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December 19, 2014

Town of Newburgh Town Board  
1496 Route 300  
Newburgh, NY 12550

RE: Solar Siting Local Law

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Members of the Board:

The planning board took up consideration of the above referenced local law during its meeting of December 18, 2014. The planning board has authorized me to prepare this letter constituting the planning board's report pursuant to Section 185-60 of the Code of the Town of Newburgh.

***Section 185-60(B)(1)(a): Whether such change is consistent with the aims and principles embodied in the Chapter as to the particular districts concerned.***

The planning board finds that solar farms are consistent with the aims of the I zoning district. For free-standing solar energy systems in residential districts, the planning board finds that such uses—if accessory to a private residential use—appear to be consistent with the aims and principals of the zoning chapter.

***Section 185-60(B)(1)(b): Which areas and establishments in the Town will be directly affected by such change and in what way they will be affected.***

The law, by its terms, will affect all zones of the town other than the R-3 zoning district. Neither the allowance of free-standing or ground-mounted solar energy systems, nor solar farms within the limitations contained within the law will present significant issues within the neighborhoods where such facilities might be located.

Section 185-60(B)(1)(c): The indirect implications of such change and its effects on other regulations.

None perceived.

Section 185-60(B)(1)(d): Whether such amendment is consistent with the aims of the Master Plan

Solar facilities of any kind are not contemplated within the Master Plan. By the same token, the allowance of such facilities is not prohibited by nor inconsistent with the aims of the Master Plan. Given the pace of technology change and the desirability of energy production at the local level, the allowance of such uses within the limitations set forth in the law appears to the planning board to be appropriate.

Very truly yours,

A handwritten signature in black ink, appearing to read "M H Donnelly", written in a cursive style.

MICHAEL H. DONNELLY

vii. IB District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

viii. I District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

Yards having a line bounding on the right of way of Interstate 87 or Interstate Route 84 shall not be considered front yards for purposes of this Section.

4. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
5. Ground mounted and freestanding solar collectors shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.
6. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
7. Solar energy equipment shall not be sited within any required buffer area.
8. The total surface area of all ground-mounted and freestanding solar collectors on a lot shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article IX of the this Chapter.
9. The area beneath ground mounted and freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted Lot

Change  
advised by  
Orange County  
Planning Dept's  
review comments

7/18/2014 rev. 11/4/2014, 12/11/2014, 2/9/2015

**INTRODUCTORY LOCAL LAW NO. \_\_ OF 2014**

**A LOCAL LAW ADDING ARTICLE XVII  
ENTITLED  
"SOLAR SITING"  
TO CHAPTER 185 ENTITLED "ZONING" OF  
THE CODE OF THE TOWN OF NEWBURGH**

**SECTION 1 - TITLE**

This Local Law shall be referred to as "A Local Law Adding Article XVII Entitled 'Solar Siting' to Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh".

**SECTION 2 – SOLAR SITING**

A new Article XVII entitled "Solar Siting" is hereby added to Chapter 185 entitled "Zoning" of the Town of Newburgh Municipal Code to read as follows:

**"Article XVII: Solar Siting**

**§185-78 Purpose and Intent.**

- A. Solar energy is a renewable and non-polluting energy resource that can prevent fossil fuel emissions and reduce a municipality's energy load. Energy generated from solar energy systems can be used to offset energy demand on the grid where excess solar power is generated.
- B. The use of solar energy equipment for the purpose of providing electricity and energy for heating and/or cooling is a priority and is a necessary component of the Town of Newburgh's current and long-term sustainability agenda.
- C. This Article aims to promote the accommodation of solar energy systems and equipment and the provision for adequate sunlight and convenience of access necessary therefor, and to balance the potential impact on neighbors when solar collectors may be installed near their property while preserving the rights of property owners to install solar energy systems without excess regulation. In particular, this legislation is intended to apply to free standing, ground mounted or pole mounted solar energy system installations based upon certain placement. This legislation is not intended to override agricultural exemptions that are currently in place.

## **§185-79 Definitions.**

As used in this Article, the following terms shall have the meanings indicated, unless the context or subject matter requires otherwise. The definitions contained in Section 185-3 shall also apply.

**ALTERNATIVE ENERGY SYSTEMS** - Structures, equipment, devices or construction techniques used for the production of heat, light, cooling, electricity or other forms of energy on site and may be attached to or separate from the principal structure.

**BUILDING-INTEGRATED PHOTOVOLTAIC (BIPV) SYSTEMS** - A solar energy system that consists of integrating photovoltaic modules into the building structure, such as the roof or the façade and which does not alter the relief of the roof.

**COLLECTIVE SOLAR** - Solar installations owned collectively through subdivision homeowner associations, college student groups, "adopt-a-solar-panel" programs, or other similar arrangements.

**FLUSH MOUNTED SOLAR PANEL** - A photovoltaic panel or tile that is installed flush to the surface of a roof and which cannot be angled or raised.

**FREESTANDING OR GROUND-MOUNTED SOLAR ENERGY SYSTEM** - A solar energy system that is directly installed in the ground and is not attached or affixed to an existing structure. Pole mounted solar energy systems shall be considered Freestanding or Ground-Mounted Solar Energy Systems for purposes of this Local Law.

**NET-METERING** - A billing arrangement that allows solar customers to get credit for excess electricity that they generate and deliver back to the grid so that they only pay for their net electricity usage at the end of the month.

**PERMIT GRANTING AUTHORITY** - The Town Code Compliance Department, which is charged with granting permits for the operation of solar energy systems.

**PHOTOVOLTAIC (PV) SYSTEMS** - A solar energy system that produces electricity by the use of semiconductor devices, called photovoltaic cells that generate electricity whenever light strikes them.

**QUALIFIED SOLAR INSTALLER** - A person who has skills and knowledge related to the construction and operation of solar electrical equipment and installations and has received safety training on the hazards involved. Persons who are on the list of eligible photovoltaic installers maintained by the New York State Energy Research and Development Authority (NYSERDA), or who are certified as a solar installer by the North American Board of Certified Energy Practitioners (NABCEP), shall be deemed to be qualified solar installers for the purposes of this definition. Persons who are not on NYSEDA's list of eligible installers or NABCEP's list of certified

installers may be deemed to be qualified solar installers if the Town Code Compliance Supervisor or such other Town officer or employee as the Town Board designates determines such persons have had adequate training to determine the degree and extent of the hazard and the personal protective equipment and job planning necessary to perform the installation safely. Such training shall include the proper use of special precautionary techniques and personal protective equipment, as well as the skills and techniques necessary to distinguish exposed energized parts from other parts of electrical equipment and to determine the nominal voltage of exposed live parts.

**ROOFTOP OR BUILDING MOUNTED SOLAR SYSTEM** - A solar power system in which solar panels are mounted on top of the structure of a roof either as a flush-mounted system or as modules fixed to frames which can be tilted toward the south at an optimal angle.

**SETBACK** – The distance from a front lot line, side lot line or rear lot line of a parcel within which a free standing or ground mounted solar energy system is installed.

**SMALL-SCALE SOLAR** - For purposes of this Chapter, the term “small-scale solar” refers to solar photovoltaic systems that produce up to ten kilowatts (kW) per hour of energy or solar-thermal systems which serve the building to which they are attached, and do not provide energy for any other buildings.

**SOLAR ACCESS** - Space open to the sun and clear of overhangs or shade including the orientation of streets and lots to the sun so as to permit the use of active and/or passive solar energy systems on individual properties.

**SOLAR COLLECTOR** - A solar photovoltaic cell, panel, or array, or solar hot air or water collector device, which relies upon solar radiation as an energy source for the generation of electricity or transfer of stored heat.

**SOLAR EASEMENT** - An easement recorded pursuant to NY Real Property Law § 335-b, the purpose of which is to secure the right to receive sunlight across real property of another for continued access to sunlight necessary to operate a solar collector.

**SOLAR ENERGY EQUIPMENT/SYSTEM** - Solar collectors, controls, energy storage devices, heat pumps, heat exchangers, and other materials, hardware or equipment necessary to the process by which solar radiation is collected, converted into another form of energy, stored, protected from unnecessary dissipation and distributed. Solar systems include solar thermal, photovoltaic and concentrated solar. For the purposes of this law, a solar energy system does not include any solar energy system of four square feet in size or less.

**SOLAR FARM OR SOLAR POWER PLANT** – Energy generation facility or area of land principally used to convert solar energy to electricity, whether by photovoltaics,

concentrating solar thermal devices or various experimental solar technologies, with the primary purpose of wholesale or retail sales of electricity.

SOLAR PANEL - A device for the direct conversion of solar energy into electricity.

SOLAR STORAGE BATTERY - A device that stores energy from the sun and makes it available in an electrical form.

SOLAR-THERMAL SYSTEMS - Solar thermal systems directly heat water or other liquid using sunlight. The heated liquid is used for such purposes as space heating and cooling, domestic hot water, and heating pool water.

**§185-80 Applicability.**

- A. The requirements of this local law shall apply to all solar energy system and equipment installations modified or installed after the effective date of this local law.
- B. Solar energy system installations for which a valid building permit has been issued or, if no building permit is presently required, for which installation has commenced before the effective date of this local law shall not be required to meet the requirements of this local law.
- C. All solar energy systems shall be designed, erected and installed in accordance with all applicable codes, regulations and industry standards as referenced in the State Building Code and the Town Code.
- D. Solar collectors, unless part of a Solar Farm or Solar Power Plant, shall be permitted only to provide power for use by owners, lessees, tenants, residents, or other occupants of the premises on which they are erected, but nothing contained in this provision shall be construed to prohibit "collective solar" installations or the sale of excess power through a "net billing" or "net-metering" arrangement in accordance with New York Public Service Law § 66-j or similar state or federal statute.

**§185-81 Permit required.**

- A. No Small Scale solar energy system or device shall be installed or operated in the Town except in compliance with this article.
- B. Rooftop and Building-Mounted Solar Collectors: Rooftop and building mounted solar collectors are permitted in all zoning districts in the Town subject to the following conditions:
  - 1. Building permits shall be required for installation of all rooftop and building-mounted solar collectors, except a building permit shall not be required for Flush-Mounted Photovoltaic Panels.

2. Rooftop and Building-Mounted Solar Collectors shall not exceed the maximum allowed height of the principal use in any zoning district.
3. In order to ensure firefighter and other emergency responder safety, except in the case of accessory buildings under 1,000 square feet in area, there shall be a minimum perimeter area around the edge of the roof and structurally supported pathways to provide space on the roof for walking around all Rooftop and Building-Mounted Solar Collectors. Additionally, installations shall provide for adequate access and spacing in order to:
  - i. Ensure access to the roof
  - ii. Provide pathways to specific areas of the roof
  - iii. provide for smoke ventilation opportunity areas
  - iv. provide emergency egress from the roof.

Exceptions to these requirements may be requested where access, pathway or ventilation requirements are reduced due to:

- i. Unique site specific limitations;
- ii. alternative access opportunities (as from adjoining roofs)
- iii. ground level access to the roof area in question;
- iii. other adequate ventilation opportunities when approved by the Code Compliance Department;
- iv. adequate ventilation opportunities afforded by panel set back from other rooftop equipment (for example: shading or structural constraints may leave significant areas open for ventilation near HVAC equipment.);
- v. automatic ventilation device; or
- vi. New technology, methods, or other innovations that ensure adequate emergency responder access, pathways and ventilation opportunities.

In the event any of the standards in this subsection B(3) are more stringent than the New York State Uniform Fire Prevention and Building Code (the "State Code"), they shall be deemed to be installation guidelines only and the standards of the State Code shall apply.

- C. Building-Integrated Photovoltaic (BIPV) Systems: BIPV systems are permitted in all zoning districts and shall be shown on the plans submitted for the building permit application for the building containing the system.
- D. Free Standing and ground mounted solar collectors: Free standing or ground mounted solar collectors are permitted as accessory structures in all zoning districts of the Town except the R-3 District subject to the following conditions:



1. Building permits are required for the installation of all ground-mounted and free standing solar collectors.
2. In the R-2 District, a lot must have a minimum size of 40,000 square feet in order for a ground-mounted or free standing solar collector to be permitted.
3. The location of the ground mounted or free standing solar collector shall meet the greater of the setback requirements for Accessory Buildings set forth in Section 185-15 or the following setback requirements and limitations set forth in this provision:

- i. RR District

- minimum required side yard setback- 50 feet
- minimum required rear yard setback- 100 feet
- minimum required front yard setback- 250 feet

- ii. AR District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 50 feet
- minimum required front yard setback- 250 feet

- iii. R-1 District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- no ground mounted or free standing solar collectors allowed in front yard

- iv. R-2 District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- no ground mounted or free standing solar collectors allowed in front yard

- v. R-3 District

Ground-mounted and free standing solar collectors are not permitted in the R-3 District in connection with any use

- vi. B District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 50 feet
- no ground mounted or free standing solar collectors allowed in front yard

vii. IB District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

viii. I District

- minimum required side yard setback- 30 feet
- minimum required rear yard setback- 40 feet
- minimum required front yard setback- 250 feet

Yards having a line bounding on the right of way of Interstate 87 or Interstate Route 84 shall not be considered front yards for purposes of this Section.

