

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 Vet Services Utilizing T-94 Account

Date: February 28, 2020

I am requesting authorization to use the T-94 account to pay for Vet service: Newburgh Vet

Totaling: \$3513.97

Feline: \$693.75

Canine: \$2820.22

**invoice 729775 emergency surgery for a stomach obstruction

**invoice 728948 is for 2 of 4 kittens that were abandoned at the shelter

TOWN OF NEWBURGH

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

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

NEWBURGH VETERINARY HOSPITAL
1716 Route 300
Newburgh, NY 12550
Tel: (845) 564-2880
www.newburghvet.com

TERMS Net 30 Days

DO NOT WRITE IN THIS BOX

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

Invoice # _____

Feline

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
1/27/20	728948 ①		①	289.25
1/31/20	729196 ②		②	138.75
1/31/20	729197 ③		③	138.75
1/31/20	729198 ④		④	101.00
2/7/20	729798 ⑤		⑤	76.00
			TOTAL	693.75

✓
✓
✓
✓
✓

CLAIMANT'S CERTIFICATION

Dora M Cast

I, Dora M Cast certify that the above account in the amount of \$ 693.75 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.

2/25/20
DATE

Dora M Cast
SIGNATURE

Office Mgr
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

Date _____

Authorized Official _____

APPROVAL FOR PAYMENT

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

Date _____

Auditing Board _____

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

(1)

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 01-27-20 at 5:19p
Date: 01-27-20
Account: 4417
Invoice: 728948

Date	For	Qty	Description	Price	Discount	Net Price
01-27-20	Charleston 5k-2	1	Weight Monitoring			0.00
01-27-20		1	NEUTER FELINE	99.50	57.50	42.00 ✓
01-27-20		1	Sedation	189.00	189.00	0.00 **
01-27-20		1	---BloodPressureMonitoring w/anes			0.00
01-27-20		1	---PulseOximeterMonitoring w/Ane			0.00
01-27-20		1	-CapnographMonitoring w/Anesthe			0.00
01-27-20		1	----Recovery in Heated Cage			0.00
01-27-20		1	----Warm Water Blanket in Surgery			0.00
01-27-20		0.15	BuprenorphineSR Inject/ml outpati	40.65	40.65	0.00 **
01-27-20		0.24	Penicillin G Inject / ml Outpatient	30.13	30.13	0.00 **
01-27-20		0.04	TelazolInject Control Log / ml			0.00
01-27-20		1	CONSULT / EXAM - Annual Welln	65.50	39.50	26.00 ✓
01-27-20		1	Feline Rhino/Panleuk/Calici #2	31.00	17.25	13.75 ✓
<p>Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.</p>						
01-27-20		1	Recommend-Fecal (please dropoff			0.00
<p>Annual fecal microscopic exams are very important for the health of your pet and, since some worms are transmissible to humans, for the health of your family. Please bring us your pet's fecal sample at your earliest convenience</p>						
01-27-20		1	Zoonoses			0.00
<p>Discussed Zoonotic potential of intestinal parasites- in particular roundworms.</p>						
01-27-20		1	Feline Rabies/ Purevax 1yr	40.50	21.25	19.25 ✓
<p>Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.</p>						
01-27-20		1	PEDICURE	15.00	15.00	0.00 **
01-27-20	Sweettart 1c-20	1	Weight Monitoring			0.00
01-27-20		0.15	BuprenorphineSR Inject/ml in hosp	41.55	41.55	0.00 **

01-27-20	0.26	Penicillin G Inject / ml (in hosp)	30.17	30.17	0.00 **
01-27-20	0.05	TelazolInject Control Log / ml			0.00
01-27-20	1	OHE FELINE	189.00	109.75	79.25 ✓

Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a couple of days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.

01-27-20	1	-Isoflurane Gas Anesthesia			0.00
01-27-20	1	CONSULT / EXAM - Annual Welln	65.50	39.50	26.00 ✓
01-27-20	1	Feline Rhino/Panleuk/Calici #2	31.00	17.25	13.75 ** ✓

Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.

