

# **WORKSHOP MEETING AGENDA**

Wednesday, June 11, 2014

7:00 p.m.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. RECREATION: Request for Use of Stage by Orange County
7. PERSONNEL:
  - A. Review of Workplace Violence Program
  - B. Hiring of Part Time Dispatcher
8. URBAN COUNTY CONSORTIUM RECERTIFICATION
9. ZONING:
  - A. Zoning Text Change
  - B. Signs
10. CRYSTAL RUN:
  - A. Landscape Estimate
  - B. Storm Water Management
11. RECEIVER OF TAXES: On Line Payments
12. DATA PROCESSING: Computer Disposal
13. ASSESSOR: Certiorari
14. ENGINEERING: Water System Capital Improvements
15. CODE COMPLIANCE: Unsafe Building
16. ADJOURNMENT



Gil Piaquadio &lt;councilmanpiaquadio@townofnewburgh.org&gt;

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**Fwd: Stage**

1 message

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**Robert Petrillo** <commissioner@townofnewburgh.org>  
To: Gil Piaquadio <councilmanpiaquadio@townofnewburgh.org>

Thu, Jun 5, 2014 at 1:54 PM

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

**From:** Booth, Wayne <WBooth@orangecountygov.com>  
**Date:** Wed, Jun 4, 2014 at 12:15 PM  
**Subject:** Stage  
**To:** "commissioner@townofnewburgh.org" <commissioner@townofnewburgh.org>  
**Cc:** "D'Amico, Alicia" <ADAmico@orangecountygov.com>

Wayne C. Booth

Deputy Orange County Executive

Mr. Robert Petrillo

Commissioner of Parks and Recreation

Town of Newburgh

Dear Mr. Petrillo,

I am formally requesting the use of the mobile stage owned by the Town of Newburgh for use by Orange County at its "Salute to the American Veteran" fireworks display on Saturday July 5, 2014. The County will transport or make payment for the Town of Newburgh to transport the stage to Thomas Bull Memorial Park in Hamptonburgh, whichever the Town Board prefers. The county will also provide the escort to and from the Thomas Bull park.

My office will submit all of the insurance certificates and any other documents required by the Town.

Thank you in advance for your assistance.

Sincerely,

Wayne C. Booth

This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.

This message has been scanned for malware.

Gil, Here is the stage request from Wayne. Let me know what you decide ? I will be out of town on the 5th for 1 week so if need be I can try to get someone to bring it to the county. Wayne said he can probably pick it up and return it. That might be the best solution

7A



## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Town Board

From: Charlene M Black, Personnel  
Tom Dubetsky, Safety Officer

A handwritten signature in black ink, appearing to be "TD", is written next to the name Tom Dubetsky.

Date: June 6, 2014

Re: Workplace Violence Prevention Program

Please see attached a Workplace Violence Policy that should be approved as policy in conjunction with our policy in our handbook. This policy will also put us in compliance with PESH. A Workplace Violence Advisory Team needs to be formed. This team should consist of The Town Supervisor, Representatives of the Police Department, the Unions, Safety Officer and any others the Town Supervisor deems appropriate. Maybe at our next Department Head meeting this can be discussed.

Once approved, a copy should be given to each department head and they should be told to put said policy in a conspicuous place for employees to see.

If you have any specific questions please contact Tom Dubetsky.

**Town of Newburgh**

**Workplace Violence  
Prevention Program  
Guidelines**

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## ***Introduction***

On June 7, 2006 New York State enacted Article 2 Section 27-b of the New York State Labor Law entitled The Workplace Violence Prevention Act for Public Employees. This law requires public employers to develop and implement a Workplace Violence Prevention Plan. Employers with 20 or more full time employees must develop their plan in writing. Schools covered under the school safety plan requirements of the education law are exempt from this requirement.

The law required that the New York State Department of Labor (NYSDOL) promulgate regulations detailing implementation of the provisions of the law. NYSDOL has drafted 12 NYCRR Part 800.6 "Public Employer Workplace Violence Prevention Programs" (WVPP) to fulfill that obligation. The Department received comments from a number of public employers and public employee unions prior to preparing the regulation for publication in the State Register. The final regulation was published in the State Register on 4/29/09. The regulations are based on the requirements in Section 27-b and incorporate many of the related principles found in successful Safety and Health Management Programs.

## ***How to Use this Guide***

The guide may be used to assist public employers and public employees in understanding key steps in establishing a public employer WVPP. A critical starting point is establishing a process that includes the key stakeholders in an agency, reviewing requirements in the law and regulations, evaluating existing agency programs, and then working to address gaps identified in the review. This guidebook is designed to assist public employers and public employee union leaders so that they can build programs that comply with the law and beyond that, reduce injuries, costs, and associated negative impacts on agency operations that are caused by workplace violence.

The guide is a tool to help in tailoring programs to the actual needs and conditions of different types of public employment covered by the law. Different interventions should be developed based on the type of work that is being performed and type of exposures that are experienced. Public employees work in field service, institutional, and administrative settings located in rural, suburban, and urban areas. Conducting a comprehensive risk assessment, with input from those at risk, is critical to developing an effective WVPP.

## ***What is Workplace Violence?***

Workplace violence is defined as "Any behavior that is violent, threatens violence, coerces, harasses or intimidates others, interferes with an individual's legal rights of movement or expression, or disrupts the workplace, or the Town of Newburgh's ability to provide services to the public. Examples of workplace violence include, but are not limited to:

1. Disruptive behavior intended to disturb, interfere or prevent normal work activities (such as yelling, using profanity, verbally abusing others, or waving arms and fists.
2. Intentional physical contact for the purpose of causing harm (such as slapping, stasbbing, punching, striking, shoving, or other physical attack.)
3. Menacing or threatening behavior (such as throwing objects, pounding on a desk or door, damaging property, stalking, or otherwise acting aggressively; or making oral or written statements specifically intended to frighten, coerce, or threaten) where a reasonable person would interpret such behavior as constituting evidence of intent to cause harm to individuals or property.
4. Possessing of firearms, imitation firearms, knives or other dangerous weapons instruments or material. No employee of the Town of Newburgh shall be allowed to carry a weapon, concealed or not concealed, while on duty, except for members of the Town of Newburgh Police Department or such employees deputized by an Executive Order deemed to be necessary for public safety.

Various high profile cases affecting the New York State public sector included:

- The death of four Watkins Glen social service workers who were murdered by a client whose check was being garnished for non payment of child support
- The murder of a Buffalo mental health intensive case manager by a patient during a home visit
- The stabbing of a state public relations officer in her office by a citizen who was enraged by certain state policies

High profile events like these represent a tiny fraction of workplace violence incidents. The majority of incidents in the public sector workplace include assaults and verbal and non-verbal threats from customers, patients, clients, co-workers and inmates. It is very important that those who are establishing WVPP's understand the different types of violence and the varying types of responses they require.

### ***Typology of Workplace Violence***

The typology of workplace violence was developed by California OSHA, and it describes the relationship between the perpetrator and the target of workplace violence:

**Type 1 Criminal Intent:** Violent acts by criminals who have no other connection with the workplace but enter to commit a robbery or other crime. An example of a type 1 workplace violence incident is the hostage taking and robbery committed at a New York State Department of Motor Vehicles License and Violation Center in November 2004.

**Type 2 Customer/client/patient:** Violence directed at employees by customers, clients, patients, students, inmates or any others whom the public employer provides a service to. This is the predominant type of violence in an institutional type setting typical to healthcare and social services.



**Type 3 Co-Worker:** Violence against coworkers, supervisors, or managers by a present or former employee.

**Type 4 Personal:** Violence in the workplace by someone who doesn't work there, but has a personal relationship with an employee. This refers to domestic violence situations and is usually perpetrated by an acquaintance or family member while the employee is at work.

### ***Elements of an Effective Workplace Violence Prevention Program (WVPP)***

The main components of any effective safety and health program can be applied to the prevention of workplace violence. These include:

- Management commitment and employee involvement
- Risk Evaluation
- Hazard control
- Workplace Violence Prevention Policy
- Employee training
- Record keeping system
- Program evaluation

### ***Getting Started***

Successful agency plans usually start by forming a planning group, task force, or using an existing safety and health committee. 12 NYCRR PART 800.6 requires the participation of the Authorized Employee Representative. In addition to union involvement, getting input from staff, who have the most direct experience with the problem of workplace violence, will help ensure that the risk assessment and hazard controls are relevant, useful, and effective. The regulation's minimum requirements regarding employee involvement are:

Authorized employee representative involvement in the evaluation of the physical environment (CR800.6(f)(3)).

Authorized employee representative participation in the development of the written WVPP (20 or more employees) (CR800.6(g)(1)).

Authorized employee representative participation in the annual review of Workplace Violence Incident Reports. (CR800.6(i)(5)).

Union involvement is particularly effective where there are existing labor-management or health and safety committees. Involving unions up-front, before decisions are made, often leads to more effective programs and prevents adversarial outcomes. Additionally, unions often express employees' concerns and bring significant expertise and resources to the table. For example, a number of public employee unions have professional health and safety staff, training grants, and experience in developing violence prevention programs. Labor/Management cooperation demonstrates the agency's and union's commitment to the success of a workplace violence program.

Although there is no ban on using existing committees or forums, employers should consider whether existing committees will allow adequate resources for the scope of work that needs to be performed to build an effective WVPP.

### ***The Workplace Violence Prevention Policy Statement***

The regulation requires the employer to post a Workplace Violence Prevention Policy Statement in a conspicuous location where employee notices are normally posted. The policy statement can be a one page document that briefly summarizes the employer's commitment to staff safety and health, the WVPP goals and objectives, how to report an incident and specifically to whom, and the process the employer will use to ensure employee and union participation in the program. A sample Workplace Violence Prevention Policy Statement is contained in Appendix 1 of these guidelines.

### ***Program Development***

The WVPP needs to include a description of the factors identified in the risk assessment and the methods the employer will use to prevent workplace violence. There is no "one size fits all" WVPP that is effective. The unique risks associated with different types of operations should form the basis of the final program. Employers are encouraged to integrate existing policies and procedures into their WVPP, especially if they have proven to be effective.

An employer that has more than one location under its jurisdiction can often share the base plan agency-wide. However, to complete the program each site must perform certain elements of the risk evaluation, such as an environmental security inspection. Additionally, employers should demonstrate that they have implemented specific control measures based on the assessment that are intended to protect employees from the risks associated with their jobs.

The Workplace Violence Prevention standard is performance-based and not prescriptive. The intent is to allow employers flexibility in determining the appropriate methods they choose to employ. Upon completion of the required elements, the employer is responsible for ensuring the effectiveness of the WVPP through periodic review and investigation of incidents and reports.