4. The height of the solar collector and any mounts shall not exceed 20 feet when oriented at maximum tilt.
5. Ground mounted and freestanding solar collectors shall be screened when possible and practicable from adjoining lots and street rights of way through the use of architectural features, earth berms, landscaping, fencing or other screening which will harmonize with the character of the property and surrounding area. The proposed screening shall not interfere with normal operation of the solar collectors.
6. Solar energy equipment shall be located in a manner to reasonably minimize view blockage for surrounding properties and shading of property to the north, while still providing adequate solar access for collectors.
7. Solar energy equipment shall not be sited within any required buffer area.
8. The total surface area of all ground-mounted and freestanding solar collectors on a lot shall not exceed the area of the ground covered by the building structure of the largest building on the lot measured from the exterior walls, excluding patios, decks, balconies, screened and open porches and attached garages, provided that non-residential placements exceeding this size may be approved by the Planning Board, subject to site plan review pursuant to Article IX of the this Chapter.
9. The area beneath ground mounted and freestanding solar collectors shall be included in calculating whether the lot meets maximum permitted Lot

Building Coverage and Lot Surface Coverage requirements for the applicable District, notwithstanding that the collectors are not "buildings."

10. The installation of ground mounted and freestanding solar collectors shall be considered a Development or Development Activity for purposes of Chapter 157, Stormwater Management, of the Code of the Town of Newburgh.
- E. Solar-Thermal Systems: Solar-thermal systems are permitted in all zoning districts subject to the following condition:
1. Building permits are required for the installation of all solar-thermal systems.
  2. Ground mounted and free standing solar-thermal systems shall be subject to the same requirements set forth in Subsection D above as for Ground Mounted and Free Standing Solar Collectors.
- F. Solar energy systems and equipment shall be permitted only if they are determined by the Town not to present any unreasonable safety risks, including, but not limited to, the following:
1. Weight load
  2. Wind resistance
  3. Ingress or egress in the event of fire or other emergency.
- G. Solar collectors and related equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.

**§185-82. Safety.**

- A. All solar collector installations must be performed by a qualified solar installer.
- B. Prior to operation, electrical connections must be inspected by a Town Code Enforcement Officer and by an appropriate electrical inspection person or agency, as determined by the Town.
- C. Any connection to the public utility grid must be inspected by the appropriate public utility.
- D. Solar energy systems shall be maintained in good working order.
- E. Rooftop and building-mounted solar collectors shall meet New York's Uniform Fire Prevention and Building Code standards.

- F. If solar storage batteries are included as part of the solar collector system, they must be placed in a secure container or enclosure meeting the requirements of the New York State Building Code when in use and when no longer used shall be disposed of in accordance with the laws and regulations of the Town and other applicable laws and regulations.
- G. If a solar collector ceases to perform its originally intended function for more than 12 consecutive months, the property owner shall remove the collector, mount and associated equipment by no later than 90 days after the end of the twelve-month period.
- H. Solar Energy Systems and Equipment shall be marked in order to provide emergency responders with appropriate warning and guidance with respect to isolating the solar electric system. Materials used for marking shall be weather resistant. For residential applications, the marking may be placed within the main service disconnect. If the main service disconnect is operable with the service panel closed, then the marking should be placed on the outside cover.

For commercial application, the marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the lever is operated.

In the event any of the standards in this subsection H for markings are more stringent than applicable provisions of the New York State Uniform Fire Prevention and Building Code (the "State Code"), they shall be deemed to be guidelines only and the standards of the State Code shall apply.

#### **§185-83 Solar Farms and Solar Power Plants.**

Solar Farms and Solar Power Plants shall be permitted in the I District as an "Electric Generating" use subject to site plan review by the Planning Board, subject to the following supplementary regulations:

- A. Solar farms and solar power plants shall be enclosed by perimeter fencing to restrict unauthorized access at a height of 8 ½ feet.
- B. The manufacturer's or installer's identification and appropriate warning signage shall be posted at the site and clearly visible.
- C. Solar farm and solar power plant buildings and accessory structures shall, to the extent reasonably possible, use materials, colors, and textures that will blend the facility into the existing environment.
- D. Appropriate landscaping and/or screening materials may be required to help screen the solar power plant and accessory structures from major roads and

neighboring residences.

- E. The average height of the solar panel arrays shall not exceed twelve (12) feet.
- F. Solar farm and Solar Power Plan panels and equipment shall be surfaced, designed and sited so as not to reflect glare onto adjacent properties and roadways.
- G. On-site power lines shall, to the maximum extent practicable, be placed underground.
- H. The following requirements shall be met for decommissioning:
  - 1. Solar farms and solar power plants which have not been in active and continuous service for a period of 1 year shall be removed at the owners or operators expense.
  - 2. The site shall be restored to as natural a condition as possible within 6 months of the removal.

#### **§185-84 Appeals.**

- A. If a person is found to be in violation of the provisions of this Local Law, appeals should be made in accordance with the established procedures and time limits of the Zoning Code and New York State Town Law.
- B. If a building permit for a solar energy device is denied based upon a failure to meet the requirements of this Local Law, the applicant may seek relief from the Zoning Board of Appeals in accordance with the established procedures and time limits of the Zoning Code and New York State Town Law.

#### **§185-85 Building Permit Fees for Solar Panels.**

The fees for all building permits required pursuant to this Local Law shall be paid at the time each building permit application is submitted in such reasonable amount as the Town Board may by resolution establish and amend from time to time.

#### **§185-86 Guidelines for Future Solar Access**

- A. New structures will be sited to take advantage of solar access insofar as practical, including the orientation of proposed buildings with respect to sun angles, the shading and windscreen potential of existing and proposed vegetation on and off the site, and the impact of solar access to adjacent uses and properties<sup>1</sup>
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- B. To permit maximum solar access to proposed lots and future buildings, wherever reasonably feasible, consistent with other appropriate design considerations and to the extent practicable, new streets shall be located on an east-west axis to encourage building siting with the maximum exposure of roof and wall area to the sun. The Planning Board shall also consider the slope of the property and the nature and location of existing vegetation as they affect solar access<sup>2</sup>
- C. The impact of street trees on the solar access of the surrounding property shall be minimized to the greatest possible extent in selecting and locating shade trees. Every effort shall be made to avoid shading possible locations of solar collectors.
- D. When the Planning Board reviews and acts upon applications for subdivision approval or site plan approval, it shall take into consideration whether the proposed construction would block access to sunlight between the hours of 9:00 a.m. and 3:00 p.m. Eastern Standard Time for existing approved solar energy collectors or for solar energy collectors for which a permit has been issued.
- E. The Planning Board may require subdivisions to be platted so as to preserve or enhance solar access for either passive or active systems, consistent with the other requirements of the Town Code.
- F. The plan for development of any site within cluster subdivisions shall be designed and arranged in such a way as to promote solar access for all dwelling units. Considerations may include the following:
  - 1. In order to maximize solar access, the higher-density dwelling units should be placed on a south-facing slope and lower-density dwelling units sited on a north-facing slope.
  - 2. Subject to the Town's setback requirements, structures should be sited as close to the north lot line as possible to increase yard space to the south for reduced shading of the south face of a structure.
  - 3. A tall structure should be sited to the north of a short structure.

**§185-87 Penalties for offenses.**

Section 185-52 of the Zoning Code applies to violations of this Article.”

**SECTION 3 - SEVERABILITY**

If any word, phrase, sentence, part, section, subsection, or other portion of this Law or any application thereof to any person or circumstance is declared void, unconstitutional, or invalid for any reason, then such word, phrase, sentence, part, section,

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subsection, or other portion, or the proscribed application thereof, shall be severable, and the remaining provisions of this Law, and all applications thereof, not having been declared void, unconstitutional, or invalid, shall remain in full force and effect.

#### **SECTION 4 - CONFLICT WITH OTHER LAWS**

Where this Law differs or conflicts with other Laws, rules and regulations, unless the right to do so is preempted or prohibited by the County, State or Federal government, the more restrictive or protective of the Town and the public shall apply.

#### **SECTION 5 - EFFECTIVE DATE**

This Law shall become effective upon filing with the New York State Secretary of State.

#### **SECTION 6 - AUTHORITY.**

This Local Law is enacted pursuant to the Municipal Home Rule Law. This Local Law shall supersede the provisions of Town Law to the extent it is inconsistent with the same, and to the extent permitted by the New York State Constitution, the Municipal Home Rule Law, or any other applicable statute.

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_th day of February, 2015 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

George Woolsey, Councilman

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

RESOLUTION OF TOWN BOARD  
DETERMINING THAT PROPOSED LOCAL  
LAW ADDING ARTICLE XVII ENTITLED  
"SOLAR SITING" TO CHAPTER 185 ENTITLED  
"ZONING" OF THE CODE OF THE  
TOWN OF NEWBURGH  
IS A TYPE I ACTION AND PROVIDING FOR  
COORDINATED REVIEW UNDER SEQR

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

**WHEREAS**, the Town Board of the Town of Newburgh has caused to be prepared a local law which will implement amendments to the Town of Newburgh Zoning Code pertaining to the siting of solar energy systems and equipment; and

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

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

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

**WHEREAS**, the Town Board proposes to undertake, fund and/or 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 as it is the local agency with the broadest governmental powers to investigate the impacts of the proposed action and is the only agency that can enact a zoning amendment

**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 the following agencies identified by the EAF, using all due diligence, are involved agencies for the Action:

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

and no others

and;

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

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

Town of Newburgh Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, NY 12550

Orange County Department of Planning  
1887 County Building  
124 Main Street  
Goshen, NY 10924

; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby directs that a Lead Agency coordination Notice be circulated among involved agencies together with copies of Part 1 of the EAF, and such other information as is appropriate, indicating the Town Board's intent to assume the role of Lead Agency for the Action under SEQR and Part 617 and that copies of the EAF also be forwarded to all interested agencies for review and comment if this has not already been accomplished.

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

<u>George Woolsey, Councilman</u>	<u>voting</u>
<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of February, 2014 at 7:00 o'clock p.m.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- George Woolsey, Councilman
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman

RESOLUTION OF TOWN BOARD SCHEDULING A PUBLIC HEARING ON A LOCAL LAW ADDING ARTICLE XVII ENTITLED "SOLAR SITING" TO CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH

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

BE IT RESOLVED, that a Local Law Adding Article XVII entitled "Solar Siting" to Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York; and

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

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the \_\_\_th day of March, 2015 at 7:\_\_\_ o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of his office not later than the day such notice is published; and

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

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

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

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

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

Gilbert J. Piaquadio, Deputy Supervisor and Councilman voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
PETER R. ERIKSEN  
HOWARD PROTTER  
DONALD G. NICHOL  
LARRY WOLINSKY  
J. BENJAMIN GAILEY  
MARK A. KROHN\*  
JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHELE L. BABCOCK  
MICHAEL L. FOX  
\*L.L.M. IN TAXATION

# JACOBOWITZ AND GUBITS, LLP

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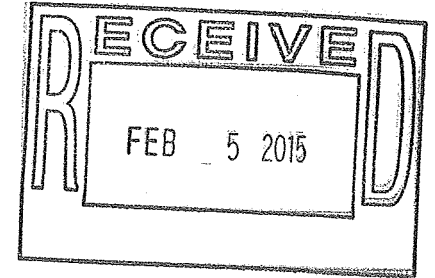
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SANFORD R. ALTMAN  
GARY M. SCHUSTER  
WILLIAM E. DUQUETTE  
ALYSE D. TERHUNE  
KARA J. CAVALLO  
MARCIA A. JACOBOWITZ  
F. BRYAN PAZ  
ANDREA L. DUMAIS  
ANTOINETTE M. CARUSO  
JASON C. SCOTT  
ALANNA C. IACONO  
JENNIFER S. ECHEVARRIA  
KELLY A. PRESSLER

JOHN H. THOMAS JR.\*\*  
CARMEE G. MURPHY\*\*  
\*\*OF COUNSEL

February 4, 2015

**Via Federal Express #8066 2680 1542  
and Regular Mail**

Hon. Gil Piaquadio and Town Board  
Town of Newburgh  
1496 Route 300  
Newburgh, New York 12550



Re: The Loop- Hudson Valley  
Our File: 12027-001

Dear Supervisor Piaquadio and Town Board Members:

Our firm has been engaged to assist The Loop-Hudson Valley ("Loop") in several zoning related matters as it moves closer to building construction and tenant occupancy. We are transmitting herewith two draft zoning text amendments which we respectfully request you consider adopting at your earliest possible convenience. One amendment proposes to create a new "Pet Services Facility" accessory use for shopping centers in the IB Zoning District. The second amendment creates comprehensive signage regulations for shopping centers. Both amendments reflect current tenant requirements in contemporary shopping center settings. They will serve not only the Loop but other shopping centers in Newburgh as they construct or upgrade.

