

**TOWN COUNCIL MEETING  
PUBLIC MEETING AGENDA**

Tuesday, July 5, 2016  
7:00 p.m.

1. ROLL CALL
2. PLEDGE OF ALLEGIANCE TO THE FLAG
3. MOMENT OF SILENCE
4. CHANGES TO AGENDA
5. APPROVAL OF AUDIT
6. DEPUTY SUPERVISOR
7. PRESENTATION to Civil Air Patrol
8. PUBLIC HEARING (7:00 p.m.): Establishment of Rockwood Drive Drainage District
9. PUBLIC HEARING (7:15 p.m.): Amendment to Water Tank Space Lease Amendment – Governor Drive
  - A. SEQR Determination
  - B. Approval of Execution of Lease Amendment
10. PUBLIC HEARING (7:30 p.m.): Establishment Roseton Hills Sewer District
  - A. Public Interest Determination and Final Establishment Resolution
  - B. Bond Resolution
11. REPORT FROM DEPARTMENT HEADS
12. ACCOUNTING: Munistat Service Agreement
13. ASSESSOR: Certiorari Case
  - A. Storage Stop Inc. vs. Town of Newburgh Parcel I
  - B. Storage Stop Inc. vs. Town of Newburgh Parcel II
14. ANIMAL CONTROL: T-94 Withdrawal
15. POLICE:
  - A. Appointment of DARE Officer
  - B. Software Purchase
  - C. Hiring of first Part Time Police Officer
  - D. Hiring of second Part Time Police Officer
16. RECREATION:
  - A. T-38 Withdrawal for Chadwick Lake Park Concert Series
  - B. Hiring of Two Seasonal Personnel
  - C. T-38 Withdrawal for Community Day Tent
17. ANNOUNCEMENTS
18. PUBLIC COMMENTS
19. ADJOURNMENT

# *Town of Newburgh Town Board*

*WHEREAS*, the Civil Air Patrol (CAP) was founded on Dec. 1, 1941, to supplement the U.S. Military during World War Two; and

*WHEREAS*, in 1948 CAP was designated as the U.S. Air Force's official auxiliary with three missions ---emergency services, cadet programs and aerospace education; and

*WHEREAS*, since CAP's beginning, the organization has set itself apart during the country's most tumultuous times: Locating enemy submarines during World War II, assisting rescuers and state agencies immediately following the Sept. 11, 2001, terrorist attacks, heavily supporting hurricane relief efforts in 2005, 2008 and 2012, and in response to the Gulf Coast oil spill in 2010, as well as aiding communities during other natural disasters, such as floods, wildfires, ice storm and tornadoes; and

*WHEREAS*, CAP further provides vital homeland security missions that help ensure the protection of the nation's capital and the nation as a whole by assisting Air Force pilots with target-intercept training as well as the military with acquiring distant targets; and

*WHEREAS*, CAP provides exceptional educational and growth opportunities for youth through its nearly 24,000 member strong cadet program, which annually provides access to top national summer flight academies to learn to fly powered or glider aircraft, as well as to more than 30 national programs emphasizing leadership and careers in aviation; and

*WHEREAS*, CAP's Aerospace Education Program annually touches more than 1,800 educators, more than 150,000 youths --- cadets and others in classrooms across America --- teaching multidisciplinary aviation concepts that emphasize aviation's connection to history, math, science, government and economics;

*BE IT RESOLVED*, THAT THE Town Board of the Town of Newburgh, on behalf of a grateful public, hereby commends CAP for its "75 Years of Missions for America" and its outstanding cadet and aerospace programs, which annually touch the lives and ensure the safety of thousands of American citizens; and

*BE IT FURTHER RESOLVED* that we declare the week of July 10 to 16, 2016, to be known as "Civil Air Patrol Week".

Under my hand and seal this 5<sup>th</sup> day of July, 2016.

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Gil Piaquadio, Town Supervisor

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Elizabeth J. Greene, Councilwoman

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Paul I. Ruggiero, Councilman

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James E. Presutti, Councilman

James R. Loeb  
Richard J. Drake, *retired*  
Glen L. Heller\*  
Marianna R. Kennedy  
Gary J. Gogerty  
Stephen J. Gaba  
Adam L. Rodd  
Dominic Cordisco  
Timothy P. McElduff, Jr.  
Ralph L. Puglielle, Jr.  
Nicholas A. Pascale

Lisa M. Card  
Alana R. Bartley  
Aaron C. Fitch  
Juliana O'Grady

Jennifer L. Schneider  
Managing Attorney

\*LL.M. in Taxation

April 22, 2016

ATTN: MR. GIL PIAQUADIO  
Town Board of Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, New York 12550

Re: Town of Newburgh - Formation of Rockwood Drive Drainage District  
Our File No.: 800-67479

Dear Supervisor Piaquadio and Town Board Members:

Thank you for assigning this matter to my firm. As per the Supervisor's letter of February 9, 2016, I have reviewed the petition, map, plan and report of PJPR Holdings, LLC to form drainage district for the Rockwood Drive subdivision. Kindly accept the follow as our report to the Town Board and recommendation on how to proceed.