01-27-20	1	Feline Rabies/ Purevax 1yr	40.50	21.25	19.25 ✓
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Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.

01-27-20	1	PEDICURE	15.00	15.00	0.00 **
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Total charges, this invoice...

239.25

**Total discount included: 684.75

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

Reminders for: **Charleston 5k-20** (Weight: 4.8 lbs - 17w) Last done

09/24	Consultation/Exam- Bi-annual	
01/21	Rabies/Purevax Feline 1yr	01-27-20
03/20	FECAL EXAM	
02/20	Rhinotracheitis/Pan/leuk/Calic	

Reminders for: **Sweettart 1c-20** (Weight: 5.3 lbs - 8y) Last done

01/21	Rabies/Purevax Feline 1yr	01-27-20
07/20	FECAL EXAM	
02/20	Rhinotracheitis/Pan/leuk/Calic	
01/17	Consultation/Exam- Bi-annual	

Doctor's Instructions

Sedation

FOOD & WATER- With the excitement of returning home after surgery, your pet may be inclined to drink and eat excessively, which may result in vomiting. To avoid this we recommend restricting access to water for an hour or so until your pet has quieted down. Then allow only small amounts of food and water for the first eight hours. Normal feeding may resume the next day.

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

(2)

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 01-31-20 at 8:41a
Date: 01-31-20
Account: 4417
Invoice: 729196

Date	For	Qty	Description	Price	Discount	Net Price
01-30-20	Twix 4k-20	1	Weight Monitoring			0.00
01-30-20		1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 ✓
01-30-20		1	Feline Rabies/ Purevax 1yr	40.50	21.25	19.25 ✓
<p>Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.</p>						
01-30-20		1	Feline Rhino/Panleuk/Calici #2	31.00	17.25	13.75 ✓
<p>Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.</p>						
01-30-20		1	PEDICURE	15.00	15.00	0.00 **
01-30-20		0.10	BuprenorphineSR Inject/ml in hosp	37.70	37.70	0.00 **
01-30-20		0.16	Penicillin G Inject / ml (in hosp)	30.11	30.11	0.00 **
01-30-20		0.16	Onsior Inject/ ml (hosp)	32.20	32.20	0.00 **
01-30-20		0.04	TelazolInject Control Log / ml			0.00
01-30-20		1	OHE FELINE	189.00	109.25	79.75 ✓
<p>Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a couple of days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.</p>						
01-30-20		1	-Isoflurane Gas Anesthesia			0.00

Total charges, this invoice... 138.75

**Total discount included: 302.26

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

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"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 01-31-20 at 8:41a
Date: 01-31-20
Account: 4417
Invoice: 729197

Date	For	Qty	Description	Price	Discount	Net Price
01-30-20	Licorice 2k-20	1	Weight Monitoring			0.00
01-30-20		1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00 ✓
01-30-20		1	Feline Rabies/ Purevax 1yr	40.50	21.25	19.25 ✓
Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.						
01-30-20		1	Feline Rhino/Panleuk/Calici #2	31.00	17.25	13.75 ✓
Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.						
01-30-20		1	PEDICURE	15.00	15.00	0.00 **
01-30-20		0.10	BuprenorphineSR Inject/ml in hosp	37.70	37.70	0.00 **
01-30-20		0.16	Penicillin G Inject / ml (in hosp)	30.11	30.11	0.00 **
01-30-20		0.16	Onsior Inject/ ml (hosp)	32.20	32.20	0.00 **
01-30-20		0.03	TelazolInject Control Log / ml			0.00
01-30-20		1	OHE FELINE	189.00	109.25	79.75 ** ✓
Your pet has been spayed. This eliminates the risk of uterine infection and lowers the risk of breast tumors when she gets older. Expect her to be quiet and not as active for a couple of days. Restrict exercise for the next two weeks. This receipt certifies that your pet has been spayed. Please keep this with your pet's health records.						
01-30-20		1	-Isoflurane Gas Anesthesia			0.00