## ***Risk Evaluation and Determination***

The employer is responsible for assessing the employees' work environment for the risk factors (hazards) they are actually or potentially exposed to. 12 NYCRR PART 800.6 requires the participation of the Authorized Employee Representative during this process. The following are key methods of conducting the risk evaluation:

1. A review of the employee accident and illness statistical information may help identify trends and the types, causes, and severity of injuries. Public employers in New York State are required to maintain the SH 900 Log of Occupational Injuries and Illnesses. This may be a useful source of information. Some public employers maintain their own databases, as well as various types of incident reporting databases. Additionally, where physical assaults are a frequent occurrence, evaluating workers' compensation experience and costs may be useful.
2. A physical workplace evaluation should consider the need for security improvements based on the type of setting and other occupational factors. For example, is money kept at the location? Is it operated round the clock, seven days a week? Is it located in a high crime area? This part of the assessment will look at building access, lighting, door locks, alarms, isolated spaces, etc. Appendix 3 of these guidelines includes model Workplace Security Checklists that can be tailored to the physical evaluation of your buildings and grounds.
3. Employers may generate additional risk and prevention information by conducting staff surveys and/or focus groups. If a survey is used, it is important to consider how the data will be used when drafting the questions. Responses should be confidential, and the survey should be simple to complete. Allowing it to be completed at work will facilitate a high response rate. Focus groups are small groups of staff, where a neutral facilitator generates a rich discussion of perceived risk factors and solutions. A sample employee survey and focus group guidance are in Appendices 4 and 5, respectively.
4. A review of existing policies, for example: violence prevention, crisis response, restraint and seclusion, critical incident management, domestic violence in the workplace, workplace conflict, and relations with criminal justice authorities. Gaining input from clients, patients, and customers may also provide valuable information on risk factors for workplace violence.

Throughout the risk evaluation process, the group should document its findings. These records may be used to guide the development of the written WVPP and also to document the risk assessment process and its conclusions.

## ***Implementation of Prevention Control Measures***

The employer is responsible for analyzing the risk evaluation data to determine appropriate control measures that will prevent or reduce workplace violence. It is advisable to involve the committee that assisted in the development of the risk assessment data when creating the policy statement and in the review process when determining the implementation of control measures. It is a good idea to implement feasible control measures as soon as they have been identified. However, some hazard controls will require research, budgetary, or long term planning (capital projects). It is important to document such planning.

There are three main types of control measures, referred to as the "hierarchy of control measures", as follows:

- 1) Engineering controls eliminate or reduce the hazard through substitution or design. Examples include:
  - a. increased lighting
  - b. designing secure building access
  - c. security hardware
  - d. eliminating isolated work areas
  - e. eliminating "cash on hand" or installing drop safes
  
- 2) Administrative or work practice controls eliminate or reduce the hazard by changing organizational policies and procedures. Examples include:
  - a. increased staffing
  - b. employment of security personnel
  - c. developing building access control procedures
  - d. cross-shift communication to share information regarding agitated clients
  - e. providing information on criminal history and violence information on clients, inmates, customers
  - f. elimination of long customer wait times
  - g. provision of personal alarms
  - h. provision of cell phones for field workers
  - i. training
  
- 3) Personal Protective Equipment (PPE) examples include:
  - a. gloves, respirators, hard hats, and bullet proof vests (For the most part, this type of intervention is not relevant to workplace violence prevention)

The employer has a responsibility to address all risk factors that their employees are potentially exposed to. When considering the most appropriate control measures, an effort should be made to try to eliminate the hazard whenever possible. When total elimination is not possible, try to change the way the job is being performed, assigned or scheduled to reduce the hazard. Training should not be relied upon as the only control measure, and interventions should have a balanced approach to changing individual worker versus organizational behavior.

## ***The Workplace Violence Prevention Program (WVPP)***

The written WVPP program (required for employers with 20 or more employees) must include:

- A list of the risk factors identified during the workplace examination
- the control methods the employer will use to prevent workplace violence incidents
- A hierarchy of controls as follows; engineering controls, work practice controls, and finally personal protective equipment.
- The methods and means by which the employer shall address each specific hazard identified in the workplace evaluation
- A system designed and implemented to report any workplace violence incidents. The reports must be in writing and maintained for the annual review
- A written outline or lesson plan for employee program training.
- A plan for program review and update on at least an annual basis

Upon completion of the written WVPP, the employer is responsible for ensuring the policies are implemented and are fairly enforced within the workplace.

The written program and copies of the risk assessments will be made available to employees, their authorized representatives and the Department of Labor upon request.

### ***Employee Information and Training***

Employee training is required upon completion of the WVPP and annually thereafter. Retraining is required any time there is a significant change to the program, a risk factor or work control. Training topics should include at least the following:

- Requirements of the workplace violence regulation
- How to obtain a copy of the WVPP and where it is kept (20 or more employees)
- How employees can protect themselves, report threats and incidents, and suggest improvements to the program
- Description and details of the employer's written Workplace Violence Prevention Program
- Training on dealing with potentially violent clients, patients, co-workers and inmates should be provided. Examples of existing programs include Preventing and Managing Crisis Situations (PMCS), Community Mental Health Worker Safety Training, and Strategies for Crisis Intervention and Prevention (SCIP).
- How to initiate an emergency alerting system for imminent danger situations or when staff needs emergency assistance. Alerting systems are commonly found in high-risk settings such as prisons, emergency rooms, and psychiatric hospitals. Examples of these systems include personal alarm devices, codes, drop phones, and panic alarms. Assigning and training appropriate personnel to respond is a key component of these systems.
- In general, video or computer-based training alone is not a sufficient method for delivering violence prevention training.

## ***Recordkeeping***

The record keeping requirements outlined in 12 NYCRR Part 801, Recording and Reporting Public Employees' Occupational Injuries and Illnesses, must be used for workplace violence incidents.

In addition to Part 801, the employer needs to create an incident reporting system to ensure that all threats and workplace violence incidents are reported to management. These reports will provide written notification when a violence incident occurs so that management can develop an appropriate response. Also, the Incident Report will create a historical record that can be used in the annual risk assessment and program evaluation. A sample incident reporting form is attached as Appendix 2 of this document.

Employers can tailor their recordkeeping practices to the needs of their violence prevention program. The purpose of maintaining records is to enable the employer to monitor its on-going efforts, to determine if the violence prevention program is working, and to identify ways to improve it. Employers may find the following types of records useful for this purpose:

- Records of employee and other injuries and illnesses at the establishment
- Records describing incidents involving violent acts or threats, even if the incident did not involve an injury or a criminal act (Records of events involving abuse, verbal attacks, or aggressive behavior can help identify patterns and risks that are not evident from the smaller set of cases that actually result in injury or crime.)
- Written risk evaluation
- Recommendations of police advisors, employees, or consultants
- Up-to-date records of actions taken to deter violence, including work practice controls and other corrective steps
- Notes of safety meetings and training records

## ***Program Effectiveness and Evaluation***

The employer, with the Authorized Employee Representative, shall evaluate the effectiveness of the WVPP, at least annually. It is suggested that a review be conducted after any serious incident as well. The employer should attempt to describe within their WVPP the triggering event that will initiate a review for example, repeat incidents within a short time frame, an injury requiring more than basic first aid. The review should focus on incident trends and the effectiveness of the control measures. The review should also assess whether the reporting and record keeping systems have been effective in collecting all relevant information.

## ***Discrimination***

Employees will not be discriminated against for bringing forth a safety and health concern, for filing a complaint or for participating in or causing any proceeding or inspection relating to this program.

## ***Post-Incident Response***

Post-incident response and evaluation are important parts of an effective WVPP. This involves developing standard operating procedures for management and employees to follow in the aftermath of a violent incident. Such procedures may include the following:

- Assure that injured employees receive prompt and appropriate medical care (This includes, but is not limited to, providing transportation of the injured to medical care. Prompt first aid and emergency medical treatment can minimize the harmful consequences of a violent incident.)
- Report the incident to the appropriate authorities as required by applicable laws and regulations
- Inform management about the incident in writing
- Secure the premises to safeguard evidence and reduce distractions during the post incident response process
- Prepare an incident report immediately after the incident, noting details that might be forgotten over time (Appendix 2 contains a sample incident report form that an employer may use or adapt for its own purposes.)
- Address the need for appropriate treatment for victimized employees (In addition to physical injuries, victims and witnesses may suffer psychological trauma, fear of returning to work, feelings of incompetence, guilt, powerlessness, and fear of criticism by supervisors or managers.)

Post-incident debriefings and counseling can reduce psychological trauma and stress among victims and witnesses. An emerging trend is to use Critical Incident Stress Management to provide a range or continuum of care tailored to the individual victim or the organization's needs

After the occurrence of a workplace violence incident or annually; the employer, with the participation of the Authorized Employee Representative, will conduct a review of the workplace violence prevention plans.

## **APPENDIX 1**

### **Town of Newburgh Workplace Violence Prevention Policy & Incident Reporting**

The Town of Newburgh is committed to the safety and security of our employees. Workplace violence presents a serious occupational safety hazard to our agency, staff, and clients. Threats, threatening behavior, or acts of violence against employees, visitors, guests, or other individuals by anyone on Town of Newburgh property will be thoroughly investigated and appropriate action will be taken, including summoning criminal justice authorities when warranted. All employees are responsible for helping to create an environment of mutual respect for each other as well as clients, following all policies, procedures and program requirements, and for assisting in maintaining a safe and secure work environment.

This policy is designed to meet the requirements of NYS Labor Law 27b and highlights some of the elements that are found within our Workplace Violence Prevention Program. The process involved in complying with this law included a workplace evaluation that was designed to identify the workplace violence hazards our employees could be exposed to. Management and Authorized Employee Representatives will have an ongoing role in the evaluation process, recommending methods to reduce or eliminate the hazards identified during the process and investigating workplace violence incidents or allegations. All employees will participate in the annual Workplace Violence Prevention Training Program.

The goal of this policy is to promote the safety and well-being of all people in our workplace. All incidents of violence or threatening behavior will be responded to immediately upon notification. The Town of Newburgh has identified response personnel that include a member of management and an employee representative. If appropriate, the Town will provide counseling services or referrals for employees.

All Town of Newburgh personnel are responsible for notifying the contact person designated below of any violent incidents, threatening behavior, including threats they have witnessed, received, or have been told that another person has witnessed or received.

