon the employees return to duty, or as soon as reasonably possible

A single occasion incident of a positive alcohol test result of **0.050% BAC** Blood Alcohol Concentration from an approved **Evidential Breath Test (EBT)** device properly administered by a certified **Breath Alcohol Technician (BAT)** will be considered a positive result demanding immediate corrective action and shall result with the employee being relieved of duty for the remainder of their work hours for that shift. Under such circumstances the employee must use their accrued leave (accrued sick leave, personal, etc.) and shall only be allowed to return to work at their next assigned tour after that employee is submits to a "Return to Duty" test and the results of such testing indicate that the employee has a **0.00% BAC** concentration. Such testing should be immediately upon the employees return to duty, or as soon as reasonably possible.

Additionally, at the discretion of the **DER**, the employee may be required to obtain an evaluation by a Substance Abuse Professional **SAP**. The **SAP** may provide a recommended course of treatment. It shall then be required that the employee successfully complete the **SAP** recommended course of treatment. During the course of treatment, upon approval of and under supervision of the **DER**, of the **SAP** and the **MRO**, the employee may return to full-duty. However, successful completion of the **SAP** recommended course of treatment shall be mandatory. Failure to successfully complete such **SAP** treatment once the employee has already returned to work shall result in disciplinary action.

Under any circumstances subsequent to the employee receiving the **SAP** recommended course of treatment which (beyond any unrelated suspension without pay) may prevent the employee from resuming full duty, such employee may use their own accrued leave (accrued sick leave, personal, etc.) and shall only be allowed to return to work following the successful completion of the **SAP** recommended course of treatment and only after that employee successfully completes a "Return to Duty" alcohol test with the results of such testing indicate that the employee has a **0.00% BAC** concentration. Such testing should be immediately upon the employees return to duty, or as soon as reasonably possible. Under such circumstance, all records and test results shall be made part of the employee's personnel file.

#### **C. SECOND INCIDENT 0.020% BAC to 0.050% BAC RESULTS:**

Any employee who tests positive twice within these alcohol test result parameters (**0.020% BAC to 0.050% BAC**) from an approved **Evidential Breath Test (EBT)** device properly administered by a certified **Breath Alcohol Technician (BAT)** during a twenty-four (24) month period will be considered a positive result demanding immediate corrective action and shall be immediately removed from all duties and may face an immediate suspension without pay for thirty (30) calendar days. Any additional disciplinary measure shall be subject to standing grievance and arbitration procedures as outlined by the collective bargaining agreement and/or



to work pending an evaluation by a Substance Abuse Professional (SAP). The SAP shall provide a recommended course of treatment. If eligible, before returning to work, the employee must successfully complete the recommended course of treatment and such employee must receive a certification from the Substance Abuse Professional SAP that the employee is able to perform their full duties. Any suspension without pay shall continue the full thirty (30) days. However, after that point if the employee must still remain out of work for the continuing SAP recommended course of treatment, the employee may begin to use their own accrued leave (accrued sick leave, personal, etc.). Upon successful completion of the SAP course of treatment, and receiving the SAP certification, the employee must submit to a "Return to Duty" test alcohol test and the results of such testing indicate that the employee has a 0.00% BAC concentration.

**D. LESS THAN OR EQUAL TO 0.019% BAC RESULTS:**

A test result measurement of less than or equal to 0.019% BAC Blood Alcohol Concentration will be considered a negative result and may allow the employee to return to work full-duty.

*Section XI.*  
**REVIEW**

**PENALTY**

An employee who is disciplined or terminated pursuant to this policy may elect to have the penalty reviewed by an arbitrator utilizing the last step in the collective bargaining unit disciplinary grievance procedure. The issue before the arbitrator shall be, "are there any other mitigating circumstances present which would warrant a lesser penalty?"

IN WITNESS WHEREOF, The parties, as dually authorized representatives, have agreed to the terms and conditions as set forth by this document and are also in agreement to proceed with this collective bargaining package proposal for presentation to their respective bodies for a vote for ratification between the Town of Newburgh and the Town of Newburgh P.B.A. on this 30 day of MARCH 2016.

TOWN OF NEWBURGH

By: 

TOWN OF NEWBURGH  
POLICEMEN'S BENEVOLENT  
ASSOCIATION, INC

By: 

**OF THE CODE OF THE TOWN OF NEWBURGH  
AND  
THE ZONING MAP  
OF THE TOWN OF NEWBURGH  
TO REZONE  
AN AREA OF LAND  
IN THE VICINITY OF GARDNERTOWN ROAD,  
ROUTE 300, ROUTE 52 AND THE NYS THRUWAY**

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 185 Entitled ‘Zoning’ of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone An Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway.”

**SECTION 2 - PURPOSE**

The purpose of this local law is to rezone a certain area of land located in the vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway from the R-3 (Residential) Zoning District to the adjoining B (Business) Zoning District consistent with the amended Comprehensive Plan Update of the Town of Newburgh.

The rezoning will encompass approximately 19.596 acres of land. The area is comprised of a 17.85 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 62, a 1.45 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 7.2 and the entire 0.032 acre area of the property designated as tax parcel Section 60 Block 2 Lot 2.711 on the tax map of the Town of Newburgh. The owner of tax parcel Section 60 Block 2 Lot 62 has applied for the change in zoning.

**SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP**

1. The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-5, as last amended by Local Law No. 1 of 2015, is hereby amended to change the Zoning District from R-3 to B for the property described in Schedule A annexed hereto and made a part hereof.
2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk

**SECTION 4 – REPEAL** All ordinances and local laws and any parts thereof inconsistent

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

Schedule "A"

Description  
Zoning Amendment

Being in the Town of Newburgh, County of Orange, running on, along, and through the lands of Orange Lake Construction Corporation, aka Lot 4, as shown on a certain map entitled, "Minor Subdivision Lands Of Orange Lake Construction Corp.", dated July 8, 1994, last revised July 15, 1998, and filed in the Office of the Orange County Clerk on May 14, 1999 as Filed map No. 110-99, being bounded and more particularly described as follows:

**COMMENCING** at a point along the southerly Right of Way (R.O.W.) line of Gardnertown Road, said point being marked by an iron pipe as shown on a certain map entitled, "Map Of Minor Subdivision Of The Lands Of Orange Lake Land Corporation", dated August 26, 1978, and filed in the Office of the Orange County Clerk on March 9, 1978 as Filed map No. 4443, said point also being the **POINT OF COMMENCEMENT**.

THENCE; leaving said R.O.W. and running along the division line between the lands now or formerly of Gemma as described in Liber 12078, Page 1249 of Deeds, and the lands now or formerly of Jimenez as described in Liber 11302, Page 683 of Deeds, aka Lot 1 as shown on said F.M. 110-99 the following two (2) courses

- (1) S 11°11'00" W a distance of 145.00 feet to a point,
- (2) N 78°49'00" W a distance of 220.00 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99, and said lands of Gemma, the following course:  
S 09°49'00" W a distance of 23.02 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE; leaving said division line and running along the division line between said lands of Gemma and Lands of Orange Lake Construction Corp., the following two (2) courses:

- (1) S 09°49'00" W a distance of 227.98 feet to a point,
- (2) S 85°29'00" E a distance of 18.00 feet to a point,

THENCE; leaving said division line and running northeasterly along the division line between the lands now or formerly of Meiczkowski, et al., as described in Liber 1666, Page 507 of Deeds,

S 01°36'34" W a distance of 498.09 feet to a point,

THENCE; leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following five (5) courses:

- (1) S 01°36'34" W a distance of 226.67 feet to a point,
- (2) S 60°19'00" E a distance of 140.04 feet to a point,
- (3) S 11°18'00" W a distance of 238.47 feet to a point,
- (4) S 02°15'00" E a distance of 612.95 feet to a point,
- (5) N 87°45'00" E a distance of 200.00 feet to a point,

THENCE; running along the division line between the lands now or formerly of Kenny, et al., as described in Liber 4627, Page 129 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:  
S 02°15'00" E a distance of 90.81 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Juliano as described in Liber 13901, Page 999 of Deeds, the lands now or formerly of Lagoy, et al., as described in Liber 2013, Page 222 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 10-99, the following course:  
S22°30'00" W a distance of 300.00 feet to a point,

THENCE; leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:  
S 22°30'00" W a distance of 50.06 feet to a point, said point being on the division line between the lands now or formerly of JBD, Inc. as described in Liber 4509, Page 296 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99,

THENCE; leaving said division line and running through said lands of JBD, Inc., the following course:  
S 21°58'51" W a distance of 200.95 feet to a point,

THENCE; leaving said lands of JBD, Inc. and running along the division line between the lands now or formerly of Wagner, et al., as described in Liber 2038, Page 737 of Deeds, and said lands of JBD, Inc., the following course:  
S 26°45'00" W a distance of 54.87 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Olson, et al., as described in Liber 2040, Page 537 of Deeds, and said lands of JBD, Inc., the following course:  
N 83°49'00" W a distance of 49.91 feet to a point,

said lands of JBL, Inc., the following four (4) courses:

- (1) N 03°14'00" E a distance of 54.88 feet to a point,
- (2) N 68°42'00" W a distance of 65.55 feet to a point,
- (3) S 84°45'00" W a distance of 85.00 feet to a point,
- (4) N 45°07'00" W a distance of 95.26 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of CBPS Realty, LLC as described in Liber 5381, Page 5 of Deeds, and said lands of JBD, Inc., the following two (2) courses:

- (1) N 01°32'00" E a distance of 42.84 feet to a point,
- (2) N 62°21'00" E a distance of 141.15 feet to a point,

THENCE; leaving said division line and running along the division line between said lands of CBPS Realty, LLC, and the lands now or formerly of Yahweh's Assembly of Newburgh, Inc. as described in Liber 13124, Page 1505 of Deeds, the following three (3) courses:

- (1) N 06°54'00" W a distance of 30.00 feet to a point,
- (2) N 86°40'00" W a distance of 127.42 feet to a point,
- (3) N 11°25'00" W a distance of 133.28 feet to a point,

THENCE; leaving said division line and running along the division line between said lands of CBPS Realty, LLC, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 11°25'00" W a distance of 23.44 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Windsor Hill Realty, Inc. as described in Liber 4061, Page 266 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 11°25'00" W a distance of 199.18' feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Windsor Hill Realty, Inc. as described in Liber 4061, Page 266 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 00°23'00" W a distance of 108.75 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Sali H. LLC as described in Liber 5303, Page 304 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following three (3) courses:

- (1) N 00°23'00" W a distance of 99.90 feet to a point,
- (2) N 39°00'00" E a distance of 66.35 feet to a point,

MCT/Town of Newburgh/Zoning Map Amendment -Orange Lake Construction.doc

THENCE;  
leaving said division line and running along the division line between the lands now or formerly of Raymond I. Cass, Jr. as described in Liber 4999, Page 43 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following three (3) courses:

- (1) N 28°01'00" W a distance of 50.41 feet to a point,
- (2) N 69°23'00" E a distance of 22.00 feet to a point,
- (3) N 29°47'00" W a distance of 75.96 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Raymond I. Cass, et al., as described in Liber 2483, Page 76 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:  
N 29°47'00" W a distance of 100.04 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Storage Stop, Inc., aka Tax Parcel 60-2-66 as shown on the current Tax Maps of the Town of Newburgh, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following two (2) courses:

- (1) N 21°19'00" E a distance of 621.00 feet to a point,
- (2) N 60°19'00" W a distance of 102.68 feet to a point,

THENCE;

leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course: N 20°06'00" E a distance of 635.75 feet to a point, said point being the southwesterly corner of the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99,

THENCE;

running along the division line between the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

S 69°54'00" E a distance of 129.11 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