Total charges, this invoice... 138.75
**Total discount included: 302.26

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

②

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

Printed: 01-31-20 at 8:42a
Date: 01-31-20
Account: 4417
Invoice: 729198

Date	For	Qty	Description	Price	Discount	Net Price	
01-30-20	Kit-Kat 3k-20	1	Weight Monitoring			0.00	
01-30-20		1	CONSULT / EXAM - Annual Wellne	65.50	39.50	26.00	*✓
01-30-20		1	Feline Rabies/ Purevax 1yr	40.50	21.25	19.25	*✓
Today, your cat received the most advanced rabies protection available. PUREVAX Rabies vaccine gives your cat protection that is pure, safe and effective without the use of potentially harmful adjuvants.							
01-30-20		1	Feline Rhino/Panleuk/Calici #2	31.00	17.25	13.75	*✓
Your cat has received the second in a series of immunizations to protect her/him against Feline Distemper, Rhinotracheitis, and Calicivirus. It is important to return for a final booster in 3-4 weeks. Occasionally listlessness or localized discomfort might occur for the next few days. If you notice excessive listlessness or facial swelling, please call us for advice.							
01-30-20		1	PEDICURE	15.00	15.00	0.00	**
01-30-20		0.10	BuprenorphineSR Inject/ml in hosp	37.70	37.70	0.00	**
01-30-20		0.24	Penicillin G Inject / ml (in hosp)	30.16	30.16	0.00	**
01-30-20		0.04	TelazolInject Control Log / ml			0.00	
01-30-20		1	NEUTER FELINE	99.50	57.50	42.00	*✓

Total charges, this invoice... 101.00

**Total discount included: 218.36

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

Reminders for: Kit-Kat 3k-20 (Weight: 4.9 lbs - 17w)	Last done
09/24 Consultation/Exam- Bi-annual	
01/21 Rabies/Purevax Feline 1yr	01-30-20
03/20 FECAL EXAM	
02/20 Rhinotracheitis/Pan/leuk/Calic	

Doctor's Instructions

NEUTER FELINE

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

5

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

Printed: 02-07-20 at 12:42p
Date: 02-07-20
Account: 4417
Invoice: 729798

Date	For	Qty	Description	Price	Discount	Net Price
02-07-20	Drop Dead Fred	1	Shelter body care feline #268361			76.00
Total charges, this invoice...						76.00 ✓

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

TOWN OF NEWBURGH

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

DO NOT WRITE IN THIS BOX

DEPARTMENT _____

CLAIMANT'S
NAME
AND
ADDRESS

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

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

TERMS Net 30 Days

Invoice # _____

Canine

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
1/24/20	728716	①	57.00	57.00
1/25/20	728769	②	16.50	16.50
1/30/20	729139	③	256.60	256.60
1/30/20	729153	④	88.00	88.00
2/7/20	729775	⑤	1952.29	1952.29
2/7/20	729821	⑥	146.25	146.25
2/10/20	730019	⑦	79.80	79.80
2/13/20	730347	⑧	223.78	223.78
TOTAL				2820.22

CLAIMANT'S CERTIFICATION

I, Dora McCa certify that the above account in the amount of \$ 2820.22 is true and correct; that the terms, 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.

2/25/20
DATE

Dora McCa
SIGNATURE

Office Mgr
TITLE

(Space below for municipal use)

DEPARTMENT APPROVAL

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

APPROVAL FOR PAYMENT

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

Date Authorized Official

Date Auditing Board

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

1

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 01-24-20 at 12:49p
Date: 01-24-20
Account: 19984
Invoice: 728716

Date	For	Qty	Description	Price	Discount	Net Price
01-24-20	Luna	1	CANINE RABIES / 1YEAR	39.00	22.50	16.50 ✓
01-24-20		1	Canine Dist/A2/PI/Parvo/Lepto1YR	39.00	24.50	14.50 ✓
Your pet has been vaccinated with Pfizer's new 5 in 1 DA2PPI , the best available protection against Distemper, Adenovirus, Parvovirus, Parainfluenza, and Leptospirosis						
01-24-20		1	Accuplex4 Lyme,HW,Ehrlichia,Ana	76.00	50.00	26.00 ✓