It is our understanding that the Board will allow some time at its February 11, workshop meeting for a presentation of these amendments. Our team along with several tenant representatives will be there to address any questions or concerns you have. It is our hope at that time that you will agree to proceed with these amendments and refer them to the Town Planning Board review and recommendation.

We appreciate the opportunity to discuss these with you and look forward to meeting with you on February 11. In the interim, if you have any questions or require any additional information, please do not hesitate to contact us.

Very truly yours,

A handwritten signature in black ink, appearing to read "Larry Wolinsky". Below the signature is a large, circular scribble or flourish.

Larry Wolinsky, Esq.

cc: Mark Taylor, Esq. w/enc. (e-mail)

TOWN OF NEWBURGH  
LOCAL LAW NO. \_\_ OF 2015

**BE IT ENACTED** by the Town Board of the Town of Newburgh, County of Orange, State of New York, as follows:

Section 1. § 185-43 of the Town of Newburgh Zoning Code entitled “Definitions, Word usage” is hereby amended to include the following new definition.

**PET SERVICES FACILITY - A facility accessory to a retail pet store where veterinary, grooming, training and/or pet boarding services may be provided subject to the requirements and conditions set forth in §185-45.1.**

**Section 2.** § 185-Attachment 13 of the Town of Newburgh Zoning Code entitled “Table of Use and Bulk Regulations IB District- Schedule 8 is hereby amended to add “Pet Services Facility” as a permitted accessory use to a Shopping Center in the IB Zoning District.

**Section 3.** § 185-45 of the Town of Newburgh Zoning Code entitled “Supplementary Regulations Applicable to Certain Uses” is hereby amended by adding a new §185-45.1 entitled “Pet Services Facility” as follows:

**§185-45.1 Pet services facility**

**A. A Pet Services Facility is permitted as an accessory use to a shopping center in the IB Zoning District subject to the following conditions:**

**(1) The Pet Services Facility is clearly incidental to the retail sale of pet goods and supplies.**

**(2) The Pet Services Facility is wholly contained within the retail pet store building.**

**(3) Adequate ventilation is in place to prevent pet or pet waste odors from entering the retail sales area or being emitted from the facility in a manner that constitutes a nuisance to neighboring tenants or adjacent property.**

**(4) The facility must be sound proofed so as to eliminate animal noise from neighboring tenants or adjacent property.**

**(5) The facility must be operated in accordance with all applicable health codes, ordinances, laws and regulations including but not limited to licensing requirements.**

**(6) Adequate space and accommodation shall be devoted to the boarding of pets inclusive of space necessary for exercise. No outdoor pet exercising activity**

shall be allowed. Boarding operations shall be staffed by trained personnel 24 hours per day, every day of the week. There shall be no after hours pickup/delivery of pets for boarding purposes.

(7) The provision of veterinary services shall meet the criteria for "Veterinarian Offices" set forth in §185-45 and shall be restricted to the medical care and treatment of small animals during normal business hours.

B. A Pet Services facility shall require a Management Plan to be reviewed and approved by the Planning Board. Such Management Plan shall (i) detail the operation and procedures of the Pet Services Facility including the provision of any veterinarian service, any boarding service and or any grooming service (ii) specify the means to address pet waste disposal (iii) specify the manner and procedures related to odor control (iv) specify the manner and procedures related to noise control and (v) provide a contact person at the managerial level in the event of any operational issue requiring to be addressed.

Section 4. This local law shall take effect immediately.

**TOWN OF NEWBURGH  
LOCAL LAW NO. \_\_ OF 2015**

**Sign Regulations for Shopping Centers**

**BE IT ENACTED** by the Town Board of the Town of Newburgh, County of Orange, State of New York, as follows:

Section 1. Chapter 185 of the Town of Newburgh Code, entitled "Zoning," is hereby amended by adding the following new section 185-14A entitled "Sign Regulations for Shopping Centers":

185-14A Sign Regulations for Shopping Centers

A. Intent:

It is the intent of these regulations to address signage in Shopping Centers located in the Town of Newburgh. Because Shopping Centers contain multiple commercial users operating as a unit under single ownership in both individual and adjoining structures and because commercial users of Shopping Centers have varied signage needs and requirements, it is important to establish comprehensive signage regulations to ensure that there is there is a balanced and appropriate quantity of signage and that such signage presents a uniformity of design and pleasant appearance. These regulations are the exclusive regulations governing signage for Shopping Centers in the Town of Newburgh. In the event of a conflict between these regulations and any other regulations governing signage, these regulations shall control.

B. Shopping centers with a gross floor area of less than 400,000 square feet.

Attached wall, suspended wall, freestanding ground signs, awning, under-canopy and directory signs may be placed on the premises subject to the following conditions:

1. The total allowable sign area for all permanent signs on the site, except freestanding ground signs and under-canopy signs, shall be 1- 1/2 square feet of sign area per linear foot of building wall that fronts on a street or designated primary access drive or parking area.

2. Attached Wall or Suspended Wall Signage: Attached Wall or Suspended Wall Signage is a sign attached to or erected on the exterior wall of the building or structure or on a canopy marquee or similar overhang with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

[a] Sign Area for attached wall or suspended wall signs shall be shall be the area contained within with the sign panel signboard (the flat surface of material upon which letters or other graphic content of a sign are displayed or, if no signboard or panel is present, the area contained entirely within the smallest rectangle or geometric shape which completely encloses the outer extremities of all graphic material of a sign.

[b] There is no limit on the number of the above signs on a site if their aggregate square footage is within the total allowable area limit.

### 3. Under-canopy signs or blade signs.

[a] Under-canopy signs may be non-illuminated, externally or internally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[b] The overall area of under-canopy signs or blade signs shall not exceed four square feet and shall be installed at least seven feet four inches above pedestrian walk areas and the finished floor grade. The overall area of under-canopy or blade signs shall not be included in the allowable sign area for permanent wall signage as noted in 2 [a].

4. Freestanding Ground Signage: A Freestanding Ground Sign is a sign erected on or permanently affixed directly to the land. There are two primary types of Freestanding Ground signage, pylon signage and monument signage.

[a] Freestanding Ground Sign Area; The area of a free-standing sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this law shall not be considered part of the sign area unless used for lettering, wording, or symbols. Only one side of the freestanding ground sign is used for the calculation of sign area.

[b] There are two (2) types of Freestanding Ground Signage as follows:

(i) Pylon Signage: is a sign supported by uprights, columns or braces placed upon or into the ground and detached from any building. Pylon signs shall include identification panels for individual tenants and shall identify the Project as a whole.

(a) The maximum sign area for each pylon sign shall be 250 square feet per side

(b) The maximum height of a pylon sign shall not exceed the maximum permitted building height in the district in which the property is located. ,

(c) One pylon sign may be placed on the premises. Location shall be as shown on the Comprehensive Signage Plan.

(ii) Monument Signage: is a lower profile freestanding ground sign as compared to pylon signage and is permanently affixed to the ground at its base and not mounted on a pole or exposed columns. Monument signage may identify the Project as a whole, and individual tenants Monument signs shall meet the following criteria:



(a) Monument signs shall not exceed 8' in height and 150 square feet in sign area (per side).

(b) Monument signs shall not include exposed columns for the support of the sign face. The base of such sign shall be at least fifty (50) percent of the dimension of the width of the sign face.

(c) One Monument Sign per site access driveway is permitted. Location shall be as shown on the Comprehensive Sign Plan.

4. Awning signage: Awning sign is a sign mounted or painted on or attached to an awning or canopy. Awning signage shall not be included in the allowable sign area for permanent wall sign signage as noted in 1.[a] above.

5. Vehicular Directory Signs: Vehicular Directory signs are signs which list the names, use, and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers in vehicles.

[a] Maximum height: 8 feet.

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

6. Pedestrian Directory Signs: Pedestrian Directory Signs are signs which list the names, use and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers on foot

[a] Maximum height: 8 feet

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

C. Shopping centers with a gross floor area of 400,000 square feet and over.

Attached wall, suspended wall, freestanding ground signs, awning, under-canopy, awning and directory signs may be placed on the premises subject to the following conditions:

1. The total allowable sign area for all permanent signs on the site, except freestanding ground signs and under-canopy signs, shall not be more than two square feet of sign area per linear foot of building façade or building wall facing the designated primary access drive or parking area except that any business/store over 20,000 SF may exceed this ratio up to an additional 0.5 square feet of signage for each lineal foot of building wall so long as additional square footage is deducted from the allowable signage for wall signs on sides and rear building walls.

2. Attached Wall or Suspended Wall Signage: Attached Wall or Suspended Wall Signage is a sign attached to or erected on the exterior wall of the building or structure or on a canopy marquee or similar overhang with the exposed face of the sign in a plane approximately parallel to the plane of the exterior wall.

[a] Sign Area for attached wall or suspended wall signs shall be shall be the area contained within with the sign panel signboard (the flat surface of material upon which letters or other graphic content of a sign are displayed or, if no signboard or panel is present, the area contained entirely within the smallest rectangle or geometric shape which completely encloses the outer extremities of all graphic material of a sign.

[b] In addition, wall signs on sides and rear building walls, shall be permitted up to 1.0 square foot of signage for each lineal foot of building wall width (1:1 ratio) measured along those building walls.

[c] There shall be no limit on the number of the above signs on a site provided that as their aggregate square footage is within the total allowable area.

3. Under-canopy or blade signs.

[a] Under-canopy signs may be non-illuminated or internally or externally illuminated. . If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

[b] The overall area of under-canopy signs or blade signs shall not exceed four square feet and shall be installed at least seven feet four inches above pedestrian walk areas and the finished floor grade. The overall area of under-canopy or blade signs shall not be included in the allowable sign area for permanent wall signage as noted in 1[a].

4 Freestanding Ground Signage: A Freestanding Ground Sign is a sign erected on or permanently affixed directly to the land. There are two primary types of Freestanding Ground signage, pylon signage and monument signage.

[a] Freestanding Ground Sign Area; The area of a free-standing sign shall be considered to include all lettering, wording, and accompanying designs and symbols, together with the background, whether open or enclosed, on which they are displayed. The supporting framework, open or enclosed, may be part of the design, but for the purpose of this law shall not be considered part of the sign area unless used for lettering, wording, or symbols. Only one side of the freestanding ground sign is used for the calculation of sign

area. The area of freestanding signage is not included in the sign area calculations for any other type of signage.

[b] There are two (2) types of Freestanding Ground Signage as follows:

(1) Pylon Signage: is a sign supported by uprights, columns or braces placed upon or into the ground and detached from any building. Pylon signs shall include identification panels for individual tenants and shall identify the Project as a whole.

(a) The maximum sign area for each pylon sign shall be 350 square feet per side

(b) The maximum height of a pylon sign shall not exceed the maximum permitted building height in the district in which the property is located except no sign shall exceed forty (40) feet in height. ,

(c) Up to two pylon signs may be placed on the premises. One pylon sign shall be located at the main entrance drive for the Shopping Center. If a second pylon is installed, it must be located within the premises and shall not be installed at secondary entrance drive if any. However, the second pylon sign may be visible from surrounding streets or highways. Locations shall be as shown on the Comprehensive Sign Plan.

(2) Monument Signage: is a lower profile freestanding ground sign as compared to pylon signage and is permanently affixed to the ground at its base and not mounted on a pole or exposed columns. . Monument signage may identify the Project as a whole, and individual tenants Monument signs shall meet the following criteria:

(a) Monument signs shall not exceed 13' in height and 200 square feet in sign area (per side).

(b) Monument signs shall not include exposed columns for the support of the sign face. The base of such sign shall be at least fifty (50) percent of the dimension of the width of the sign face.

(c) One Monument Sign per Shopping Center entrance driveway is permitted. Locations shall be as shown on the Comprehensive Sign Plan.

4. Awning signage: Awning signs are signs mounted or painted on or attached to an awning or canopy. Awning signage shall not be included in the allowable sign area for permanent wall sign signage as noted in 1[a] above.

5. Vehicular Directory Signs: Vehicular Directory signs are signs which list the names, use, and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers in vehicles.

[a] Maximum height: 8 feet.

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

6. Pedestrian Directory Signs: Pedestrian Directory Signs are signs which list the names, use and/or location of the businesses or activities conducted within the shopping center buildings and which are intended to provide directional information for customers on foot

[a] Maximum height: 8 feet

[b] Maximum sign area shall not to exceed 20 square feet (excluding architectural or structural features) per side.

