

ANDREW J. ZARUTSKIE  
Town Clerk  
1496 Route 300  
Town of Newburgh, New York 12550  
Telephone 845-564-4554

**WORKSHOP MEETING AGENDA**  
**Monday, June 25, 2018**  
**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. ZONING:
  - A. Office Overlay
    1. Referral
    2. Public Hearing
7. LIABILITY INSURANCE
8. RECREATION:
  - A. Stage Request from the Town of New Windsor
  - B. Trolley Request and Stage "The Wall That Heals"
9. ENGINEERING:
  - A. Storm Water Facility Maintenance Agreement for Aldi
  - B. Mann Subdivision (Lakeside Road)
10. ANIMAL CONTROL: T-94 Withdrawal
11. TOWN SUPERVISOR: Hiring of Grant Writer
12. CODE COMPLIANCE: Resolution to Authorize Work to Cut, Trim, and Remove Grass and Brush Exceeding 10 inches in Height and Pay the Costs thereof.
13. POSSIBLE EXECUTIVE SESSION: Worth Litigation
14. ADJOURNMENT

6. A. 1



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

**MEMORANDUM**

P: 845.562.9100  
F: 845.562.9126

655 Little Britain Road  
New Windsor, NY 12553

P.O. Box 2280  
Newburgh, NY 12550

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Donna M. Badura  
Amber L. Camio

*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

**TO:** HON. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS

**FROM:** MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE:** LOCAL LAW AMENDING CHAPTER 185 ENTITLED  
"ZONING" OF THE CODE OF THE TOWN OF NEWBURGH  
AND THE ZONING MAP OF THE TOWN OF NEWBURGH  
TO EXTEND THE PROFESSIONAL OFFICE OVERLAY (O)  
DISTRICT TO INCLUDE AN ADJACENT PARCEL ON THE  
WEST SIDE OF BALMVILLE ROAD:  
SECTION 84 BLOCK 5 LOT 26  
11 BALMVILLE ROAD, LLC ZONING MAP AMENDMENT  
REQUEST FOR THE "JOHNES HOME PROPERTY"

OUR FILE NO. 800.\_\_\_\_; 800.1(B)( ) (2018)

**DATE:** JUNE 20, 2018

Enclosed please find the above referenced draft local law prepared at the Town Board's direction upon the application of 11 Balmville Road, LLC for a zoning map amendment to include the John's Home Property in the Professional Office Overlay (O) Zoning District.

Also enclosed are the following draft resolutions for the Town Board's consideration:

1. Resolution of Town Board Introducing and Providing for Referral of a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26; and

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2. Resolution of Town Board Scheduling a Public Hearing on A Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26.

11 Balmville Road, LLC has submitted a Short Environmental Assessment Form for the SEQRA review of the Action which will allow the conversion of the existing senior nursing facility into a professional office building, a use subject to site plan review by the Town's Planning Board. The Action does not appear to reach a Type I threshold and accordingly, the Town Board may perform an uncoordinated review of its adoption of the Local Law as an Unlisted Action.

Should you have any questions or concerns, please do not hesitate to contact me.

MCT/sel

Enc.

cc: Town Clerk Andrew J. Zarutskie  
James Osborne, Town Engineer (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)  
Elizabeth A. Stradar, Esq., Northrop & Stradar, P.C. (via e-mail)

**TOWN OF NEWBURGH  
INTRODUCTORY LOCAL LAW # 9 OF 2018  
A LOCAL LAW AMENDING CHAPTER 185 ENTITLED  
"ZONING"  
OF THE CODE OF THE TOWN OF NEWBURGH  
AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO EXTEND  
THE PROFESSIONAL OFFICE OVERLAY (O) DISTRICT TO  
INCLUDE AN ADJACENT PARCEL ON THE WEST SIDE OF BALMVILLE ROAD:  
SECTION 84 BLOCK 5 LOT 26**

**BE IT ENACTED** by the Town Board of the Town of Newburgh 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 and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26."

SECTION 2 – PURPOSE AND INTENT

The Town Board of the Town of Newburgh declares its intent to modify the Zoning Map of the Town of Newburgh to extend the Professional Office Overlay (O) District to include an approximately 8.60 acre parcel located at 11 Balmville Road, to wit: tax map parcel Section 84 Block 5 Lot 26. The parcel is in the R-1 Residential Zoning District. It is adjacent to current boundary of the O District. It contains a building which was previously used as a senior residential/nursing facility but it currently vacant. Given the proximity of the parcel to an area of the Town already in the O District and thus considered one in transition from residential to commercial use, as well as the fact that there are improvements already situated on the parcel which can be converted to offices, including the parcel in the O District will likely have limited impact on nearby residential uses and areas, is consistent with the adopted Comprehensive Plan Update of the Town and will be of benefit to the Town.