Total charges, this invoice... 57.00
**Total discount included: 97.00

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

Reminders for: Luna (Weight: 69.0 lbs - 2y)		Last done
12/21	CanineDist/Aden/Para/Parvo/Lep	12-29-18
01/21	lyme,HW,Ehrlichia Accu Plus4(A	01-24-20
01/21	CANINE RABIES / 3 YEAR	
12/19	Canine Kennel Cough Vacc -1 ye	12-29-18
11/19	CONSULT/EXAM - Annual Wellness	11-04-18
05/19	FECAL EXAM	11-05-18
04/19	LYME Vaccine booster	04-21-18

Luna's weight history (in lbs)

11-04-18	69.00
12-03-17	59.50
07-29-17	39.00
05-27-17	19.20

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INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660



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

Printed: 02-27-20 at 10:45a
Date: 01-25-20
Account: 19984
Invoice: 728769

Date	For	Qty	Description	Price	Discount	Net Price
01-24-20	Sky 13-20	1	CANINE RABIES / 1YEAR	39.00	22.50	16.50 **

Total charges, this invoice...

16.50 ✓

**Total discount included: 22.50

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

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

3

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 01-30-20 at 9:25a
Date: 01-30-20
Account: 19984
Invoice: 729139

Date	For	Qty	Description	Price	Discount	Net Price
01-29-20	Oakley	1	Lyme,Hwt,Ehrlich Anaplasma 4Dx i	116.00	75.75	40.25 ✓*
01-29-20		1	Neuter/Canine- Town of Newburgh	84.00	4.25	79.75 ✓
01-29-20		0.90	Hydromorphone 2mg/ml Inject/ml	39.99	39.99	0.00 **
01-29-20		3.20	Penicillin G Inject / ml (in hosp)	32.20	32.20	0.00 **
01-29-20		1	Vetprofen Tablets 100mg Individual	18.40	18.40	0.00 **
01-29-20		0.60	TelazolInject Control Log / ml			0.00
01-29-20		90	Doxycycline Hyclate Tablets 100mg			80.55 ✓
01-29-20		1	Shelter board run			28.00 ✓
01-29-20		42	Trazodone 100mg tablets #268006			28.05 ✓

Total charges, this invoice... 256.60

**Total discount included: 170.59

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

Reminders for: Oakley (Weight: 63.7 lbs - 2y)	Last done
05/22 CANINE RABIES / 3 YEAR	05-28-19
05/22 CanineDist/Aden/Para/Parvo/Lep	05-28-19
01/21 lyme,HW,Ehrlichia Accu Plus4(A)	01-29-20
05/20 LYME Vaccine booster	05-28-19
05/20 Canine Lepto Booster	05-28-19
05/20 Canine Kennel Cough Vacc -1 ye	05-28-19
05/20 CONSULT/EXAM - Annual Wellness	05-28-19
11/19 FECAL EXAM	05-28-19

Oakley's weight history (in lbs)

05-28-19	63.70
11-05-18	61.00
05-13-18	51.00
04-22-18	50.00
03-25-18	44.00

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

(4)

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

Printed: 01-30-20 at 11:49a
Date: 01-30-20
Account: 19984
Invoice: 729153

Date	For	Qty	Description	Price	Discount	Net Price
01-30-20	Tucker 14-20	1	Lyme,Hwt,Ehrlich Anaplasma 4Dx i	116.00	75.75	40.25
01-30-20		1	CONSULT / EXAM - Sick	69.50	38.25	31.25
01-30-20		1	CANINE RABIES / 1YEAR	39.00	22.50	16.50