**Containing an area of 853,593.9 square feet, 19.596 acres more or less.**

**COMPREHENSIVE PLAN AMENDMENT**

**FOR THE REZONING OF AN AREA OF LAND**

**IN THE VICINITY OF GARDNERTOWN ROAD,  
ROUTE 300, ROUTE 52 AND THE NYS THRUWAY**

**(TAX PARCELS: PORTIONS OF SECTION 60 BLOCK 2 LOTS 62 AND 7.2 AND  
SECTION 60 BLOCK 2 LOT 7.11**

**FROM R-3 RESIDENTIAL**

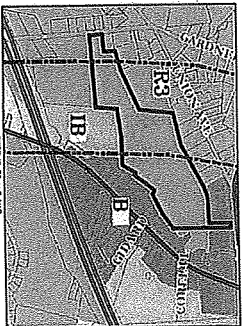
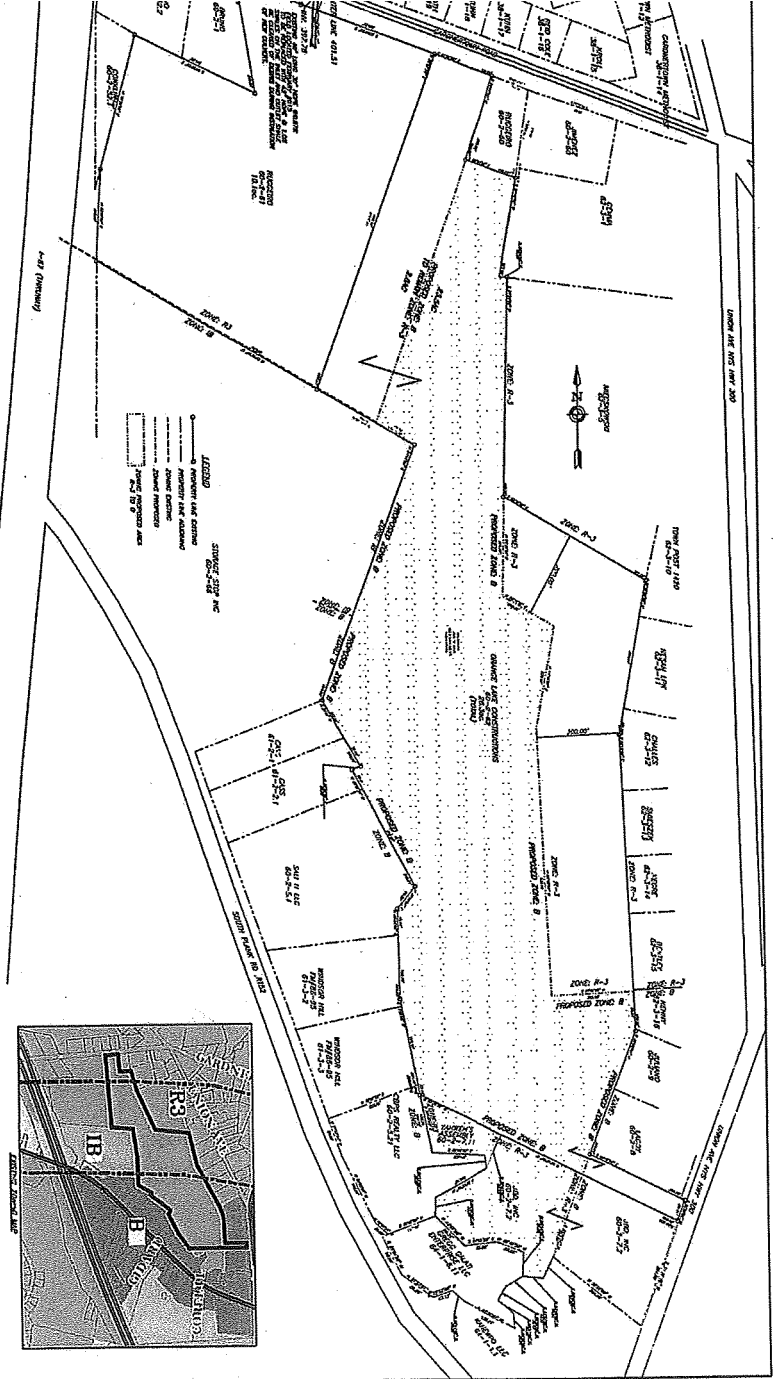
**TO THE ADJACENT**

**B (BUSINESS) ZONING DISTRICT**

**FEBRUARY, 2016**

---





**PILCOTT ENGINEERING DESIGN PLLC**

14000 W. 10TH AVENUE  
DENVER, CO 80231  
TEL: 303.755.1100  
WWW.PILCOTTENGINEERING.COM

**CHARLES T. BROWN, P.E.**  
NEW ADDRESS: 27, 1988

14000 W. 10TH AVENUE  
DENVER, CO 80231  
TEL: 303.755.1100  
WWW.PILCOTTENGINEERING.COM

**ORANGE LAKE CONSTRUCTION**  
14000 W. 10TH AVENUE  
DENVER, CO 80231  
TEL: 303.755.1100  
WWW.PILCOTTENGINEERING.COM

14000 W. 10TH AVENUE  
DENVER, CO 80231  
TEL: 303.755.1100  
WWW.PILCOTTENGINEERING.COM

NO.	DATE	DESCRIPTION
1	1/15/24	ISSUED FOR PERMITTING
2	1/15/24	ISSUED FOR PERMITTING
3	1/15/24	ISSUED FOR PERMITTING
4	1/15/24	ISSUED FOR PERMITTING
5	1/15/24	ISSUED FOR PERMITTING
6	1/15/24	ISSUED FOR PERMITTING
7	1/15/24	ISSUED FOR PERMITTING
8	1/15/24	ISSUED FOR PERMITTING
9	1/15/24	ISSUED FOR PERMITTING
10	1/15/24	ISSUED FOR PERMITTING
11	1/15/24	ISSUED FOR PERMITTING
12	1/15/24	ISSUED FOR PERMITTING
13	1/15/24	ISSUED FOR PERMITTING
14	1/15/24	ISSUED FOR PERMITTING
15	1/15/24	ISSUED FOR PERMITTING
16	1/15/24	ISSUED FOR PERMITTING
17	1/15/24	ISSUED FOR PERMITTING
18	1/15/24	ISSUED FOR PERMITTING
19	1/15/24	ISSUED FOR PERMITTING
20	1/15/24	ISSUED FOR PERMITTING
21	1/15/24	ISSUED FOR PERMITTING
22	1/15/24	ISSUED FOR PERMITTING
23	1/15/24	ISSUED FOR PERMITTING
24	1/15/24	ISSUED FOR PERMITTING
25	1/15/24	ISSUED FOR PERMITTING
26	1/15/24	ISSUED FOR PERMITTING
27	1/15/24	ISSUED FOR PERMITTING
28	1/15/24	ISSUED FOR PERMITTING
29	1/15/24	ISSUED FOR PERMITTING
30	1/15/24	ISSUED FOR PERMITTING
31	1/15/24	ISSUED FOR PERMITTING
32	1/15/24	ISSUED FOR PERMITTING
33	1/15/24	ISSUED FOR PERMITTING
34	1/15/24	ISSUED FOR PERMITTING
35	1/15/24	ISSUED FOR PERMITTING
36	1/15/24	ISSUED FOR PERMITTING
37	1/15/24	ISSUED FOR PERMITTING
38	1/15/24	ISSUED FOR PERMITTING
39	1/15/24	ISSUED FOR PERMITTING
40	1/15/24	ISSUED FOR PERMITTING
41	1/15/24	ISSUED FOR PERMITTING
42	1/15/24	ISSUED FOR PERMITTING
43	1/15/24	ISSUED FOR PERMITTING
44	1/15/24	ISSUED FOR PERMITTING
45	1/15/24	ISSUED FOR PERMITTING
46	1/15/24	ISSUED FOR PERMITTING
47	1/15/24	ISSUED FOR PERMITTING
48	1/15/24	ISSUED FOR PERMITTING
49	1/15/24	ISSUED FOR PERMITTING
50	1/15/24	ISSUED FOR PERMITTING

THIS PLAN AND SPECIFICATIONS ARE THE PROPERTY OF PILCOTT ENGINEERING DESIGN PLLC. NO PART OF THIS PLAN OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF PILCOTT ENGINEERING DESIGN PLLC.



Approximate Area  
Proposed to be  
Rezoned from  
R-3 to B

by four roads. Ganadotown Road, Route 500, Route 52 and the N 15 1/2 Highway. The area will be rezoned from the R-3 (Residential) Zoning District to the adjoining B (Business) Zoning District. The rezoning will encompass approximately 19.596 acres of land. The area is comprised of a 17.85 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 62, a 1.45 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 7.2 and the entire 0.032 acre area of the property designated as tax parcel Section 60 Block 2 Lot 2.711 on the tax map of the Town of Newburgh. The owner of tax parcel Section 60 Block 2 Lot 62 has applied for the change in zoning.

A description of the area proposed to be rezoned is attached.

Schedule "A"

Description  
Comprehensive Plan Update Amendment

Being in the Town of Newburgh, County of Orange, running on, along, and through the lands of Orange Lake Construction Corporation, aka Lot 4, as shown on a certain map entitled, "Minor Subdivision Lands Of Orange Lake Construction Corp.", dated July 8, 1994, last revised July 15, 1998, and filed in the Office of the Orange County Clerk on May 14, 1999 as Filed map No. 110-99, being bounded and more particularly described as follows:

**COMMENCING** at a point along the southerly Right of Way (R.O.W.) line of Gardnertown Road, said point being marked by an iron pipe as shown on a certain map entitled, "Map Of Minor Subdivision Of The Lands Of Orange Lake Land Corporation", dated August 26, 1978, and filed in the Office of the Orange County Clerk on March 9, 1978 as Filed map No. 4443, said point also being the **POINT OF COMMENCEMENT**:

THENCE; leaving said R.O.W. and running along the division line between the lands now or formerly of Gemma as described in Liber 12078, Page 1249 of Deeds, and the lands now or formerly of Jimenez as described in Liber 11302, Page 683 of Deeds, aka Lot 1 as shown on said F.M. 110-99 the following two (2) courses

:

- (1) S 11°11'00" W a distance of 145.00 feet to a point,
- (2) N 78°49'00" W a distance of 220.00 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99, and said lands of Gemma, the following course:  
S 09°49'00" W a distance of 23.02 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

THENCE; leaving said division line and running along the division line between said lands of Gemma and Lands of Orange Lake Construction Corp., the following two (2) courses:

- (1) S 09°49'00" W a distance of 227.98 feet to a point,
- (2) S 85°29'00" E a distance of 18.00 feet to a point,

THENCE; leaving said division line and running northeasterly along the division line between the lands now or formerly of Meiczkowski, et al., as described in Liber 1666, Page 507 of Deeds,

S 01°36'34" W a distance of 498.09 feet to a point,

THENCE; leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following five (5) courses:

- (1) S 01°36'34" W a distance of 226.67 feet to a point,
- (2) S 60°19'00" E a distance of 140.04 feet to a point,
- (3) S 11°18'00" W a distance of 238.47 feet to a point,
- (4) S 02°15'00" E a distance of 612.95 feet to a point,
- (5) N 87°45'00" E a distance of 200.00 feet to a point,

THENCE; running along the division line between the lands now or formerly of Kenny, et al., as described in Liber 4627, Page 129 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

S 02°15'00" E a distance of 90.81 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Juliano as described in Liber 13901, Page 999 of Deeds, the lands now or formerly of Lagoy, et al., as described in Liber 2013, Page 222 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 10-99, the following course:  
S22°30'00" W a distance of 300.00 feet to a point,

THENCE; leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:  
S 22°30'00" W a distance of 50.06 feet to a point, said point being on the division line between the lands now or formerly of JBD, Inc. as described in Liber 4509, Page 296 of Deeds, and the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99,

THENCE; leaving said division line and running through said lands of JBD, Inc., the following course:

S 21°58'51" W a distance of 200.95 feet to a point,

THENCE; leaving said lands of JBD, Inc. and running along the division line between the lands now or formerly of Wagner, et al., as described in Liber 2038, Page 737 of Deeds, and said lands of JBD, Inc., the following course:

S 26°45'00" W a distance of 54.87 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Olson, et al., as described in Liber 2040, Page 537 of Deeds, and said lands of JBD, Inc., the following course:

N 83°49'00" W a distance of 49.91 feet to a point,

- (1) N 03°14'00" E a distance of 54.88 feet to a point,
- (2) N 68°42'00" W a distance of 65.55 feet to a point,
- (3) S 84°45'00" W a distance of 85.00 feet to a point,
- (4) N 45°07'00" W a distance of 95.26 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of CBPS Realty, LLC as described in Liber 5381, Page 5 of Deeds, and said lands of JBD, Inc., the following two (2) courses:

- (1) N 01°32'00" E a distance of 42.84 feet to a point,
- (2) N 62°21'00" E a distance of 141.15 feet to a point,

THENCE; leaving said division line and running along the division line between said lands of CBPS Realty, LLC, and the lands now or formerly of Yahweh's Assembly of Newburgh, Inc. as described in Liber 13124, Page 1505 of Deeds, the following three (3) courses:

- (1) N 06°54'00" W a distance of 30.00 feet to a point,
- (2) N 86°40'00" W a distance of 127.42 feet to a point,
- (3) N 11°25'00" W a distance of 133.28 feet to a point,

THENCE; leaving said division line and running along the division line between said lands of CBPS Realty, LLC, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 11°25'00" W a distance of 23.44 feet to a point,

THENCE; leaving said division line and running along the division line between the lands now or formerly of Windsor Hill Realty, Inc. as described in Liber 4061, Page 266 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 11°25'00" W a distance of 199.18' feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Windsor Hill Realty, Inc. as described in Liber 4061, Page 266 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

N 00°23'00" W a distance of 108.75 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Sali H. LLC as described in Liber 5303, Page 304 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following three (3) courses:

- (1) N 00°23'00" W a distance of 99.90 feet to a point,
- (2) N 39°00'00" E a distance of 66.35 feet to a point,

leaving said division line and running along the division line between the lands now or formerly of Raymond Cass, Jr. as described in Liber 4999, Page 43 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following three (3) courses:

- (1) N 28°01'00" W a distance of 50.41 feet to a point,
- (2) N 69°23'00" E a distance of 22.00 feet to a point,
- (3) N 29°47'00" W a distance of 75.96 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Raymond I. Cass, et al., as described in Liber 2483, Page 76 of Deeds, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course: N 29°47'00" W a distance of 100.04 feet to a point,

THENCE;

leaving said division line and running along the division line between the lands now or formerly of Storage Stop, Inc., aka Tax Parcel 60-2-66 as shown on the current Tax Maps of the Town of Newburgh, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following two (2) courses:

- (1) N 21°19'00" E a distance of 621.00 feet to a point,
- (2) N 60°19'00" W a distance of 102.68 feet to a point,