**Summary of Applicable Law Regarding  
Formation of Drainage Districts.**

As pertains to drainage districts,<sup>1</sup> under Article 12 of the New York State Town Law the Town Board of any town may establish a drainage district upon receipt of a petition to form the same. The petition must be signed and acknowledged in same manner as a deed by the owners of taxable real property within the proposed district aggregating at least one-half of the assessed valuation of all of the taxable real property of the proposed district. The petition must describe the boundaries of the proposed district in a manner sufficient to identify the lands included therein as in a deed. If the petition requests the construction of improvements for the district, or the ongoing supply of services by the district, it must state the maximum amount to be expended on construction of the improvements and/or the annual amount to be expended on the services.

Every petition for the establishment of a drainage district must be accompanied by a map, plan and report prepared by a licensed engineer. The map must show the boundaries of the proposed district. The plan must set forth a general description of the proposed drainage system. The report should be provided regarding the estimated cost of hook-up fees (if any) and how the cost of the district to property owners was computed. The "map, plan and report" is generally a single document with appendices.



## Special District Resolution

# APPROVAL

To be filed with Orange County Clerk

The following resolution must be filed with the County Clerk within 30 days of town adoption.

The following resolution must be filed with the County Clerk by October 15th to be effective on current year tax roll.

The special district code number will be assigned by Real Property upon receiving filing from County Clerk.

**Special District Name** \_\_\_\_\_

**Town of** \_\_\_\_\_ **Town board adoption date:** \_\_\_\_\_

**Special district is:**

New       Extension\*       Consolidation\*       No change

\* District(s) involved \_\_\_\_\_

**Description of parcels in district:**

Map       Written description       S/B/L listing

**Taxing information:**

Ad Valorem       Per unit      Fixed amount: \$ \_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
Technician initials

SCHEDULE "A"

SECTION 75 BLOCK 1 LOT 36

ALL THAT piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, and being designated as LOT NO. 2 on a map entitled "LOT LINE CHANGE PLAN, LANDS OF G&L REALTY" dated February 28, 2003 and filed in the Orange County Clerk's office May 9, 2003 as Map No. 144-03 and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of the existing Rockwood Drive (West) with the northerly line of the existing Chestnut Lane, said point being North 74 degrees 20 minutes 00 seconds East 368.77 feet and South 89 degrees 55 minutes 00 seconds East 85.57 feet from the point of intersection of said northerly line of Chestnut Lane with the easterly line of N.Y.S. Route 32, North Plank Road; thence, from said point of beginning and along said northerly line of Chestnut Lane, North 89 degrees 55 minutes 00 seconds West 85.57 feet and South 74 degrees 20 minutes 00 seconds West 136.93 feet to a point on the division line between Lot No. 1 of the above mentioned map on the west and south, and the parcel herein described on the east and north; thence, along the last said division line, the following (4) courses,

- (1) North 8 degrees 26 minutes 00 seconds West 32.01 feet;
- (2) North 9 degrees 17 minutes 00 seconds West 178.40 feet;
- (3) North 17 degrees 44 minutes 00 seconds West 123.99 feet and
- (4) South 72 degrees 16 minutes 00 seconds West 230.00 feet to a point in the easterly line of N.Y.S. Route 32, North Plank Road; thence, along the last said line, North 17 degrees 44 minutes 00 seconds West 87.10 feet and North 19 degrees 54 minutes 00 seconds West 226.10 feet to a point on the division line between the individual lands now or formerly of Bell and Barclay Manor Association on the northwest and north, and the parcel herein described on the southeast and south; thence, along the last said division line, the following four (4) courses,

- (1) North 59 degrees 58 minutes 00 seconds East 245.00 feet;
- (2) North 72 degrees 14 minutes 00 seconds East 149.20 feet;
- (3) North 48 degrees 55 minutes 00 seconds East 92.10 feet; and
- (4) North 30 degrees 00 minutes 00 seconds East 318.93 feet to a point on the division line between the lands now or formerly of Benziger on the northeast and the parcel herein described on the Southwest; thence along the last said division line, South 64 degrees 43 minutes 30 seconds East 133.07 feet to a point on the division line between the lands now or formerly of G&L Realty on the east, southeast and northeast, and the parcel herein described on the west, northwest and southwest; thence, along the last said division line, the following three (3) courses,

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 \_\_\_ day of May, 2016 at 7:00 o'clock p.m.