SECTION 3 – AMENDMENTS TO CHAPTER 185 AND THE ZONING MAP

1. The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-5, is hereby amended to extend and include within the boundaries of the Professional Office (O) Overlay Zoning District, an area to the west of Balmville Road designated on the tax map for the Town of Newburgh as tax parcel Section 84 Block 5 Lot 26.
2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk
3. Attachment 1, Table of Zoning Map Amendments, shall be amended to reflect the extension of the O overlay district as adopted.

SECTION 4 – REPEAL All ordinances and local laws and any parts thereof inconsistent with this Local Law are hereby repealed.

SECTION 5 – 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 6 – EFFECTIVE DATE

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

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of June, 2018 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James A. Presutti, Councilman

James M. Manley, Councilman

RESOLUTION OF TOWN BOARD PROVIDING FOR REFERRAL OF A LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO EXTEND THE PROFESSIONAL OFFICE OVERLAY (O) DISTRICT TO INCLUDE AN ADJACENT PARCEL ON THE WEST SIDE OF BALMVILLE ROAD: SECTION 84 BLOCK 5 LOT 26

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

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

WHEREAS, the Town Board has received a request from 11 Balmville Road, LLC, upon the written consent of the owner of the subject property, to amend the Town's Zoning Map to extend the Professional Office Overlay (O) District to include a parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26, together with an Environmental Assessment Form for an action which includes the requested zoning amendment (the "EAF"); and

WHEREAS, having received and considered such request for a Zoning Map change, the Town Board has authorized to be prepared a proposed Introductory Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26 ; and

WHEREAS, pursuant to Section 239-m of the General Municipal Law and the Town of Newburgh Zoning Code, amendments of zoning laws meeting certain criteria must be referred to the to the county planning board or agency and to the Town of Newburgh Planning Board for review and recommendation; and

WHEREAS, due to the proximity of the subject property to the right of way of Interstate

84, the proposed Introductory Local Law does meet the criteria requiring referral to the Orange County Planning Department.

NOW, THEREFORE, BE IT RESOLVED, that said Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26 is hereby introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York; and

BE IT FURTHER RESOLVED, that copies of said Introductory Local Law, the EAF and such other documents as may be required be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code in conformity with all applicable rules and regulations which have been established for delivery; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid local law also be forwarded to the Town of Newburgh Zoning Board of Appeals for its comments.

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

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

The resolution was thereupon declared duly adopted.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of June, 2018 at 7:00 o'clock p.m.

PRESENT:

- Gilbert J. Piaquadio, Supervisor
- Elizabeth J. Greene, Councilwoman
- Paul I. Ruggiero, Councilman
- James E. Presutti, Councilman
- Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD SCHEDULING A PUBLIC HEARING ON A LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO EXTEND THE BOUNDARIES OF THE PROFESSIONAL OFFICE OVERLAY (O) DISTRICT TO INCLUDE AN ADJACENT PARCEL ON THE WEST SIDE OF BALMVILLE ROAD: SECTION 84 BLOCK 5 LOT 26

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

WHEREAS, a Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Extend the Professional Office Overlay (O) District to Include An Adjacent Parcel on the West Side of Balmville Road: Section 84 Block 5 Lot 26 has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York by resolution adopted by the Town Board.

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

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the \_\_\_th day of August, 2018 at 7:\_\_\_ o'clock, p.m., and

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



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

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

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

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

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

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

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

The resolution was thereupon declared duly adopted.



subject Property

Hudson

Newburgh

LAW OFFICES OF  
**NORTHROP & STRADAR, P.C.**  
ESTABLISHED 1927

GEORGE F. STRADAR, JR.  
ELIZABETH A. STRADAR

ONE CORWIN COURT  
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TEL (845) 561-8000  
FAX (845) 561-2083  
WWW.NSGLAW.COM

GEORGE MILNER NORTHROP  
1903-1987  
JAMES L. MONELL  
1923-2015

June 11, 2018

Gil Piaquadio  
Town Supervisor  
Town of Newburgh New York  
1496 Route 300  
Newburgh, New York 12550

BY HAND

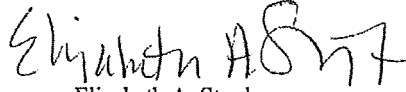
Re: 11 Balmville Road, LLC (Sec. 84 Block <sup>5</sup> Lot 26)

Dear Supervisor Piaquadio:

In advance of tonight's Town Board meeting, enclosed please find:

1. Proxy from Goldsmith D. and Mary B. Johnes Home for the Aged Couples (Incorporated);
2. Short Form Environmental Assessment Form; and
3. \$2,500 check no. 1888 made payable to the Town of Newburgh

Very truly yours,

  
Elizabeth A. Stradar

EAS:dj  
Enclosures  
1885.003

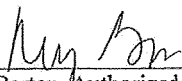
cc: Mark Taylor, Esq. (via email)  
Mr. Philip J. DeAngelo (via email)  
Mr. James P. Connolly (via email)