THENCE;

leaving said division line and running through the Lands of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course: N 20°06'00" E a distance of 635.75 feet to a point, said point being the southwesterly corner of the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99,

THENCE;

running along the division line between the lands now or formerly of Orange Lake Construction Corp. as described in Liber 1800, Page 604 of Deeds, aka Lot 2 as shown on said F.M. 110-99, and the Lands Of Orange Lake Construction Corp., aka Lot 4 as shown on said F.M. 110-99, the following course:

S 69°54'00" E a distance of 129.11 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

**Containing an area of 853,593.9 square feet, 19.596 acres more or less.**

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD  
DETERMINING THAT PROPOSED ADOPTION  
OF A COMPREHNSIVE PLAN UPDATE  
AMENDMENT AND LOCAL LAW AMENDING  
CHAPTER 185 ENTITLED "ZONING" OF THE  
CODE OF THE TOWN OF NEWBURGH  
AND THE ZONING MAP OF  
THE TOWN OF NEWBURGH  
TO REZONE AN AREA OF LAND IN THE  
VICINITY OF GARDNERTOWN ROAD, ROUTE  
300, ROUTE 52 AND THE NYS THRUWAY  
CONSTITUTE A TYPE I ACTION AND  
PROVIDING FOR COORDINATED REVIEW:

APPLICATION OF ORANGE LAKE  
CONSTRUCTION

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

**WHEREAS**, having received a request from a property owner for a Zoning Map  
change, pursuant to Town Law Section 272-a the Town Board has prepared an amendment to the  
adopted Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of a  
portion of its property in the vicinity of Gardnertown Road, Route 300, Route 52 and the  
NYS Thruway from R-3 (Residential) to the adjacent B (Business) District Zoning and the Town  
Board has determined it appropriate to include a portion of another parcel presently divided  
between the B Zone and R-3 Zone and an additional small adjoining parcel in the rezoning  
proposal, so that the total area proposed to be rezoned will be approximately 19.596 acres; and

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

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

**WHEREAS**, the Town Board of the Town of Newburgh has caused an Environmental  
Assessment Form (the "EAF") to be prepared for the proposed adoptions of the Amendment to the  
Comprehensive Plan Update and the Local Law Amending Chapter 185 Entitled 'Zoning' of the  
Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone An



Review” of the Town of Newburgh Municipal Code; and

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

**WHEREAS**, the Town Board, using all due diligence, has identified the following involved agency for the Action:

Town of Newburgh Highway Superintendent; and

**WHEREAS**, the Town Board, using all due diligence, has identified the following agencies as potentially interested agencies for the Action:

the Orange County Planning Department,

the Town of Newburgh Planning Board, and

the Town of Newburgh Zoning Board of Appeals; 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 SEQR and Part 617.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board pursuant to Article 8 of the Environmental Conservation Law (“SEQR”), Part 617 of the General Regulations adopted pursuant thereto (“Part 617”) and Chapter 100 entitled “Environmental Quality Review” of the Town of Newburgh Municipal Code, hereby determines that the Action is subject to SEQR and is a Type I action; and

**BE IT FURTHER RESOLVED**, that no other agency has been identified as an involved agency for the Action

; and

**BE IT FURTHER RESOLVED**, that the following are identified as interested agencies for the Action:

Orange County Department of Planning

Town of Newburgh Planning Board

Town of Newburgh Zoning Board of Appeals

and;

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

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

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

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

The resolution was thereupon declared duly adopted.

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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Sponsor Information.**

Name of Action or Project: REZONING FOR ORANGE LAKE CONSTRUCTION		
Project Location (describe, and attach a general location map): TOWN OF NEWBURGH BETWEEN NYS RT 62, NYS RT 300, GARDNERTOWN RD, AND THE NYS THRUWAY		
Brief Description of Proposed Action (include purpose or need): CHANGE THE ZONING FROM "R3" RESIDENTIAL TO "B" BUSINESS FOR CONTIGUOUS LANDS AS FOLLOWS: 1) 17.78 ACRES OF S/B/L 60-2-62, LEAVING 8.45 ACRES UNCHANGED (26.30 TOTAL)(ORANGE LAKE CONSTRUCTION) 2) 0.35 ACRES OF S/B/L 60-2-7.11, WHICH IS THE ENTIRE PARCEL (YAHWEH'S) 3) 1.43 ACRES OF S/B/L 60-2-7.2, LEAVING 1.35 ACRES WHICH IS CURRENTLY ZONED "B" (2.80 TOTAL)(TOTS-N-US) FOR A TOTAL AREA 19.56 ACRES		
Name of Applicant/Sponsor: JOE RUGGIERO, ORANGE LAKE CONSTRUCTION	Telephone:	
	E-Mail:	
Address: 501 GARDNERTOWN ROAD		
City/PO: NEWBURGH	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): (SAME)	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): (SAME)	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

	Required	(Actual or projected)
a. City Council, Town Board, or Village Board of Trustees	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
b. City, Town or Village Planning Board or Commission	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
c. City Council, Town or Village Zoning Board of Appeals	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
d. Other local agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
e. County agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
f. Regional agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
g. State agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
h. Federal agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

### C. Planning and Zoning

<b>C.1. Planning and zoning actions.</b>	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
<ul style="list-style-type: none"> <li>• If Yes, complete sections C, F and G.</li> <li>• If No, proceed to question C.2 and complete all remaining sections and questions in Part 1</li> </ul>	
<b>C.2. Adopted land use plans.</b>	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	
_____	
_____	
_____	

b. Is the use permitted or allowed by a special or conditional use permit?	<input type="checkbox"/> Yes <input type="checkbox"/> No
c. Is a zoning change requested as part of the proposed action? If Yes,	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
i. What is the proposed new zoning for the site? "B"-BUSINESS	_____
<b>C.4. Existing community services.</b>	
a. In what school district is the project site located? NEWBURGH SCHOOL DISTRICT	_____
b. What police or other public protection forces serve the project site? NEWBURGH TOWN POLICE	_____
c. Which fire protection and emergency medical services serve the project site? ORANGE LAKE FIRE COMPANY	_____
d. What parks serve the project site? ALGONQUIN PARK, CHADWICK LAKE PARK AND CROMNER PARK	_____

#### D. Project Details

<b>D.1. Proposed and Potential Development</b>	
a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? _____	
b. a. Total acreage of the site of the proposed action?	_____ acres
b. Total acreage to be physically disturbed?	_____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?	_____ acres
c. Is the proposed action an expansion of an existing project or use?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____	
d. Is the proposed action a subdivision, or does it include a subdivision?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes,	
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)	_____
ii. Is a cluster/conservation layout proposed?	<input type="checkbox"/> Yes <input type="checkbox"/> No
iii. Number of lots proposed? _____	
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____	
e. Will proposed action be constructed in multiple phases?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. If No, anticipated period of construction: _____ months	
ii. If Yes:	
• Total number of phases anticipated _____	
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year	
• Anticipated completion date of final phase _____ month _____ year	
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____	
_____	
_____	

<p>g. Does the proposed action include new non-residential construction (including expansions)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Total number of structures _____</p> <p>ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length</p> <p>iii. Approximate extent of building space to be heated or cooled: _____ square feet</p>	
<p>h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes,</p> <p>i. Purpose of the impoundment: _____</p> <p>ii. If a water impoundment, the principal source of the water: <input type="checkbox"/> Ground water <input type="checkbox"/> Surface water streams <input type="checkbox"/> Other specify: _____</p> <p>iii. If other than water, identify the type of impounded/contained liquids and their source. _____</p> <p>iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres</p> <p>v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length</p> <p>vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____</p>	
<b>D.2. Project Operations</b>	
<p>a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>(Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)</p> <p>If Yes:</p> <p>i. What is the purpose of the excavation or dredging? _____</p> <p>ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?</p> <ul style="list-style-type: none"> <li>• Volume (specify tons or cubic yards): _____</li> <li>• Over what duration of time? _____</li> </ul> <p>iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____</p> <p>iv. Will there be onsite dewatering or processing of excavated materials? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If yes, describe. _____</p> <p>v. What is the total area to be dredged or excavated? _____ acres</p> <p>vi. What is the maximum area to be worked at any one time? _____ acres</p> <p>vii. What would be the maximum depth of excavation or dredging? _____ feet</p> <p>viii. Will the excavation require blasting? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>ix. Summarize site reclamation goals and plan: _____</p> <p>_____</p> <p>_____</p>	
<p>b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____</p> <p>_____</p> <p>_____</p>	

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No  
 If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No  
 If Yes:  
 • acres of aquatic vegetation proposed to be removed: \_\_\_\_\_  
 • expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_  
 • purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_  
 • proposed method of plant removal: \_\_\_\_\_  
 • if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

---

c. Will the proposed action use, or create a new demand for water?  Yes  No  
 If Yes:  
 i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day  
 ii. Will the proposed action obtain water from an existing public water supply?  Yes  No  
 If Yes:  
 • Name of district or service area: \_\_\_\_\_  
 • Does the existing public water supply have capacity to serve the proposal?  Yes  No  
 • Is the project site in the existing district?  Yes  No  
 • Is expansion of the district needed?  Yes  No  
 • Do existing lines serve the project site?  Yes  No  
 iii. Will line extension within an existing district be necessary to supply the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 • Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • Proposed source(s) of supply for new district: \_\_\_\_\_  
 v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), maximum pumping capacity: \_\_\_\_\_ gallons/minute.

---

d. Will the proposed action generate liquid wastes?  Yes  No  
 If Yes:  
 i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day  
 ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

---

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No  
 If Yes:  
 • Name of wastewater treatment plant to be used: \_\_\_\_\_  
 • Name of district: \_\_\_\_\_  
 • Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No  
 • Is the project site in the existing district?  Yes  No  
 • Is expansion of the district needed?  Yes  No

iv. Will a new wastewater (sewage) treatment district be formed to service the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans):

\_\_\_\_\_

\_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_

\_\_\_\_\_

---

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No

If Yes:

i. How much impervious surface will the project create in relation to total size of project parcel?

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)

\_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)

ii. Describe types of new point sources. \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?

\_\_\_\_\_

\_\_\_\_\_

- If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_
- \_\_\_\_\_
- Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

---

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No

If Yes, identify:

i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)

\_\_\_\_\_

ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)

\_\_\_\_\_

iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)

\_\_\_\_\_

---

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No

If Yes:

i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No

ii. In addition to emissions as calculated in the application, the project will generate:

- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
- \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
- \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
- \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)
- \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)



i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust):  
\_\_\_\_\_  
\_\_\_\_\_

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend

Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

ii. For commercial activities only, projected number of semi-trailer truck trips/day: \_\_\_\_\_

iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_

iv. Does the proposed action include any shared use parking?  Yes  No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe:  
\_\_\_\_\_  
\_\_\_\_\_

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):  
\_\_\_\_\_

iii. Will the proposed action require a new, or an upgrade to, an existing substation?  Yes  No

l. Hours of operation. Answer all items which apply.

i. During Construction:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

ii. During Operations:

- Monday - Friday: \_\_\_\_\_
- Saturday: \_\_\_\_\_
- Sunday: \_\_\_\_\_
- Holidays: \_\_\_\_\_

*h.* Will proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

*n.* Will the proposed action have outdoor lighting?  Yes  No  
If yes:  
*i.* Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
\_\_\_\_\_

*ii.* Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
Describe: \_\_\_\_\_

*o.* Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_

*p.* Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
If Yes:  
*i.* Product(s) to be stored \_\_\_\_\_  
*ii.* Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
*iii.* Generally describe proposed storage facilities: \_\_\_\_\_

*q.* Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
If Yes:  
*i.* Describe proposed treatment(s):  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*ii.* Will the proposed action use Integrated Pest Management Practices?  Yes  No

*r.* Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
If Yes:  
*i.* Describe any solid waste(s) to be generated during construction or operation of the facility:  
• Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
• Operation: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
*ii.* Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
• Construction: \_\_\_\_\_  
• Operation: \_\_\_\_\_  
*iii.* Proposed disposal methods/facilities for solid waste generated on-site:  
• Construction: \_\_\_\_\_  
• Operation: \_\_\_\_\_

• \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No

If Yes:

i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_

\_\_\_\_\_

ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_

\_\_\_\_\_

iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month

iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_

\_\_\_\_\_

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No

If Yes: provide name and location of facility: \_\_\_\_\_

\_\_\_\_\_

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: \_\_\_\_\_

\_\_\_\_\_

### E. Site and Setting of Proposed Action

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site.

Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)

Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_

ii. If mix of uses, generally describe: \_\_\_\_\_

\_\_\_\_\_

b. Land uses and covertsypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____			

e. Does the project site contain an existing dam?  Yes  No

If Yes:

i. Dimensions of the dam and impoundment:

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_

iii. Provide date and summarize results of last inspection: \_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No

If Yes:

i. Has the facility been formally closed?  Yes  No

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_

iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No

If Yes:

i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No

If Yes:

i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No

<input type="checkbox"/> Yes - Spills Incidents database	Provide DEC ID number(s): _____
<input type="checkbox"/> Yes - Environmental Site Remediation database	Provide DEC ID number(s): _____
<input type="checkbox"/> Neither database	

ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No

If yes, provide DEC ID number(s): \_\_\_\_\_

iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_

E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <input type="checkbox"/> Yes <input type="checkbox"/> No	
ii. Do any wetlands or other waterbodies adjoin the project site? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <input type="checkbox"/> Yes <input type="checkbox"/> No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name _____ Classification _____	
• Lakes or Ponds: Name _____ Classification _____	
• Wetlands: Name _____ Approximate Size _____	
• Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
i. Is the project site in a designated Floodway? <input type="checkbox"/> Yes <input type="checkbox"/> No	
j. Is the project site in the 100 year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
k. Is the project site in the 500 year Floodplain? <input type="checkbox"/> Yes <input type="checkbox"/> No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <input type="checkbox"/> Yes <input type="checkbox"/> No	
If Yes:	
i. Name of aquifer: _____	

ii. Source(s) of description or evaluation: _____	
iii. Extent of community/habitat:	
• Currently:	_____ acres
• Following completion of project as proposed:	_____ acres
• Gain or loss (indicate + or -):	_____ acres
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <input type="checkbox"/> Yes <input type="checkbox"/> No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <input type="checkbox"/> Yes <input type="checkbox"/> No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give a brief description of how the proposed action may affect that use: _____	
<b>E.3. Designated Public Resources On or Near Project Site</b>	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? <input type="checkbox"/> Yes <input type="checkbox"/> No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. Nature of the natural landmark: <input type="checkbox"/> Biological Community <input type="checkbox"/> Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <input type="checkbox"/> Yes <input type="checkbox"/> No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

f. 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?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site? If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	<input type="checkbox"/> Yes <input type="checkbox"/> No
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No


**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name CHARLES T. BROWN, JR Date 1/25/16  
Signature  Title ENGINEER

PRINT FORM

can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

If the lead agency is a state agency and the action is in any Coastal Area, complete the Coastal Assessment Form before proceeding with this assessment.

**Tips for completing Part 2:**

- Review all of the information provided in Part 1.
- Review any application, maps, supporting materials and the Full EAF Workbook.
- Answer each of the 18 questions in Part 2.
- If you answer "Yes" to a numbered question, please complete all the questions that follow in that section.
- If you answer "No" to a numbered question, move on to the next numbered question.
- Check appropriate column to indicate the anticipated size of the impact.
- Proposed projects that would exceed a numeric threshold contained in a question should result in the reviewing agency checking the box "Moderate to large impact may occur."
- The reviewer is not expected to be an expert in environmental analysis.
- If you are not sure or undecided about the size of an impact, it may help to review the sub-questions for the general question and consult the workbook.
- When answering a question consider all components of the proposed activity, that is, the "whole action".
- Consider the possibility for long-term and cumulative impacts as well as direct impacts.
- Answer the question in a reasonable manner considering the scale and context of the project.

<b>1. Impact on Land</b>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES	
Proposed action may involve construction on, or physical alteration of, the land surface of the proposed site. (See Part 1. D.1) <i>If "Yes", answer questions a - j. If "No", move on to Section 2.</i>				
		Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may involve construction on land where depth to water table is less than 3 feet.	E2d	<input type="checkbox"/>	<input type="checkbox"/>	
b. The proposed action may involve construction on slopes of 15% or greater.	E2f	<input type="checkbox"/>	<input type="checkbox"/>	
c. The proposed action may involve construction on land where bedrock is exposed, or generally within 5 feet of existing ground surface.	E2a	<input type="checkbox"/>	<input type="checkbox"/>	
d. The proposed action may involve the excavation and removal of more than 1,000 tons of natural material.	D2a	<input type="checkbox"/>	<input type="checkbox"/>	
e. The proposed action may involve construction that continues for more than one year or in multiple phases.	D1e	<input type="checkbox"/>	<input type="checkbox"/>	
f. The proposed action may result in increased erosion, whether from physical disturbance or vegetation removal (including from treatment by herbicides).	D2e, D2q	<input type="checkbox"/>	<input type="checkbox"/>	
g. The proposed action is, or may be, located within a Coastal Erosion hazard area.	B1i	<input type="checkbox"/>	<input type="checkbox"/>	
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>	



	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Identify the specific land form(s) attached: _____	E2g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may affect or is adjacent to a geological feature listed as a registered National Natural Landmark. Specific feature: _____	E3c	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

3. Impacts on Surface Water			
The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) <i>If "Yes", answer questions a - l. If "No", move on to Section 4.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may create a new water body.	D2b, D1h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in an increase or decrease of over 10% or more than a 10 acre increase or decrease in the surface area of any body of water.	D2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may involve dredging more than 100 cubic yards of material from a wetland or water body.	D2a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve construction within or adjoining a freshwater or tidal wetland, or in the bed or banks of any other water body.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may create turbidity in a waterbody, either from upland erosion, runoff or by disturbing bottom sediments.	D2a, D2h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may include construction of one or more intake(s) for withdrawal of water from surface water.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may include construction of one or more outfall(s) for discharge of wastewater to surface water(s).	D2d	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may cause soil erosion, or otherwise create a source of stormwater discharge that may lead to siltation or other degradation of receiving water bodies.	D2e	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may affect the water quality of any water bodies within or downstream of the site of the proposed action.	E2h	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may involve the application of pesticides or herbicides in or around any water body.	D2q, E2h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may require the construction of new, or expansion of existing, wastewater treatment facilities.	D1a, D2d	<input type="checkbox"/>	<input type="checkbox"/>

The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer.

(See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)

If "Yes", answer questions a - h. If "No", move on to Section 5.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

#### 5. Impact on Flooding

The proposed action may result in development on lands subject to flooding.

(See Part 1. E.2)

If "Yes", answer questions a - g. If "No", move on to Section 6.

NO

YES

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

(See Part I. D.2.f., D.2,h, D.2.g)

If "Yes", answer questions a - f. If "No", move on to Section 7.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels: i. More than 1000 tons/year of carbon dioxide (CO <sub>2</sub> ) ii. More than 3.5 tons/year of nitrous oxide (N <sub>2</sub> O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF <sub>6</sub> ) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**7. Impact on Plants and Animals**

The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.)

NO

YES

If "Yes", answer questions a - j. If "No", move on to Section 8.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

<b>8. Impact on Agricultural Resources</b>			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

*If "Yes", answer questions a - g. If "No", go to Section 10.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Proposed action may be visible from any officially designated federal, state, or local scenic or aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the obstruction, elimination or significant screening of one or more officially designated scenic views.	E3h, C2b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may be visible from publicly accessible vantage points: i. Seasonally (e.g., screened by summer foliage, but visible during other seasons) ii. Year round	E3h	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
d. The situation or activity in which viewers are engaged while viewing the proposed action is: i. Routine travel by residents, including travel to and from work ii. Recreational or tourism based activities	E3h E2q, E1c	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
e. The proposed action may cause a diminishment of the public enjoyment and appreciation of the designated aesthetic resource.	E3h	<input type="checkbox"/>	<input type="checkbox"/>
f. There are similar projects visible within the following distance of the proposed project: 0-1/2 mile 1/2 -3 mile 3-5 mile 5+ mile	D1a, E1a, D1f, D1g	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**10. Impact on Historic and Archeological Resources**

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.)  NO  YES

*If "Yes", answer questions a - e. If "No", go to Section 11.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may occur wholly or partially within, or substantially contiguous to, any buildings, archaeological site or district which is listed on or has been nominated by the NYS Board of Historic Preservation for inclusion on the State or National Register of Historic Places.	E3e	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may occur wholly or partially within, or substantially contiguous to, an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory.	E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may occur wholly or partially within, or substantially contiguous to, an archaeological site not included on the NY SHPO inventory. Source: _____	E3g	<input checked="" type="checkbox"/>	<input type="checkbox"/>

i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input checked="" type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**11. Impact on Open Space and Recreation**  
The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan.  NO  YES  
(See Part 1. C.2.c, E.1.c., E.2.q.)  
*If "Yes", answer questions a - e. If "No", go to Section 12.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**12. Impact on Critical Environmental Areas**  
The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d)  NO  YES  
*If "Yes", answer questions a - c. If "No", go to Section 13.*

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

	Part I Question(s)	small impact may occur	to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

**14. Impact on Energy**  
The proposed action may cause an increase in the use of any form of energy.  NO  YES  
(See Part 1. D.2.k)  
If "Yes", answer questions a - e. If "No", go to Section 15.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action will require a new, or an upgrade to an existing, substation.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two-family residences or to serve a commercial or industrial use.	D1f, D1q, D2k	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may utilize more than 2,500 MWhrs per year of electricity.	D2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may involve heating and/or cooling of more than 100,000 square feet of building area when completed.	D1g	<input type="checkbox"/>	<input type="checkbox"/>
e. Other Impacts: _____ _____			

**15. Impact on Noise, Odor, and Light**  
The proposed action may result in an increase in noise, odors, or outdoor lighting.  NO  YES  
(See Part 1. D.2.m., n., and o.)  
If "Yes", answer questions a - f. If "No", go to Section 16.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may produce sound above noise levels established by local regulation.	D2m	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in blasting within 1,500 feet of any residence, hospital, school, licensed day care center, or nursing home.	D2m, E1d	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in routine odors for more than one hour per day.	D2o	<input type="checkbox"/>	<input type="checkbox"/>

**16. Impact on Human Health**

The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.)

 NO YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			



If "Yes", answer questions a - h. If "No", go to Section 18.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h. Other: <u>The action will amend the adopted Town of Newburgh Comprehensive Plan</u>		<input checked="" type="checkbox"/>	<input type="checkbox"/>

**18. Consistency with Community Character**

The proposed project is inconsistent with the existing community character.  
(See Part 1. C.2, C.3, D.2, E.3)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may replace or eliminate existing facilities, structures, or areas of historic importance to the community.	E3e, E3f, E3g	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may create a demand for additional community services (e.g. schools, police and fire)	C4	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may displace affordable or low-income housing in an area where there is a shortage of such housing.	C2, C3, D1f D1g, E1a	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may interfere with the use or enjoyment of officially recognized or designated public resources.	C2, E3	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action is inconsistent with the predominant architectural scale and character.	C2, C3	<input type="checkbox"/>	<input type="checkbox"/>
f. Proposed action is inconsistent with the character of the existing natural landscape.	C2, C3 E1a, E1b E2g, E2h	<input type="checkbox"/>	<input type="checkbox"/>
g. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

**PRINT FULL FORM**

CHAPTER 185 ENTITLED  
**OF THE CODE OF THE TOWN OF NEWBURGH  
AND  
THE ZONING MAP  
OF THE TOWN OF NEWBURGH  
TO REZONE  
AN AREA OF LAND  
IN THE VICINITY OF GARDNERTOWN ROAD,  
ROUTE 300, ROUTE 52 AND THE NYS THRUWAY**

**SECTION 1 - TITLE**

This Local Law shall be referred to as “A Local Law Amending Chapter 185 Entitled ‘Zoning’ of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone An Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway.”

**SECTION 2 - PURPOSE**

The purpose of this local law is to rezone a certain area of land located in the vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway from the R-3 (Residential) Zoning District to the adjoining B (Business) Zoning District consistent with the amended Comprehensive Plan Update of the Town of Newburgh.

The rezoning will encompass approximately 19.596 acres of land. The area is comprised of a 17.85 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 62, a 1.45 acre portion of the property designated as tax parcel Section 60 Block 2 Lot 7.2 and the entire 0.032 acre area of the property designated as tax parcel Section 60 Block 2 Lot 2.711 on the tax map of the Town of Newburgh. The owner of tax parcel Section 60 Block 2 Lot 62 has applied for the change in zoning.

**SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP**

1. The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-5, as last amended by Local Law No. 1 of 2015, is hereby amended to change the Zoning District from R-3 to B for the property described in Schedule A annexed hereto and made a part hereof.
2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk

**SECTION 4 - REPEAL** All ordinances and local laws and any parts thereof inconsistent

MCT/Town of Newburgh/Zoning Map Amendment – Colandrea – Putnam Street.wpd

SECTION 5 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 - EFFECTIVE DATE

This Local Law shall take effect immediately when it is filed in the Office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD PROVIDING FOR REFERRAL OF COMPREHENSIVE PLAN UPDATE AMENDMENT AND LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO REZONE AN AREA OF LAND IN THE VICINITY OF GARDNERTOWN ROAD ROUTE 300, ROUTE 52 AND THE NYS THRUWAY TO THE ORANGE COUNTY DEPARTMENT OF PLANNING, THE TOWN OF NEWBURGH PLANNING BOARD AND THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS: APPLICATION OF ORANGE LAKE CONSTRUCTION

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

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

WHEREAS, having received a request from a property owner for a Zoning Map change, pursuant to Town Law Section 272-a, the Town Board has prepared an amendment to the adopted Comprehensive Plan Update of the Town of Newburgh providing for the rezoning of an area of land in the vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway from R-3 (Residential) to the adjacent B (Business) District Zoning; and

WHEREAS, Town Law Section 272-a provides that any proposed comprehensive plan or amendment thereto may be referred to the town planning board for review and recommendation before action by the town board and shall be referred, prior to adoption, to the county planning board or agency for review and recommendation as required by Section 239-m of the General Municipal Law; and

WHEREAS, the Town Board has additionally prepared and introduced a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway, which will implement the proposed Comprehensive

and recommendation.