PRESENT:

ORDER OF TOWN BOARD  
CALLING PUBLIC HEARING  
IN THE MATTER OF THE  
ESTABLISHMENT OF THE  
JPR HOLDINGS, LLC SUBDIVISION  
DRAINAGE DISTRICT OF THE TOWN OF  
NEWBURGH, ORANGE COUNTY, NEW YORK  
PURSUANT TO ARTICLE 12 OF THE TOWN  
LAW

James Presutti, Councilman

Scott Manley, Councilman

Paul Rugeiero, Councilman

Elizabeth J. Greene, Councilwoman

Gilbert J. Pianzudo, Supervisor

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

WHEREAS, a petition has been duly presented to the Town Board, according to law, requesting that the JPR Holdings, LLC Subdivision Drainage District, as hereinafter described, be established in the Town of Newburgh; and

WHEREAS, the necessary map, plan and report dated June 17, 2014, prepared by the Hudson Land Design Professional Engineering, P.C., competent engineers duly licensed by the State of New York showing the facilities involved together with the proposed boundaries of the proposed JPR Holdings, LLC Subdivision Drainage District was attached to the petition and has heretofore been filed in the office of the Town Clerk of the Town of Newburgh where the same is available during regular office hours for examination by any persons interested in the subject matter therein; and

WHEREAS, the boundaries of the proposed JPR Holdings, LLC Subdivision Drainage District are set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of a network of driveway culverts and surface swales that convey stormwater to a stormwater management pond where it is conveyed via piped connection to an existing catch basin, as well as an existing culvert that conveys stormwater runoff across Chestnut Lane to the south; and

WHEREAS, no amount is proposed to be expended for the improvements as stated in the petition and no financing of the cost of the District's facilities or services is proposed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town nor is it proposed to assume debt service on obligations issued pursuant to Subdivision 12 of Town Law §198, the developer of the Rockwood Drive Subdivision [JPR Holdings, LLC] proposing to install and dedicate the necessary drainage facilities at no cost to the District or Town; and

WHEREAS, \$5,500.00 is set forth in the petition and the map, plan and report appended to the petition as the maximum amount proposed to be expended annually for the performance or supplying of services for the repair and maintenance of the dedicated stormwater management facilities of the JPJR Holdings, LLC Subdivision Drainage District inclusive of the estimated annual insurance cost to be expended annually for the proposed drainage district and the average annual cost of the District to a typical property is estimated to be \$500, which is the same as the cost to the typical one or two family home; and

WHEREAS, the establishment of the JPJR Holdings, LLC Subdivision Drainage District has been determined to be an "Unlisted Action" for purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder, and the Town of Newburgh Planning Board acting in its capacity as Lead Agency for the Rockwood Drive Subdivision [JPJR Holdings, LLC] has issued a negative declaration for the Action encompassing the establishment of said Drainage District; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said JPJR Holdings, LLC Subdivision Drainage District pursuant to Article 12 of the Town Law.

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Newburgh, Orange County,

New York, as follows:

Section 1. The Town Board of the Town of Newburgh shall hold a public hearing at the Town Hall at 1496 Route 300, Town of Newburgh, New York on the \_\_\_th day of June, 2016 at 7:00 o'clock, p.m., Prevaling Time in the matter of the establishment of the proposed JPJR Holdings, LLC Subdivision Drainage District as described in the preambles hereto, and to consider the petition and map, plan and report filed in relation thereto and the improvements therefore and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this Order to be published once in The Mid-Hudson Times and The Sentinel, the official newspapers of said Town, the first publication thereof to be not less than ten (10) nor more than twenty (20) days before the day set herein for the hearing as aforesaid, and the Town Clerk shall also cause a copy of this Order to be posted on the signboard of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten (10) nor more than twenty (20) days before the day set for the public hearing. Further, the Town Clerk is hereby authorized and directed to cause a copy of this Order to be filed with the Office of the New York State Comptroller.

Section 3. This Order shall be entered in the minutes of the meeting and shall take effect immediately.

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

James Presutti, Councilman \_\_\_\_\_ voting \_\_\_\_\_  
Scott Manley, Councilman \_\_\_\_\_ voting \_\_\_\_\_  
Paul Rungiero, Councilman \_\_\_\_\_ voting \_\_\_\_\_  
Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_  
Gilbert J. Paquadro, Supervisor \_\_\_\_\_ voting \_\_\_\_\_

The order was thereupon declared duly adopted.