[c] Signs may be internally or externally illuminated. If externally illuminated, lighting shall be shielded to prevent a direct view of the light source.

7. Motor Vehicle Service stations within Shopping Centers. Motor Vehicle Service station signs shall be subject to the following:

(a) One attached wall, suspended wall or projecting sign may be placed on each building wall or canopy wall. The maximum allowable sign area for the sign shall be 1 square foot of sign area per linear foot of building or canopy wall.

(b) One freestanding ground sign may be placed on the premises subject to the following:

[1] The maximum sign area shall be 100 square feet per side.

[2] The maximum height shall not exceed the maximum permitted building height in the district in which the property is located but shall not exceed forty (40) feet.

[3] The freestanding sign for the Motor Vehicle Service station shall be in addition to the quantity of freestanding ground signs permitted under these regulations.

(c) Service island identification signs. Service island identification signs indicating the price of gasoline, other relevant information or directions to persons using the facility, but containing no advertising material, shall be allowed subject to the following:

[1] There shall be no more than one such sign for each service island located on the premises.

[2] The maximum allowable sign area for each such sign shall not exceed eight (8) square feet.

[3] Such signs may only be located attached directly to the service island structure, if any, or pump.

[4] Such signs shall not project higher than the service island structure, if any, or pump, whichever is higher.

D. Comprehensive Signage Plan.

1. A comprehensive sign plan shall be submitted to the Planning Board as part of its site plan and/or special permit approval process for any Shopping Center and shall be reviewed and conceptually approved in conjunction with the architectural review process. The comprehensive sign plan shall include sign area boxes representing the wall sign area for each business or tenant, the design and location of freestanding signage and directory signage (except specific copy on panels is not required to be shown). Specific wall sign designs may be included in the comprehensive sign plan but is not required.

2. Any retail store or tenant making an application for a sign permit shall submit with such application evidence that the landlord or owner of the shopping center has approved the particular signage.

E. Exempt Signage:

The following signs are exempt from the provisions of this section:

(1) Signs inside a building, except for strobe lights visible from a right-of-way, private or public road or other private property.

(2) Building numbers.

(3) Signs carved into or part of materials which are on an integral and permanent part of the building, noting the name of the building and its date of erection.

(4) Painted wall decorations and painted wall highlights that present no message or indication of a use and are meant strictly for artistic, decorative or design use or enhancement.

(5) Public and/or governmental signs, including traffic control or similar regulatory devices.

(6) Flags and insignia of any government, except when displayed in connection with a commercial promotion.

(7) Non-illuminated warning signs, not exceeding two square feet per face.

(8) Temporary non-illuminated "for sale" or "for rent" real estate signs concerning the premises upon which the sign is located:

(a) One such sign will be permitted for each street frontage per property, not exceeding six square feet per side; the top of the sign shall be no higher than six feet above the ground, and it shall be no closer than 10 feet to any property line.

(b) All such signs shall be removed within three days after the sale, lease or rental of the premises.

(9) Christmas holiday decorations, displayed for a period from seven (7) days before Thanksgiving until the first week in the following year.

(10) Temporary, non-illuminated window signs and posters not exceeding 30% of the window surface.

(11) On-premises directional signs for the convenience of the general public, identifying public parking areas, fire zones, handicap parking, special parking zones, one-way, truck routes, etc., entrances and exits and similar signs, non-illuminated, not exceeding four square feet per face and six feet above the ground except in cases where such sign is regulated by local, county, state or federal regulation such regulation shall govern.

(12) Temporary non-illuminated banners or signs for promotional or special events so long as such signs are removed 30 days after the final day of such event.

(13) Decorative signs, banners, pennant signs which do not include tenant names, products, services or advertisements.

(14) Public and/or governmental signs, including traffic control or similar regulatory devices.

Section 2. This local law shall take effect immediately.

Any area containing resources of critical concern to the Town as designated by a local law of the Town of Newburgh adopted in accordance with 6 NYCRR 617.4(), filed with the Commissioner of Environmental Conservation, and indicated on the Zoning Map which is part of this chapter.<sup>[3]</sup>

**DECIDUOUS**

Woody plants that lose their foliage annually. Either:  
[Added 3-5-2007 by L.L. No. 1-2007]

**(1) CANOPY**

- A large maturing woody plant with a single trunk that will achieve a height of at least 35 feet at maturity; or

**(2) UNDERSTORY**

- A small maturing woody plant with a single trunk or multiple stems that will achieve a height of less than 35 feet at maturity.

**DOCK**

Any structure, whether affixed or floating, placed in or upon a lake, pond, river, stream or brook and which provides a berth for watercraft and/or a means of pedestrian access to and from the shoreline. This shall include piers, wharfs, crib docks, stake docks, floating docks and all such similar structures.

[Added 4-18-2005 by L.L. No. 6-2005]

**DOMESTIC ANIMAL**

As herein defined shall be limited to cows, horses, sheep, goats, donkeys, dogs and cats.

**DRIVE-THRU AND DRIVE-UP ESTABLISHMENTS**

Any business facility, including fast-food restaurants and convenience stores, where all or any part of the business is based on customers driving up to a window to obtain their orders or walking into a facility or to a window to pick up a small number of items.

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

**DUMP**

See "junkyard."

**DWELLING OR DWELLING UNIT**

One or more rooms with provisions for living, cooking, sanitary and sleeping facilities arranged for the use of one family. NOTE: The term "dwelling," "single-family dwelling," "multifamily dwelling" or "dwelling unit" shall not be deemed to include a hotel, motel, automobile court, tourist home, furnished rooming house, dormitory, boarding home, convalescent home, rest home, nursing home or other accommodation used for transient occupancy.

**DWELLING, GARDEN-STYLE**

A multiple dwelling wherein the entrance of a dwelling unit is no more than one floor above or below ground floor level. All ground floor units shall contain access to usable outdoor areas from a second entry.

**DWELLING, HIGH-RISE**

Any multiple dwelling with more than three stories.

**DWELLING, MULTIPLE**

A building or portion thereof containing three or more dwelling units, either side by side or above and below each other.

**DWELLING, SEMIDETACHED**

A building containing two single-family attached dwelling units. When such dwelling units occupy different lots, they are synonymous with the term "zero lot line dwellings." A "semidetached dwelling" shall not be construed to mean a single-family dwelling with an accessory apartment.

**DWELLING, SINGLE-FAMILY ATTACHED**

The minimum separation between two buildings shall be 50 feet or twice the height of the tallest building, whichever is greater, except that no front or rear wall shall be closer than four times its height from any other building.

- (d) No building shall be located closer than 75 feet to a street.
  - (e) All front and side yard areas shall be landscaped.
  - (f) All signs and site lighting shall be coordinated and designed to complement building and landscape design.
- (3) Restrictive covenants shall be imposed on the site, based on the approved site plan, enforceable by all occupants or tenants of such business park.

### § 185-42 Fast-food, drive-thru and drive-up establishments.

[Amended 7-15-1996 by L.L. No. 3-1996; 9-23-1998 by L.L. No. 10-1998]

A. Compatibility. Before approving any fast-food, drive-up or drive-thru establishment, the Planning Board shall consider:

- (1) Vehicular traffic movements and potential hazards to pedestrian safety. All drive-thru aisles shall exit into a parking area or onto a side street and not directly onto Routes 9W, 17K, 32, 52 or 300.
- (2) Proposed signs, lighting, speaker noise where residential properties are located nearby and landscaping.
- (3) Parking shall be adequate for the type of facility proposed, with three additional short-term spaces devoted specifically for pick-up or order delays for each drive-up, drive-thru, walk-up or pickup window or area inside or outside of the building.
- (4) Public roads and internal drive aisles shall not be blocked by waiting drive-thru traffic.
- (5) Parking areas and circulation drives shall be adequately separated so as to avoid conflict between parking cars and waiting drive-thru traffic.
- (6) Adequate stacking space will be provided for waiting drive-thru vehicles such that these vehicles do not interfere with site vehicular or pedestrian circulation.
- (7) The site plan checklist for parking lot area traffic and pedestrian movements/safety concerns shall be reviewed in preparation of plans.

B. Conditions. Any such use shall meet the following conditions of operation:

- (1) Provision of sufficient security to prevent the use of the premises as a loitering place during hours of operation.
- (2) Provision of adequate facilities and personnel for disposal of trash and other debris.
- (3) Provision for continuing maintenance of the exterior of the building and the grounds, including landscaping, signs and policing of litter.

### § 185-43 Garden houses, toolsheds, wading and swimming pools and tennis courts.

Garden houses, toolsheds, wading and swimming pools and tennis courts shall be permitted in all districts. Such uses shall be accessory to a principal use, provided that:

- A. No such pool shall be operated for private gain.
- B. Pools in excess of 200 square feet shall be located at least 10 feet from any lot line.



B. Zoning District	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimum Required							Maximum Permitted					
			Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Dwelling Units Per Acre	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)	
4 and 5	1. Existing single-family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public town water systems c. With either public sewer or public water only		20,000	125	150	40	40	15	30	900	NA	25%	35	50%	
			15,000	100	125										
			17,500												
: and 4	2. Existing 2-family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public town water systems c. With either public sewer or public water only		30,000	150	175		50			900	NA	25%	35	50%	
			22,500												
			25,000	125	150			25							
VII	3. Municipal buildings and town activities 4. Membership clubs without outdoor recreation facilities in accordance with § 185-29 5. Funeral homes		NA	NA	NA	NA	NA	NA	NA	NA	NA	20%	NA		
			25,000	150	175		40	15	30	900	NA	25%			
D2, D17 D1-12 D10 D1-12	1. Retail and personal service stores, health clubs and fitness facilities 2. Business, professional and research offices and banks 3. Eating and drinking places 4. Indoor amusement establishments 5. Motor vehicle service stations and public garages, car wash and rental agency in accordance with § 185-28 6. Convenience stores with or without gasoline filling stations 7. Hotels and motels in accordance with § 185-27 8. Shopping centers 9. Theaters 10. Places of worship, parish houses, seminaries, convents, dormitories and related activities 11. Business parks in accordance with § 185-41 12. Public utility structures and rights-of-way 13. Affordable housing in accordance with § 185-47 14. Senior citizen housing in accordance with § 185-48 15. Restaurants		20,000	100	125	40	30	15	30	NA	NA	40/50% <sup>2</sup>	35	80/85% <sup>1</sup>	
			5 acres	200	200	50							25%	50	60%
			5 acres	300	300	60							30%	40	80%
1 and 12			3 acres	300	300	60	60					30%	40	80%	
			2 acres	200	200	50			50	100	NA	25%	40	50%	
			10 acres	400	400	60						25%	40	50%	
and 11			NA	NA	NA	NA	NA	NA	NA	NA	NA	20%	35	50%	
11 and 6 and 7			40,000	150	150	50	30	15	30			40%	35	80%	