PROXY

Goldsmith D. and Mary B. Johnes Home for the Aged Couples (Incorporated), DEPOSES AND SAYS THAT IT HAS AN ADDRESS of 11 Balmville Road, Newburgh, New York 12550 IN THE COUNTY of ORANGE and STATE of NEW YORK and THAT IT IS THE OWNER IN FEE of 11 Balmville Road, Newburgh, New York 12550 (Section 84, Block 5, Lot 26), WHICH IS THE PREMISES DESCRIBED IN THAT CERTAIN LETTER TO THE TOWN BOARD and TOWN SUPERVISOR DATED JUNE 7, 2018 from 11 BALMVILLE ROAD, LLC, and 11 BALMVILLE ROAD, LLC ITS AGENTS and REPRESENTATIVES ARE AUTHORIZED TO REPRESENT IT AT MEETINGS OF SAID BOARD.

Goldsmith D. and Mary B. Johnes Home  
for the Aged Couples (Incorporated)

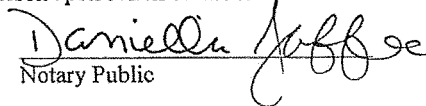
DATED: June 8, 2018

By:   
Jill Barton, Authorized Representative

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

On the 8<sup>th</sup> day of June in the year 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared JILL BARTON, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

DANIELLA JAFFEE  
Notary Public, State of New York  
No. 01JA6063920  
Qualified in Orange County  
Commission Expires September 10, 2021

  
Notary Public

## Short Environmental Assessment Form Part 1 - Project Information

### Instructions for Completing

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

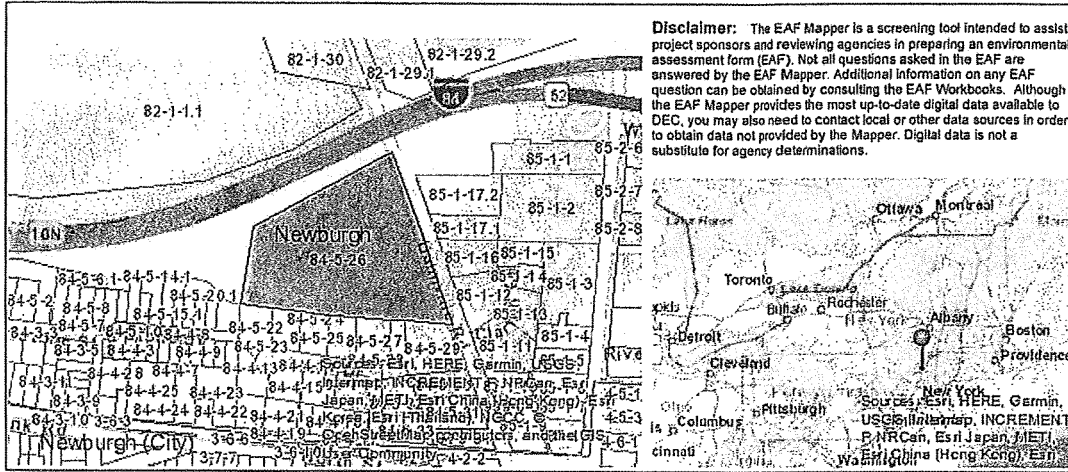
Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information			
Name of Action or Project: 11 Balmville Road LLC			
Project Location (describe, and attach a location map): 11 Balmville Road, Town of Newburgh Orange County NY			
Brief Description of Proposed Action: Conversion of an existing senior nursing facility into an office building.			
Name of Applicant or Sponsor: 11 Balmville Road LLC, c/o Focused Wealth Mgt.		Telephone: 845-489-2771 E-Mail: phildeangelo@aol.com	
Address: 216 Route 299			
City/PO: Highland		State: NY	Zip Code: 12528
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:  Attorney General, approval for sale/transfer of property			YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action? _____ 6.60 _____ acres			
b. Total acreage to be physically disturbed? _____ 3.00 _____ acres			
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 6.60 _____ acres			
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places? b. Is the proposed action located in an archeological sensitive area?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency? b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?    Allantic Sturgeon, Shortnos...	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____	NO	YES
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____	NO	YES
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____	NO	YES
<b>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>		
Applicant/sponsor name: <u>M. J. S. Adams</u>	Date: <u>6/11/10</u>	
Signature: _____		

PRINT FORM



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



LAW OFFICES OF  
**NORTHROP & STRADAR, P.C.**  
ESTABLISHED 1827

GEORGE F. STRADAR, JR.  
ELIZABETH A. STRADAR

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GEORGE MILNER NORTHROP  
1903-1987  
JAMES L. MONELL  
1923-2015

June 8, 2018

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

Re: 11 Balmville Road, LLC (Sec. 84 Block <sup>5</sup>/<sub>4</sub> Lot 26)

Dear Ms. Greene, Messrs. Ruggiero, Presutti, Piaquadio and Manley:

We represent 11 Balmville Road, LLC who is under contract to purchase the Johnes Home property at 11 Balmville Road from the Goldsmith D. and Mary B. Johnes Home for the Aged Couples (Incorporated) ("Seller"). The intention is that the building be used for offices. We write to you with the consent of Seller (proxy will follow).