#### **Designated Contact Person:**

Name: Gil Piaquadio

Title: Deputy Supervisor

Department: Supervisor's Office

Phone: (845) 564-4552

Location: Town of Newburgh Town Hall



**APPENDIX 2**

**Town of Newburgh  
Workplace Violence Incident Report**

Today's Date \_\_\_\_\_

Date of Incident \_\_\_\_\_

Time of Incident \_\_\_\_\_

Case Number \_\_\_\_\_

Employee Name \_\_\_\_\_

Title \_\_\_\_\_

Workplace Location \_\_\_\_\_

What was the employee doing just prior to the incident?

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Incident Description (Minimally include names of involved employees, extent of injuries and names of witnesses):

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Provide information on preventative actions that the public employer has taken or is considering as a result of the incident to prevent against further like occurrences:

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After the occurrence of a workplace violence incident, the public employer shall consider global (all public employer worksites) prevention enhancements, which may be necessary to properly protect employees.

The Human Resources Office is responsible for maintaining copies of reports which shall be used when the program is reviewed and updated.

## Appendix 3 (non-mandatory)

### Workplace Security Checklists

Facility: \_\_\_\_\_  
Address/Work Location: \_\_\_\_\_  
Assessment Done By: \_\_\_\_\_  
Date of Assessment: \_\_\_\_\_

#### Security Control Plan

Has a Security Control Plan been developed? Yes \_\_\_ No \_\_\_  
If yes, is it in writing? Yes \_\_\_ No \_\_\_  
If yes, does it include?  
A. A Policy Statement Yes \_\_\_ No \_\_\_  
B. Evaluation of work areas Yes \_\_\_ No \_\_\_  
C. Identification of control methods considered:  
    1. Engineering Controls Yes \_\_\_ No \_\_\_  
    2. Work Practice Controls Yes \_\_\_ No \_\_\_  
D. Training Yes \_\_\_ No \_\_\_  
E. Evacuation and Floor Plan Yes \_\_\_ No \_\_\_  
  
Is the Security Control Plan accessible to all employees? Yes \_\_\_ No \_\_\_  
Is the Security Control Plan reviewed and updated when a task  
    has been added or changed and at least annually? Yes \_\_\_ No \_\_\_  
Have you coordinated your Security Control Plan with the  
    local law enforcement agency? Yes \_\_\_ No \_\_\_

#### A. Policy Statement

Is the Workplace Violence Policy statement clearly written? Yes \_\_\_ No \_\_\_

#### B. Work Area Evaluation

Are all areas being evaluated? Yes \_\_\_ No \_\_\_  
If no, which ones are not? Comments:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### C. Control Measures

##### 1. Engineering Controls

If appropriate, have the following engineering controls been implemented:

A. Door control(s) Yes \_\_\_ No \_\_\_  
B. Panic buttons Yes \_\_\_ No \_\_\_  
C. Door detectors Yes \_\_\_ No \_\_\_  
E. Closed circuit Yes \_\_\_ No \_\_\_  
F. Stationary metal detector Yes \_\_\_ No \_\_\_  
G. Sound detection Yes \_\_\_ No \_\_\_  
H. Intrusion panel Yes \_\_\_ No \_\_\_  
I. Monitors Yes \_\_\_ No \_\_\_  
J. Video tape recorder Yes \_\_\_ No \_\_\_

- K. Switcher Yes \_\_\_ No \_\_\_
- L. Hand-held metal detector Yes \_\_\_ No \_\_\_
- M. Other \_\_\_\_\_

Have structural modifications (e.g. Plexiglas, partitions, etc.) been implemented?

Yes \_\_\_ No \_\_\_

If yes, comment, if no, what is needed?

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**2. Work Practice Controls:**

If appropriate, have the following work practice controls been implemented:

- A. Desk clear of objects Yes \_\_\_ No \_\_\_
- B. Unobstructed office exits Yes \_\_\_ No \_\_\_
- C. Bare cubicles available Yes \_\_\_ No \_\_\_
- D. Reception area available Yes \_\_\_ No \_\_\_
- E. Visitor/client sign in/out Yes \_\_\_ No \_\_\_
- F. Visitor(s)/client(s) escorted Yes \_\_\_ No \_\_\_
- G. Counter top to separate clients from work area Yes \_\_\_ No \_\_\_
- H. One entrance used Yes \_\_\_ No \_\_\_
- I. Separate interview area(s) Yes \_\_\_ No \_\_\_
- J. I. D. badges used Yes \_\_\_ No \_\_\_
- K. Emergency phone numbers posted Yes \_\_\_ No \_\_\_
- L. Internal phone system Yes \_\_\_ No \_\_\_
- M. If yes, indicate:
  - a. Does it use 120 VAC building lines? Yes \_\_\_ No \_\_\_
  - b. Does it use phone lines? Yes \_\_\_ No \_\_\_
- N. Internal procedures for conflict (problem) situations Yes \_\_\_ No \_\_\_
- O. Parking lot well lighted Yes \_\_\_ No \_\_\_
- P. Other

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Are Security Guards used at this facility? Yes \_\_\_ No \_\_\_

If yes, how many \_\_\_\_\_

- A. At entrance(s) Yes \_\_\_ No \_\_\_
- B. Building patrol Yes \_\_\_ No \_\_\_
- C. Are they from a contracted security agency? Yes \_\_\_ No \_\_\_

If no, has consideration been given to the local law enforcement response capability? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_

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**Workplace Violence Prevention Training**

Has training been conducted? Yes \_\_\_ No \_\_\_  
If yes, is it provided? Yes \_\_\_ No \_\_\_  
1. Prior to initial assignment Yes \_\_\_ No \_\_\_  
2. Annually thereafter Yes \_\_\_ No \_\_\_

**Does training include:**

- A. Components of security control plan Yes \_\_\_ No \_\_\_
- B. Engineering controls instituted at the workplace Yes \_\_\_ No \_\_\_
- C. Work practice controls instituted at the workplace Yes \_\_\_ No \_\_\_
- D. Techniques to use in potentially volatile situations Yes \_\_\_ No \_\_\_
- E. How to anticipate/read behavior Yes \_\_\_ No \_\_\_
- F. Procedures to follow after an incident Yes \_\_\_ No \_\_\_
- G. Periodic refresher for on site procedures Yes \_\_\_ No \_\_\_
- H. Recognizing substance abuse/paraphernalia Yes \_\_\_ No \_\_\_
- I. Opportunity for Q&A with instructor Yes \_\_\_ No \_\_\_

Are training records kept? Yes \_\_\_ No \_\_\_

**Floor Plan, Evacuation Plan**

Are emergency evacuation plans current? Yes \_\_\_ No \_\_\_  
Are floor plans posted showing exits, entrances,  
location of security equipment, etc? Yes \_\_\_ No \_\_\_  
Are emergency evacuation drills conducted annually? Yes \_\_\_ No \_\_\_

**Conclusions:**

Do employees feel safe? Yes \_\_\_ No \_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Comments and Recommendations based on this evaluation:

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

## Appendix 4

### Sample Employee Questionnaire

Employee Survey on  
Workplace Violence Hazard Assessment  
(No Signature Needed)

Name (Optional)

Department/Unit

Date

Work Location (if at alternate worksite)

Please assess your department/unit over the last year. Circle TRUE (T), FALSE (F) or DON'T KNOW (?).  
Thank you for your honest assessment.

#### Management Commitment and Employee Involvement

1. Violence/threats are not accepted as "part of the job" by managers, supervisors and/or employees.  
T F
2. Employees communicate information about potentially assaultive/threatening clients or visitors to appropriate staff.  
T F
3. Management communicates information to employees about incidents of workplace violence.  
T F
4. Employees feel they are treated with dignity and respect by other employees and management.  
T F
5. Employees are basically satisfied with their jobs.  
T F
6. Employees are basically satisfied with management.  
T F
7. Employees are basically satisfied with the organization (i.e., mission, vision, goals).  
T F
8. Employees generally feel "safe" when they are at work.  
T F

9. Employees are familiar with the department's/unit's violence prevention policy. T F

**Potential Risk Factors**

10. Employees do not work in high-crime areas. T F

11. Employees do not work with drugs. T F

12. Employees do not work with cash. T F

13. Employees do not work with patients or clients who have a history of violent behavior or behavior disorders. T F

14. Employees do not work in isolated work areas. T F

**Hazard Prevention and Control**

15. The department/unit has adequate lighting to, from and within the worksite. T F

16. The employee parking garage is secure when arriving, leaving and during changes of shift. T F

17. Access and freedom of movement within the workplace are restricted to those persons who have a legitimate reason for being there. T F

18. Alarm systems such as panic alarm buttons, silent alarms, or personal electronic alarm systems are being used for prompt security assistance. T F

19. Employees know to use security escort service after hours. T F

20. After hours, the building is locked down with only one access point. T F

21. Visitors are signed in and out. T F

22. Exits are accessible and clearly marked. T F

23. Employees are able to locate emergency equipment such as fire alarm boxes or emergency-outlets. generator T F

**Incidents and Reporting**

40. This work unit/department has not experienced violent behavior and assaults or threats from strangers. T F
41. This work unit/department has not experienced violent behavior and assaults or threats from clients or customers. T F
42. This work unit/department has not experienced violent behavior and assaults or threats from others employed in the organization. T F
43. This work unit/department has not experienced domestic violence issues.
44. Employees are required to report incidents or threats of violence, regardless of injury or severity; the reporting system is clear. T F
45. Medical and psychological counseling services were offered to employees who have been assaulted or threatened. T F

## **Appendix 5**

### **Focus Groups**

Focus groups provide a rich approach to gaining employee input in the development of workplace violence prevention programs.. Asking workers to describe their work, job hazards, and potential solutions can provide valuable information for all phases of the development of a program, as well as its evaluation.

Focus groups provide a forum for frontline staff to communicate their perceptions of risk and solutions in a safe, confidential and non-judgmental manner..

#### **Focus Group Considerations**

- Participation in focus groups is always voluntary
- Groups should be conducted in a confidential and non-judgmental manner. Participants must feel free to speak openly and honestly, without fear of retaliation.
- Select as facilitator someone with experience in running focus groups or leading group discussions, and who is considered safe or neutral by the focus group participants.
- Groups can be as small as four persons and as large as 10-12. It is a good idea to recruit more people than are needed in order to allow for attrition on the day of the group.
- Focus groups should last about 1 ½ hours. They can be a little longer, but not too much shorter.
- Focus groups are best attended when conducted at work on work time (or immediately before or after work).
- Refreshments may be served to make participants comfortable.
- It is important to involve the Authorized Employee Representative(s) in the planning of focus groups.
- Groups work best when participants have a common bond, such as job title, work location or some other common characteristic.
- It is usually a good idea to avoid having supervisors and their staff in the same group.
- It is important to record the key points raised by focus group participants. This may be done by having a person take notes or use flip charts. Sessions may also be audio recorded, though it is imperative that participants are informed of this so that they may opt out if they are uncomfortable.
- A focus group report or summary should be generated. If multiple groups are held, the report can cover more than one group. The report should not include any names or other personal identifiers.





## TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

*Bresda*  
7B

PERSONNEL DEPT.

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

To: Deputy Supervisor Piaquadio  
Town Council  
Ronald Clum, Town Accountant

From: Charlene M Black, Personnel *Ca*

Date: June 11, 2014

Re: Part-time Dispatchers

---

Upon your approval, the following people will need to complete all the necessary paperwork, fingerprints and physical and drug/alcohol testing

Jessica Brooks  
Edison Kovalsky  
Anthony Lease.

Attached is their applications and employee request forms from Deputy Chief Campbell..



**TOWN OF NEWBURGH POLICE DEPARTMENT**

300 Gardnertown Road, Newburgh, New York 12550

Michael Clancy  
Chief Michael Clancy

(845) 564-1100

June 11, 2014

To: Town Board

From: Deputy Chief Campbell

Subject: Authorization to Fill Three Vacant Part-Time Dispatcher Positions

I am requesting authorization to fill three part-time dispatcher positions. We conducted interviews over the last couple weeks and would like to recommend Anthony Lease, Edison Kovalsky and Jessica Brooks for the position at the current starting hourly pay rate of \$13.52.

Respectfully Submitted,

Donald B. Campbell  
Deputy Chief

4  
**Andy Zarutskie**

---

**To:** Distefano, Dawn  
**Subject:** RE: IMMEDIATE RESPONSE REQUIRED - Urban County Consortium Recertification-TOWN OF NEWBURGH

**From:** Distefano, Dawn [mailto:ddistefano@orangecountygov.com]  
**Sent:** Tuesday, May 27, 2014 11:00 AM  
**To:** councilmanpiaquadio@townofnewburgh.org; Town-clerk@townofnewburgh.org  
**Cc:** Fazzino, Joanne  
**Subject:** IMMEDIATE RESPONSE REQUIRED - Urban County Consortium Recertification-TOWN OF NEWBURGH  
**Importance:** High



In an effort to insure that HUD's strict deadlines are met, the OCD office is tracking the date when your municipal board will meet to pass the required resolution, when the municipal official will sign the Cooperation Agreement Amendment and when both documents will be returned to the Community Development office (OCD). Please fill in the requested information below in the yellow highlighted area and use the above "Reply All" email option.

It is imperative that the original signed and sealed municipal resolution AND cooperation agreement amendment arrive at our office (OCD) no later than June 20, 2014.

Thank you in advance for your continued support and attention in this matter. If you have any questions or concerns, please contact us immediately at 845-615-3820.

Date of Municipal Board Meeting: \_\_\_\_\_  
Fill in Date Here

Date municipal official signs the Cooperation Agreement Amendment: \_\_\_\_\_  
Fill in Date Here

Date when sealed municipal resolution and amendment will be submitted to OCD: \_\_\_\_\_  
Fill in Date Here

Regards,  
*Joanne Fazzino, Assistant Director*  
*Orange County*  
*Office of Community Development*  
*18 Seward Ave. 1st Floor*

*Middletown, New York 10940*

*Email: [ffazzino@co.orange.ny.us](mailto:ffazzino@co.orange.ny.us)*

*Tel: 845-615-3818*

*Fax: 845-344-1629*

This communication may contain confidential information and is intended only for the individual or entity to whom it is addressed. Any review, dissemination, or copying of this communication by anyone other than the intended recipient is strictly prohibited. If you are not the intended recipient, please contact the sender, and destroy all copies of the original message. No responsibility is accepted by Orange County Government for any loss or damage arising in any way from receiving this communication.

This message has been scanned for malware.

## MUNICIPAL RESOLUTION - URBAN COUNTY TOWN OF NEWBURGH

RESOLUTION AUTHORIZING THE **TOWN OF NEWBURGH** ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2015, 2016, 2017 (AND FOR SUCCESSIVE THREE YEAR QUALIFICATION PERIODS AS PROVIDED FOR IN THE AUTOMATIC RENEWAL PROVISION) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the **Town of Newburgh** participate in aforesaid Community Development and HOME Programs for the program year commencing **Federal Fiscal Years 2015, 2016, 2017**, (and successive three year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any "eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state; and

WHEREAS, **TOWN** shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the **TOWN** shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the **TOWN** shall comply with all other applicable New York State and Federal laws and regulations.

In addition, CDBG funding of activities in, or in support of, **TOWN** is prohibited if the **TOWN** does not affirmatively further fair housing within its own jurisdiction or the **TOWN** impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. **TOWN** shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by **TOWN** that results in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

WHEREAS, The **Town** as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

WHEREAS, participation by the County of Orange, as an urban county in the Community Development and HOME programs require that the **Town of Newburgh** and the County of Orange cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities. Specifically urban renewal and publicly assisted housing, pursuant to said Act specifically those activities authorized by statutes and pursuant to Articles 9 and 17 of the New York State Constitution; and

WHEREAS, the County and **Town of Newburgh** will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, **TOWN** may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the [Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

WHEREAS, this **Town Board** deems it to be in the public interest for the **Town of Newburgh** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT

RESOLVED, that the **Supervisor** be and **he** hereby is authorized and directed to execute a Cooperation Agreement Amendment between the **Town of Newburgh** and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal **Fiscal Years 2015, 2016, 2017** (and successive three year qualification periods).

\_\_\_\_\_  
**Gilbert J. Piaquadio, Deputy Supervisor**

\_\_\_\_\_  
**Date**

STATE OF NEW YORK     )  
COUNTY OF ORANGE    )  
OFFICE OF THE CLERK OF  
**THE TOWN OF NEWBURGH)**

THIS IS TO CERTIFY THAT I, \_\_\_\_\_ Clerk of the \_\_\_\_\_,  
(Clerk's Name) (Town)  
have compared the foregoing copy of resolution with the original resolution now on file in my office and which was passed by the **Town Board** of \_\_\_\_\_ on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said **Town Board** this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**S E A L**

**Andrew J. Zarutski**  
Clerk of the **Town of Newburgh**

## AMENDMENT TO COOPERATION AGREEMENT

It is hereby agreed effective as of \_\_\_\_\_, 2014, by and between the County of Orange, a municipal corporation of the State of New York, having its principal offices at 255-275 Main Street, Goshen, New York 10924 ("COUNTY"), and "**Town of Newburgh**" a municipal corporation of the State of New York, having principal offices at **1496 Route 300, Newburgh, New York 12550** ("**TOWN**") to amend the Cooperation Agreement dated, July 8, 1993, between the parties ("Cooperation Agreement") as follows:

1. Strike and replace Paragraph 3 as follows:

3. Pursuant to New York State General Municipal Law §99-h, the COUNTY and the **TOWN** agree to undertake, or assist in undertaking, community renewal and lower income housing assistance activities.

2. Strike and replace Paragraph 6 as follows:

6. The COUNTY and the **TOWN** shall take all actions necessary to assure compliance with the COUNTY'S certification under Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, regarding Title VI of the Civil Rights Act of 1964, the Fair Housing Act, and affirmatively furthering fair housing. The COUNTY and the **TOWN** shall also comply with Section 109 of Title I of the Housing and Community Development Act of 1974, which incorporates Section 504 of the Rehabilitation Act of 1973 and the Age Discrimination Act of 1975. Furthermore, the COUNTY and the **TOWN** shall comply with all other applicable New York State and Federal laws and regulations.

In addition, CDBG funding of activities in, or in support of, **TOWN** is prohibited if the **TOWN** does not affirmatively further fair housing within its own jurisdiction or the **TOWN** impedes COUNTY'S actions to comply with the COUNTY'S fair housing certification. **TOWN** shall indemnify, defend and hold harmless COUNTY from any non-compliance with affirmatively furthering fair housing by **TOWN** that result in funding sanctions or other remedial actions by the United States Department of Housing and Urban Development and/or the federal government against COUNTY.

3. Add the following Paragraph 18:

18. **TOWN** may not sell, trade, or otherwise transfer all or any portion of such funds to another such metropolitan city, urban county, unit of general local government or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or non-Federal considerations, but must use such funds for activities eligible under Title I of the [Housing and Community Development] Act [of 1974]. This requirement is contained in the Transportation, Housing and Urban Development, and Related Agencies Appropriations Act, 2014, Pub. L. 113-76.

In all other respects, the provisions of the Cooperation Agreement, shall remain in full force and effect and shall be binding upon the parties referred to above.

**TOWN OF NEWBURGH**

(PLACE SEAL)

**COUNTY OF ORANGE**

(PLACE SEAL)

BY: \_\_\_\_\_

**Gilbert J. Piaquadio**  
**Deputy Supervisor**

BY: \_\_\_\_\_

**Stefan (Steven) M. Neuhaus**  
**County Executive**

STATE OF NEW YORK        )  
COUNTY OF ORANGE       ) ss:

On this \_\_\_\_ day of \_\_\_\_\_ 2014, before me personally appeared \_\_\_\_\_, to me known, who being by me duly sworn did dispose and say that he/she resides at New York and that **he** is the **SUPERVISOR** of the **TOWN OF NEWBURGH** of the corporation described in and which executed the above instrument; that **he** knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal, that it was so affixed by order to the **TOWN** Board of said corporation, and that **he** signed **his** name thereto by like order.

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

STATE OF NEW YORK        )  
COUNTY OF ORANGE       ) ss:

On this \_\_\_\_ day of \_\_\_\_\_ 2014, before me personally appeared Stefan (Steven) M. Neuhaus, County Executive of the County of Orange, the corporation described in and who executed the foregoing instrument, to me known and known to be such County Executive, and he being by me duly sworn, did dispose and say that he is the County Executive of Orange County; that he knows the corporate seal of said County of Orange that the seal affixed pursuant to resolution of the County Legislature.

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



**OPINION OF COUNTY COUNSEL**

The undersigned County Attorney for the County of Orange, New York, certifies that the terms and provisions of the foregoing Agreement are fully authorized under existing State and local law and that the Agreement provides full legal authority for the County to undertake, or assist in undertaking, essential community renewal and lower income housing assistance activities in cooperation with local units of government.