SIG/ed/97256  
800-57479  
4/14/16



SCHEDULE "A"  
METES AND BOUNDS DESCRIPTION OF  
PROPOSED DRAINAGE DISTRICT'S BOUNDARIES

SCHEDULE "A"

SECTION 75 BLOCK 1 LOT 36

ALL THAT piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, and being designated as LOT NO. 2 on a map entitled "LOT LINE CHANGE PLAN, LANDS OF G&L REALTY" dated February 28, 2003 and filed in the Orange County Clerk's office May 9, 2003 as Map No. 144-03 and being more particularly bounded and described as follows:

BEGINNING at the point of intersection of the westerly line of the existing Rockwood Drive (West) with the northerly line of the existing Chestnut Lane, said point being North 74 degrees 20 minutes 00 seconds East 368.77 feet and South 89 degrees 55 minutes 00 seconds East 85.57 feet from the point of intersection of said northerly line of Chestnut Lane with the easterly line of N.Y.S. Route 32, North Plank Road; thence, from said point of beginning and along said northerly line of Chestnut Lane, North 89 degrees 55 minutes 00 seconds West 85.57 feet and South 74 degrees 20 minutes 00 seconds West 136.93 feet to a point on the division line between Lot No. 1 of the above mentioned map on the west and south, and the parcel herein described on the east and north; thence, along the last said division line, the following (4) courses,

- (1) North 8 degrees 26 minutes 00 seconds West 32.01 feet;
- (2) North 9 degrees 17 minutes 00 seconds West 178.40 feet;
- (3) North 17 degrees 44 minutes 00 seconds West 230.00 feet to a point in the easterly line of N.Y.S. Route 32, North Plank Road; thence, along the last said line, North 17 degrees 44 minutes 00 seconds West 87.10 feet and North 19 degrees 54 minutes 00 seconds West 226.10 feet to a point on the division line between the individual lands now or formerly of Ball and Barclay Manor Association on the northwest and north, and the parcel herein described on the southeast and south; thence, along the last said division line, the following four (4) courses,
- (1) North 59 degrees 58 minutes 00 seconds East 245.00 feet;
- (2) North 72 degrees 14 minutes 00 seconds East 149.20 feet;
- (3) North 48 degrees 55 minutes 00 seconds East 92.10 feet; and
- (4) North 30 degrees 00 minutes 00 seconds East 318.93 feet to a point on the division line between the lands now or formerly of Benziger on the northeast and the parcel herein described on the Southwest; thence along the last said division line, South 64 degrees 43 minutes 30 seconds East 133.07 feet to a point on the division line between the lands now or formerly of G&L Realty on the east, southeast and northeast, and the parcel herein described on the west, northwest and southwest; thence, along the last said division line, the following three (3) courses,
- (1) South 9 degrees 50 minutes 00 seconds West 103.75 feet,
- (2) South 36 degrees 37 minutes 00 seconds West 101.99 feet and

- (3) South 64 degrees 43 minutes 30 seconds East 150.00 feet to a point in the northwesterly line of the addressd Rockwood Drive (West), thence, along the northwesterly and westerly lines of Rockwood Drive (West), the following three courses:
- (1) South 36 degrees 37 minutes 00 seconds West 104.97 feet.
  - (2) South 9 degrees 50 minutes 00 seconds West 307.04 feet and
  - (3) South 5 degrees 58 minutes 20 seconds West 329.50 feet to the point or place of beginning, containing 8.85 acres of land more or less.

SUBJECT TO ...

See drainage easement and appurtenances Orange County map no. 3658

See grants to Central Hudson Gas & Electric Corp. and New York Telephone Company in

- Liber 1127 page 28
- Liber 1136 page 409
- Liber 1188 page 343
- Liber 1674 page 533

RESERVING ...

A 50 foot by 50 foot turnaround easement easterly of the division line between Lot No. 1, lands to be retained by G & L Realty, on the west and Lot No. 2, lands to be conveyed to Patrick Page et al, on the east.

BEING a portion of the premises described in a deed from Leonard Bell and Gladys F. Bell to G & L Realty Co. dated April 18, 1994 and recorded in the Orange County Clerk's office on May 23, 1994 in Liber 4038 at Page 14.

BEING a portion of the premises conveyed in a deed dated July 7, 2003 made by G&L Realty &/or G&L Realty Co. to R&P Page Ventures, LLC and recorded in the office of the Orange County Clerk on July 9, 2003 in Liber 1113 of Deeds at Page 321.

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 \_\_\_ day of May, 2016 at 7:00 o'clock p.m.