On Saturday, June 2<sup>nd</sup> our client held an informational meeting at the Johnes Home for neighbors, and the Town Board. Supervisor Piaquadio and Assistant Supervisor Manley were in attendance, as were neighboring property owners. Our client, Phil DeAngelo, presented a slide show with renderings of his vision for the property, toured the participants through the building, and answered all questions. I believe, those in attendance left with a very positive view of the project.

My client now would like to request that the Town Board amend the Town zoning map to extend the office overly district to include the Johnes Home property. The property presently is zoned R-1, and through the office overlay the property will be able to be used for business.

NORTHROP & STRADAR, P.C.

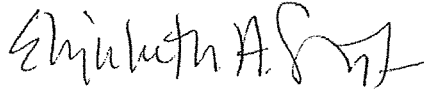
Town Council and Town Supervisor -2-  
Town of Newburgh, New York

June 8, 2018

We expect to have the short form EAF, proxy from Seller and client's check in the amount of \$2,500. on Monday, all of which will be hand delivered.

We very much look forward to working with the Board on this project.

Very truly yours,



Elizabeth A. Stradar

EAS:dj  
Enclosures  
1885.003

cc: Mark Taylor, Esq.  
Mr. Philip J. DeAngelo  
Mr. James P. Connolly



8A  
**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

June 11, 2018

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Stage Request

We are submitting for your approval the attached letter from the New Windsor Recreation Department requesting the use of the mobile stage for their Community Day on Saturday, August 25<sup>th</sup>.

Please note the Recreation Department will deliver and pick up the stage to and from New Windsor. Thank you for your consideration.

Regards,

Robert J. Petrillo  
Commissioner



# TOWN OF NEW WINDSOR

## RECREATION DEPARTMENT

*Director of Parks, Recreation, Buildings & Grounds*  
*Matt Veronesi*

244 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
845-565-7750  
FAX: 845-569-7932  
<http://town.new-windsor.ny.us>

GEORGE GREEN  
*TOWN SUPERVISOR*

PATRICIA MULLARKEY  
ERIC LUNDSTROM  
ANDREW REGENBAUM  
STEVE MOREAU  
*TOWN BOARD*

June 8, 2018

Town of Newburgh Recreation Department  
Attention: Rob Petrillo  
Commissioner  
311 Route 32  
Newburgh, NY 12550

Dear Mr. Petrillo:

As per your request this in an official letter requesting the use of your mobile trailer stage for our Town of New Windsor Community Day which will be Saturday August 25th, 2018. We plan on using it as a second stage in the kid's area.

We would need the stage the day or two before for set up. I can send my guys to pick it up if you like. Your consideration is greatly appreciated. Thanks so much.

Sincerely,

A handwritten signature in black ink that reads "Matt Veronesi". The signature is written in a cursive, slightly slanted style.

Matt Veronesi  
Director of Parks, Recreation, Buildings & Grounds  
(845)565-7750  
mveronesi@newwindsor-ny.gov

8C add on



**TOWN OF NEWBURGH RECREATION DEPARTMENT**

311 ROUTE 32, NEWBURGH, NY 12550

Robert J. Petrillo  
Commissioner of Parks, Recreation & Conservation

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

June 22, 2018

TO: Gil Piaquadio, Supervisor  
Town Board Members

FROM: Robert J. Petrillo, Commissioner

RE: Payment Authorization Request

At this time we are requesting payment from the T-38 account for the following Community Day expenses.

Fireworks Extravaganza	\$10,500.00
Funk Junkies	\$ 1,800.00
PartyTime Rentals	\$ 540.00
Scotty's Potty's	\$ 975.00
Vinnie Farina Signs	\$ <u>225.00</u>
Total	\$14,040.00

The T-38 account has sufficient funds to cover these costs. Thank you for your consideration.

Regards,

R. J. Petrillo  
Commissioner



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

P: 845.562.9100  
F: 845.562.9126  
655 Little Britain Road  
New Windsor, NY 12553  
P.O. Box 2280  
Newburgh, NY 12550

TO: JOHN P. EWASUTYN, PLANNING BOARD CHAIRMAN (by e-mail)  
FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN  
RE: ALDI AMENDED SITE PLAN; STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT  
PLANNING BOARD PROJECT NO. 2018 – 6  
DATE: JUNE 19, 2018

**ATTORNEYS**

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Donna M. Badura  
Amber L. Camio

*M. J. Rider*  
(1906-1968)  
*Elliott M. Weiner*  
(1915-1990)

**COUNSEL**

Stephen P. Duggan, III  
John K. McGuirk

**OF COUNSEL**

Craig F. Simon  
Irene V. Villacci

I am in receipt of a signed Stormwater Facility Maintenance Agreement from Aldi, Inc. in satisfaction of the Planning Board's condition of amended approval, together with a Form TP-584 and the recording fee. The agreement is acceptable to our office as to form.