Total charges, this invoice... 88.00

**Total discount included: 136.50

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

Reminders for: **Tucker 14-20** (Weight: 85.0 lbs - 24m) Last done

01/23	Consultation/Exam- Bi-annual	
01/21	CANINE RABIES / 3 YEAR	
01/21	lyme,HW,Ehrlichia Accu Plus4(A	01-30-20
07/20	Canine Kennel Cough Vacc -1 ye	
07/20	FECAL EXAM	
07/20	Neuter your pet at 5-6 months	
01/19	Pro-Heart 12 (1-25lb)	
01/19	Pro-Heart 12 (51-100lbs)	
01/19	Pro-Heart 12 (26-50lbs)	
05/18	CANINE DIST/A2/PI/PARVOLEPTO1Y	

Tucker 14-20's weight history (in lbs)

01-30-20	85.00
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Newburgh, NY 12550
845 564-2660



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

Printed: 02-07-20 at 8:14a
Date: 02-07-20
Account: 19984
Invoice: 729775

Date	For	Qty	Description	Price	Discount	Net Price
02-04-20	Tucker 14-20	1	X-RAY SURVEY RADS	295.00	147.50	147.50 **
02-04-20		1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70 **
02-04-20		1	Chemistry / CBC (SA020)	210.00	105.00	105.00 **
			Chemistry panel liver			
			Chemistry panel kidney			
			Chemistry panel pancreas			
			Veterinarian Interpretation +/- Consult			
			Speciman collection			
			White blood cell count			
			Red blood cell count			
			Packed cell volume			
			Differential cytology			
02-04-20		1.50	-MidazolamInject Control log / ml			0.00
02-04-20		1	-HydromorphoneInject 2mg/ml Cont			0.00
02-04-20		2.50	Unasyn Inject / ml (in hosp)	40.50	20.25	20.25 **
02-04-20		3	Cerenia Inject / ml Hosp	82.50	41.25	41.25 **
02-04-20		2	Famotidine Inject / ml Hosp	33.00	16.50	16.50 **
02-04-20		0.85	TelazolInject Control Log / ml			0.00
02-04-20		3	Vitamin B12 Inject /ml	21.15	10.57	10.58 **
02-04-20		1	Hydromorphone 2mg/ml Inject/ml	41.10	20.55	20.55 **
02-04-20		2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00 **
02-04-20		1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70 **
02-04-20		1	I.V. FLUIDS 1st day	116.00	58.00	58.00 **
02-04-20		1	I.V. CATHETER 1 + placement	126.00	63.00	63.00 **
			Sterile prep, I.V.Placement, Heparinized Flush, Maintenance			
02-04-20		1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70 **
02-04-20		1	I.V. INFUSION PUMP	43.50	21.75	21.75 **
02-05-20		1	GASTROTOMY- Canine	1691.00	845.50	845.50 **
02-05-20		1	Anesthesia- Isoflurane	273.00	136.50	136.50 **
02-05-20		1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70 **
02-05-20		1	---BloodPressureMonitoring w/anes			0.00
02-05-20		1	---PulseOximeterMonitoring w/Anes			0.00
02-05-20		1	-CapnographMonitoring w/Anesthe			0.00
02-05-20		1	-----Recovery in Heated Cage			0.00
02-05-20		1	----Warm Water Blanket in Surgery			0.00