\_\_\_\_\_  
Langdon C. Chapman, County Attorney

Date: \_\_\_\_\_

## MUNICIPAL RESOLUTION - URBAN COUNTY TOWN OF NEWBURGH

RESOLUTION AUTHORIZING THE TOWN OF NEWBURGH ENTER INTO AN AMENDMENT TO THE EXISTING COOPERATION AGREEMENT DATED JULY 8, 1993, AS AMENDED, WITH THE COUNTY OF ORANGE FOR THE PURPOSE OF UNDERTAKING COMMUNITY DEVELOPMENT AND HOME PROGRAMS FOR THE PROGRAM YEAR COMMENCING FEDERAL FISCAL YEARS 2006 - 2008 (AND SUCCESSIVE THREE YEAR QUALIFICATION PERIODS) PURSUANT TO THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED AND TITLE II OF THE NATIONAL AFFORDABLE HOUSING ACT OF 1990, AS AMENDED.

WHEREAS, the Secretary of the U.S. Department of Housing and Urban Development ("HUD") authorized, under Title 1 of the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended to make grants to states and other units of general local government to help finance Community Development and Affordable Housing Programs; and

WHEREAS, it is desirable and in the public interest that the **Town of Newburgh** participate in aforesaid Community Development and HOME Programs for the program year commencing **Federal Fiscal Years 2006 - 2008**, (and successive three year qualification period); and

WHEREAS, Section 99-h of the General Municipal Law of the State of New York grants to any municipal corporation the power, either individually or jointly with one or more other municipal corporations, to apply for, accept and expend funds made available by the Federal government either directly or through the state, pursuant to the provisions of any Federal Law which is not inconsistent with the statutes or constitution of this state, in order to administer, conduct or participate with the Federal government in programs relating to the general welfare of the inhabitants of such municipal corporation; and

WHEREAS, applications for grants to finance Community Development and Affordable Housing Programs under the Housing and Community Development Act of 1974, as amended and the National Affordable Housing Act of 1990, as amended and any "eligible Activities" thereunder are not inconsistent with the statutes or constitution of this state; and

WHEREAS, **TOWN OF NEWBURGH** shall take all required actions to comply with the Urban County's certification required by Section 104(b) of Title I of the Housing and Community Development Act of 1974 as amended, and with the provisions of the National Environmental Policy Act of 1969, Title VI of the Civil Rights Act of 1964, prohibits discrimination because race, color or national origin under any program or activity receiving Federal financial assistance, Title VIII of the Civil Rights Act of 1968, Executive Order 11988, Section 109 of Title I of the Housing and Community Development Act of 1974, the Fair Housing Act, the Americans with Disability Act of 1990 Uniform Relocation Act, Sec. 504 of the Rehabilitation Act of 1973, and other applicable laws.

Further, Urban County funding is specifically prohibited for activities in, or in support of, any cooperating unit of general local government that does not affirmatively further fair housing within its own jurisdiction, or that impedes that County's action to comply with its fair housing certification.

WHEREAS, The **Town of Newburgh** as a cooperating unit of local government has adopted and is enforcing:

- a) A policy prohibiting the use of excessive force by law enforcement agencies within it's jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
- b) A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within jurisdictions.

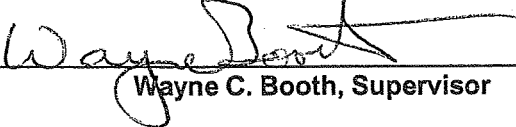
WHEREAS, participation by the County of Orange, as an urban county in the Community Development and HOME programs require that the **Town of Newburgh** and the County of Orange cooperate in undertaking or assisting in undertaking, community renewal and lower income housing assistance activities, pursuant to said Act specifically those activities authorized by statutes and pursuant to Articles 9 and 17 of the New York State Constitution; and

WHEREAS, the County and **Town of Newburgh** will cooperate in developing Community Development and Affordable Housing Programs and applications for the Community Development Block Grant Entitlement Program and the HOME Investment Partnership ("HOME Program") which will be designed primarily for the purpose of meeting the priority needs and objectives of the participating localities based upon an inventory of the community development and housing needs developed mutually by local and County officials;

WHEREAS, this **Town Board** deems it to be in the public interest for the **Town of Newburgh** to enter into an Amendment to the existing Cooperation Agreement dated July 8, 1993, as amended, with the County of Orange for the aforesaid purpose;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and (s)he hereby is authorized and directed to execute a Cooperation Agreement Amendment between the **Town of Newburgh** and the County of Orange for the purpose of undertaking Community Development and HOME Programs pursuant to the Housing and Community Development Act of 1974, as amended and Title II of the National Affordable Housing Act of 1990, as amended, for the program year commencing Federal **Fiscal Years 2006-2008** (and successive three year qualification periods).

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

June 6, 2005  
\_\_\_\_\_  
Date

STATE OF NEW YORK     )  
COUNTY OF ORANGE    )  
OFFICE OF THE CLERK OF  
**TOWN OF NEWBURGH**

THIS IS TO CERTIFY THAT I, Andrew J. Zarutskie Clerk of the Town of Newburgh,  
(Clerk's Name) **Town**  
have compared the foregoing copy of resolution with the original resolution now on file in my office and which was  
passed by the **Town Board** of Town of Newburgh on the sixth day of June, **2005**,  
and that the same is a correct and true transcript of such original resolution and the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and the official seal of said **Town Board** this  
sixth day of June, **2005**.

**SEAL**

Type in Name of Clerk Andrew J. Zarutskie  
Clerk of the **Town of Newburgh**

# AMENDMENT TO URBAN COUNTY COOPERATION AGREEMENT

## TOWN OF NEWBURGH

It is hereby agreed between the County of Orange, one of the counties of the State of New York, having its principal offices at 255-275 Main Street, Goshen, New York 10924 (hereinafter referred to as "COUNTY") and the **Town of Newburgh**, (hereinafter referred to as "TOWN"), to amend the cooperation agreement dated July 8, 1993, as amended, as follows:

1. All references to the **Town of Newburgh's** participation in the Urban County for the qualification period of "Federal Fiscal Years 2003, 2004, and 2005, shall be amended to the qualification period "Federal Fiscal Years 2006, 2007, and 2008, (and successive three year qualification periods as provided in Paragraph 15 of the cooperation agreement)."
2. **Page 2/1<sup>st</sup> Paragraph shall now state:** "WHEREAS, it is desirable and in the public interest that the **Town of Newburgh** participate in aforesaid Community Development Program for the program year commencing Federal Fiscal Years 2006, 2007, 2008 (and successive three year qualification periods as provided in Paragraph 15 of the agreement); and"
3. **Page 3/2<sup>nd</sup> Paragraph shall now state:** "WHEREAS, participation by county as an urban county in the Community Development and HOME Programs require that **Town of Newburgh** and COUNTY cooperate in undertaking or assistance in undertaking, community renewal and lower income housing assistance activities; and"
4. **Page 5/Paragraph #3 shall now state:** "That the COUNTY and **Town of Newburgh** will cooperate to undertake or assist in undertaking essential community renewal and lower income housing assistance activities."
5. **Page 5/Paragraph #4 shall now state:** "COUNTY is the sole applicant for funds under the Housing and Community Development Act of 1974, as amended, and the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended, and will take full responsibility and assume all obligations which the Acts require of an applicant, including the analysis of needs, the setting of objectives, the development of Housing and Community Development Consolidated plans, the three-year community development program and the assurance or certifications."
6. **Page 9/Paragraph #14(b) shall now state:** "May receive a formula allocation under the HOME program only through the Urban County. Thus, even if the Urban County does not receive a HOME formula allocation, the participating unit of local government cannot form a HOME Consortium with other local governments."
7. **Page 10/Paragraph #15 shall now state:** "The **Town of Newburgh** and the COUNTY agree that this Cooperation Agreement shall continue in place and in full effect and will automatically be renewed for participation in successive three year qualification periods, unless the COUNTY or the **Town of Newburgh** provides written notice to HUD that it elects not to participate in a new qualification period. A copy of that notice must be sent to HUD Field Office. By the date specified in HUD's urban county qualification notice for the next qualification period, the urban county, the County of Orange, will notify the **Town of Newburgh**, the participating unit of general local government, in writing, of its right not to participate. A copy of the County's notification to the jurisdiction must be sent to the HUD Field Office by the date specified in the urban county qualification schedule in Section II."
8. **Page 10/Add New Paragraph #17:** "This Agreement will remain in effect until the CDBG (and HOME, where applicable) funds and program income received with respect to activities carried out during the three-year qualification period (and any successive qualification periods) are expended and the funded activities completed, and that the COUNTY and **Town of Newburgh**, the participating unit of general local government, cannot terminate or withdraw from the Cooperation Agreement while it remains in effect."

In all other respects, the provisions of the prior cooperation agreement dated July 8, 1993, as amended, shall remain in full force and effect and shall be binding upon the parties referred to above.

In witness whereof, the parties have signed this agreement as of the \_\_\_\_\_ day of \_\_\_\_\_, 2005.

COUNTY OF ORANGE

(SEAL)

BY: \_\_\_\_\_  
Edward A. Diana, County Executive

TOWN OF NEWBURGH \_\_\_\_\_

(SEAL)

BY: Wayne C. Booth  
Presiding Supervisor

Wayne C. Booth, Town Supervisor  
Print Name and Title of Presiding Municipal Official

STATE OF NEW YORK)

COUNTY OF ORANGE) SS.:

On the \_\_\_\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared EDWARD A. DIANA, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of person taking acknowledgement)

TOWN OF NEWBURGH MUNICIPAL ACKNOWLEDGEMENT)

STATE OF NEW YORK)

COUNTY OF ORANGE) SS.:

On the 6th of 6/05, before me, the undersigned, a Notary Public in and for said State, personally appeared Wayne C. Booth, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Andrew J. Zarutskie  
Andrew J. Zarutskie  
Notary Public, State Of New York  
No. 01ZA4502524  
Qualified In Orange County  
Commission Expires Nov. 30, 2005  
\_\_\_\_\_  
(Signature and office of person taking acknowledgement)

**TOWN OF NEWBURGH  
INTRODUCTORY LOCAL LAW NO. \_\_ OF 2014  
AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE  
CODE OF THE TOWN OF NEWBURGH  
TO PROVIDE FOR BANKS AS A PERMITTED  
PRINCIPAL USE SUBJECT TO SITE PLAN REVIEW  
IN THE IB ZONING DISTRICT  
AND FOR SUPPLEMENTARY REGULATIONS FOR  
BANKS WITH DRIVE-THRU WINDOWS**

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

**SECTION 1 – TITLE**

This Local Law shall be referred to as "A Local Law Amending Chapter 185 entitled 'Zoning' of the Code of the Town of Newburgh to Provide for Banks as a Permitted Principal Use Subject to Site Plan Review in the IB Zoning District and for Supplementary Regulations for Banks with Drive-thru Windows".