The matter of authorization of the Supervisor's execution of the agreement is on the Town Board's agenda for its June 25, 2018 meeting.

Should you have any questions, please contact me.

MCT/sel

Enc.

cc: Hon. Gilbert J. Piaquadio, Supervisor (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)  
James Osborne, Town Engineer (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Michael H. Donnelly, Esq., Planning Board Attorney (via e-mail)  
Patrick Hines, McGoey, Hauser & Edsall (via e-mail)  
Justin J. Koterba, Esq., Kayne Law Group (via e-mail)  
Steven Cleason, PE, APD Engineering and Architecture, PLLC (via e-mail)

Town of Newburgh

Tax ID No. 97-1-27.22

**TOWN OF NEWBURGH**

**Stormwater Control Facility Maintenance Agreement**

THIS STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT (the "Agreement") is made as of this \_\_\_\_ day of June, 2018 by and between the Town of Newburgh, having an address at 1496 Route 300, Newburgh, New York 12550 ("Municipality") and Aldi Inc. (New York) (f/k/a Aldi New York, Inc.), a New York Corporation, having an address at 295 Rye Street, S. Windsor, CT 06074 (the "Facility Owner").

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

Whereas, the Facility Owner is the owner of certain real property in the Town of Newburgh consisting of approximately 3.39 acres more particularly described in Schedule "A" annexed hereto and made a part hereof (the "Property"); and

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

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

1. This Agreement binds the Municipality and the Facility Owner, its successors and assigns to the maintenance provisions depicted in the approved project plans and Stormwater Pollution Prevention Plan which are on file with the Municipality's Stormwater Management Officer.
2. The Facility Owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted on the approved project plans for the Facility known as ALDI – Newburgh, NY on and about the Property, as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices and retention ponds and other stormwater practices identified in the Stormwater Pollution Prevention Plan (SWPPP) approved by the Municipality.

3. The Facility Owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The Facility Owner shall provide for the periodic inspection of the stormwater control measures, not less than once a year, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The Facility Owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality. The obligations of the Facility Owner under paragraphs 2, 3, 4 and 6 of this Agreement shall toll upon the completion of the establishment of a drainage district of the Municipality and the acceptance of the dedication of the stormwater control measures by the Municipality. The tolling period shall end upon the discontinuance or dissolution of the municipal drainage district.
6. The Facility Owner shall undertake necessary maintenance, repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The Facility Owner shall provide to the Municipality within 30 days of the date of this Agreement, such security for the maintenance and continuation of the stormwater control measures as the Municipality may have required in its approval in the form acceptable to the Town Engineer and Town Attorney (a bond, letter of credit or escrow account).
8. This Agreement shall be recorded in the Office of the County Clerk, County of Orange and shall be included in any offering plan and/or prospectus or lease other than leases for individual residential units. All rights, title and privileges herein granted, including all benefits and burdens, shall run with the land and shall be binding upon and inure to the benefit of the parties hereto, their respective heirs, executors, administrators, successors, assigns and legal representatives.
9. If ever the Municipality determines that the Facility Owner has failed to construct or maintain the stormwater control measures in accordance with the project plans or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably



necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property. The Facility Owner shall reimburse the Municipality for all costs and expenses, including reasonable attorney's fees, incurred in enforcing this Agreement and curing a violation.

10. This Agreement is effective as of June \_\_\_\_\_, 2018.

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

**TOWN OF NEWBURGH**

By: \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor

STATE OF NEW YORK                    )  
  )  
COUNTY OF \_\_\_\_\_            )


**ACKNOWLEDGMENT**

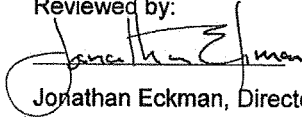
On the \_\_\_\_ day of June, in the year 2018 before me, the undersigned, personally appeared GILBERT J. PIAQUADIO personally known to me or proved to me on the basis of satisfactory evidence to be the individual (s) whose name (s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity (ies), and that by his/her/their signature (s) on the instrument, the individual (s), or the person upon behalf of which the individual (s) acted, executed the instrument.

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

My Commission expires: \_\_\_\_\_

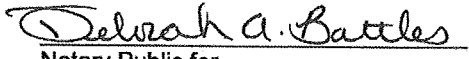
**Aldi Inc. (New York),**  
a New York Corporation

By:   
Bruce Persohn, Divisional Vice President

Reviewed by:  
  
Jonathan Eckman, Director of Real Estate

STATE OF CONNECTICUT            )  
  )            ACKNOWLEDGMENT  
COUNTY OF Hartford            )

On the 14 day of June, in the year 2018 before me, the undersigned, personally appeared Bruce Persohn 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, or the person upon behalf of which the individual acted, executed the instrument.