NOW, THEREFORE, BE IT RESOLVED, that copies of the Amendment to the Town of Newburgh Comprehensive Plan Update for the Rezoning of an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law in conformity with all applicable rules and regulations which have been established for delivery; and

BE IT FURTHER RESOLVED that copies of the Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code; and

BE IT FURTHER RESOLVED, that a copies of the aforesaid amendment to the adopted Comprehensive Plan Update and local law also be forwarded to the Town of Newburgh Zoning Board of Appeals for its comments.

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

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>James E. Presutti, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD  
CALLING PUBLIC HEARING IN  
THE MATTER OF THE AMENDMENT  
OF THE COMPREHENSIVE PLAN  
UPDATE OF THE  
TOWN OF NEWBURGH FOR THE  
REZONING OF AN AREA OF LAND IN  
THE VICINITY OF GARDNERTOWN ROAD,  
ROUTE 300, ROUTE 52 AND THE NYS  
THRUWAY:  
APPLICATION OF ORANGE LAKE  
CONSTRUCTION

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

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

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

WHEREAS, pursuant to Town Law Section 272-a, having received an application from a property owner and/or the owner's proxies, the Town Board is preparing a proposed amendment to the adopted Comprehensive Plan Update of the Town of Newburgh providing for the rezoning an area of land in the vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway from R-3 (Residential) to the adjacent B (Business) District Zoning which in addition to the property of the requesting owner, a portion of another parcel presently divided between the B Zone and R-3 Zone and an additional small adjoining, so that the total area proposed to be rezoned will be approximately 19.596 acres ; and

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

NOW, THEREFOR BE IT RESOLVED, that Town Board shall hold a public hearing on the proposed Amendment to the Comprehensive Plan Update for the Rezoning of an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway from R-3 residential to the adjacent B zoning district to be held at the Town Hall at 1496 Route 300 in the Town of Newburgh, New York on the \_\_\_th day of April 2016 at 7:00 o'clock, p.m. Prevailing Time.; and, be it further

RESOLVED, that a copy of the proposed Amendment to the Comprehensive Plan Update for the Rezoning of an Area of Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway filed in the office of the Town Clerk be made available for public review; and, be it further

RESOLVED, that the Town Clerk is hereby authorized and direct to a cause a Notice of Public Hearing to be published in the Mid-Hudson Times and The Sentinel, the newspapers hereby designated as the official newspaper for this purpose at least ten (10) calendar days in advance of the hearing, and also to cause a copy thereof to be posted on the sign board of the Town; and, be it further

RESOLVED, that this resolution shall take effect immediately.

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

<u>Elizabeth J. Greene, Councilwoman</u>	_____ voting _____
<u>Paul I. Ruggiero, Councilman</u>	_____ voting _____
<u>James E. Presutti, Councilman</u>	_____ voting _____
<u>Scott M. Manley, Councilman</u>	_____ voting _____
<u>Gilbert J. Piaquadio, Supervisor</u>	_____ voting _____

The resolution was thereupon declared duly adopted.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION INTRODUCING  
LOCAL LAW AMENDING CHAPTER 185  
ENTITLED "ZONING" OF THE CODE OF  
THE TOWN OF NEWBURGH AND  
THE ZONING MAP OF  
THE TOWN OF NEWBURGH  
TO REZONE AN AREA OF LAND IN THE  
VICINITY OF GARDNERTOWN ROAD,  
ROUTE 300, ROUTE 52 AND THE NYS  
THRUWAY AND CALLING PUBLIC HEARING  
:  
APPLICATION OF ORANGE LAKE  
CONSTRUCTION

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

BE IT RESOLVED that a Local Law Amending Chapter 185 entitled "Zoning" of the Code  
of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone An Area of  
Land in the Vicinity of Gardnertown Road, Route 300, Route 52 and the NYS Thruway be and  
hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange  
and State of New York, and

BE IT FURTHER RESOLVED that a copy of the aforesaid proposed local law in final  
form be laid upon the desk of each member of the Town Board at least seven (7) days prior to a  
public hearing on said proposed local law, and

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the  
matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the  
Town of Newburgh, New York on the \_\_\_th day of April, 2016 at 7:00 o'clock, p.m., and



in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of his office not later than the day such notice is published; and

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

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

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

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

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

The resolution was thereupon declared duly adopted.

JOHN PLATT  
COMMISSIONER

DIVISION OF WATER AND SEWER  
311 ROUTE 32  
NEWBURGH, NY 12550

PHONE: 845-564-7813  
FAX: 845-566-8903

## MEMORANDUM

**TO:** Gil Piaquadio, Town Supervisor and Town Board Members

**From:** John Platt, Commissioner of Public Works



**Date:** March 21, 2016

**Re: Dave Leroy, Educational Reimbursement**

---

Please find attached voucher submitted by Dave Leroy requesting that he be reimbursed \$350.00 for his Wastewater Treatment Course he completed online.

The training completed will allow Mr. Leroy to continue his requirements to obtain his grade "D" Wastewater Treatment Plant Operator License to operate the Nob Hill Sewer Treatment Plant.

I request that Mr. Leroy be reimbursed for this expense as found proper and provided by the Town's Educational Reimbursement Policy.

As the attached 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.

Thank you.

Cc, Dave Leroy, Wastewater Maintenance Worker



DEPARTMENT: SEWER

CLAIMANT'S  
NAME  
AND  
ADDRESS

David LeRoy  
19 Still Hollow Rd.  
Newburgh, NY 12550

Date Voucher Received	
Fund Appropriation	AMOUNT
8130-0469-5070	325.00
<b>Total</b>	325.00
Abstract	

VOUCHER NO.

TERMS: \_\_\_\_\_

Invoice# 1400847526

Date of Invoice: \_\_\_\_\_

Date	Qty	Unit	Item #	Description of Material or Service	Unit Price	Amount
				Reimbursement for on line license course		
<b>Total</b>						325.00

**CLAIMANT'S CERTIFICATION**

David LeRoy, certify that the above account in the amount of \$ \_\_\_\_\_ 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.

3-18-16  
DATE

[Signature]  
SIGNATURE  
(Space Below For Municipal Use)

Sewer  
TITLE

DEPARTMENT APPROVAL

APPROVAL FOR PAYMENT

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

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

# UF TREEO Center UNIVERSITY of FLORIDA

Center for Training, Research and Education for Environmental Occupations

**David LeRoy**

completed

*Wastewater Treatment Plant Operations for D-Licensure  
Online*

**2/6/2016**

and is awarded this

*Certificate of Completion*

Date Issued: 2/6/2016  
FDEP OCP 04131062  
CEU's: 4.0

*Carol Hinton*

Carol Hinton, Associate Director

University of Florida TREEO Center • 3900 SW 63 Boulevard • Gainesville, FL 32608-3800 • 352-392-9570 • www.treeco.ufl

# UF DCE - Registration Confirmation: Wastewater Treatment Plant Operations D-Licensure Online

1 message

Fri, Aug 21, 2015 at 3:00 PM

To [REDACTED]

Dear David LeRoy,

This email confirms that your registration has been processed or updated. Please review the information below carefully. If you discover any mistakes or have any questions, please contact us at registration [REDACTED]

Registration: #1400847526

150033

Wastewater Treatment Plant Operations D-Licensure Online

Course Dates: Jul 1, 2013 - Jun 30, 2016 at 08:00 AM

AL

Fee Description	Base Cost	QTY	Total Cost
Course Fee	\$325.00	1	\$325.00
<b>Paid:</b>			<b>\$325.00</b>
Balance:			\$0.00

## Registrant Information

**Name:** David LeRoy

**Name Tag:** David LeRoy

**Company:** N/A

**Title:** N/A

**Driver's License:** N/A

**Email:** [REDACTED]

**Phone:** (845) 542-3845

**Fax:** N/A

**Special Needs:** N/A

## Shipping Address

19 Still Hollow Rd

Newburgh NY 12550

Phone: (845) 542-3845

ARTICLE XI  
MISCELLANEOUS

SECTION 11.1 — EMPLOYEE SCHOOLING

A. Filter/Sewer Plant Operators

The Employer shall reimburse employees attending school to obtain or maintain their Filter Plant or Sewer Plant Operating License. Said reimbursement to include registration fees, meal ticket credit and transportation costs as well as lodging where necessary. The employee shall receive approval from the Town prior to his/her attendance at such schooling.

B. Education Reimbursement

With prior approval from the Department Head and approval of the Town Board an employee who undertakes a duly recognized course of study which is job related, and who successfully completes the course of study, shall receive full reimbursement for tuition, books, lab fees, etc., up to \$800 per twelve month period. The denial of a tuition reimbursement request shall not be subject to review in any forum. The Town may issue a form in consultation with the Union to be used by employees and Town officials for purposes of implementation of this provision.

“Successful Completion” will be defined as a passing grade as determined by the educational institution.

SECTION 11.2 — CONFERENCE DAYS

Effective 1/1/02, the Union President should be allowed four (4) work days per year to attend CSEA conferences or seminars. Said President must give reasonable notice to his/her department head prior to use of said days. The Union President may designate another employee to make use of a conference day in place of the Union President, however, the total amount of conference day time off for all persons shall continue to be four (4) days.

The union or its agent, if a Town employee, shall be granted reasonable time off to represent an employee in work related issues without charge to leave upon approval of the Town Supervisor or designee. The Town Supervisor or designee will notify the department head (s) of employees that will be away from their work site during this time.

SECTION 11.3 — FILE CABINET/PAYROLL INFORMATION

A file cabinet with lock shall be provided for the Union to be maintained at the work site.

The Town will provide to the Union on a monthly basis a computer run which

  
Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

March 14, 2016

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Fitness Equipment Proposal


I would like to place the above topic on the agenda for the March 21<sup>st</sup> Workshop Meeting. The project entails the purchase and installation of fitness equipment at Chadwick Lake Park along with the installation of a pour in place surface under the equipment. Additional details to be provided. We are also requesting the transfer of funds from the Parkland Trust Fund to finance this project.

Thank you for your consideration.

Regards,



Robert J. Petrillo  
Commissioner

  
Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

March 28, 2016

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Chadwick Lake Park Guard Variance Request

The Town policy requires a duty-free half hour lunch for those working six or more consecutive hours. At this time, I'm asking for a variance to this policy for the Chadwick Lake Park guards.

We have begun the season for peak attendance at the Park as well as extended hours. To ensure the guard house is not unattended or the Park unsupervised we are requesting approval to waive the required duty-free lunch for the guards during the months of April, May, June, July and August.

Thank you for your consideration.

Regards,



Robert J. Petrillo  
Commissioner





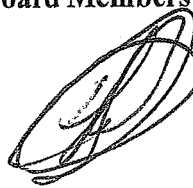
NEWBURGH, NEW YORK 12550

TELEPHONE 845-561-2177

FAX 845-561-8987

TODD DEPEW  
HIGHWAY SUPERINTENDENT

**TO:** Gil Piaquadio, Supervisor, and Town Board Members  
**FROM:** Todd DePew, Highway Superintendent  
**DATE:** April 4, 2016  
**RE:** 20 Ton Equipment Trailer



Please award the bids for the 20 Ton Equipment Trailer to the following vendor.

The funds are available and will be taken from a Highway Equipment Capital Account. This account was set up at the end of 2014 for the purchase of various pieces of equipment which came in under the amounts anticipated.

Thank you

20 Ton Equipment Trailer:

Paul Congelosi, Sales Inc.  
2201 Route 17 K  
Montgomery, NY 12549

Amount of Bid: \$22,987.00

TD/ch

BID OPENING

4-Apr-16

20 TON EQUIPMENT TRAILER

10:00 AM

	PRICE				
OSI SALES	\$22,987.00				
-FMAN IPMENT	\$23,390.00				



SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Cheryl Cunningham, Animal Control

Subject: Authorization to pay Veterinarian Services Utilizing T-94 Account

Date: March 30, 2016

---

I am requesting authorization to use the T-94 account to pay for veterinary services from:  
Newburgh Vet Hospital

Totaling: \$641.65

Feline: \$222.06

Canine: \$419.59

Attached please find the bills.

Thank you,  
Cheryl Cunningham

Cc: Ron Clum, Accountant

TOWN OF NEWBURGH  
 1496 Route 300  
 Newburgh, New York 12550  
 (845) 564-4552

DO NOT WRITE IN THIS BOX

DEPARTMENT \_\_\_\_\_

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
Total		
Abstract #		

CLAIMANT'S NAME AND ADDRESS  
**NEWBURGH VETERINARY HOSPITAL**  
 1716 Route 300  
 Newburgh, NY 12550  
 Tel: (845) 564-2660  
 www.newburghvet.com

TERMS Net 30 Days

Invoice # \_\_\_\_\_

*Feline*

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
3/2/16	620928			4200 ✓
3/8/16	621380			4200 ✓
3/8/16	621398			5220 ✓
3/8/16	621399			66.61 ✓
3/12/16	621707			1925 ✓
			<b>TOTAL</b>	<b>222.06</b>

CLAIMANT'S CERTIFICATION

Dora M Cast certify that the above account in the amount of \$ 222.06 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.

3/28/16  
DATE

Dora M Cast  
SIGNATURE

Bookkeeper  
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 for paid from the appropriations indicated above

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-02-16 at 11:58a  
**Date:** 03-02-16  
**Account:** 4417  
**Invoice:** (open)

Date	For	Qty	Description	Price	Discount	Net Price
03-02-16	Strays	1	NEUTER FELINE	84.00	42.00	42.00 **
03-02-16		0.05	MORPHINE Inject / ml Hosp	30.07	30.07	0.00 **
03-02-16		0.40	Penicillin G Inject / ml (in hosp)	30.22	30.22	0.00 **
Total charges, this invoice...						42.00
**Total discount included: 102.29						

Your invoice total reflects our **13Stray Cat Accounts** discount.