**SECTION 2 – PURPOSE AND INTENT**

The purpose of this local law is to permit banks as a principal use in the Interchange Business (IB) District subject to site plan review by the Planning Board. For purposes of this Local Law and the Zoning Code, the term banks shall include credit unions. Banks have been permitted in the IB District as part of shopping centers. The Town Board declares its intent to permit banks as a principal use subject to site plan review in the IB District without a requirement that the bank use be proposed in conjunction with a shopping center. The Board finds that the bank use is similar to and consistent with other principal commercial uses already separately permitted in the IB District. The Local Law also adds supplementary regulations for banks with drive-thru windows which are substantially similar to the existing supplementary regulations for drive-thru establishments.

**SECTION 3 – AMENDMENTS TO CHAPTER 185**

1. Chapter 185, "Zoning" of the Code of the Town of Newburgh, Table of Use and Bulk Requirements for the IB Zoning District, Schedule 8 of the Code adopted and incorporated into the Code pursuant to §185-10 entitled "Utilization of Use Table" and §185-11 entitled "Utilization of Bulk Table" shall be amended as follows:

A. Number 5 of Column D entitled "Uses Subject to Site Plan Review by the Planning Board" shall be amended to read as follows:

“5. Offices for business, research and professional use  
and banks.”

2. A new Section 185-45.6 entitled “Banks with drive-thru windows” is hereby added to Chapter 185 entitled “Zoning” of the Code of the Town of Newburgh to read as follows:

“§185-45.6 Banks with drive-thru windows.

Before approving any bank with a drive-thru window, 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, driveway 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) Public roads and internal drive aisles shall not be blocked by waiting drive-thru traffic.

(4) Parking areas and circulation drives shall be adequately separated so as to avoid conflict between parking cars and waiting drive-thru traffic.

(5) Adequate stacking space will be provided for waiting drive-thru vehicles such that these vehicles do not interfere with site vehicular or pedestrian circulation.

(6) The site plan checklist for parking lot area traffic and pedestrian movements/safety concerns shall be reviewed in preparation of plans.”

#### SECTION 4 – VALIDITY

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

#### SECTION 5 – EFFECTIVE DATE

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





Table of Use and Bulk Requirements

IB District - Schedule 8

(Amended 7-15-1996 by L.L. No. 3-1996; 9-23-1998 by L.L. No. 10-1998)

A Accessory Uses	B Permitted Vehicle	C Permitted Uses	D Uses Subject to Size Plan Review by the Planning Board	Maximum Required							E Habitable Floor Area Per Dwelling Unit (square feet)	F Dwelling Units Per Acre	Maximum Permitted	
				Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Yard (feet)			Lot Building Coverage (percent)	Building Height (feet)
1. Storage buildings up to 500 sq. ft. for those uses of the principal building	Cl, D7, D8, 7-9, 13 and 18	1. Municipal buildings and town activities 2. Existing single-family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public water systems 3. Existing 2-family dwellings: a. Without both public sewer and public water systems b. With both public sewer and public water systems c. With either public sewer or public water system only	1. Multi-family 2. Individual retail stores, convenience stores with or without possible filling stations and health clubs and direct facilities 3. Shopping centers 4. Tractor 5. Office for business, research and industrial use 6. Restaurants and fast-food establishments in conjunction with uses in Nos. 1, 4 and 5 in accordance with § 185-42 7. Research laboratories 8. Manufacturing, altering, fabricating or processing products or materials involving the use of only oil, gas or electricity as fuel	Lot Area (square feet)	Lot Width (feet)	Lot Depth (feet)	Front Yard (feet)	Rear Yard (feet)	1 Side Yard (feet)	Back Yard (feet)	NA	40%	35	
2. Offices, clubs and recreation facilities for the use of employees engaged on the premises	D5, 7-9, 13 and 18			20,000	125	150	40	40	15	30				25%
3. Signs in accordance with § 185-14: a. Professional b. Business c. Identification 4. Off-street parking as required by the principal use 5. Truck-loading facilities 6. Sales of used motor and carrying vehicles, parts and accessories in conjunction with a franchised dealership 7. Fuel tanks in accordance with § 185-39 8. Satellite earth stations in accordance with § 185-40 9. Accessory uses to an existing principal residence as listed for the R-1 District 10. Fast-food establishments 11. Restaurants and conference and banquet facilities 12. Retail outlets 13. Swimming pools, tennis courts and other recreational facilities, including related cabanas 14. Car wash	D5, 7-14 and 18 D4-7, 12, 13 and 16-18 D4-4, 12 and 18 D12 and 18 D8 and 13 D5, 7-9, 12, 13 D10 and 11			15,000 17,500	300	125	40	40	15	30	25%	35		
				30,000 22,500 23,000	150	175	50	50	25	50				
				2,000 40,000	200 150	200 150	40 50	50 60	30 50	60 100		40%	35	
				5 acres			60				30%			
				3 acres	300	300	60	60	50	100		40%	40%	
				40,000	150	150	50	60	30	80		40%	40%	

NOTES:  
\*Minimum 1,200 square feet of lot area per guest room  
†These requirements shall not be applicable to a school or college which utilizes all or part of an office building for classroom space. Such a use shall meet the bulk requirements of use D5.

# CATANIA, MAHON, MILLIGRAM & RIDER, PLLC

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May 13, 2014

## Via Federal Express

Supervisor and Town Council Members  
Town of Newburgh Town Board  
1496 Route 300  
Newburgh, New York 12550

RE: The Old Britain Group LLC  
Our File No.: 13712-61913

Dear Supervisor and Board Members:

We represent The Old Britain Group, LLC, owner of town of Newburgh tax lot 97 - 3 - 1. A copy of our transmittal letter to the Supervisor and Town Board regarding our client's zone change petition dated September 18, 2013 and a copy of our transmittal letter dated November 21, 2013 enclosing the consulting fee escrow deposit is enclosed for your convenience.

Pursuant to my recent conversation with Mr. Taylor, I am enclosing 6 copies of part I of the long form environmental assessment form to supplement the zone change petition. We felt it would be appropriate to delay the continuation of the zone change application process until the Crystal Run Health Medical Center site plan process was completed.

As you will recall, the zone change petition requests a text change in the zoning ordinance to allow a bank as a specially permitted use in the IB zone. If feasible, we request that this matter be put on the May 19 Town Board agenda for discussion. To the extent that that is impractical, we request to be put on the June 2 workshop meeting.

CATANIA, MAHON, MILLIGRAM & RIDER, PLLC

Town of Newburgh Town Board  
Page 2

Thank you for your consideration.

Very truly yours,



ROBERT E. DiNARDO

RED/red/956888

Enclosure

cc: Mark Taylor *(via federal express w/enclosure)*

Dawn Kalisky *(via email w/enclosure)*

Angelo Danza *(via email w/enclosure)*

*Pursuant to IRS Regulations, any tax advice contained in this communication or attachments is not intended to be used and cannot be used for purposes of avoiding penalties imposed by the Internal Revenue Code or promoting, marketing or recommending to another person any tax related matter.*

**Full Environmental Assessment Form  
Part 1 - Project and Setting**

**Instructions for Completing Part 1**

Part 1 is to be completed by the applicant or project sponsor. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

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

**A. Project and Sponsor Information.**

Name of Action or Project: <b>TEXT CHANGE ZONING Petition, THE OLD BRITAIN Group LLC</b>		
Project Location (describe, and attach a general location map): <b>OLD LITTLE BRITAIN ROAD, S97 B3 L1</b>		
Brief Description of Proposed Action (include purpose or need): <b>ALLOW APPLICATION FOR SITE PLAN INCLUDING BANK USE.</b>		
Name of Applicant/Sponsor: <b>THE OLD BRITAIN Group LLC</b>	Telephone: <b>973-632-9854</b>	E-Mail: <b>danzogroup@aol.com</b>
Address: <b>104 GARDEN COURT</b>		
City/PO: <b>FRANKLIN LAKES</b>	State: <b>N.J.</b>	Zip Code:
Project Contact (if not same as sponsor; give name and title/role): <b>Robert E. DiNardo, ATTORNEY</b>	Telephone: <b>565-1100</b>	E-Mail: <b>rdinardo@emmrlegal.com</b>
Address: <b>ONE CORWIN COURT</b>		
City/PO: <b>Newburgh N.Y. 12550</b>	State: <b>N.Y.</b>	Zip Code: <b>12550</b>
Property Owner (if not same as sponsor): <b>SPONSOR</b>	Telephone:	E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

B. Government Approvals Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, <u>Town Board</u> , <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board, Amendment of Zoning Ordinance	November 2013
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City Council, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	County Planning 239 Approval	FEBRUARY 2014
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

**C. Planning and Zoning**

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

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
 If Yes, what is the zoning classification(s) including any applicable overlay district? IB Zoning DISTRICT

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No  
 If Yes,  
 i. What is the proposed new zoning for the site? TEXT change to allow a BANK AS A PERMITTED USE IN THE IB ZONE

**C.4. Existing community services.**

a. In what school district is the project site located? Newburgh

b. What police or other public protection forces serve the project site?  
TTO Newburgh P.D.

c. Which fire protection and emergency medical services serve the project site?  
TTO Newburgh

d. What parks serve the project site?  
NONE in immediate area; only town wide parks.

**D. Project Details**

GO TO SECTION F

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
 b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
 c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
 i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
 If Yes,  
 i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) \_\_\_\_\_  
 ii. Is a cluster/conservation layout proposed?  Yes  No  
 iii. Number of lots proposed? \_\_\_\_\_  
 iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will proposed action be constructed in multiple phases?  Yes  No  
 i. If No, anticipated period of construction: \_\_\_\_\_ months  
 ii. If Yes:  
 • Total number of phases anticipated \_\_\_\_\_  
 • Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year  
 • Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year  
 • Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source. \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

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

iii. Will proposed action cause or result in disturbance to bottom sediments?  Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

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

c. Will the proposed action use, or create a new demand for water?  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

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

d. Will the proposed action generate liquid wastes?  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No



• Do existing sewer lines serve the project site?  Yes  No  
 • Will line extension within an existing district be necessary to serve the project?  Yes  No  
 If Yes:  
 • Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:  
 • Applicant/sponsor for new district: \_\_\_\_\_  
 • Date application submitted or anticipated: \_\_\_\_\_  
 • What is the receiving water for the wastewater discharge? \_\_\_\_\_

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

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

e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction?  Yes  No  
 If Yes:  
 i. How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)  
 ii. Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_  
 • If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

• Will stormwater runoff flow to adjacent properties?  Yes  No  
 iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:  
 i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_  
 ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_  
 iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_  
 \_\_\_\_\_

g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:  
 i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No  
 ii. In addition to emissions as calculated in the application, the project will generate:  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)  
 • \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)  
 • \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs)  
 • \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No

If Yes:

i. Estimate methane generation in tons/year (metric): \_\_\_\_\_

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

---

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

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

---

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

If Yes:

i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.