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

My Commission expires: 04/30/2023

Prepared by:  
Town of Newburgh, 1496 Route 300, Newburgh, New York 12550

Record and return to:  
Kayne Law Group, 612 Park Street, Suite 100, Columbus, OH 43215

**SCHEDULE "A"**

**LEGAL DESCRIPTION**

Tax ID No. 97-1-27.22

**Schedule A**

**DESCRIPTION OF  
LANDS OF ALDI NEW YORK INC (13 NY-17K, NEWBURGH, NY 12550)  
(LOT-2)**

**ALL THAT TRACT OR PARCEL** of land situated in Lot 2, Commercial Subdivision-Lands of the Estate of Antonio Favoriti as filed in Orange County Clerk's Office, Map 122-96, Township of Newburgh, County of Orange, State of New York and being more particularly described as follows:

**COMMENCING AT A POINT**, said point being intersection of the easterly right-of-way of D'Alfonso Road with southerly right-of-way of N.Y. Route 17K; thence, S 73°51'58" E, along southerly right-of-way of N.Y.S. Route 17K, a distance of 24.47' feet to a point; thence, S 65°57'37" E, along southerly right-way of said roadway, a distance of 185.99' feet to **POINT OF BEGINNING**; thence,

- 1.) S 65°57'37" E, continuing along said line being the southerly right-of-way of N.Y.S. Route 17K, a distance of 43.05' feet to a point; thence,
- 2.) S 75°32'38" E, continuing along said line being the southerly right-of-way of N.Y.S. Route 17K, a distance of 291.52' feet to a point; thence,
- 3.) S 25°37'52" W, said line is westerly line of lands owned by KH Orange Reality LLC, distance of 438.00' feet to a point; thence,
- 4.) N 64°06'00" W, said line is the northerly line of lands owned by Assembly of God of Newburgh, a distance of 314.80' feet to a point; thence,
- 5.) N 17°18'49" E, said line is the northerly line of lands owned by Assembly of God of Newburgh, a distance of 93.77' feet to a point; thence,
- 6.) N 64°06'00" W, said line is the northerly line of lands owned by Assembly of God of Newburgh a distance of 212.00' feet to a point; thence,
- 7.) N 25°54'00" E, said line being the easterly right-of way of D'Alfonso Road, a distance of 70.00' feet to a point; thence,
- 8.) S 64°06'00" E, said line is the southerly line of lands owned by PMI Properties LLC, a distance of 210.00' feet to a point; thence,
- 9.) N 25°54'00" E, said line is the easterly line of lands owned by PMI Properties LLC a distance of 216.04' feet to a **THE POINT OF BEGINNING**.

**CONTAINING:** 147,524 Square Feet, or 3.387 Acres of land, more or less.

**ALL AS SHOWN ON A PLAN** prepared by Vincent J. Doce Associates, Surveyors and Planners, entitled "Commercial Subdivision land of The Estate of Antonio Favoriti", Map #122-96, Filed June 27, 1996 with the Orange County Clerk's Office.

**DATE:** 06-15-18

**Written by:** David J. LaRue, LS, EIT, CFM

98

(copy)

TOWN OF NEWBURGH  
TOWN ENGINEER

MEMORANDUM

TO: Gil Piaquadio, Town Supervisor & Town Board  
FROM: James W. Osborne, Town Engineer *JWO*  
DATE: June 13, 2018  
RE: MANN SUBDIVISION (Lakeside Road)

---

Attached for the Town Board's review and approval is a cost estimate for the construction of a new private road over an existing driveway for the above referenced subdivision. The cost estimate of \$ 44,167 was prepared by Maser Consulting. The required inspection fee is \$ 1,325. (3% for private roads).

As this requires Town Board action, I am requesting that this item be put on the next available agenda. If you have any questions or comments, please feel free to contact me.

JWO/id

Attachment

cc: M. Taylor, Attorney  
M. Hall, Highway Supt.  
J. Ewasutyn, P.B. Chairman  
P. Hines, MH&E  
C. Robinson, Maser Consult.

**ENGINEERS ESTIMATE - Private Roadway**

**Mann Subdivision**

**Tax Lot # 28-1-12.1**

Date: April 2018

Approximate

Engineer's  
Estimate

<u>Quantity</u>	<u>Units</u>	<u>Description</u>	<u>Unit Cost</u>	<u>Total</u>
121	TON	Pavement Binder Course	\$100	\$12,100
1115	SY	Roadway Subbase (12" R.O.B. Gravel)	\$20	\$22,300
500	SY	Removal & Disposal of Existing Asphalt	\$18.50	\$9,250
470	LF	Roadway As-Builts	\$1.10	\$517
470	LF	Clearing & Grading (50' R.O.W. & Roadside Swale)	\$22.00	\$10,340
Sub-Total				\$44,167
4% Town Inspection Fees				<del>\$1,800</del>
Total				\$44,167

\$1325

**Notes:**

Unit cost includes materials & installation.