---

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-08-16 at 12:24p  
**Date:** 03-08-16  
**Account:** 4417  
**Invoice:** (open)

Date	For	Qty	Description	Price	Discount	Net Price	
03-08-16	Pumpkin 43	0.05	MORPHINE Inject / ml Hosp	30.07	30.07	0.00	**
03-08-16		0.30	Penicillin G Inject / ml (in hosp)	30.16	30.16	0.00	**
03-08-16		1	NEUTER FELINE	84.00	42.00	42.00	**

Total charges, this invoice... 42.00

\*\*Total discount included: 102.23

Your invoice total reflects our **13Stray Cat Accounts** discount.

---

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1710 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-08-16 at 3:40p  
**Date:** 03-08-16  
**Account:** 4417  
**Invoice:** 621398

Date	For	Qty	Description	Price	Discount	Net Price	
03-08-16	2C-16 Django	1	CONSULT / EXAM - Sick	62.50	31.25	31.25	**
03-08-16		1	Tobramycin Ophthalmic Suspensio	39.99	29.54	10.45	**
03-08-16		1	Flurbiprofen ophthalmic solution #2	23.00	12.50	10.50	**

Total charges, this invoice... 52.20

\*\*Total discount included: 73.29

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: <b>2C-16 Django</b>	Last done
03/17 CONSULT/EXAM - Annual Wellness	03-08-16
09/16 Rabies/Purevax.Feline 1yr	
09/16 FECAL EXAM	
09/16 Neuter your pet at 5-6 months	
<b>12/14 Rhinotracheitis/Pan/leuk/Calic</b>	

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-08-16 at 3:40p  
**Date:** 03-08-16  
**Account:** 4417  
**Invoice:** (open)

Date	For	Qty	Description	Price	Discount	Net Price	
03-08-16	104C-16 Momma.M	1	CONSULT / EXAM - Sick	62.50	31.25	31.25	**
03-08-16		1	Tobramycin Ophthalmic Suspensio	39.99	29.54	10.45	**
03-08-16		1	Flurbiprofen ophthalmic solution #2	23.00	12.50	10.50	**
03-08-16		1	Viralys Gel 5oz #209413	29.00	14.59	14.41	**
						Total charges, this invoice...	66.61
						**Total discount included: 87.88	

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: <b>104C-16 Momma Mia</b>	Last done
03/17	CONSULT/EXAM - Annual Wellness
09/16	FECAL EXAM
09/16	Rabies/Purevax Feline 1yr
12/14	Rhinotracheitis/Pan/leuk/Calic

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.



1775 Route 66  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - Feline  
645 Gidney Ave.  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-12-16 at 4:06p  
**Date:** 03-12-16  
**Account:** 4417  
**Invoice:** (open)

Date	For	Qty	Description	Price	Discount	Net Price
03-12-16	Harriet	1	Feline Rabies/ Purevax 3yr Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.	38.50	19.25	19.25 **

---

Total charges, this invoice... 19.25  
\*\*Total discount included: 19.25

Your invoice total reflects our **13Stray Cat Accounts** discount.

---

LIKE US ON FACEBOOK.COM!

GOING AWAY?...BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1496 Route 300  
Newburgh, New York 12550  
(845) 564-4552

DO NOT WRITE IN THIS BOX

DEPARTMENT \_\_\_\_\_

CLAIMANT'S  
NAME  
AND  
ADDRESS

**NEWBURGH VETERINARY HOSPITAL**  
1716 Route 300  
Newburgh, NY 12550  
Tel: (845) 564-2660  
www.newburghvet.com

Date Voucher Received		VOUCHER NO.
FUND - APPROPRIATION	AMOUNT	
	Total	
Abstract #		

TERMS Net 30 Days

Invoice # \_\_\_\_\_

*Canine*

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
3/2/16	620982		197.70	219.20
3/2/16	620985		420	420
3/8/16	621401		102.25	103.75
3/16/16	622004		115.44	117.69
				419.59
			<b>TOTAL</b>	<b>444.84</b>

CLAIMANT'S CERTIFICATION

Dora M Cast certify that the above account in the amount of \$ 444.84 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.

3/28/16  
DATE

Dora M Cast  
SIGNATURE

Bookkeeper  
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 for paid from the appropriations indicated above

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-30-16 at 10:32a  
**Date:** 03-02-16  
**Account:** 19984  
**Invoice:** 620982

Date	For	Qty	Description	Price	Discount	Net Price
03-02-16	Amelia	1	CONSULT / EXAM - Biannual Well	52.00	26.00	26.00 **
03-02-16		1	OHÉ Canine 13 MOS.- 4Yrs	239.50	139.75	99.75 **
			Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a few days. Restrict excercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.			
03-02-16		1	-Isoflurane Gas Anesthesia			0.00
03-02-16		0.75	MORPHINE Inject / ml Hosp	31.05	15.53	15.52 **
03-02-16		2.50	Penicillin G Inject / ml (in hosp)	31.37	15.69	15.68 **
03-02-16		0.50	Vetprofen Tablets 100mg Individual	17.88	17.63	0.25 **
03-02-16		1	Lyme,HW,Ehrlichia Accu Plus4 AC	55.00	29.00	26.00 **
03-02-16		1	Canine Dist/A2/PI/Parvo/Lepto1YR	29.00	14.50	14.50 **
			Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PPI , the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis			

Total charges, this invoice... 197.70

\*\*Total discount included: 258.10

Your invoice total reflects our **13Stray Cat Accounts** discount.

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

**FOR:** Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

**Printed:** 03-02-16 at 4:52p  
**Date:** 03-02-16  
**Account:** 19984  
**Invoice:** (open)

Date	For	Qty	Description	Price	Discount	Net Price	
03-02-16	Amelia	14	Amoxicillin 500 mg individual table	22.03	19.34	2.69	**
03-02-16		3	Vetprofen Tablets 100mg Individua	19.56	18.05	1.51	**
						Total charges, this invoice...	4.20 ✓
						**Total discount included:	37.39

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: <b>Amelia</b> (Weight: 51.0 lbs - 3y)	Last done
03/17 Lyme,HW,Ehrlichia Accu Plus4(A)	03-02-16
03/17 CanineDist/Aden/Para/Parvo/Lep	
08/16 Canine Kennel Cough Vacc -1 ye	
08/16 FECAL EXAM	
08/16 Consultation/Exam- Bi-annual	03-02-16
<b>07/13 CANINE RABIES / 1YEAR</b>	

**Amelia's weight history** (in lbs)

03-02-16 51.00

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

FOR: Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

Printed: 03-30-16 at 10:30a  
Date: 03-08-16  
Account: 19984  
Invoice: 621401

Date	For	Qty	Description	Price	Discount	Net Price
03-08-16	Ragady Andy 10-	1	CONSULT / EXAM - Sick	62.50	31.25	31.25 **
03-08-16		6.70	Canine Medical Shave Down / lb	52.84	7.84	45.00 **
03-08-16		1	Lyme,HW,Ehrlichia Accu Plus4 AC	55.00	29.00	26.00 **

Total charges, this invoice... 102.25

\*\*Total discount included: 68.09

Your invoice total reflects our **13Stray Cat Accounts** discount.

Reminders for: **Ragady Andy 10-16** (Weight: 6.3 lbs - 7y) Last done

03/17	Consultation/Exam- Bi-annual	
03/17	lyme,HW,Ehrlichia Accu Plus4(A)	03-08-16
09/16	Neuter your pet at 5-6 months	
09/16	Canine Kennel Cough Vacc -1 ye	
09/16	FECAL EXAM	

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

1716 Route 300  
Newburgh, NY 12550  
845 564-2660

"Your pet is part of our family too." Visit us at [www.newburghvet.com](http://www.newburghvet.com)

FOR: Town of Newburgh - canine  
645 Gidney Ave  
Newburgh, NY 12550  
(845) 561-3344

Printed: 03-30-16 at 10:28a  
Date: 03-16-16  
Account: 19984  
Invoice: 622004

Date	For	Qty	Description	Price	Discount	Net Price
03-09-16	Amelia	1	Veterinarian's Notes			0.00
03-10-16		10	Ciprofloxacin 250mg tablets #2094	24.95	20.51	4.44 **
03-16-16	Willie 9-16	1	Lyme,Hwt,Ehrlich Anaplasma 4Dx i	85.00	44.75	40.25 **
03-16-16		1	CANINE RABIES / 1YEAR	33.00	16.50	16.50 **
03-16-16		1	Canine Dist/A2/PI/Parvo/Lepto1YR	29.00	14.50	14.50 **
	Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PPI , the best available protection against Distemper,Adenovirus, Parvovirus, Parainfluenza,and Leptosiprosis					
03-16-16		1	Canine Respiratory Complex- Bord	27.50	13.75	13.75 **
	Canine Kennel Cough is A HIGHLY contagious respiratory infection. Dogs can be exposed at any time through coughing or nose to nose contact. Boarding, grooming and or showing dogs can have increased risk of exposure....please be sure to have your pet boosted every 12 months.					
03-16-16		1	CONSULT / EXAM - Annual Wellne	52.00	26.00	26.00 **
Total charges, this invoice...						115.44
**Total discount included: 136.01						

Your invoice total reflects our **13Stray Cat Accounts** discount.

LIKE US ON FACEBOOK.COM!

GOING AWAY?....BOOK YOUR PETS BOARDING RESERVATION TODAY!

In compliance with New York State law, all medications are non-refundable. We regret any inconveniences.

**Stormwater Control Facility Maintenance Agreement**

THIS AGREEMENT is made this 17th day of February, 2016 by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 (“Municipality”) and 119 Old South Plank Road LLC, having an address at 38 Sycamore Drive, Wallkill, NY 12589 (the “Facility Owner”).

Whereas, the Municipality and the Facility Owner want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately +/- 2.1 acres more particularly described in Schedule “A” annexed hereto and made a part hereof (the “Property”); and

Whereas, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now, therefore, the Municipality and the Facility Owner agree as follows:

1. This agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Municipality’s Stormwater Management Officer.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as Route 300 Realty, LLC, 128 Old South Plank Road on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.
3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures.

Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.

6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The Facility Owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).

8. This agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys fees, incurred in enforcing this Agreement and curing a violation.

10. This agreement is effective \_\_\_\_\_, 2016.

THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK



IN WITNESS WHEREOF, the parties have duly executed this agreement as of the day and year first above written.

**TOWN OF NEWBURGH**

**119 OLD SOUTH PLANK ROAD, LLC**

By: \_\_\_\_\_  
Gilbert J. Piaquadio, Supervisor

By: \_\_\_\_\_  
Matthew Crinieri, Member

STATE OF NEW YORK:)  
                              ) SS.  
COUNTY OF ORANGE:)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2016 before me, the undersigned, personally appeared **GILBERT J. PIAQUADIO** personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW YORK:)  
                              ) SS.  
COUNTY OF \_\_\_\_\_:)

On the 4<sup>th</sup> day of MARCH, in the year 2016 before me, the undersigned, personally appeared MATTHEW CRINIERI personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**ANDREW J. ZARUTSKIE**  
Notary Public, State of New York  
No. 01ZA4502524  
Qualified in Orange County  
Commission Expires Nov. 30, 2017

**SCHEDULE "A"**

Description  
lands of  
119 Old South Plank Road LLC

All that piece or parcel of land with buildings and improvements thereon, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being bounded and described as follows:

Beginning at a point in the easterly line of the existing New York State Route 300, a.k.a. as Union Avenue, said point being on the division line between the lands now or formerly of Little Brick House Properties, LLC on the northeast and north and the parcel herein described on the southwest and south; thence, along the last mentioned division line, South 65 degrees 03 minutes 04 seconds East 290.00 feet and South 70 degrees 48 minutes 04 seconds East 320.93 feet to a point in the division line between the individual lands now or formerly of Hoey and St. John, respectively, on the east and the parcel herein described on the west; thence, along the last mentioned division line, South 17 degrees 58 minutes 57 seconds West 109.44 feet to a point on the division line between the individual lands now or formerly of Seagraves and Haloi, Roman, SNJ Realty Group and 119 Old South Plank Road LLC, respectively, on the south and southwest and the parcel herein described on the north and northeast; thence, along the last mentioned division line, North 78 degrees 19 minutes 43 seconds West 425.00 feet and North 63 degrees 18 minutes 00 seconds West 194.00 feet to the aforementioned easterly line of New York State Route 300; thence, along the last mentioned line, N 19 degrees 50 minutes 16 seconds East 168.83 feet to the point or place of beginning.

# TOWN OF NEWBURGH

## Stormwater Control Facility Maintenance Agreement

THIS AGREEMENT is made this 4th day of March, 2016 by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 ("Municipality") and Route 52 Newburgh, LLC, having an address at 788 Shrewsbury Avenue, Trinton Falls, New Jersey 07724 (the "Facility Owner").