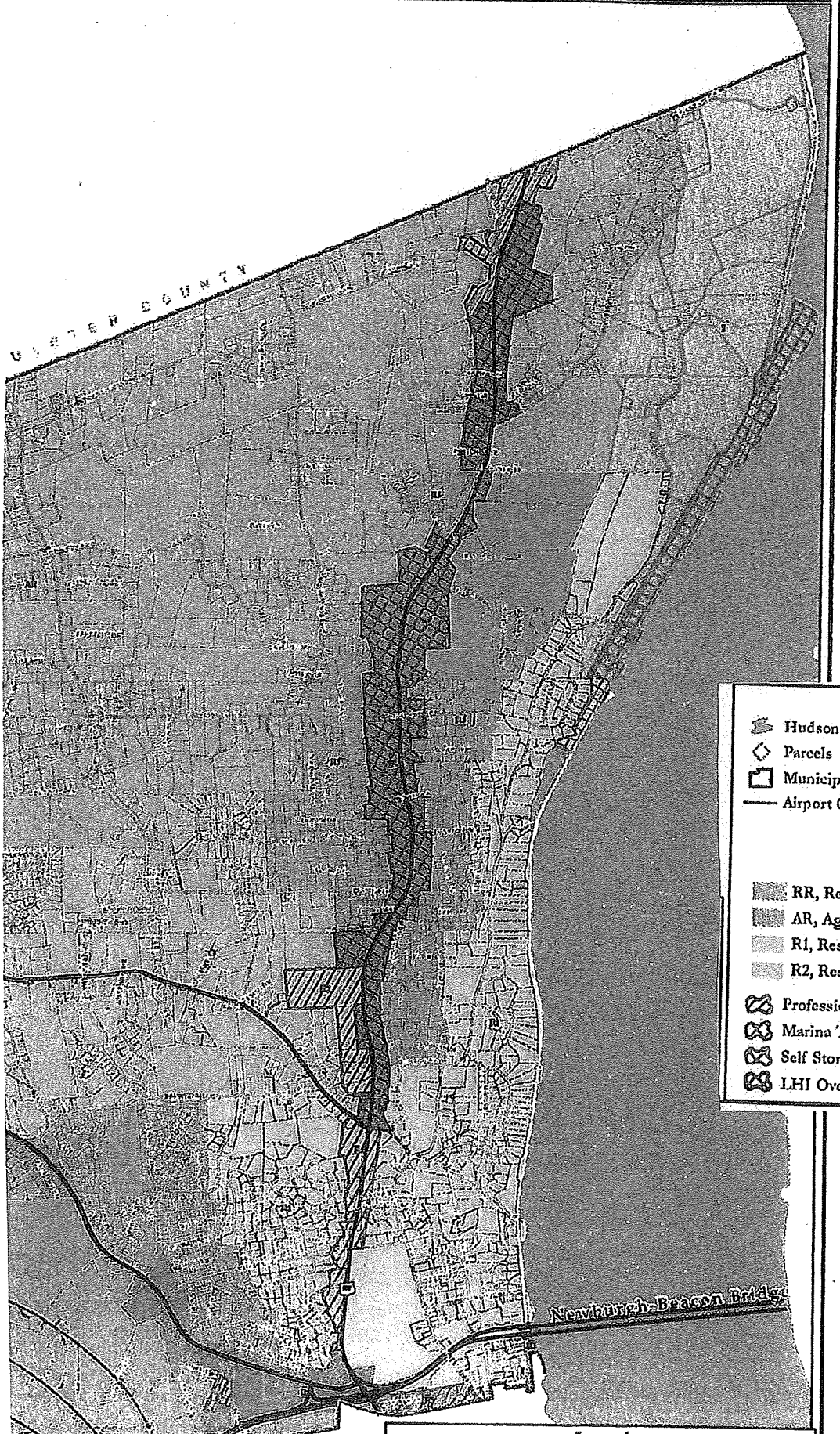
B District Table

NEWBURGH TOWN CODE

	C. Permitted Uses	D. Uses Subject to Site Plan Review by the Planning Board	Minimum Required							Maximum Permitted				
			Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side Yards (feet)	Habitable Floor Area Per Dwelling Unit (square feet)	Dwelling Units Per Acre	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
16		16. Mini-malls	40,000	150	150	40	40	30	60	NA	NA	30%	35	60%
		17. Veterinarian offices and related services necessary for the complete practice of veterinarian medicine in accordance with § 187-45.												

od sewer.  
nd sewer.  
zals

dated 11 June 2012



**Legend**

	Hudson River	<b>Roads</b>	
	Parcels		Interstate
	Municipal Boundaries		Federal Highway
	Airport Overlay		State Route
			County Road
			Local Road
<b>Zoning Districts :</b>			
	RR, Reservoir		R3, Residential
	AR, Agricultural		B, Business
	R1, Residential		IB, Interchange Business
	R2, Residential		I, Industrial
	Professional Office Overlay (O)		
	Marina Townhouse Overlay		
	Self Storage Overlay		
	LHI Overlay**		

**\*\*Light and Heavy Equipment and Recreational Vehicle Sales, Service and Repair**

**POTENTIAL AMENDMENT TO**

**Town of Newburgh  
Table of Use and Bulk Requirements  
LHI District -- Schedule 7**

A. Accessory Uses <sup>1</sup>	B. Permitted With	C. Permitted Uses <sup>1</sup>	D. Uses Subject to Site Plan Review by the Planning Board <sup>1</sup>	Minimum required						Maximum Permitted			
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Both Side yards (feet)	Lot Building Coverage (percent)	Building Height (feet)	Lot Surface Coverage (percent)
1. Private garage or carport for not more than 4 vehicles	D1		1. Light and heavy industrial equipment and recreational vehicle sales, service and repair.	20,000	100	150	60	30?	15	30	740/50% <sup>2?</sup>	35	780%
2. Off-street parking for commercial vehicles in accordance with §185-13.	D1		2. Drive Thru and Drive-Up Establishments in Conjunction with B District -Schedule 7 Column D Uses Nos. 2(banks only), 3 and 6 in accordance with § 185-42	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

NOTES:

<sup>1</sup> Uses permitted in this district are in addition to all those permitted in the underlying B Business District

<sup>2</sup> Forty without public water and sewer, 50 with public water and sewer



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

*Brenda* 11A

PERSONNEL DEPT.

PH: 845-566-7785

Fax: 845-564-2170

To: Supervisor Piaquadio  
Town Board Members

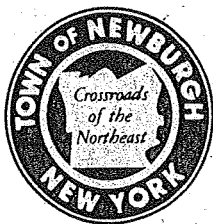
From: Charlene M. Black, Personnel

Date: January 21, 2015

Re: Part time Laborers

---

The applicants have been offered a job with the Recreation Department as a part time laborers starting on or after February 19, 2015. The applicants' hiring is contingent on your approval and the completion of their fingerprints, paperwork, drug/alcohol test and physical. If you would like to look at their applications, please let me know and I will have them available for you. Thank you in advance.



## TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

January 16, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

CC: Charlene Black, Personnel

FROM: Robert J. Petrillo, Commissioner

RE: Hire Part Time Laborers (2)

I would like to request authorization to hire Mr. Alan Moore and Mr. John Walsh as a part time laborers starting February 19<sup>th</sup>. Mr. Moore and Mr. Walsh will fill the vacant spots left by Siobhan Jablesnik and Clif Thayer.

Mr. Moore and Mr. Walsh will be hired at the rate of \$8.75/hour. The salary for this position is in the budget under account 7110-0100.

Thank you for your consideration.

Regards,

Robert J. Petrillo  
Commissioner

**TOWN OF NEWBURGH**  
**EMPLOYMENT REQUEST FORM**

**TO: PERSONNEL DEPARTMENT**

NAME OF CANDIDATE: ALAN MOORE

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: PART TIME

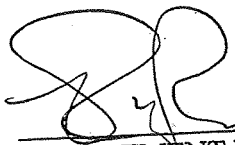
HOURLY RATE: \$8.75

IS POSITION FUNDED IN CURRENT BUDGET:  yes or no

FUND APPROPRIATION NUMBER: 7110-0100

PROPOSED HIRE DATE: 2/19/15

**NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.**

  
DEPARTMENT HEAD SIGNATURE

1/16/15  
DATE

**ORIGINAL APPLICATION SHOULD BE ON FILE IN THE  
PERSONNEL OFFICE.**

**COPY TO ACCOUNTING DEPARTMENT  
(02/05)**

**TOWN OF NEWBURGH**  
**EMPLOYMENT REQUEST FORM**

**TO: PERSONNEL DEPARTMENT**

NAME OF CANDIDATE: JOHN WALSH

DEPARTMENT: RECREATION

TITLE OF POSITION: LABORER

FULL TIME OR PART TIME: PART TIME


HOURLY RATE: \$ 8.75

IS POSITION FUNDED IN CURRENT BUDGET:  yes or no

FUND APPROPRIATION NUMBER: 7110-0100

PROPOSED HIRE DATE: 2/19/15

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT PRE-EMPLOYMENT PHYSICAL AND COMPLETION OF ALL REQUIRED PAPERWORK.

  
DEPARTMENT HEAD SIGNATURE

1/16/15  
DATE

**ORIGINAL APPLICATION SHOULD BE ON FILE IN THE  
PERSONNEL OFFICE.**

**COPY TO ACCOUNTING DEPARTMENT  
(02/05)**





11-B  
**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

January 22, 2015

TO: Gil Piaquadio, Acting Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: 2015 Community Fireworks Quotes

The Recreation Department has received three quotes for the fireworks display at Community Day on July 3, 2015 along with additional quotes for 2016 and 2017 at the Town's discretion. For your reference, attached are the details from each vendor.

At this time, I am requesting your approval to accept the quote from Fireworks Extravaganza which represents the lowest bid of \$9,500.

Thank you for your consideration.

Regards,

Robert J. Petrillo  
Commissioner

Attachments

TOWN OF NEWBURGH  
SUMMARY OF QUOTATION FORM

REQUESTED BY: RECREATION DEPT.

DATE PREPARED: 1/22/15

ITEM/SERVICE PURCHASED: FIREWORKS Display (COMMUNITY DAY)  
 VENDOR NAME: BAY FIREWORKS  
 ADDRESS: 174 RTE 17 NORTH  
 CITY/STATE/ZIP: ROCHELLE PARK N.J. 07662  
 PHONE #: (206) 202-1544 (FAX)  
 CONTACT PERSON: MIKE  
 PRICE QUOTED: 1 - 800 - 765 - BANG  
2015 - 9500  
2016 - 9750  
2017 - 10000  
 EXPIRATION DATE: N/A

Section V

VENDOR CHOSEN: FIREWORKS EXTRAJAGAZA

\*NOTE: If the vendor you wish to purchase from did not give the lowest quote, state reason why you did not purchase from the lowest cost vendor.



DEPARTMENT HEAD SIGNATURE

DATE:

1/22/15

(ATTACH ANY WRITTEN QUOTES, IF REQUIRED)

**Additional Requirements:**

Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components.

*REASONABLE @*

The Contractor shall be responsible for restoration of grounds damages due to set-up or clean-up of any portion of the work.

Please include the proposed shell count to be fired along with the expected duration of the event.

**General Background Information:**

Manager's Name (Contact): *@CHARLES RAPPA*

Firm's Legal Name: *PYRO ENGINEERING INC DBA BAY FIREWORKS*

Street Address (Box Numbers): *999 SOUTH OYSTER BAY RD SUITE 111*

City: *BETH PAGE*

State: *NY*

Zip: *11714*

Telephone Number: *516-597-5500*

E-mail Address: *CHARLIE@BAYFIREWORKS.COM*

Name of Assigned Site Supervisor: *TBD*

Telephone Number: *TBD*

E-mail Address: *TBD*

**BID FOR TOWN OF NEWBURGH, NY COMMUNITY DAY**  
**FIREWORKS DISPLAY**  
**JULY 3, 2015**  
**(with Town options for 2016 and 2017)**

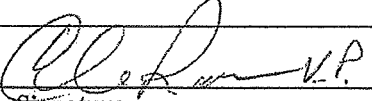
Please quote a price for services as specified herein for each of the three years as follows:

2015 Price: \$ 17,500  
2016 Price: \$ 18,000 (at the option of the Town)  
2017 Price: \$ 18,500 (at the option of the Town)

As an authorized representative of the identified company, I accept all the terms and conditions identified and certify that I will furnish, at the price herein quoted, the materials, equipment and/or services as proposed.

Company Name and Address:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

By: , an authorized representative  
Signature

Dated: NOV 7, 2015 ~~2014~~

Print Name & Title

CHARLES RAPPA V.P. SALES

Email Address: CHARLIE@BAYFIREWORKS.COM

Phone Number: 516-597-5300

Fax Number: 516-597-8307

**PROPOSED SHELL QUANTITY SUMMARY**

**QUANTITY**

**Opening Bouquet**

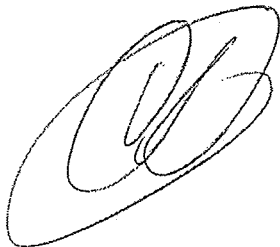
Two and half inch shells	125
Three inch shells	125
Four inch shells	40
Five inch shells	30
Six inch shells	30

**Main Event**

Two and half inch shells	250
Three inch shells	225
Four inch shells	145
Five inch shells	90
Six inch shells	60

**Grande Finale**

Two and half inch shells	250
Three inch shells	250
Four inch shells	80
Five inch shells	75
Six inch shells	45

A large, stylized handwritten signature or set of initials, possibly 'CB', enclosed within a large, irregular oval scribble.

**Donna**

---

**From:** Robert Petrillo <commissioner@townofnewburgh.org>  
**Sent:** Friday, November 14, 2014 9:25 AM  
**To:** Recreation ..  
**Subject:** Fwd: Bay Fireworks Proposal  
**Attachments:** Town of Newburgh 2015 Proposal.pdf; PROPOSAL Text 2014 BFI-PEI.pdf

Another proposal for the file

----- Forwarded message -----

**From:** Charles Rappa <[charlie@bayfireworks.com](mailto:charlie@bayfireworks.com)>

**Date:** Thu, Nov 13, 2014 at 3:20 PM

**Subject:** Bay Fireworks Proposal

**To:** [commissioner@townofnewburgh.org](mailto:commissioner@townofnewburgh.org)

Hello Rob:

Thanks for including us in on the Town's bid process.

Please find attached the documents you supplied along with some additional background information regarding our companies.

If there is anything else we can do, please feel free to contact me directly.