MC Project No. 15001767B



10

TOWN OF NEWBURGH ANIMAL CONTROL &  
SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344  
FAX: (845) 561-2220

To: Town Board

From: Cheryl Cunningham, Animal Control

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

Date: June 14, 2018

---

I am requesting authorization to use the T-94 account to pay for veterinarian services from: Flannery Animal Hospital

Totaling: \$42.00

Feline: \$42.00

Canine:



**TOWN OF NEWBURGH**

1496 ROUTE 300  
NEWBURGH, N.Y. 12550

**VOUCHER**

DEPARTMENT

*TO NAC*

CLAIMANT'S  
NAME  
AND  
ADDRESS

*101 18989*  
Flannery Animal Hospital  
789 Little Britain Road  
New Windsor, NY 12553

TERMS

*MAY 2018 Voucher*

Order No.

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT		VOUCHER NO.	
						VOUCHER NO.
		<b>TOTAL</b>				
Abstract No.						

Vendor's  
Ref. No.

Dates	Quantity	Description of Materials or Services	Unit Price		Amount	
<i>5-14-18</i>	<i>1</i>	<i>Inv # 401802 27C-18 p2994 (# ANU)</i>				<i>42.00</i>
(See Instructions on Reverse Side)			<b>TOTAL</b>			<i>42.00</i>

**CLAIMANT'S CERTIFICATION**

I, *Jean Tobin*, certify that the above account in the amount of \$ *42.00* is true and correct; that the items, services and disbursements charged were rendered to or for the municipality on the dates stated; that no part has been paid or satisfied; that taxes, from which the municipality is exempt, are not included; and that the amount claimed is actually due.

*6-7-18*  
DATE

*Jean Tobin*  
SIGNATURE

*Acct Manager*  
TITLE

(Space Below for Municipal Use)

**DEPARTMENT APPROVAL**

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

DATE

AUTHORIZED OFFICIAL

**APPROVAL FOR PAYMENT**

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

DATE

AUDITING BOARD

# Flannery Animal Hospital

CARING FOR OUR COMMUNITY'S PETS

789 Little Britain Rd  
New Windsor, NY 12553  
845-565-7387

Open 24/7/365

**Town Of Newburgh Animal Control (# 18987)**  
645 Gidney Avenue  
Newburgh, NY 12550

**May 31, 2018**

**Invoice Number  
401802**

Home Phone: (845) 561-3344  
Work Phone: ( ) - ext:

**27C-18 peggy (# ANU)**

Date	Description	Qty	Price
05/14/2018	Shelter - Office Visit NC	1.00	\$ 0.00
	Town/City/Shelter - E&B Feline	1.00	\$ 42.00

**Total for 27C-18 peggy: \$ 42.00**

Dr. Darney Liz (E) Osepa

**Total Invoice: \$ 42.00**

**Previous Balance: \$**

**Total Amount Due: \$**

**New Balance Due: \$**

## Current Account Status

Current Invoice:	0 to 30 Days	31 to 60 Days	61 to 90 Days	Over 90 Days	Total A/R
\$ 42.00	\$	\$	\$ 0.00	\$	\$

June 24, 2018

To Whom It May Concern:

I, Diana M. Campos, propose to work as a consultant for the Town of Newburgh, New York doing Grant Writing. Following discussions with Councilmen Manley and Ruggiero, I will focus on the following areas; Animal Control, The Town Court, The Town Clerks office, the Zoning and Planning Board, and the Receiver of Taxes and Assessor.

This work will entail:

- Meeting with Department Heads

- Project/Grant Research

- Drafting and finalizing and submitting all proposals which are deemed appropriate and necessary.

For this work I will be compensated at a rate of \$55.00 per hour. Invoices and vouchers will be submitted accordingly with all pertinent back up documentation. Payment is for work performed and is not tied to securing a grant or receiving funding. In the event of receiving funding follow-up meetings will be held with Department Heads or other staff to insure that the grant is properly implemented so that the grant remains in good standing.

If during the course of research I find pertinent funding for an area not in one of my focus areas, I will submit that information to whoever is the appropriate contact person.

This agreement will take effect immediately.

**Diana M. Campos**

Diana M. Campos

1 Friar Lane

Newburgh, NY 12550

914-309-8092



June 22, 2018

Town of Newburgh  
1496 NY-300  
Newburgh, NY 12550

Dear Supervisor and Town Board,

Thank you for the opportunity to serve the Town of Newburgh. It has been established that LAJ Management Solutions will write and administer grants for the Town at an hourly rate of \$55.00. In each grant application we will make every effort to have the administrative costs covered by the grant itself.

LAJ Management Solutions is a full-service consulting firm that is available for assisting municipalities in a wide variety of roles; including grant writing, infrastructure upgrades, conceptual designs, proposing projects, project management, public input, escrow maintenance, and debt service restructuring.

We look forward to working with you as a team.

Sincerely,

A handwritten signature in cursive script that reads "Lori A. Jiava".