Whereas, the Municipality and the Facility Owner want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately +/- 2.7 acres more particularly described in Schedule "A" annexed hereto and made a part hereof (the "Property"); and

Whereas, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now, therefore, the Municipality and the Facility Owner agree as follows:

1. This agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project site plans and Stormwater Pollution Prevention Plan which are on file with the Municipality's Stormwater Management Officer.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project site plans for the Facility known as CVS/Pharmacy Store (No. 10688) on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: catch basins, drain manholes, piping for the conveyance of stormwater, water quality units, underground sand filters, underground infiltration chambers, rain gardens, grassed filter strips, aboveground grassed infiltration basins, swales and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.
3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.

5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.

6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

7. The Facility Owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).

8. This agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorneys' fees, incurred in enforcing this Agreement and curing a violation.

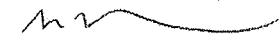
10. This agreement is effective March 4th, 2016.

year first above written.

TOWN OF NEWBURGH

ROUTE 52 NEWBURGH, LLC  
By: KALIAN CORPORATION, INC.

By: \_\_\_\_\_  
Gilbert J. Piaquadio, Supervisor

By:   
Mazin A. Kalian, President

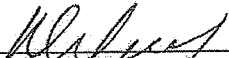
STATE OF NEW YORK :)  
  ) SS.  
COUNTY OF ORANGE :)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 2016 before me, the undersigned, personally appeared GIL PIAQUADIO personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

STATE OF NEW JERSEY :)  
  ) SS.  
COUNTY OF MONMOUTH :)

On the 4<sup>th</sup> day of March, in the year 2016 before me, the undersigned, personally appeared Mazin A. Kalian personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

  
\_\_\_\_\_  
Debbie Kramer Gregg, Esq.  
Attorney at Law of NJ

SCHEDULE "A"

Parcel I:

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange and State of New York and more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of NYS Route 52, said point being the northeasterly corner of the premises and the northwesterly corner of lands now or formerly of Louis & Jean Gallo, T.M. # 60-3-6.1 and running thence;

1. South  $40^{\circ} 04' 28''$  West along the southeasterly line of the premises and the northwesterly line of said lands now or formerly of Louis & Jean Gallo, T.M. # 60-3-6.1 the distance of 317.88 feet to an iron rod found at or near a stone wall at a point in the northeasterly line of lands now or formerly of Corel Realty, Inc., T.M. # 60-3-3 and being the southwesterly corner of said lands now or formerly of Louis & Jean Gallo, T.M. # 60-3-6.1 and being the southeasterly corner of the premises, thence;
2. North  $53^{\circ} 04' 21''$  West along the southwesterly line of the premises, along or near a stone wall and along the northeasterly line of said lands now or formerly of Corel Realty, Inc. T.M. # 60-3-3 the distance of 236.81 feet to a pipe found and being the southwesterly corner of the premises, thence;
3. North  $24^{\circ} 50' 15''$  East along the northwesterly line of the premises and the southeasterly line of said lands now or formerly of Corel Realty, Inc., T.M. # 60-3-3 and the southeasterly line of lands now or formerly of Joseph & Michelle Mikita, T.M. # 60-3-2 the distance of 418.00 feet to a point in the southwesterly side of NYS Route 52, being the northeasterly corner of said lands now or formerly of Joseph & Michelle Mikita, T.M. # 60-3-2 and being the northwesterly corner of the premises, thence;
4. South  $38^{\circ} 06' 45''$  East along the southwesterly side of NYS Route 52 the distance of 353.80 feet to the northwesterly corner of lands now or formerly of Louis & Jean Gallo, T.M. # 60-3-6.1, the northeasterly corner of the premises and the point or place of BEGINNING.

Parcel II;

ALL that certain plot, piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being shown and designated as PARCEL "A" Lands to be conveyed to Costubbs LLC on that certain map entitled "LOT LINE CHANGE PLAN lands of COSTUBBS LLC and lands of COREL REALTY, N.Y.S. Routes 52 & 300, Town of Newburgh, Orange County, New York", made by Vincent J. Dole Associates, dated 10-12-2005 and revised on 2-15-2006 and last revised on 3-3-2006 and filed in the Orange County Clerk's Office on March 6th, 2006 as Map # 172-06 and being more particularly bounded and described as follows:

- BEGINNING at a point in the northwesterly line of Union Avenue NYS Route 300, said point being the southerly most corner of lands now or formerly of Louis J. Gallo and Jean F. Gallo as acquired in the deed in Liber 2323 of Deeds, Page 74 (Tax Lot 60-3-6.1) and running thence;
1. South  $29^{\circ} 11' 02''$  West along the northwesterly line of Union Avenue - NYS Route 300 the distance of 1.75 feet to a point in the northeasterly line of lands now or formerly of Benjamin Harris and Bella Harris as acquired in the deed in Liber 1863 of Deeds, Page 575 (Tax Lot 60-3-26.1), thence;
  2. North  $62^{\circ} 58' 36''$  West along the common boundary line between said lands now or formerly of Benjamin Harris and Bella Harris and the lands of Corel Realty, Inc. as acquired in Liber 3831 of Deeds, Page 76 (Tax Lot 60-3-1.-1, formerly Tax Lot 60-3-3) the distance of 396.77 feet to a point, thence;
  3. North  $24^{\circ} 50' 15''$  East through said lands of Corel Realty, Inc. the distance of 71.57 feet to a pipe at the southwesterly corner of lands of Costubbs, LLC as acquired in the deed in Liber 4679 of Deeds, Page 186 (Parcel I therein, Tax Lot 60-3-5), thence;
  4. South  $53^{\circ} 04' 21''$  East along the common boundary line between Corel Realty, Inc. and Costubbs, LLC (Tax Lot 60-3-5) and then along the southwesterly line of lands now or formerly of Louis J. Gallo and Jean F. Gallo as acquired in the deed in Liber 2323 of Deeds, Page 74 (Tax Lot 60-3-6.1) the distance of 405.61 feet to a point in the northwesterly line of Union Avenue - NYS Route 300 and being the point or place of BEGINNING.



## Stormwater Control Facility Maintenance Agreement

THIS AGREEMENT is made this \_\_\_\_ day of \_\_\_\_\_, 2016~~5~~ by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 (“Municipality”) and Matrix Newburgh I, LLC, having an address at Forsgate Drive, CN 4000 Cranbury NJ 08512 (the “Facility Owner”).

Whereas, the Municipality and the Facility Owner want to enter into an agreement to provide for the long term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project; and

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately +/- 71.55 acres more particularly described in Schedule “A” annexed hereto and made a part hereof (the “Property”); and

Whereas, the Municipality and the Facility Owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components.

Now, therefore, the Municipality and the Facility Owner agree as follows:

1. This agreement binds the Municipality and the Facility Owner, its successors and assigns to any ~~the~~ maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan (“SWPPP”) which are on file with the Municipality’s Stormwater Management Officer and consist of the following:

- a. Site plans prepared by Langan Engineering, Environmental, Surveying and Landscape Architecture, DPC and approved by the Town of Newburgh Planning Board in Resolution of Approval Site Plan ARB for Matrix Newburgh, LLC (Project # 2015-26) dated February 18, 2016:

<u>Drawing Number</u>	<u>Title</u>	<u>Last Revision Date</u>
<u>CS-001</u>	<u>Cover Sheet</u>	<u>March 18, 2016</u>
<u>CS-101</u>	<u>Overall Site Plan</u>	<u>March 18, 2016</u>
<u>CS 401</u>	<u>Site Plan</u>	<u>March 18, 2016</u>
<u>CS 402</u>	<u>Site Plan</u>	<u>March 18, 2016</u>
<u>CG-101</u>	<u>Overall Grading and Drainage Plan</u>	<u>March 18, 2016</u>
<u>CG-401</u>	<u>Grading and Drainage Plan</u>	<u>March 18, 2016</u>
<u>CG-402</u>	<u>Grading and Drainage Plan</u>	<u>March 18, 2016</u>

<u>CG-410</u>	<u>Grading Detail Enlargement Plan</u>	<u>March 18, 2016</u>
<u>GU-101</u>	<u>Overall Utility Plan</u>	<u>March 18, 2016</u>
<u>CU-401</u>	<u>Utility Plan</u>	<u>March 18, 2016</u>
<u>CU 402</u>	<u>Utility Plan</u>	<u>March 18, 2016</u>
<u>CE-101</u>	<u>Overall Soil Erosion and Sediment Control Plan</u>	<u>March 18, 2016</u>
<u>CE-401</u>	<u>Soil Erosion and Sediment Control Plan</u>	<u>March 18, 2016</u>
<u>CE-402</u>	<u>Soil Erosion and Sediment Control Plan</u>	<u>March 18, 2016</u>
<u>CE-501</u>	<u>Soil Erosion and Sediment Control Details</u>	<u>January 25, 2016</u>
<u>LP-101</u>	<u>Overall Landscape Plan</u>	<u>March 18, 2016</u>
<u>LP-401</u>	<u>Landscape Plan</u>	<u>March 18, 2016</u>
<u>LP-402</u>	<u>Landscape Plan</u>	<u>March 18, 2016</u>
<u>LP-501</u>	<u>Landscape Schedule, Notes and Details</u>	<u>March 18, 2016</u>
<u>LL-101</u>	<u>Overall Lighting Plan</u>	<u>March 18, 2016</u>
<u>LL-401</u>	<u>Lighting Plan</u>	<u>March 18, 2016</u>
<u>LL-402</u>	<u>Lighting Plan</u>	<u>March 18, 2016</u>
<u>LL-501</u>	<u>Lighting Schedule, Notes and Details</u>	<u>March 18, 2016</u>
<u>CS-501</u>	<u>Detail Sheet</u>	<u>March 18, 2016</u>
<u>CS-502</u>	<u>Detail Sheet</u>	<u>January 25, 2016</u>
<u>CS-503</u>	<u>Detail Sheet</u>	<u>September 9, 2015</u>

b. Stormwater Pollution Prevention Plan ("SWPPP") dated November 9, 2015 (last revised March 18, 2016) prepared by Langan Engineering, Environmental, Surveying & Landscape Architecture, DPC.

c. Any amendments to documents set forth above that may be approved by the municipality.

2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as Matrix Business Park at Newburgh on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.

3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.

4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New

the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures. In addition, the Town of Newburgh and the Town Engineer or his or her designated representative shall have the right to enter upon the Property at reasonable times and in a reasonable manner upon three (3) days' notice for the purpose of inspection of the stormwater control measures.

5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. ~~The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.~~

6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.

~~7. The Facility Owner shall provide to the Municipality within 30 days of the date of this agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).~~

~~7.8.~~ This agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.

~~8.9.~~ If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to enter upon the Property at reasonable times and in a reasonable manner upon three (3) days' notice to undertake such corrective steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. However, before taking any corrective action, the Municipality shall give the Facility Owner written notice of the nature of any existing defects. If the Facility Owner fails within thirty (30) days from the date of the notice to commence corrective action or to appeal the matter to the Town of Newburgh Zoning Board of Appeals, the Municipality may take necessary corrective action, except if there are emergency

endangered, then the Municipality may take corrective action if the Facility Owner fails to commence action within 3 days of the notice and to diligently prosecute the action to conclusion. The Facility Owner shall reimburse the Municipality upon demand, within thirty (30) days of receipt of such demand for all actual costs and expenses, including reasonable attorneys' fees, incurred in enforcing this Agreement and curing a violation. If the Municipality is not reimbursed within the prescribed time, the Municipality is authorized to affix the expenses thereof as a lien against the Property. Any work undertaken by the Municipality shall be performed in a good and workmanlike manner and the Municipality shall promptly repair any damage to the Property outside the stormwater management system (or to the system itself) caused by the Municipality's activities.

9. This agreement shall not be revised except in writing signed by the Municipality and the Facility Owner (or its successors and assigns).

10. This agreement is effective on the date written above. \_\_\_\_\_,  
20142016.

**THE BALANCE OF THIS PAGE IS INTENTIONALLY LEFT BLANK**

and year first above written.

**TOWN OF NEWBURGH**

\_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**Gilbert J. Piaquadio, Supervisor**

STATE OF NEW YORK:)  
) SS.  
COUNTY OF ORANGE:)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20156 before me, the undersigned, personally appeared **GIL PIAQUADIO** personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

**MATRIX NEWBURGH I, LLC**

\_\_\_\_\_

**Printed Name:** \_\_\_\_\_

**By:** \_\_\_\_\_  
**[TITLE], Matrix Newburgh I, LLC**

STATE OF NEW YORK:)  
) SS.  
COUNTY OF ORANGE:)

On the \_\_\_\_\_ day of \_\_\_\_\_, in the year 20156 before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public



---

## Memorandum

**To:** Supervisor Gil Piaquadio and the Town of Newburgh Board

**From:** Karen Arent, Landscape Architect

**Date:** March 22, 2016

**Subject:** Matrix Business Park

**Town Project Number:**

**Consultant:** Langan

**Cc:** Chairman John Ewasutyn and the Town of Newburgh Planning Board, Ms. Cindy Martinez, Mark Taylor, Esq., Attorney for the Town of Newburgh Board, Mr. Gerald Canfield, Code Enforcement for the Town of Newburgh, Mr. James Osborne, Michael Donnelly, Esq.