PRESENT:

ORDER OF TOWN BOARD  
CALLING PUBLIC HEARING  
IN THE MATTER OF THE  
ESTABLISHMENT OF THE  
JPJR HOLDINGS, LLC SUBDIVISION  
DRAINAGE DISTRICT OF THE TOWN OF  
NEWBURGH, ORANGE COUNTY, NEW YORK  
PURSUANT TO ARTICLE 12 OF THE TOWN  
LAW

James Presutti, Councilman  
Scott Manley, Councilman  
Paul Ruesigiero, Councilman  
Elizabeth J. Greene, Councilwoman  
Gilbert J. Paquadro, Supervisor

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

WHEREAS, a petition has been duly presented to the Town Board, according to law, requesting that the JPJR Holdings, LLC Subdivision Drainage District, as hereinafter described, be established in the Town of Newburgh; and

WHEREAS, the necessary map, plan and report dated June 17, 2014, prepared by Hudson Land Design Professional Engineering, P.C., competent engineers duly licensed by the State of New York showing the facilities involved together with the proposed boundaries of the proposed JPJR Holdings, LLC Subdivision Drainage District was attached to the petition and has heretofore been filed in the office of the Town Clerk of the Town of Newburgh where the same is available during regular office hours for examination by any persons interested in the subject matter therein; and

WHEREAS, the boundaries of the proposed JPJR Holdings, LLC Subdivision Drainage District are set forth in Schedule "A" annexed hereto and made a part hereof; and

WHEREAS, the improvements proposed consist of a network of driveway culverts and surface swales that convey stormwater to a stormwater management pond where it is conveyed via piped connection to an existing catch basin, as well as an existing culvert that conveys stormwater runoff across Chestnut Lane to the south; and

WHEREAS, no amount is proposed to be expended for the improvements as stated in the petition and no financing of the cost of the District's facilities or services is proposed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town nor is it proposed to assume debt service on obligations issued pursuant to Subdivision 12 of Town Law §198, the developer of the Rockwood Drive Subdivision [JPJR Holdings, LLC] proposing to install and dedicate the necessary drainage facilities at no cost to the District or Town, and

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

James Presutti, Councilman voting \_\_\_\_\_  
Scott Manley, Councilman voting \_\_\_\_\_  
Paul Rugeiero, Councilman voting \_\_\_\_\_  
Elizabeth J. Greene, Councilwoman voting \_\_\_\_\_  
Gilbert J. Pasquadio, Supervisor voting \_\_\_\_\_

The order was thereupon declared duly adopted.

SKG/e6/497256  
800-57479  
4/14/16

SCHEDULE "A"

SECTION 75 BLOCK 1 LOT 36

ALL THAT piece or parcel of land situate, lying and being in the Town of Newburgh, County of Orange, State of New York, and being designated as LOT NO. 2 on a map entitled "LOT LINES CHANGE PLAN, LANDS OF G&L REALTY" dated February 28, 2003 and filed in the Orange County Clerk's office May 9, 2003 as Map No. 144-03 and being more particularly bounded and described as follows:

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- (1) North 8 degrees 26 minutes 00 seconds West 32.01 feet;
- (2) North 9 degrees 17 minutes 00 seconds West 173.40 feet;
- (3) North 17 degrees 44 minutes 00 seconds West 123.99 feet and
- (4) South 72 degrees 16 minutes 00 seconds West 230.00 feet to a point in the easterly line of N.Y.S. Route 32, North Plank Road; thence, along the last said line, North 17 degrees 44 minutes 00 seconds West 87.10 feet and North 19 degrees 54 minutes 00 seconds West 226.10 feet to a point on the division line between the individual lands now or formerly of Bell and Bantley Manor Association on the northwest and north, and the parcel herein described on the southeast and south, thence, along the last said division line, the following four (4) courses,

- (1) North 59 degrees 58 minutes 00 seconds East 245.00 feet;
- (2) North 72 degrees 14 minutes 00 seconds East 149.20 feet;
- (3) North 48 degrees 35 minutes 00 seconds East 92.10 feet; and
- (4) North 30 degrees 00 minutes 00 seconds East 318.93 feet to a point on the division line between the lands now or formerly of Benziger on the northeast and the parcel herein described on the Southwest; thence along the last said division line, South 64 degrees 43 minutes 30 seconds East 133.07 feet to a point on the division line between the lands now or formerly of G&L Realty on the east, southeast and northeast, and the parcel herein described on the west, northwest and southwest; thence, along the last said division line, the following three (3) courses,

- (1) South 9 degrees 50 minutes 00 seconds West 103.75 feet;
- (2) South 36 degrees 37 minutes 00 seconds West 101.99 feet and

At a meeting of the Town Board held at the Town Hall, 1496 Route 300 in the Town of Newburgh, Orange County, New York, on the \_\_\_\_\_ day of June, 2016 at 7:00 o'clock p.m.

PRESENT:

James Presutti, Councilman

Scott Mantley, Councilman

Paul Ruggiero, Councilman

Elizabeth J. Greene, Councilwoman

Gilbert J. Pignatolo, Supervisor

FINAL ORDER OF THE TOWN BOARD OF THE TOWN OF NEWBURGH ESTABLISHING THE JPJR HOLDINGS, LLC, SUBDIVISION DRAINAGE DISTRICT OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK.