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

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

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

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

---

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

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

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

---

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

If Yes:

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

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

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

---

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

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
--	---

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration: \_\_\_\_\_

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

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

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

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

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

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

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

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

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No

If Yes:

i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_

ii. Anticipated rate of disposal/processing:

- \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or
- \_\_\_\_\_ Tons/hour, if combustion or thermal treatment

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

---

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

If Yes:

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

\_\_\_\_\_

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

\_\_\_\_\_

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

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

\_\_\_\_\_

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

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

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

\_\_\_\_\_

**E. Site and Setting of Proposed Action**

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

a. Existing land uses.

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

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

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

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

\_\_\_\_\_

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

---

d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities: \_\_\_\_\_  
\_\_\_\_\_

---

e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  
• Dam height: \_\_\_\_\_ feet  
• Dam length: \_\_\_\_\_ feet  
• Surface area: \_\_\_\_\_ acres  
• Volume impounded: \_\_\_\_\_ gallons OR acre-feet  
ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection: \_\_\_\_\_  
\_\_\_\_\_

---

f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  Yes  No  
i. Has the facility been formally closed?  
• If yes, cite sources/documentation: \_\_\_\_\_  
ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: \_\_\_\_\_  
\_\_\_\_\_

---

g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: \_\_\_\_\_  
\_\_\_\_\_

---

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  Yes  No  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  
 Yes – Spills Incidents database Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_

---

iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): \_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses?  Yes  No

- If yes, DEC site ID number: \_\_\_\_\_
- Describe the type of institutional control (e.g., deed restriction or easement): \_\_\_\_\_
- Describe any use limitations: \_\_\_\_\_
- Describe any engineering controls: \_\_\_\_\_
- Will the project affect the institutional or engineering controls in place?  Yes  No
- Explain: \_\_\_\_\_

**E.2. Natural Resources On or Near Project Site**

a. What is the average depth to bedrock on the project site? \_\_\_\_\_ feet

b. Are there bedrock outcroppings on the project site?  Yes  No  
 If Yes, what proportion of the site is comprised of bedrock outcroppings? \_\_\_\_\_ %

c. Predominant soil type(s) present on project site: \_\_\_\_\_ %  
 \_\_\_\_\_ %  
 \_\_\_\_\_ %

d. What is the average depth to the water table on the project site? Average: \_\_\_\_\_ feet

e. Drainage status of project site soils:  Well Drained: \_\_\_\_\_ % of site  
 Moderately Well Drained: \_\_\_\_\_ % of site  
 Poorly Drained \_\_\_\_\_ % of site

f. Approximate proportion of proposed action site with slopes:  0-10%: \_\_\_\_\_ % of site  
 10-15%: \_\_\_\_\_ % of site  
 15% or greater: \_\_\_\_\_ % of site

g. Are there any unique geologic features on the project site?  Yes  No  
 If Yes, describe: \_\_\_\_\_

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)?  Yes  No

ii. Do any wetlands or other waterbodies adjoin the project site?  Yes  No

If Yes to either *i* or *ii*, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency?  Yes  No

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Lakes or Ponds: Name \_\_\_\_\_ Classification \_\_\_\_\_
- Wetlands: Name \_\_\_\_\_ Approximate Size \_\_\_\_\_
- Wetland No. (if regulated by DEC) \_\_\_\_\_

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies?  Yes  No

If yes, name of impaired water body/bodies and basis for listing as impaired: \_\_\_\_\_

i. Is the project site in a designated Floodway?  Yes  No

j. Is the project site in the 100 year Floodplain?  Yes  No

k. Is the project site in the 500 year Floodplain?  Yes  No

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer?  Yes  No

If Yes:

i. Name of aquifer: \_\_\_\_\_

m. Identify the predominant wildlife species that occupy or use the project site: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

n. Does the project site contain a designated significant natural community?  Yes  No  
 If Yes:  
 i. Describe the habitat/community (composition, function, and basis for designation): \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Source(s) of description or evaluation: \_\_\_\_\_  
 iii. Extent of community/habitat:  
 • Currently: \_\_\_\_\_ acres  
 • Following completion of project as proposed: \_\_\_\_\_ acres  
 • Gain or loss (indicate + or -): \_\_\_\_\_ acres

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species?  Yes  No

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern?  Yes  No

q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing?  Yes  No  
 If yes, give a brief description of how the proposed action may affect that use: \_\_\_\_\_  
 \_\_\_\_\_

**E.3. Designated Public Resources On or Near Project Site**

a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No  
 If Yes, provide county plus district name/number: \_\_\_\_\_

b. Are agricultural lands consisting of highly productive soils present?  Yes  No  
 i. If Yes: acreage(s) on project site? \_\_\_\_\_  
 ii. Source(s) of soil rating(s): \_\_\_\_\_

c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark?  Yes  No  
 If Yes:  
 i. Nature of the natural landmark:  Biological Community  Geological Feature  
 ii. Provide brief description of landmark, including values behind designation and approximate size/extent: \_\_\_\_\_  
 \_\_\_\_\_

d. Is the project site located in or does it adjoin a state listed Critical Environmental Area?  Yes  No  
 If Yes:  
 i. CEA name: \_\_\_\_\_  
 ii. Basis for designation: \_\_\_\_\_  
 iii. Designating agency and date: \_\_\_\_\_

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District	
ii. Name: _____	
iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input type="checkbox"/> Yes <input type="checkbox"/> No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	
If Yes:	
i. Describe possible resource(s): _____	
ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify resource: _____	
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____	
iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	<input type="checkbox"/> Yes <input type="checkbox"/> No
If Yes:	
i. Identify the name of the river and its designation: _____	
ii. Is the activity consistent with development restrictions contained in 6 NYCRR Part 666?	
<input type="checkbox"/> Yes <input type="checkbox"/> No	

**F. Additional Information**

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

*REZONING PETITION ATTACHED*

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

**G. Verification**

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

Applicant/Sponsor Name LITTLE OLD BRITAIN ROAD LLC Date JANUARY 23, 2014

Signature *Angelo J. DANZA* Title MANAGING MEMBER



GERALD N. JACOBOWITZ  
DAVID B. GUBITS  
JOHN H. THOMAS JR.  
GERALD A. LENNON  
PETER R. ERIKSEN  
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MARK A. KROHN\*  
JOHN C. CAPPELLO  
GEORGE W. LITHCO  
MICHELE L. BABCOCK  
\*LL.M. IN TAXATION

# JACOBOWITZ AND GUBITS, LLP

## COUNSELORS AT LAW

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ANTOINETTE M. CARUSO  
JASON C. SCOTT  
CARMEE G. MURPHY\*\*  
\*\*OF COUNSEL

September 18, 2013

FILE  
COPY

Via Federal Express # 8035 7113 5417

Hon. Wayne Booth, Supervisor and Town Council  
Members  
Town of Newburgh Town Board  
1496 Route 300  
Newburgh, New York 12550

Re: The Old Little Britain Road, LLC  
Rezoning Petition  
Our file no. 1733-124

Dear Supervisor Booth and Town Council Members:

Enclosed please find an original and eleven (11) copies of a Rezoning Petition of The Old Little Britain Road, LLC requesting text change amendment of your zoning code to permit a bank use in the IB zoning district.

I respectfully request that the Board place this matter on its next meeting agenda to discuss this Petition. We understand that once you have determined to move forward with the Petition, the Petitioner may be required to post an escrow fee to cover publication expenses as well as professional fees incurred by the Town Board in review of this Petition.

Thank you in advance, I look forward to presenting this Petition to your Board.

Very truly yours,

  
Robert E. DiNardo

RED/rmc  
enc

cc: Angelo J. Danza

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JASON C. SCOTT  
CARMEE G. MURPHY\*\*  
\*\*OF COUNSEL

November 21, 2013

FILE  
COPY

Hon. Wayne Booth, Supervisor  
Town of Newburgh Town Board  
1496 Route 300  
Newburgh, New York 12550

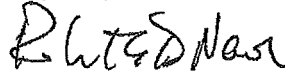
Re: The Old Little Britain Road, LLC  
Rezoning Petition  
Our file no. 1733-124

Dear Supervisor Booth:

Enclosed please find consulting fee escrow deposit in the sum of \$1,500.00 concerning our client, The Old Little Britain Road, LLC's Text Change Petition, pursuant to the Town Board's directive.

Thank you.

Very truly yours,

  
Robert E. DiNardo

RED/rmc  
enc

cc: Angelo J. Danza

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September 18, 2013

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Thank you in advance, I look forward to presenting this Petition to your Board.

Very truly yours,

  
Robert E. DiNardo

RED/rmc  
enc

cc: Angelo J. Danza

-----X  
In the Matter of

In the Petition of The Old Little Britain Road, LLC  
For an Amendment of the Table of Use and Bulk  
Requirements for the Interchanged Business (IB)  
District to Allow Banks As a Use Permitted Subject  
To Site Plan Review By the Planning Board.  
-----X

**REZONING  
PETITION**

The undersigned Petitioner respectfully petitions the Supervisor and Town Council members to amend the Table of Use and Bulk requirements for the Interchange Business (IB) District to include "banks" as a permitted use subject to site plan review by the Planning Board in the D(2) category for the following reasons:

1. Petitioner is the owner of certain real property located at 1690 Little Britain Rd., at the intersection of 300, being town of Newburgh tax lots 97 - 3 - 1 and 2. A location map depicting petitioner's property is attached as exhibit "A."
2. Petitioner's property consists of approximately .625 acres.
3. Petitioner's property currently contains the former Simoni Tailor building.
4. The reasons supporting this request include the following:
  - A. Banks are only permitted in the IB zone as part of a shopping center. The B zone permits banks as a stand-alone use. There is a strong similarity between the uses permitted in the B zone and the IB zone.
  - B. The uses which are common to both zones include retail stores, convenience stores, gasoline filling stations, health clubs and fitness facilities, eating and drinking businesses, restaurants and fast food establishments, and offices for businesses, research and professional use.