### **COMMENTS:**

---

The landscape cost estimate for Matrix Business Park prepared by Langan Engineers was reviewed. Unit costs for plant materials are reasonable. I recommend that the board approve a landscape security in the amount of \$51,266.

umber 9190601  
n Park-Newburgh

t Estimate

Botanical Name	Common Name	Unit/Size	Qty	Unit Price	Total
ACER RUBRUM 'FRANKSRED'	RED SUNSET MAPLE	2 1/2-3" CAL.	17	\$ 190.00	\$ 3,230.00
GLEDITSIA TRIACANTHOS VAR. INERMIS 'SHADEMASTER'	SHADEMASTER HONEYLOCUST	2 1/2-3" CAL.	12	\$ 204.00	\$ 2,448.00
ZELKOVA SERRATA 'GREEN VASE'	GREEN VASE ZELKOVA	2 1/2-3" CAL.	10	\$ 180.00	\$ 1,800.00
				<b>SUBTOTAL</b>	<b>\$ 7,478.00</b>
				<b>SAY</b>	<b>\$ 7,478.00</b>
BETULA NIGRA 'DURA HEAT'	DURA HEAT RIVER BIRCH	10-12"	7	\$ 140.00	\$ 980.00
CERCIS CANADENSIS	EASTERN REDBUD	2-2 1/2" CAL.	4	\$ 130.00	\$ 520.00
				<b>SUBTOTAL</b>	<b>\$ 1,500.00</b>
				<b>SAY</b>	<b>\$ 1,500.00</b>
JUNIPERUS VIRGINIANA 'EMERALD SENTINEL'	EMERALD SENTINEL REDCEDAR	4-5'	10	\$ 47.00	\$ 470.00
				<b>SUBTOTAL</b>	<b>\$ 470.00</b>
				<b>SAY</b>	<b>\$ 470.00</b>
ILEX GLABRA 'SHAMROCK'	SHAMROCK INKBERRY HOLLY	24-30"	32	\$ 19.50	\$ 624.00
JUNIPERUS HORIZONTALIS 'BLUE CHIP'	BLUE CHIP CREEPING JUNIPER	15-18" SPRD.	130	\$ 11.75	\$ 1,527.50
VIBURNUM X. RHYTIDOPHYLLUM	LEATHERLEAF VIBURNUM	3-4'	14	\$ 19.00	\$ 266.00
				<b>SUBTOTAL</b>	<b>\$ 2,417.50</b>
				<b>SAY</b>	<b>\$ 2,418.00</b>
CLETHRA ALNIFOLIA 'HUMMINGBIRD'	HUMMINGBIRD SUMMERSWEET CLETHRA	24-30"	35	\$ 11.75	\$ 411.25
ILEX VERTICILLATA 'JIM DANDY'	MALE POLLINATOR WINTERBERRY HOLLY	3 GAL.	4	\$ 16.50	\$ 66.00
ILEX VERTICILLATA 'RED SPRITE'	RED SPRITE WINTERBERRY HOLLY	3 GAL.	41	\$ 16.75	\$ 686.75
RHUS AROMATICA 'GRO LOW'	GRO LOW FRAGRANT SUMAC	3 GAL.	154	\$ 19.75	\$ 3,041.50
ROSA 'KNOCKOUT'	KNOCKOUT ROSE	18-24"	26	\$ 12.75	\$ 331.50
				<b>SUBTOTAL</b>	<b>\$ 4,537.00</b>
				<b>SAY</b>	<b>\$ 4,537.00</b>
LIROPE SPICATA	LILY TURF	1 GAL.	86	\$ 4.05	\$ 348.30
				<b>SUBTOTAL</b>	<b>\$ 348.30</b>
				<b>SAY</b>	<b>\$ 349.00</b>
HEMEROCALLIS 'STELLA D'ORO'	STELLA D'ORO DAYLILY	2 GAL.	148	\$ 5.75	\$ 851.00
				<b>SUBTOTAL</b>	<b>\$ 851.00</b>
				<b>SAY</b>	<b>\$ 851.00</b>
PENNISSETUM ALOPECUROIDES 'HAMELIN'	DWARF FOUNTAIN GRASS	2 GAL.	134	\$ 7.75	\$ 1,038.50
				<b>SUBTOTAL</b>	<b>\$ 1,038.50</b>
				<b>SAY</b>	<b>\$ 1,039.00</b>
				<b>TOTAL MATERIAL COST</b>	<b>\$ 18,642.00</b>
				<b>2.5 x Contractor Markup</b>	<b>\$ 46,605.00</b>
				<b>10% Contingency</b>	<b>\$ 4,660.50</b>
				<b>TOTAL</b>	<b>\$ 51,265.50</b>
				<b>SAY</b>	<b>\$ 51,266.00</b>





Office of the Engineer  
83 Broadway, Newburgh, New York 12550  
(845) 569-7448 / Fax (845) 569-7349  
[www.cityofnewburgh-ny.gov](http://www.cityofnewburgh-ny.gov)

28 (16)

Jason C. Morris, PE  
City Engineer  
Jmorris@cityofnewburgh-ny.gov

March 21, 2016

James W. Osborne, PE  
Town Engineer  
Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

**Re: Crossroads S.D. – City/Town of Newburgh Intermunicipal Agreement**  
Notice of Violation – Exceedance of BOD & TSS Limits

Mr. Osborne,

Pursuant to the terms and conditions of the City-Town of Newburgh Intermunicipal Sewer Agreement dated May 6, 2004, the City is issuing the Town a Notice of Violation for exceeding the limits for BOD and TSS. The 2004 Intermunicipal Sewer Agreement specifically limits influent wastewater strength to 250ppm for both BOD and TSS. In December of 2015, the City of Newburgh commenced a sampling program to measure both BOD and TSS at the two locations discharging influent to the City's collection system at the Broadway Siphon Chamber and the Dix Avenue Pump Station. Since the commencement of sampling, both of these influent locations have exceeded the prescribed limits for both BOD and TSS multiple times.

As per the requirements outlined in Section-8 (4) of the 2004 Agreement, the Town shall immediately investigate the source and cause of these exceedances and provide a written report of the findings, along with proposed remedial measures, within 30 days of the date of this letter. The report shall also identify any potential unpermitted industrial discharges located within the Town and provide a timeline for further investigation of these potential dischargers. The written report shall be signed and sealed by a Licensed Professional Engineer currently registered in the State of New York.

If you have any questions regarding this approval, please contact this office at your convenience.

Sincerely,

Jason C. Morris, PE

**CITY OF NEWBURGH MONITORING OF  
THE TOWN OF NEWBURGH'S ENTRY POINTS**

SOUTH ST				BROADWAY					
			MONTHLY AVERAGE					MONTHLY AVERAGE	
			BOD	209.16				BOD	164.55
DATE	BOD	TSS	TSS	214.10	DATE	BOD	TSS	TSS	131.38
1-Dec	240	260			1-Dec	230	248		
2-Dec	230	200			2-Dec	210	232		
3-Dec		536			3-Dec		100		
4-Dec	240	112			4-Dec	190	64		
5-Dec					5-Dec				
6-Dec					6-Dec				
7-Dec	180	268			7-Dec	210	203		
8-Dec	170	228			8-Dec	240	244		
9-Dec	100	220			9-Dec	120	80		
10-Dec	190	156			10-Dec	130	32		
11-Dec	280	316			11-Dec	170	44		
12-Dec					12-Dec				
13-Dec					13-Dec				
14-Dec	260	60			14-Dec	140	36		
15-Dec	220	168			15-Dec	170	76		
16-Dec	330	232			16-Dec	160	92		
17-Dec	300	304			17-Dec	160	308		
18-Dec	310	292			18-Dec	200	216		
19-Dec					19-Dec				
20-Dec					20-Dec				
21-Dec	210	288			21-Dec	140	220		
22-Dec	210	284			22-Dec	160	92		
23-Dec	170	148			23-Dec	170	76		
24-Dec					24-Dec				
25-Dec					25-Dec				
26-Dec					26-Dec				
27-Dec					27-Dec				
28-Dec	130	176			28-Dec	71	156		
29-Dec	110	84			29-Dec	130	12		
30-Dec	94	88			30-Dec	140	164		
31-Dec	99	76			31-Dec	150	64		

**CITY OF NEWBURGH MONITORING OF  
THE TOWN OF NEWBURGH'S ENTRY POINTS**

SOUTH ST					BROADWAY				
MONTHLY AVERAGE					MONTHLY AVERAGE				
BOD 214.4444					BOD 223.1579				
DATE	BOD	TSS	TSS	191.8	DATE	BOD	TSS	TSS	141.8
1-Jan					1-Jan				
2-Jan					2-Jan				
3-Jan					3-Jan				
4-Jan		180			4-Jan		200		
5-Jan	240	232			5-Jan	240	284		
6-Jan	170	216			6-Jan	230	220		
7-Jan	210	160			7-Jan	170	170		
8-Jan	230	176			8-Jan	220	224		
9-Jan					9-Jan				
10-Jan					10-Jan				
11-Jan	170	152			11-Jan	290	184		
12-Jan	100	72			12-Jan	110	136		
13-Jan	110	112			13-Jan	110	16		
14-Jan	40	208			14-Jan	140	48		
15-Jan	180	184			15-Jan	260	180		
16-Jan					16-Jan				
17-Jan					17-Jan				
18-Jan	280	264			18-Jan	230	216		
19-Jan	180	124			19-Jan	300	180		
20-Jan		128			20-Jan	380	224		
21-Jan	200	136			21-Jan	280	52		
22-Jan	280	192			22-Jan	320	212		
23-Jan					23-Jan				
24-Jan					24-Jan				
25-Jan	310	208			25-Jan	280	84		
26-Jan	250	192			26-Jan	180	104		
27-Jan	330	456			27-Jan	150	6		
28-Jan	300	176			28-Jan	150	28		
29-Jan	280	268			29-Jan	200	68		
30-Jan					30-Jan				
31-Jan					31-Jan				

**CITY OF NEWBURGH MONITORING OF  
THE TOWN OF NEWBURGH'S ENTRY POINTS**

**SOUTH ST**

**BROADWAY**

**MONTHLY AVERAGE**

**MONTHLY AVERAGE**

BOD 234.8421

BOD 229.5789

DATE BOD TSS TSS 214.7619

DATE BOD TSS TSS 221.1905

1-Feb 300 336

1-Feb 140 236

2-Feb 260 220

2-Feb 260 212

3-Feb 320 196

3-Feb 150 64

4-Feb 82 204

4-Feb 390 76

5-Feb 220 240

5-Feb 300 332

6-Feb

6-Feb

7-Feb

7-Feb

8-Feb

8-Feb

9-Feb 240 292

9-Feb 240 372

10-Feb 240 160

10-Feb 150 44

11-Feb 330 268

11-Feb 240 128

12-Feb 280 208

12-Feb 300 304

13-Feb 172

13-Feb 84

14-Feb 326

14-Feb 328

15-Feb

15-Feb

16-Feb 250 328

16-Feb 380 336

17-Feb 210 160

17-Feb 140 120

18-Feb 190 112

18-Feb 94 220

19-Feb 170 104

19-Feb 170 172

20-Feb

20-Feb

21-Feb

21-Feb

22-Feb 230 160

22-Feb 320 300

23-Feb 290 292

23-Feb 250 136

24-Feb 230 212

24-Feb 460 568

25-Feb 200 180

25-Feb 150 253

26-Feb 240 180

26-Feb 98 144

27-Feb

27-Feb

28-Feb

28-Feb

29-Feb 180 160

29-Feb 130 216

Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_ day of April, 2016 at 7:00 P.M., Prevailing Time.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION ESTABLISHING THE WATER RATES OF THE STEWART ANG BASE WATER DISTRICT EFFECTIVE JANUARY 1, 2016

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

**WHEREAS**, the Town Board desires to establish the water rates for the Stewart ANG Base Water District effective January 1, 2016 pursuant to Town Law Section 198.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that this Town Board of the Town of Newburgh does hereby establish the water rate to be charged to the consumer(s) of the Stewart ANG Base Water District of the Town at a usage charge in dollars per 1,000 gallons (\$/1000 gal) of water consumed as set forth hereinafter beginning January 1, 2016 and orders that such water rate be entered in full in the minutes of the proceedings of this Town Board as follows:

(\$/ 1000 gallons) \$13.09

and;

**BE IT FURTHER RESOLVED**, that unpaid water charges to the consumer(s) of the Stewart ANG Base Water District in arrears for thirty days of longer shall be subject to a penalty of ten percent of the amount due.

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

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

Paul I. Ruggiero, Councilman voting \_\_\_\_\_

James E. Presutti, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

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

The resolution was thereupon declared duly adopted.

TOWN OF NEWBURGH  
TOWN ENGINEER

MEMORANDUM

TO: Deborah Smith, Receiver of Taxes  
Mark Taylor, Attorney

FROM: James W. Osborne, Town Engineer

DATE: March 10, 2016 (REVISED)

RE: W \ 2016 AIR NATIONAL GUARD WATER USAGE CHARGES

---

Using the budget figures from the 2016 adopted budget (\$8,136,093) and water consumption data from 2015 provided by the Receiver of Taxes office (621,365,855 gallons), the 2016 water usage rate for the ANG Water District is \$13.09 per 1,000 gallons.

A resolution establishing this rate must be passed by the Town Board prior to the issuance of the 1<sup>st</sup> Quarter 2016 water bills.

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

JWO/id

cc: G. Piaquadio, Supervisor  
Town Board  
J. Platt, DPW Comm.  
R. Clum, Accountant