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

WHEREAS, a petition has been duly presented to the Town Board, according to law, requesting that the JPJR Holdings, LLC Subdivision Drainage District, as hereinafter described, be established in the Town of Newburgh, and

WHEREAS, the necessary map, plan and report dated June 17, 2014 prepared by Hudson Land Design Professional Engineering, P.C., competent engineers duly licensed by the State of New York showing the facilities involved together with the proposed boundaries of the proposed JPJR Holdings, LLC Subdivision Drainage District was attached to the petition and has heretofore been filed in the office of the Town Clerk of the Town of Newburgh where the same is available during regular office hours for examination by any persons interested in the subject matter therein; and

WHEREAS, the boundaries of the proposed JPJR Holdings, LLC Subdivision Drainage District are set forth in Appendix "A," annexed hereto and made a part hereof, and

WHEREAS, the establishment of the JPJR Holdings, LLC Subdivision Drainage District has been determined to be an "Unlisted Action" for purposes of the State Environmental Quality Review Act and the regulations promulgated thereunder, and the Town of Newburgh Planning Board acting in its capacity as Lead Agency for the Rockwood Drive Subdivision [JPJR Holdings, LLC] has issued a negative declaration for

the Action encompassing the establishment of said Drainage District; and

WHEREAS, an Order was duly adopted by said Town Board on May \_\_\_\_\_, 2016, reciting a description of the boundaries of said proposed Drainage District, the services proposed, the maximum amount proposed to be expended, the fact that said map, plan and report was on file in the Town Clerk's office for public inspection and specifying the \_\_\_\_ day of June, 2016, at 7:00 o'clock P.M., Prevailing Time, at the Town Hall, 1496 Route 300, in Newburgh, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said JPJR Holdings, LLC Subdivision Drainage District of the Town of Newburgh and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law, and proof of publication and posting has been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order, as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, the Town Board did duly determine and resolve following said hearing that:

- (a) The petition was signed and acknowledged or proved as required by law and is otherwise sufficient;
- (b) All the property and property owners within said proposed District were benefited thereby;
- (c) All the property and property owners benefited were included within the limits of said proposed District of the Town of Newburgh;
- (d) It was in the public interest to grant in whole the relief sought and establish said proposed district, provided that the conditions recited in the said determination were met;
- (e) The establishment of the JPJR Holdings, LLC Subdivision Drainage District of the Town of Newburgh, all as more fully described in the map, plan and report prepared by Hudson Land Design Professional Engineering, P.C., competent engineers duly licensed by the State of New York, was approved subject to certain conditions; and

(f) Said JPJR Holdings, LLC Subdivision Drainage District of the Town of Newburgh shall be bounded and described as set forth in Appendix A attached hereto and made a part hereof; and



WHEREAS, the Town Board did further determine and resolve that the proposed improvement, including cost of property rights acquisition, rights of way, easements, construction costs, legal fees, engineering fees, district expenses incurred in connection with the establishment of the district and the construction of improvements shall be borne by the petitioner(s) and costs of operation and maintenance of the JPJR Holdings, LLC Subdivision Drainage District shall be financed as follows: by assessment of the costs against the properties in the district in just proportion to the benefits derived from the improvements

WHEREAS, it is not proposed that the Town of Newburgh shall finance the cost of the establishment, improvement or service by the issuance of bonds, notes, certificates or other evidences of the indebtedness of the Town therefore, nor is it proposed to assume debt service on obligations issued pursuant to Subdivision 12 of Town Law §198, the developers of the Rockwood Drive Subdivision [JPJR Holdings, LLC] having undertaken to construct and install the necessary improvements and dedicate them at no cost to the Town or District, and therefore, pursuant to Town Law §194(6) the permission of the State Comptroller, Department of Audit and Control, is not required; and

NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Newburgh, Orange County, New York as follows:

Section 1. A Drainage District of the Town of Newburgh be established in the said Town of Newburgh, Orange County, New York, to be known and designated as the JPJR Holdings, LLC Subdivision Drainage District, subject to the conditions recited in the resolution of the Town Board approving establishment of the Drainage District.

Section 2. Said JPJR Holdings, LLC Subdivision Drainage District of the Town of Newburgh shall be bounded and described as set forth in Appendix A attached hereto and made a part hereof.

Section 3. The Town Clerk of the Town of Newburgh, is hereby authorized and directed to cause a certified copy of this order to be duly recorded in the office of the Clerk of the County of Orange within ten (10) days after the adoption of this order.

Section 4. The Town Clerk is hereby authorized and directed to file a certified copy of this order in the Office of the State Department of Audit and Control, Albany, New York, within ten (10) days after the adoption of this order.

Section 5. This order shall take effect immediately.