All the best,

--

Charlie Rappa

**Pyro Engineering, Inc.**  
**999 South Oyster Bay Road, Suite 111**  
**Bethpage, NY 11714**  
**[www.bayfireworks.com](http://www.bayfireworks.com)**  
**[www.peifx.com](http://www.peifx.com)**

**516-597-5500 Office**

**516-597-5507 Fax**

The information transmitted in this email and any of its attachments is intended only for the person or entity to which it is addressed and may contain proprietary information, which is privileged, confidential, or subject to copyright. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon, this information by persons or entities other than the intended recipient is prohibited and may be unlawful. If you received this in error, please contact the sender immediately and delete and destroy the communication and all of the attachments you have received and all copies thereof.

**BID FOR TOWN OF NEWBURGH, NY COMMUNITY DAY**  
**FIREWORKS DISPLAY**  
**JULY 3, 2015**  
**(with Town options for 2016 and 2017)**

Please quote a price for services as specified herein for each of the three years as follows:

2015 Price: **\$11,000.00**

2016 Price: **\$11,000.00** (at the option of the Town)

2017 Price: **\$11,000.00** (at the option of the Town)

As an authorized representative of the identified company, I accept all the terms and conditions identified and certify that I will furnish, at the price herein quoted, the materials, equipment and/or services as proposed.

**Company Name and Address:**

Legion Fireworks Co., Inc.

10 Legion Lane

Wappingers Falls, NY 12590

By: *Frank M. Coluccio*, an authorized representative  
Signature

**Dated: November 7<sup>th</sup>, 2015**

Print Name & Title

Frank M. Coluccio, President Legion Fireworks Co., Inc.

Email Address: Legionsoffice@aol.com

Phone Number: Office #: (845) 831 - 8328

Fax Number: (845) 838 - 3476

**Additional Requirements:**

Following the display, the firing crew shall conduct an inspection of the fallout area for the purpose of locating any unexploded aerial shells or live components.

The Contractor shall be responsible for restoration of grounds damages due to set-up or clean-up of any portion of the work.

Please include the proposed shell count to be fired along with the expected duration of the event.

**General Background Information:**

**Manager's Name (Contact): Frank M. Coluccio, President**

**Firm's Legal Name: Legion Fireworks Co., Inc.**

**Street Address (Box Numbers): 10 Legion Lane**

**City: Wappingers Falls**

**State: New York**

**Zip: 12590**

**Telephone Number: Office # (845) 831 - 8328**

**E-mail Address: Legionsoffice@aol.com**

**Name of Assigned Site Supervisor: Jerilyn Datres**

**Telephone Number: Cell # (845) 392 - 4531**

**E-mail Address: Pyrolady@hotmail.com**



**PROPOSED SHELL QUANTITY SUMMARY**

	<b><u>QUANTITY</u></b>
<b><u>Opening Bouquet</u></b>	
Two and half inch shells	125
Three inch shells	125
Four inch shells	40
Five inch shells	30
Six inch shells	30
<b><u>Main Event</u></b>	
Two and half inch shells	250
Three inch shells	225
Four inch shells	145
Five inch shells	90
Six inch shells	60
<b><u>Grande Finale</u></b>	
Two and half inch shells	250
Three inch shells	250
Four inch shells	80
Five inch shells	75
Six inch shells	45

**TOWN OF NEWBURGH**  
**COMMUNITY DAY FIREWORKS DISPLAY**  
**JULY 3, 2015**

The Town of Newburgh, NY invites quotes from qualified vendors to furnish all materials and labor for a fireworks display to be held at 9:30 p.m. on July 3, 2015 (rain date to be determined, if necessary) at Cronomer Hill Park, Powder Mill Road, Newburgh, New York. This quote additionally includes at the Town's election to accept quotes for the fireworks displays to be held in 2016 and 2017 (all rain dates to be determined, if necessary).

The attached shell summary was shot in 2014. **The display should be at least twenty-five (25) minutes long from start to finish.** Please fax your quotes to Robert Petrillo, Commissioner of Parks and Recreation, at 845-564-2429 by Wednesday, January 21, 2015. If you need more information please call 845-674-6849 (Rob's cell) or 845-564-7815 (Recreation office).

The required insurance coverage shall not be less than the following:

Workers Compensation *(Please see attached)*  
Statutory Requirements

NY State Disability *(Please see attached)*  
Statutory Requirements

General Liability *(Please see attached)*  
\$3,000,000 combined single limit per occurrence for  
bodily injury, personal injury and property damage

Automobile Liability *(Please see attached)*  
\$1,000,000 combined single limit per accident for  
bodily injury and property damage.

**INSURANCE CERTIFICATES SHALL NAME THE TOWN OF  
NEWBURGH, NEW YORK AND ORANGE COUNTY, NEW YORK,  
DEPARTMENT OF PARKS, 211 ROUTE 416, MONTGOMERY, NY  
12549 AS ADDITIONAL INSURED PARTIES AND SHALL STATE  
THAT ALL COVERAGE SHALL BE PRIMARY TO ANY OTHER  
INSURANCE COVERAGE HELD BY THE ADDITIONAL INSUREDS**



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
11/7/2014

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

**IMPORTANT:** If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

<b>PRODUCER</b> Britton Gallagher One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114	<b>CONTACT NAME:</b> PHONE (A/C, No, Ext): 216-658-7100		FAX (A/C, No): 216-658-7101
	<b>E-MAIL ADDRESS:</b>		
<b>INSURED</b> Legion Fireworks Co., Inc. 10 Legion Lane Wappingers Falls NY 12590	<b>INSURER(S) AFFORDING COVERAGE</b>		<b>NAIC #</b>
	INSURER A : Axis Surplus Ins Company		26620
	INSURER B : Everest National Insurance Company		10120
	INSURER C :		
	INSURER D :		
	INSURER E :		

**COVERAGES**

CERTIFICATE NUMBER: 1241137407

REVISION NUMBER:

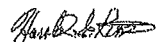
THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
B	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			SI8ML00116-141	3/15/2014	3/15/2015	EACH OCCURRENCE	\$1,000,000
							DAMAGE TO RENTED PREMISES (Ea occurrence)	\$500,000
							MED EXP (Any one person)	\$
							PERSONAL & ADV INJURY	\$2,000,000
							GENERAL AGGREGATE	\$2,000,000
							PRODUCTS - COMP/OP AGG	\$2,000,000
								\$
B	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			SI8CA00058-141	3/15/2014	3/15/2015	COMBINED SINGLE LIMIT (Ea accident)	\$1,000,000
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
A	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$			EAU731294	3/15/2014	3/15/2015	EACH OCCURRENCE	\$4,000,000
							AGGREGATE	\$4,000,000
								\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below			N/A			WC STATU-TORY LIMITS	OTH-ER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

Date of Display: 7/3/2015. Rain Date: TBA.  
 Location of Display: Cronomer Hill Park Park Powder Mill Road Newburgh, NY 12550.  
 Additionally Insured: Certificate Holder, The Town of Newburgh 1496 Route 300 Newburgh, NY & The County of Orange Department of Parks.

**CERTIFICATE HOLDER****CANCELLATION**

Town of Newburgh, Orange County Department of Parks, Recreation, & Conservation 211 Route 416 Montgomery NY 12549	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.  AUTHORIZED REPRESENTATIVE 
-------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------



# New York State Insurance Fund

Workers' Compensation & Disability Benefits Specialists Since 1914

1 WATERVLIET AVENUE ALBANY, NEW YORK 12206-1649  
Phone: (518) 437-6400

## CERTIFICATE OF WORKERS' COMPENSATION INSURANCE

\*\*\*\*\* 222329308  
LEGION FIREWORKS CO INC  
10 LEGION LANE  
WAPPINGERS FALLS NY 12590

POLICYHOLDER  
LEGION FIREWORKS CO INC  
10 LEGION LANE  
WAPPINGERS FALLS NY 12590

CERTIFICATE HOLDER  
TOWN OF NEWBURGH  
ORANGE COUNTY DEPT. OF PARKS  
216 ROUTE 416  
MONTGOMERY NY 12549

POLICY NUMBER	CERTIFICATE NUMBER	PERIOD COVERED BY THIS CERTIFICATE	DATE
A 737 947-2	465552	07/01/2014 TO 07/01/2015	11/7/2014

THIS IS TO CERTIFY THAT THE POLICYHOLDER NAMED ABOVE IS INSURED WITH THE NEW YORK STATE INSURANCE FUND UNDER POLICY NO. 737 947-2 UNTIL 07/01/2015, COVERING THE ENTIRE OBLIGATION OF THIS POLICYHOLDER FOR WORKERS' COMPENSATION UNDER THE NEW YORK WORKERS' COMPENSATION LAW WITH RESPECT TO ALL OPERATIONS IN THE STATE OF NEW YORK, EXCEPT AS INDICATED BELOW, AND, WITH RESPECT TO OPERATIONS OUTSIDE OF NEW YORK, TO THE POLICYHOLDER'S REGULAR NEW YORK STATE EMPLOYEES ONLY.

IF SAID POLICY IS CANCELLED, OR CHANGED PRIOR TO 07/01/2015 IN SUCH MANNER AS TO AFFECT THIS CERTIFICATE, 10 DAYS WRITTEN NOTICE OF SUCH CANCELLATION WILL BE GIVEN TO THE CERTIFICATE HOLDER ABOVE. NOTICE BY REGULAR MAIL SO ADDRESSED SHALL BE SUFFICIENT COMPLIANCE WITH THIS PROVISION. THE NEW YORK STATE INSURANCE FUND DOES NOT ASSUME ANY LIABILITY IN THE EVENT OF FAILURE TO GIVE SUCH NOTICE.

THIS POLICY DOES NOT COVER CLAIMS OR SUITS THAT ARISE FROM BODILY INJURY SUFFERED BY THE OFFICERS OF THE INSURED CORPORATION.

FRANK M. COLUCCIO, PRESIDENT OF  
LEGION FIREWORKS CO. INC.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS NOR INSURANCE COVERAGE UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICY.

NEW YORK STATE INSURANCE FUND

DIRECTOR, INSURANCE FUND UNDERWRITING

This certificate can be validated on our web site at <https://www.nysif.com/cert/certval.asp> or by calling (888) 875-5790  
VALIDATION NUMBER: 398620175

STATE OF NEW YORK  
WORKERS' COMPENSATION BOARD

**CERTIFICATE OF INSURANCE COVERAGE UNDER THE NYS DISABILITY BENEFITS LAW**

**PART 1. To be completed by Disability Benefits Carrier or Licensed Insurance Agent of that Carrier**

1a. Legal Name and Address of Insured (Use street address only)  LEGION FIREWORKS COMPANY INC. 10 LEGION LANE WAPPINGERS FALLS, NY 12590	1b. Business Telephone Number of Insured 845-831-8328 1c. NYS Unemployment Insurance Employer Registration Number of Insured 3721472 1d. Federal Employer Identification Number of Insured or Social Security Number 222329308
------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

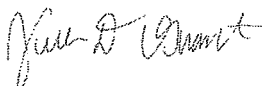
2. Name and Address of the Entity Requesting Proof of Coverage (Entity Being Listed as the Certificate Holder)  Town of Newburgh Orange County Department of Parks 216 Route 416 Montgomery, NY 12549	3a. Name of Insurance Carrier HARTFORD LIFE AND ACCIDENT 3b. Policy Number of entity listed in box "1a": LNY642054 3c. Policy effective period: 01-01-2014 to 12-31-2014
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

4. Policy covers:

a.  All of the employer's employees eligible under the New York Disability Benefits Law

b.  Only the following class or classes of the employer's employees:

Under penalty of perjury, I certify that I am an authorized representative or licensed agent of the insurance carrier referenced above and that the named insured has NYS Disability Benefits insurance coverage as described above.

Date Signed 11-07-2014 By   
(Signature of insurance carrier's authorized representative or NYS Licensed Insurance Agent of that insurance carrier)

Telephone Number (800) 454-7020 Title Manager

**IMPORTANT:** If box "4a" is checked, and this form is signed by the insurance carrier's authorized representative or NYS Licensed Insurance Agent of that carrier, this certificate is COMPLETE. Mail it directly to the certificate holder.  
If box "4b" is checked, this certificate is NOT COMPLETE for purposes of Section 220, Subd. 8 of the Disability Benefits Law. It must be mailed for completion to the Workers' Compensation Board, DB Plans Acceptance Unit, 20 Park Street, Albany, New York 12207.

**PART 2. To be completed by NYS Workers' Compensation Board (Only if box "4b" of Part 1 has been checked)**

**State Of New York  
Workers' Compensation Board**

According to information maintained by the NYS Workers' Compensation Board, the above-named employer has complied with the NYS Disability Benefits Law with respect to all of his/her employees.