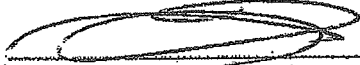
- C. A bank use is less intensive use than most of the uses permitted in the IB and the B zoning districts. For example retail stores, convenience stores, service stations, restaurants and fast food establishments typically involve greater demands on traffic, water and sewer usage, than a bank use.
- D. There are existing, stand-alone banks in the IB's zone in the immediate Route 300 corridor in the town. These uses have shown to be compatible with the uses in the IB zone.
- E. Petitioner's property is located in an area which contains existing compatible uses with the uses of the B zone and the IB zone. Further, the property immediately adjacent to the petition's property is expected to be the subject of a site plan application for a commercial use. Functionally, while not owned by the same owners, the area will present and function from a land use point of view as an integrated shopping and commercial area.

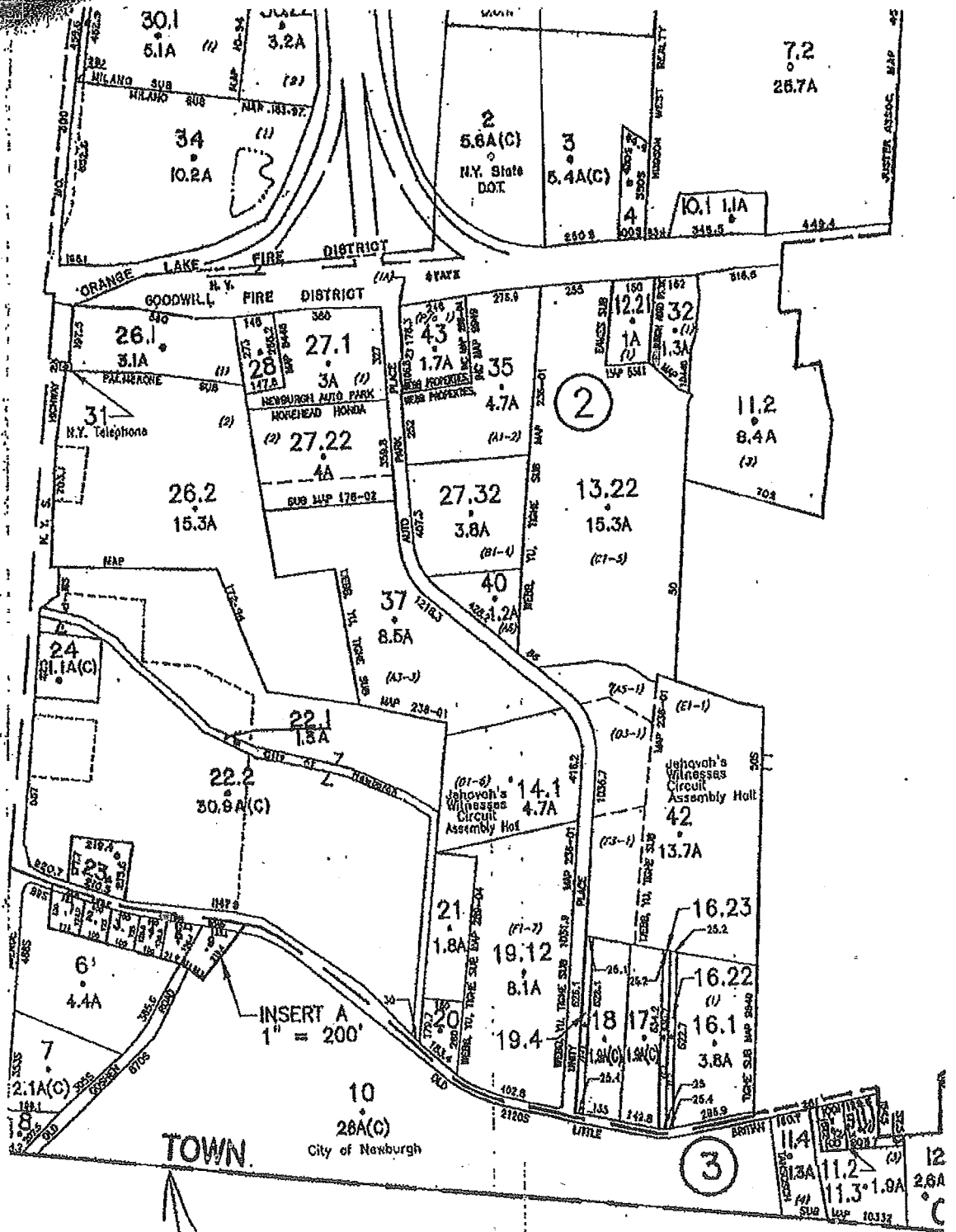
5. For the foregoing reasons it is respectfully submitted that this text change amendment petition is consistent with the town's zoning ordinance, is appropriate, and is in the best interests of the town of Newburgh and the Petitioner.

Dated: Walton, New York  
September 3, 2013

Respectfully submitted:

Old Little Britain Road, LLC

By:   
Angelo J. Danza, Managing Member



# ORANGE COUNTY - N

(2)	(A)
(3) or (P/a 2)	
STATE HWY NO 17	
COUNTY ROAD NO 4	

Prepared by  
 Orange County Tax Department  
 124 Main Street, Goshen, N.Y. 10924  
 TEL 525-2100 FAX 245-281-2499

NOTICE  
 MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION  
 OF ANY PORTION OF THE ORANGE COUNTY TAX  
 MAP IS PROHIBITED WITHOUT WRITTEN PERMISSION  
 OF THE O.C. REAL PROPERTY TAX SERVICE AGENCY



**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.**

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**TOWN OF NEWBURGH  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT:** CRYSTAL RUN REALTY VII LLC  
**PROJECT NO.:** 13-18  
**PROJECT LOCATION:** SECTION 97, BLOCK 3, LOTS 6,7,8 & 28  
SECTION 4, BLOCK 1, LOT 72.2 (NEW WINDSOR)  
**PROJECT REPRESENTATIVE:** LANC & TULLY/ DRAKE, LOEB, HELLER, KENNEDY,  
GOGERTY, GABA & RODD  
**REVIEW DATE:** 2 JUNE 2014  
**MEETING DATE:** N/A

1. This office has received an estimate for proposed landscaping identified on plans recently approved by the Planning Board. The Applicant's Representative, Lanc & Tully Engineers has provided a landscape cost estimate of \$34,340.00. This office has reviewed the landscape plant list with regard to the plant list provided on the plans as well as quantities and unit costs identified. Based on the review of the landscape bond, this office takes no exception to the landscape cost estimate of \$34,340.00. A landscape inspection fee should be posted consistent with the Town of Newburgh requirements.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL  
CONSULTING ENGINEERS, D.P.C.**

  
\_\_\_\_\_  
Patrick J. Hines  
Associate

Project Name: CRH Realty VIII - Landscaping Municipality: Town of Newburgh  
 Planning Board No.: 2013-18 Date: 13-May-14

**PRIVATE IMPROVEMENT  
AND SITE PLAN UNIT PRICES**

<u>Description</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Qty</u>	<u>Total Cost</u>
<b>Misc.</b>				
Landscaping Trees	EA	\$ 250.00	46	\$ 11,500.00
Landscaping Shrubs	EA	\$ 35.00	576	\$ 20,160.00
<b>Other</b>				
Stormwater Pond Plantings	EA	\$ 3.00	150	\$ 450.00
Perennials	EA	\$ 5.00	391	\$ 1,955.00
Groundcovers	EA	\$ 25.00	11	\$ 275.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
Total				\$ 34,340.00





**McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS D.P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)  
MARK J. EDSALL, P.E. (NY, NJ & PA)

MAIN OFFICE  
33 Airport Center Drive  
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**TOWN OF NEWBURGH  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT:** CRYSTAL RUN REALTY VII LLC  
**PROJECT NO.:** 13-18  
**PROJECT LOCATION:** SECTION 97, BLOCK 3, LOTS 6,7,8 & 28  
SECTION 4, BLOCK 1, LOT 72.2 (NEW WINDSOR)  
**PROJECT REPRESENTATIVE:** LANC & TULLY/ DRAKE, LOEB, HELLER, KENNEDY,  
GOGERTY, GABA & RODD  
**REVIEW DATE:** 2 JUNE 2014  
**MEETING DATE:** N/A

1. This office has received a bond estimate for storm water management and soil erosion sediment control for the Crystal Run Healthcare Facility. The estimate includes the construction of the storm water management facility, catch basins, piping and best management practices associated with the project site including bio-retention areas. The Applicant's Representative, Lanc & Tully Engineers has utilized MH&E's published unit costs for each of the items identified or provided an appropriate estimate for items whose cost varies based on design. Based on our review of the cost estimate, we would recommend security in the amount of \$214,965.00 and an erosion sediment control inspection fee of \$4,000.00.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL  
CONSULTING ENGINEERS, D.P.C.**

  
\_\_\_\_\_  
Patrick J. Hines  
Associate

**REGIONAL OFFICES**

- 111 Wheatfield Drive • Suite 1 • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

Project Name: CRH Realty VIII - Stormwater Municipality: Town of Newburgh  
 Planning Board No.: 2013-18 Date: 13-May-14

**PRIVATE IMPROVEMENT  
 AND SITE PLAN UNIT PRICES**

<u>Description</u>	<u>Unit</u>	<u>Unit Cost</u>	<u>Qty</u>	<u>Total Cost</u>
<b><u>Drainage</u></b>				
Catch Basin	EA	\$ 2,700.00	19	\$ 51,300.00
Stormwater Pipe (15") HDPE	LF	\$ 30.00	1286	\$ 38,580.00
Stormwater Pipe (18") HDPE	LF	\$ 40.00	593	\$ 23,720.00
Stormwater Pipe (24")HDPE	LF	\$ 45.00	217	\$ 9,765.00
End Section	EA	\$ 400.00	4	\$ 1,600.00

**Other**

Bio-Retention Area-complete incl. outlet structures	EA	\$ 5,000.00	5	\$ 25,000.00
				\$ -
Stormwater Pond-complete inc. outlet, level spreader etc	LS	\$ 65,000.00	1	\$ 65,000.00
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -
				\$ -

Total \$ 214,965.00

**Data Processing**

**Purchase of 37.5 hours @ 80.00 per hour for a total of \$ 3000.00 from the Computer Maintenance Account 001-1680-0497 to Firthcliff Technologies of Cornwall New York**

**Discussion Town wide Computer Disposal**

A handwritten signature in black ink, enclosed within a large, hand-drawn oval. The signature is stylized and appears to consist of the letters 'JL'.