The foregoing Order was duly put to a vote on roll call which resulted as follows:

James Presutti, Councilman voting \_\_\_\_\_

Scott Manley, Councilman voting \_\_\_\_\_

Paul Rucigiero, Councilman voting \_\_\_\_\_

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

Gilbert I. DiPasquale, Supervisor voting \_\_\_\_\_

The Order was thereupon duly declared adopted.

SCHEDULE "A"  
METES AND BOUNDS DESCRIPTION OF  
PROPOSED DRAINAGE DISTRICT'S BOUNDARIES



- (3) South 64 degrees 43 minutes 30 seconds East 150.00 feet to a point in the northwesterly line of the abutted Rockwood Drive (West) fence, along the northwesterly and westerly lines of Rockwood Drive (West), the following three courses:
- (1) South 36 degrees 57 minutes 00 seconds West 104.97 feet.
  - (2) South 9 degrees 30 minutes 00 seconds West 307.04 feet and
  - (3) South 5 degrees 58 minutes 20 seconds West 329.50 feet to the point or plate of beginning, containing 8.85 acres of land more or less.

SUBJECT TO ..

See drainage easement and appurtenances Orange County map no. 3658

See grants to Central Hudson Gas & Electric Corp. and New York Telephone Company in  
Liber 1127 page 28  
Liber 1135 page 408  
Liber 1186 page 243  
Liber 1674 page 533

RESERVING ...

A 50 foot by 50 foot turnaround easement easterly of the division line between Lot No. 1, lands to be retained by G & L Realty, on the west and Lot No. 2, lands to be conveyed to Patrick, Page et al., on the east.

BEING a portion of the premises described in a deed from Leonard Bell and Gladys F. Bell to G & L Realty Co. dated April 18, 1924 and recorded in the Orange County Clerk's office on May 23, 1924 in Liber 4038 at Page 14.

BEING a portion of the premises conveyed in a deed dated July 7, 2003 made by G&L Realty a/k/a G&L Realty Co. to Z&P Page Ventures, LLC, and recorded in the office of the Orange County Clerk on July 9, 2003 in Liber 1113 of Deeds at Page 321.



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, 2016 at 7:00 o'clock p.m.

PRESENT:

James Presutti, Councilman \_\_\_\_\_  
Scott Manley, Councilman \_\_\_\_\_  
Paul Ruggiero, Councilman \_\_\_\_\_  
Elizabeth J. Greens, Councilwoman \_\_\_\_\_  
Gilbert J. Plaquadro, Supervisor \_\_\_\_\_

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO AND APPROVING THE ESTABLISHMENT OF THE JPJR HOLDINGS, LLC SUBDIVISION DRAINAGE DISTRICT OF THE TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK PURSUANT TO ARTICLE 12 OF THE TOWN LAW

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

WHEREAS, a petition has been duly presented to the Town Board, according to law, requesting that the JPJR Holdings, LLC Subdivision Drainage District, as hereinafter described, be established in the Town of Newburgh; and

WHEREAS, a map, plan and report dated June 17, 2014 has been duly prepared according to law in the manner and detail required by the Town Board of the Town of Newburgh showing the boundaries of the proposed Drainage District, a general plan of the drainage system, all outlets and the terminus and course of each drain, such Drainage District to be known as the "JPJR Holdings, LLC Subdivision Drainage District"; and

WHEREAS, said map, plan and report showing the facilities involved together with the proposed boundaries of the proposed JPJR Holdings, LLC Subdivision Drainage District was prepared by Hudson Land Design Professional Engineering, P.C., competent engineers, duly licensed by the State of New York, and has been filed in the office of the Town Clerk of said Town, where the same is available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, said JPJR Holdings, LLC Subdivision Drainage District shall be bounded and described as set forth in Schedule A attached hereto and made a part hereof; and

WHEREAS, the proposed establishment of the JPJR Holdings, LLC Subdivision Drainage District has been determined to be an "Unlisted Action" pursuant to the provisions of the State Environmental Quality Review Act and the regulations promulgated thereunder, and the Town of Newburgh Planning Board acting in the capacity as Lead Agency in a coordinated environmental review of the Rockwood Drive Subdivision [JPJR Holdings, LLC] and related approvals has adopted a "Negative Declaration" pursuant to which it was determined that there will be no adverse environmental impacts or that identified adverse environmental impacts will not be significant for the action which encompasses the proposed establishment of the JPJR Holdings, LLC Subdivision Drainage District; and





WHEREAS, no amount is proposed to be expended for the improvement as stated in the petition and no financing of the cost of the District's facilities or services is proposed by the issuance of bonds, notes, certificates or other evidences of indebtedness of the Town nor is it proposed to assume debt service on obligations issued pursuant to Subdivision 12 of Town Law §198, the developer of the Rockwood Drive Subdivision [JPJR Holdings, LLC] proposing to install, construct and dedicate the necessary stormwater management facilities without cost to the District; and