Date Signed \_\_\_\_\_ By \_\_\_\_\_  
(Signature of NYS Workers' Compensation Board Employee)

Telephone Number \_\_\_\_\_ Title \_\_\_\_\_

*Please Note: Only insurance carriers licensed to write NYS disability benefits insurance policies and NYS licensed insurance agents of those insurance carriers are authorized to issue Form DB-120.1. Insurance brokers are NOT authorized to issue this form.*

## Additional Instructions for Form DB-120.1

By signing this form, the insurance carrier identified in box "3" on this form is certifying that it is insuring the business referenced in box "1a" for disability benefits under the New York State Disability Benefits Law. The Insurance Carrier or its licensed agent will send this Certificate of Insurance to the entity listed as the certificate holder in box "2". *This Certificate is valid for the earlier of one year after this form is approved by the insurance carrier or its licensed agent, or the policy expiration date listed in box "3c".*

Please Note: Upon the cancellation of the disability benefits policy indicated on this form, if the business continues to be named on a permit, license or contract issued by a certificate holder, the business must provide that certificate holder with a new Certificate of NYS Disability Benefits Coverage or other authorized proof that the business is complying with the mandatory coverage requirements of the New York State Disability Benefits Law.

### DISABILITY BENEFITS LAW

#### §220. Subd. 8

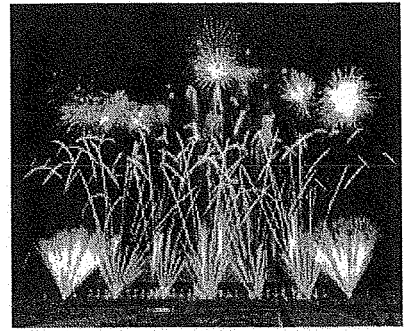
(a) The head of a state or municipal department, board, commission or office authorized or required by law to issue any permit for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing the issue of such permits, shall not issue such permit unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article. Nothing herein, however, shall be construed as creating any liability on the part of such state or municipal department, board, commission or office to pay any disability benefits to any such employee if so employed.

(b) The head of a state or municipal department, board, commission or office authorized or required by law to enter into any contract for or in connection with any work involving the employment of employees in employment as defined in this article, and notwithstanding any general or special statute requiring or authorizing any such contract, shall not enter into any such contract unless proof duly subscribed by an insurance carrier is produced in a form satisfactory to the chair, that the payment of disability benefits for all employees has been secured as provided by this article.

# Fireworks Extravaganza

Federal ATF Licensed Fireworks Importer License #8-NJ-00310  
US DOT Hazardous Materials Carrier DOT#2064141  
MD Explosive Dealer License #W-016  
NY State Dealer/Manufacturer License #D-5741  
NJ Permit to Use Explosives License #003309  
NYC Fireworks Contractor — Certificate of Fitness #82096355

Worldwide Experience in Pyrotechnics - Since 1995



Hanover Germany 2009 International  
Competition first place.

1-800-765-BANG (2264) • 206-202-1544 FAX  
174 ROUTE 17 NORTH, ROCHELLE PARK NJ 07662

[www.fwextravaganza.com](http://www.fwextravaganza.com)

November 19<sup>th</sup>, 2014

Town of Newburgh  
Commissioner Parks & Recreation  
Mr. Robert Petrillo  
311 Route 32  
Newburgh, New York 12550

Dear Mr. Petrillo,

Per our request, *Fireworks Extravaganza* is pleased to submit the following bid for your consideration for your 2015 fireworks display:

Date of the Fireworks Display:	JULY 3, 2015	\$9500.00
	JULY 3, 2016	\$9750.00
	JULY 3, 2017	\$10,000.00

Rain Date: MUTUALLY AGREED

All of our custom designed "*Fireworks Extravaganza*" include the following:

- Five million dollar (\$5,000,000.00) per occurrence, insurance coverage, which offers you the most secure and extensive coverage available in the industry.
- Five million dollar (\$5,000,000.00) Hazmat liability coverage, required by the US Government.
- All transportation and delivery costs.

- The widest available range of top-quality aerial shells and effects from around the world including extra-fancy pattern shells – Hearts, Stars, Smiley Faces, Bees, Octopus and multi-break shells for added spectacular beauty. We have many new exclusive aerial fireworks that will surely dazzle the crowd.
- The widest available range of top-quality aerial shells and effects from around the world including extra-fancy pattern shells – Hearts, Stars, Smiley Faces, Bees, Octopus and multi-break shells for added spectacular beauty. We have many new exclusive aerial fireworks that will surely dazzle the crowd.
- A skillfully executed production that will vary in intensity and effects to deliver the maximum crowd appeal the display will last approximately 25 minutes. There will be no “dark skies” – we keep the palette of the night sky constantly filled with exciting colors and sound, and the “oohs” and “aahs” never stops.
- “*Fireworks Extravaganza*” is anxious to obtain your business. As a first time customer, if you can be under contract and submit your deposit check of 50% before the end of January, we will offer you an extra 5% of free fireworks.

### **PRINCIPIA, OR OPENING BARRAGE**

The production will begin with two or three loud salutes to make any adjustments necessary for wind conditions and to get the crowd’s attention. The Princippia will then begin with our exclusive gleaming gold and silver comet shells shooting upward across an approximate 100 to 150 foot front accompanied by load aerial salutes. Then a multi-colored aerial barrage of star shells and more salutes will complete the Princippia, which concludes with a huge six inch shell. This opening presentation will last approximately one minute.

#### **PRINCIPIA**

Multi-colored shells	1,000 shells
Salutes	200 salutes

These are not Roman Candles, or “backyard” fireworks – the 2 ½” gleaming comets are exclusively for *Fireworks Extravaganza*, and the salutes are very loud boxes 2-1/2” finale salutes.

Aerial star shell barrage of two, 2 ½” and three inch shells:	250 shells
Four inch shells:	40 shells
Five inch shells:	30 shells
Six inch shells:	

<b>Total Princippia Shells</b>	<b>1,475 shells</b>
--------------------------------	---------------------



## MAIN AERIAL SHELL PRODUCTION PORTION

The part of your production will last approximately 22 minutes and will be fired at a pace to keep the full attention of the audience. We will insure you have a shell in the air about every 3 to 5 seconds often more when we are firing flights of shells and using multi-break fancy shells. All of the shells used will be top quality imported and manufactured by Lidu, Yung Feng, Sunny, Tanghua Factories in China or American made shells and many of them will be extra fancy multi-effect or multi-break shells.

### MAIN PRODUCTION

### SHELLS

Two and a Half inch shells  
Three inch shells

96 shells  
216 shells

These will include red, green, silver, gold, blue, purple and white peonies and chrysanthemums, strobes, spiders, cracking, coconuts, willows, extra fancy color-changing shells, American extra fancy multi-break specialty shells, variegated swimming mines, brocade wave purple, yellow falling leaves, whistle shells, extra fancy ruby, emerald, purple, sunflower, white, aquamarine, silver and fancy oriental and American special effect star shells.

Four inch aerial shells

108 shells

These will include spiders, purple to popping chrysanthemums, lemon peony, red crackling dahlia, silver to red swimming star, red green tip with silver coco ring, and silver willow. Many of these shells are custom made for our company.

Five inch aerial shells

72 shells

These will include fancy assorted peonies and chrysanthemum shells in variegated colors. Kamuro shells, brocade crown shells, stars, heart, bowtie ring, strobe shells, red to popping flower with popping flower pistil, charcoal chrysanthemum and blue and extra-fancy Oriental Cylinder special effect shells.

Six inch aerial shells

24 shells

These will include Thousands of Titanium Salutes, White Strobe Waterfall, Golden Bow Tie with blue ring, red, green, orange, plum chrysanthemums, and three color changing chrysanthemum with glittering silver pistil that will fall to the earth in a giant curtain.

**Total Main Production Shells**

**640 shells**

## INTRODUCTION TO THE GRAND FINALE

“COLOR THUNDER WALL” – This is a *Fireworks Extravaganza* exclusive effect for 2015 and we will include it in your display. It is comprised of unique one through two and one half inch angled aerial mini-shells that whistle, twirl, zigzag, and explode in dazzling colors. These are exclusively designed and manufactured to our specifications in the USA and the Far East. No other company will have this show-stopping effect. The audience actually thinks this is the Grand Finale, and as the last shells burst, we will pause for a few seconds and begin the actual Grand Finale.

“COLOR THUNDER” SHELLS

**2,000 shells**

## THE GRAND FINALE

The Grand Finale will consist of a massive barrage of aerial star shells, comets, and salutes from two inches to six inches that will take the crowd’s breath away. The barrage will conclude with a solid wall of loud titanium salutes (loud booms), followed by a gigantic six inch extra fancy “Diadem” shell that will glow and twinkle as it slowly falls to earth in a giant curtain.

### THE GRAND FINALE

### SHELLS

Two, 2 ½ and Three inch shells  
Four inch shells  
Five inch shells  
Six inch shells

500 shells  
80 shells  
75 shells  
45 shells

**Total Grand Finale shells  
(Includes the Introduction)**

**2,700 shells**

**TOTAL PROGRAM SHELLS**

**4,866 shells**

We are one of the fastest growing fireworks companies in the country. We consider our safety record second to none and are extremely proud of our work. We work 365 days a year to make the day of your event spectacular.

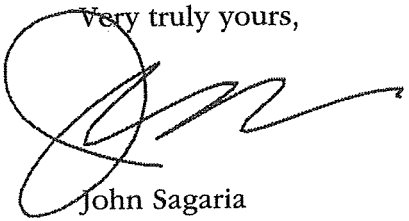
As you may be aware, ***Fireworks Extravaganza*** supplies custom fireworks displays to many communities in the Mid-Atlantic region. We produce and design hundred and hundred of displays per year. We are small enough to be able to offer close custom services and large enough to have the resources to safely produce the display. Please make sure to look at our website for references and a list of our clients.

Some of the shows we perform are: Rocking Horse Ranch, Town of Haverstraw, Rockland Boulders Baseball Team, Amenia Fire Company, Hartwood Club and the Town of Kent.

We have won various awards all over the world for the displays we produce such as 2009 Hannover Germany World Fireworks Competition First Place, Ridgewood NJ Best Show of NJ (6 years running), PGI Best show of 2013, 2014 Soca Monarch in Trinidad, West Indies.

We look forward to performing your "***Fireworks Extravaganza***" in 2015, and we are honored for the chance to work with you. If you have any questions regarding our proposal, please feel free to call me directly at 800-765-2264, extension 713, I remain,

Very truly yours,

A handwritten signature in black ink, appearing to read 'John Sagaria', with a large circular flourish at the beginning.

John Sagaria  
President

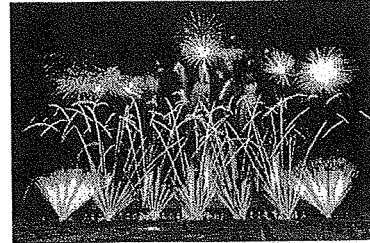
[Jsagaria@fwextravaganza.com](mailto:Jsagaria@fwextravaganza.com)

# Fireworks Extravaganza

Federal ATF Licensed Fireworks Importer License #8-NJ-00310  
US DOT Hazardous Materials Carrier DOT#2064141  
MD Explosive Dealer License #W-016  
NY State Dealer/Manufacturer License #D-5741  
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*Worldwide Experience in Pyrotechnics - Since 1995*

**1-800-765-BANG** (2264) • 206-202-1544 FAX  
174 ROUTE 17 NORTH, ROCHELLE PARK NJ 07662



Hanover Germany 2009 International  
Competition first place.

[www.fwextravaganza.com](http://www.fwextravaganza.com)

## THIS IS THE MOST IMPORTANT DOCUMENT IN THIS PROPOSAL

What we promise to do in the future is one thing, what we have done in the past is what we are. Please call them!  
We will work very hard to add your organization to this list. This is just a small sample of the hundreds of displays we produce.