Lori A. Jiava  
Executive Director



Rider Weiner & Frankel P.C.  
ATTORNEYS & COUNSELORS AT LAW

MEMORANDUM

P: 845.562.9100  
F: 845.562.9126  
655 Little Britain Road  
New Windsor, NY 12553  
P.O. Box 2280  
Newburgh, NY 12550

TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR  
TOWN BOARD MEMBERS  
FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN  
RE: RESOLUTION OF TOWN BOARD TO AUTHORIZE WORK TO  
ABATE VIOLATIONS OF MUNICIPAL CODE SECTION 95-9  
PERTAINING TO CUTTING, TRIMMING OR REMOVAL OF  
BRUSH, GRASS, RUBBISH OR WEEDS AFTER OWNERS  
FAILURE TO COMPLY FOLLOWING SERVICE OF NOTICE AND  
AUTHORIZING PAYMENT OF COSTS  
OUR FILE NOS. 800.1(B)( ) (2018),  
DATE: JUNE 22, 2018

ATTORNEYS

David L. Rider  
Charles E. Frankel  
Michael J. Matsler  
Mark C. Taylor  
Deborah Weisman-Estis  
M. Justin Rider  
Donna M. Badura  
Amber L. Camio  
M. J. Rider  
(1906-1968)  
Elliott M. Weiner  
(1915-1990)

COUNSEL

Stephen P. Duggan, III  
John K. McGuirk

OF COUNSEL

Craig F. Simon  
Irene V. Villacci

In accordance with Supervisor Piaquadio's and Code Compliance Supervisor Canfield's request, enclosed please find the above referenced draft resolution for the Town Board's consideration.

Please note that at least **10 days after service** of notice to abate must expire before the Town Board can act. The attached Schedule A indicates that has not occurred in certain cases, and those properties **should be crossed out** for later action if the Town Board intends to act on the resolution at its June 25 meeting. As the list provided by Code Compliance indicates that posting was only accomplished on June 19-21, only those properties on which certified mailing "green cards" demonstrating receipt of a mailed notice 10 days prior to June 25 should be included for the upcoming meeting. Please note also that the list includes a County owned property and the Town Board may wish to consider whether it will be able to recoup the costs with regard to this government owned property.

Should you have any questions or concerns, please do not hesitate to contact me.

MCT:kac  
Enclosure

cc: Andrew J. Zarutskie, Town Clerk (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)  
Ronald Clum, Town Accountant (via e-mail)  
Deborah Smith, Receiver of Taxes (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of June, 2018 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paule I. Ruggiero, Councilman

James E. Presutti, Councilman

Scott M. Manley, Councilman

RESOLUTION OF TOWN BOARD TO AUTHORIZE WORK TO ABATE VIOLATION OF MUNICIPAL CODE SECTION 95-9 PERTAINING TO CUTTING, TRIMMING OR REMOVAL OF BRUSH, GRASS, RUBBISH OR WEEDS AFTER OWNERS FAILURE TO COMPLY FOLLOWING SERVICE OF NOTICE AND AUTHORIZING PAYMENT OF COSTS

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

WHEREAS, Town of Newburgh Municipal Code Section 95-11 provides that whenever a notice or notices are served as set forth in Municipal Code § 95-10 and the owner or owners of the respective lots or parcels of land shall neglect or fail to comply with such notices within the time provided therein, the Town Board may authorize the work to be done and shall provide for the cost thereof to be paid from general Town funds as directed by resolution of the Town Board or authorize Town employees and equipment to perform the work.; and

WHEREAS, the owners of the lots having the addresses listed on Schedule "A" annexed hereto (collectively the "Properties") have been served with notices of violations in accordance with Municipal Code § 95-10 and have failed to abate the violations within the time provided in said notices which was at least 10 days following the service of the notice upon such owner.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Newburgh hereby authorizes the work necessary to abate the violations on the Properties and for the costs thereof to be paid from general Town funds .

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

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

The resolution was thereupon declared duly adopted.

ADDRESS	OTR SENT	PLACARD
24 Buckingham Dr.	6/6/2018	19-Jun
1248 Union Ave	6/7/2018	19-Jun
19 Greenwood Dr	6/7/2018	20-Jun
6 Stillwater Ln	6/7/2018	20-Jun
8 Hob St	6/14/2018	20-Jun
202 E. Meadow Winds Ln	6/14/2018	22-Jun
91 Meadow Hill Rd.	6/15/2018	19-Jun
5 Buckingham Dr	6/20/2018	19-Jun
22-24 Balmville Rd	5/24/18, 6/13/18	20-Jun
54 Wesley Ct	6/12/18, 6/14/18	19-Jun
16 Firemens Lane	6/13/18, 6/14/18	20-Jun
11 Ulster Terr	6/5, 6/12, 6/14	20-Jun
28 Windwood Dr.	6/9/18, 6/11/18	21-Jun
19 Meadow St.	County Owned	21-Jun