WHEREAS, \$5,500.00 is set forth in petition or the map, plan and report appended to the petition as the maximum amount proposed to be expended annually for the performance or supplying of services for the operation and maintenance of the dedicated drainage/stormwater management facilities of the JPJR Holdings, LLC Subdivision Drainage District, inclusive of the estimated annual insurance cost to be expended annually for the proposed drainage district and the average annual cost of the District to a typical property is estimated to be \$500.00, which is the same as the cost to the typical one or two family home; and

WHEREAS, an order was duly adopted by said Town Board on May \_\_\_\_, 2016, reciting a description of the boundaries of said proposed District, the services proposed, the fact that said map, plan and report was on file in the Town Clerk's Office for public inspection and specifying the \_\_\_\_th day of June, 2016, at 7:00 o'clock P.M., Prevailing Time, at the Town Hall, 1496 Route 300, in Newburgh, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of said Drainage District and said map, plan and report filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 193 of the Town Law, and proof of publication and posting has been duly presented to the Town Board; and

WHEREAS, said public hearing was duly held at the times and place as stated above in accordance with the notice and order, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board has duly considered said petition, map, plan and report and the testimony and evidence given at said public hearing.

#### FINDINGS

The Town Board of the Town of Newburgh, Orange County, New York, having considered the documents and related materials submitted, the testimony and evidence given at the public hearing and the following factors, makes the following findings:



Section 1. WHETHER THE PETITION IS SIGNED AND ACKNOWLEDGED OR PROVED, OR AUTHENTICATED, AS REQUIRED BY LAW AND IS OTHERWISE SUFFICIENT.

Town Law Section 191 requires that a petition for the establishment or the extension of an improvement district shall be signed by the owners of taxable real property situate in the proposed district or extension thereof, owning in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district or extension thereof, as shown upon the latest completed assessment-roll of said town, provided, however, that if there be any resident owners, the petition shall include the signatures of resident owners owning taxable real property aggregating at least one-half of the assessed valuation of all the taxable real property of the proposed district or extension owned by resident owners, according to the latest completed assessment roll. If a portion only of a parcel of such real estate appearing upon the assessment-roll is situate within the proposed district or extension thereof, then the town board may determine the relative value of the part thereof within the proposed district or extension thereof, based upon the valuation of the entire parcel as the same appears upon the assessment-roll. Such petition shall describe the boundaries of the proposed district or extension in a manner sufficient to identify the lands included therein as in a deed of conveyance, and shall be signed by the petitioners, and acknowledged or proved in the same manner as a deed to be recorded, or authenticated in the manner provided by the election law for the authentication of nominating petitions. If such petition shall request the construction or acquisition of an improvement, it shall state the maximum amount proposed to be expended therefor. If the petition shall not request the construction or acquisition of an improvement but shall propose the performance or supplying of certain services, it may state the maximum amount to be expended annually for such services.

The subject petition submitted for the establishment of the JPJR Holdings, LLC Subdivision Drainage District has been executed by JPJR Holdings, LLC (through member John Page, Jr.) which owns in the aggregate at least one-half of the assessed valuation of all the taxable real property of the proposed district extension, as shown upon the latest completed assessment-roll of the Town of Newburgh. The area is presently vacant land and accordingly there are no resident owners.

The subject petition describes the boundaries of the proposed district in a manner sufficient to identify the lands included therein as in a deed of conveyance. The petition is acknowledged in the same manner as a deed to be recorded. The petition accordingly meets the requirement of Town Law Section 191.

Section 2. WHETHER ALL THE PROPERTY AND PROPERTY OWNERS WITHIN SAID PROPOSED DRAINAGE DISTRICT ARE BENEFITED THEREBY.

The properties in the proposed drainage district are presently vacant. In evaluating whether each property is benefited by the proposed district extension, the Town Board has considered whether the drainage district will enhance the value of the property if it were to be developed. The Town Board finds that the value of properties will be enhanced and accordingly the properties are benefited. The Town Board further finds that all the property and all the property owners within said proposed Drainage District will be benefited by the establishment.

Section 3. WHETHER ALL THE PROPERTY AND PROPERTY OWNERS BENEFITED ARE INCLUDED WITHIN THE LIMITS OF SAID PROPOSED DRAINAGE DISTRICT.

The Town Board has considered whether any other property or property owners outside of the area of the drainage district proposed by the petitioner are benefited by the establishment of the JPJR Holdings, LLC Subdivision Drainage District proposed by the petitioner. The improvements the petitioner proposes to construct at its expense are intended to serve the petitioner's property in order to provide it adequate drainage for future development. No evidence or testimony was presented that other properties or property owners will directly benefit