### NEW YORK & NEW JERSEY

- |                                                                                     |                 |
|-------------------------------------------------------------------------------------|-----------------|
| Rockland Boulders Ball Park                                                         | 2012 to Present |
| Date: 20 Shows during the year                                                      |                 |
| Location: Provident Park, Pomona                                                    |                 |
| Shawn Reilly- 845-364-0009 - "Best Shows of any Minor League Team "                 |                 |
| Town of Haverstraw                                                                  | 2006 to Present |
| Date: July 3                                                                        |                 |
| Location: BoLine Park                                                               |                 |
| Howard Phillips - 845-429-2200 - "Get's Better Every Year "                         |                 |
| Staten Island Borough President                                                     | 2012/2013       |
| Date: 4 Shows During the Year                                                       |                 |
| Location: Staten Island NY - Barge Shows                                            |                 |
| Lee Covino - 718-816-2034 "Best Shows SI has had"                                   |                 |
| Village of Ridgewood                                                                | 2006 to Present |
| Date: July 4                                                                        |                 |
| Location: Ridgewood, NJ                                                             |                 |
| Mike Janke - 201-787-0190 - "NJ's Magazine Best Fireworks Show - 6 Years in a row " |                 |
| City of Peekskill                                                                   | 2011 to Present |
| Date: July 4                                                                        |                 |
| Location: Peekskill, NY                                                             |                 |
| Sue Sheridan - 914-218-7572- "Always great"                                         |                 |
| Rocking Horse Ranch                                                                 | 2011 to Present |
| Date: 4- 5 Shows Resort                                                             |                 |
| Location: Highland, NY                                                              |                 |
| Kyle Carson - 845-691-2927-                                                         |                 |

## MARYLAND

Havre de Grace 4<sup>th</sup> of July Committee 1992-present

Date: Sunday before the 4<sup>th</sup> of July

Location: Barrier Island, Tyding Park, Havre de Grace, Md

Carolyn Narvell "Better every year"

Town of Bel Air 1992-present

Date: July 4<sup>th</sup>

Location: Rockfield Ball Fields, Bel Air, Md

Donald Stewart "Great Show"

University of Maryland – College Park 2000-present

Date: July 4<sup>th</sup>

Location: University of Maryland Campus Lawn, College Park, Md

Robert Ryan "The Show was great"

Defender's Day Celebration 2010-present

Date: 1<sup>st</sup> week of September

Location: East of Fort McHenry, Baltimore, Md

Hall Worthington/Gay Vietzke "Impressive Show - Job Well Done"

## PENNSYLVANIA

Country Club of York 2005-present

Date: Labor Day weekend

Location: Country Club of York, York, Pa

Jennifer Bachman "Show was great"

City of Lebanon 2000-present

Date: July 4<sup>th</sup>

Location: Coleman Park, Lebanon, PA

Cheryl Gibson "Loved the new types of fireworks each year"

Pottstown 2000-present

Date: July 4<sup>th</sup>

Location: Memorial Park, Pottstown, Pa

Chief Richard Lengel "Think this show was the best ever"

## VIRGINIA

Shenandoah Apple Blossom 2001-present  
Date: 1<sup>st</sup> Friday in May  
Location: Campus Hanley High School, Winchester VA  
John Rosenberger "Best Show Ever."

Middleburg Community Center 1998-present  
Date: July 4<sup>th</sup>  
Location: Washington Street, Middleburg, Va  
Joanne Cole "Best job ever from set up to clean up"

Save the Fireworks Committee 2004-present  
Date: July 4<sup>th</sup>  
Location: McIntire Park, Charlottesville, VA  
Shannon Sivils "Great Show"

## DELAWARE

World Champion Punkin Chuckin Assn 2010-present  
Date: First Saturday in November  
Location: Bridgeville, DE  
John Huber "We have always been very happy with your company"

Town of Middletown 1998-present  
Date: July 4<sup>th</sup>  
Location: MOT football field, Middletown, DE  
Rae Yingling "Always done a great job"

Smyrna/Clayton July 4<sup>th</sup> Assn 1998-present  
Date: July 4<sup>th</sup>  
Location: Smyrna-Clayton Little League Park – Duck Parkway, Smyrna, DE  
Robert Merrill "Great Show as always"

11 C



**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

January 30, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: 2015 O.C. USSSA Umpires Service Agreement

Please find attached two separate 2015 Service Agreements for the Orange County USSSA Umpires Association for your approval. One agreement is for slow pitch games and the other for co-ed games.

The rate for the slow pitch games with two officials has remained the same at \$56 per game, and slow pitch co-ed games with one official is set at \$42 per game.

Thank you,

Robert J. Petrillo  
Commissioner

SERVICE AGREEMENT

ORANGE COUNTY USSSA UMPIRES ASSOCIATION

The following agreement is between the ORANGE COUNTY USSSA UMPIRES ASSOCIATION and the Town of Newburgh Softball Leagues

This working agreement is for providing 2 officials to officiate softball games for the 2015 season at the rate of \$56.00 per game. ~~\$28.00~~ per umpire

GAMES - League schedules and additional league rules shall be provided to the association two (2) weeks prior to the start of the season.

PAYMENT - All teams shall be registered with the UNITED STATES SPECIALTY SPORTS ASSOCIATION for the season. (\$25 per team) Payments for scheduled games must be made monthly in advance or acceptable method. ONLY league checks or money orders will be accepted for payment. Checks are to be made payable to the O. C. USSSA. The final season payment with any financial adjustments for games not played, shall be paid within one (1) week of the final games played.

OFFICIALS - Officials will be certified by the assigning association and will perform as independant contractors.

CANCELLED/RESCHEDULED GAMES - A phone number of a league official who is responsible for the cancellation of games due to weather related conditions shall be provided. This number must be activated with information pertaining to the cancellation one (1) hour prior to schedled game times. If umpires are not notified of cancellation and show up at game site they shall recieve full payment. If the games are started and then weather/playing conditions cause suspension of the game, the umpires will recieve full payment. If an umpire works alone he shall be compensated by payment of 150 0/0 of fee. RESCHEDULED GAMES must be coordinated with the officials association assigner.

TERMINATION - This agreement may be terminated by mutual consent of the league and the officials association. This only applies to future game assignments; it would not apply to payment due officials for games previously worked.

CHECK GAME TYPE                      Slow Pitch X                      Modified Pitch \_\_\_\_\_

LEAGUE OFFICIAL Juan Suli

UMPIRES OFFICIAL [Signature]



SERVICE AGREEMENT

ORANGE COUNTY USSSA UMPIRES ASSOCIATION

The following agreement is between the ORANGE COUNTY USSSA UMPIRES ASSOCIATION and the Town of Newburgh Softball Leagues (Coed)

This working agreement is for providing 1 officials to officiate softball games for the 2015 season at the rate of \$42.00 per game.

GAMES - League schedules and additional league rules shall be provided to the association two (2) weeks prior to the start of the season.

PAYMENT - All teams shall be registered with the UNITED STATES SPECIALTY SPORTS ASSOCIATION for the season. (\$25 per team) Payments for scheduled games must be made monthly in advance or acceptable method. ONLY league checks or money orders will be accepted for payment. Checks are to be made payable to the O. C. USSSA. The final season payment with any financial adjustments for games not played, shall be paid withih one (1) week of the final games played.

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CHECK GAME TYPE                      Slow Pitch   X        Modified Pitch             
LEAGUE OFFICIAL   Jason Lee    
UMPIRES OFFICIAL   Pat G



# TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

February 3, 2015

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Create P/T Recreation Aide Position

At this time we are requesting your approval to create a Part Time Recreation Aide position in the Recreation Department.

Regards,

Robert J. Petrillo  
Commissioner



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

*Bo...  
Public  
118*

PERSONNEL DEPT.

PH: 845-566-7785  
Fax: 845-564-2170

To: Gilbert Piaquadio, Town Supervisor  
Town Board

Cc: Robert Petrillo, Commissioner of Parks, recreation and Conservation

From: Charlene M Black, Personnel

*C*

Date: February 9, 2015

Re: Assistant Recreation Direction

---

We are requesting your approval to create the position of Assistant Recreation Director for the Recreation Department.

Per Robert Petrillo, Commissioner Parks, Recreation & Conservation, the position is funded in his 2015 budget.

Thank you in advance.

12



**TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER**

645 Gidney Ave. Newburgh, NY 12550

To: Town Board

From: Chantel Haight, Animal Control Supervisor

Date: January 28, 2015

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

I am requesting authorization to use the T-94 account to pay for veterinary services from Newburgh Veterinary Hospital totaling \$947.60.

Feline \$668.42

Canine \$279.18

Attached please find the bills.

Thank you.

Cc: Ron Clum, accountant

**TOWN OF NEWBURGH**

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 # \_\_\_\_\_

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
1/3/15	590914			283.17
1/8/15	591227			190.25
1/10/15	591326			14.50
1/14/15	591539			180.50
<b>TOTAL</b>				<u>668.42</u>

**CLAIMANT'S CERTIFICATION**

I, Dora M Cast

certify that the above account in the amount of \$ 668.42 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 sales, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

1/27/15  
 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 these charges are correct.

\_\_\_\_\_  
 Date Authorized Official

**APPROVAL FOR PAYMENT**

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Date Auditing Board

# TOWN OF NEWBURGH

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

DEPARTMENT \_\_\_\_\_

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

*Canine*

DO NOT WRITE IN THIS BOX

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

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

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
<i>1/14/15</i>	<i>59153B</i>			<i>210.57</i>
<i>1/22/15</i>	<i>592072</i>			<i>43.61</i>
<i>1/23/15</i>	<i>592131</i>			<i>25.00</i>
			<b>TOTAL</b>	<b><i>279.18</i></b>

### CLAIMANT'S CERTIFICATION

I, *Dora M Cast* certify that the above account in the amount of \$ *279.18* 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.

*1/27/15*  
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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Authorized Official

### APPROVAL FOR PAYMENT

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Auditing Board

# INVOICE

## Newburgh Veterinary Hospital

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:** 01-27-15 at 2:01p  
**Date:** 01-14-15  
**Account:** 19984  
**Invoice:** 591538

Date	For	Qty Description	Price	Discount	Net Price	
01-14-15	Deeno	1 CONSULT / EXAM - Sick	59.50	29.75	29.75	** ✓
01-14-15		1 Pet Insurance Review			0.00	
Please visit <a href="http://www.petinsurancereview.com">www.petinsurancereview.com</a> and <a href="http://dogtime.com">dogtime.com</a> for an independent review of all national pet health insurance plans						
01-14-15		1 NYS Mandated Biological Waste	6.30	3.15	3.15	** ✓
01-14-15		0.07 Telazol Injectable Control Log / ml			0.00	
01-14-15		1 Sedation for Rads,U/S,I.V cath pla	86.50	40.00	46.50	** ✓
01-14-15		1 Clip and Prep Skin (major)	96.50	20.00	76.50	** ✓
01-14-15		1 Neo-Predef Powder #192229	26.40	13.20	13.20	** ✓
01-14-15		0.05 Buprenex Inject Control Log / ml			0.00	
01-13-15	Knox	1 CONSULT / EXAM - Sick	59.50	29.75	29.75	** ✓
01-13-15		1 Pet Insurance Review			0.00	
Please visit <a href="http://www.petinsurancereview.com">www.petinsurancereview.com</a> and <a href="http://dogtime.com">dogtime.com</a> for an independent review of all national pet health insurance plans						
01-13-15		7 Vetprofen Tablets 100mg #192199	23.43	11.71	11.72	** ✓
Total charges, this invoice...					210.57	
**Total discount included: 147.56						

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

Reminders for: Deeno (Weight: 7.0 lbs - 7y)	Last done
01/16 CANINE RABIES / 3 YEAR	
01/16 Canine Kennel Cough Vacc -1 ye	01-23-15
01/16 Consultation/Exam- Bi-annual	
07/15 FECAL EXAM	

### Deeno's weight history (in lbs)

01-14-15 7.00

# INVOICE

## Newburgh Veterinary Hospital

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:** 01-27-15 at 2:02p  
**Date:** 01-22-15  
**Account:** 19984  
**Invoice:** 592072

Date	For	Qty	Description	Price	Discount	Net Price
01-17-15	Deeno	1	Anal Sacs - Express/ Check	33.50	16.75	16.75 ** ✓
01-17-15		0.30	Dexamethasone Inject / ml Outpati	30.63	15.31	15.32 ** ✓
01-17-15		7	Metronidazole 50mg tabs #192371	23.08	11.54	11.54 ** ✓

Total charges, this invoice... 43.61

\*\*Total discount included: 43.60

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

Reminders for: <b>Deeno</b> (Weight: 7.0 lbs - 7y)	Last done
01/16 CANINE RABIES / 3 YEAR	
01/16 Canine Kennel Cough Vacc -1 ye	01-23-15
01/16 Consultation/Exam- Bi-annual	
07/15 FECAL EXAM	

### Deeno's weight history (in lbs)

01-14-15 7.00

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



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

**Printed:** 01-27-15 at 2:02p  
**Date:** 01-23-15  
**Account:** 19984  
**Invoice:** 592131

Date	For	Qty	Description	Price	Discount	Net Price	
01-23-15	Deeno	1	CANINE RABIES / 1YEAR	25.00	12.50	12.50	** ✓
01-23-15		1	Canine Respiratory Complex- Bord	25.00	12.50	12.50	** ✓

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.

Total charges, this invoice... 25.00  
\*\*Total discount included: 25.00

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

Reminders for: Deeno (Weight: 7.0 lbs - 7y)	Last done
01/16 CANINE RABIES / 3 YEAR	
01/16 Canine Kennel Cough Vacc -1 ye	01-23-15
01/16 Consultation/Exam- Bi-annual	
07/15 FECAL EXAM	

### Deeno's weight history (in lbs)

01-14-15 7.00

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