02-05-20	1	I.V. Fluids 2nd day	92.00	46.00	46.00	**
02-05-20	2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00	**
02-05-20	2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00	**
02-05-20	2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00	**
02-05-20	0.80	Hydromorphone 2mg/ml Inject/ml	16.38	8.19	8.19	**
02-05-20	0.80	Hydromorphone 2mg/ml Inject/ml	16.38	8.19	8.19	**
02-05-20	0.80	Hydromorphone 2mg/ml Inject/ml	16.38	8.19	8.19	**
02-05-20	2	Famotidine Inject / ml Hosp	10.50	5.25	5.25	**
02-05-20	2	Famotidine Inject / ml Hosp	10.50	5.25	5.25	**
02-05-20	3	Cerenia Inject / ml Hosp	60.00	30.00	30.00	**
02-05-20	1	Hospitalization+Dr.Care Dog/Day	97.50	48.75	48.75	**
02-05-20	1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70	**
02-05-20	1	Nursing/ General/day	28.00	14.00	14.00	**
02-05-20	1	Daily Feeding	6.00	3.00	3.00	**
02-06-20	1	Cerenia 160mgx4 #268291	60.29	29.21	31.08	**
02-06-20	14	Famotidine 20mg single tablets #26	18.95	18.11	0.84	**
02-06-20	14	Amoxicillin 500mg capsule #26829	23.15	19.79	3.36	**
02-06-20	14	Metronidazole 500mg #268294	30.01	25.31	4.70	**
02-06-20	1	Hospitalization+Dr.Care Dog/Day	97.50	48.75	48.75	**
02-06-20	1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70	**
02-06-20	1	Nursing/ General/day	28.00	14.00	14.00	**
02-06-20	1	Daily Feeding	6.00	3.00	3.00	**
02-06-20	1	I.V. Fluids 3rd+ days x ___ days	25.50	12.75	12.75	**
02-06-20	2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00	**
02-06-20	2.50	Unasyn Inject / ml (in hosp)	18.00	9.00	9.00	**
02-06-20	2	Famotidine Inject / ml Hosp	10.50	5.25	5.25	**
02-06-20	2	Oral, Topical medication administr	14.40	7.20	7.20	**
02-06-20	2	Rimadyl Inject / ml (in hosp)	60.20	30.10	30.10	**
02-06-20	3	Cerenia Inject / ml Hosp	60.00	30.00	30.00	**
02-06-20	1	Elizabethan Collar	20.00	2.00	18.00	**
02-06-20	7	Vetprofen Tablets 100mg Individual	23.50	19.64	3.86	**

Total charges, this invoice...

1952.29

**Total discount included: 2004.50

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

Reminders for: **Tucker 14-20** (Weight: 85.0 lbs - 2y) Last done

01/23	Consultation/Exam- Bi-annual	
01/21	CANINE RABIES / 3 YEAR	
01/21	lyme,HW,Ehrlichia Accu Plus4(A	01-30-20
07/20	Canine Kennel Cough Vacc -1 ye	
07/20	FECAL EXAM	
07/20	Neuter your pet at 5-6 months	
01/19	Pro-Heart 12 (1-25lb)	
01/19	Pro-Heart 12 (51-100lbs)	
01/19	Pro-Heart 12 (26-50lbs)	
05/18	CANINE DIST/A2/PI/PARVOLEPTO1Y	

Doctor's Instructions

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

6

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 02-25-20 at 10:56a
Date: 02-07-20
Account: 19984
Invoice: 729821

Date	For	Qty	Description	Price	Discount	Net Price
02-07-20	Zima #97-19	1	CONSULT / EXAM - Sick	69.50	38.25	31.25 **✓
02-07-20		1	Total Health-CBC/Chem/UA/T4	SA230.00	115.00	115.00 **✓
	Chemistry 27		Complete blood count/differential			
	Urinalysis		Thyroid function testing			
	Specimen collection		Veterinarian interpretation +/- consult			

Total charges, this invoice...

146.25

**Total discount included: 153.25

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

Reminders for: Zima #97-19 (Weight: 60.2 lbs - 2y)	Last done
12/22 Consultation/Exam- Bi-annual	
12/20 Lyme, HW, Ehrlichia Accu Plus4(A)	12-05-19
06/20 Canine Kennel Cough Vacc -1 ye	
06/20 FECAL EXAM	
12/18 Pro-Heart 12 (26-50lbs)	
12/18 Pro-Heart 12 (1-25lb)	
12/18 Pro-Heart 12 (51-100lbs)	
04/18 CANINE RABIES / 1YEAR	

Zima #97-19's weight history (in lbs)

02-07-20 60.20

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660

⑦

"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 02-10-20 at 10:30a
Date: 02-10-20
Account: 19984
Invoice: 730019

Date	For	Qty	Description	Price	Discount	Net Price
02-09-20	Zima #97-19	1	Zonisamide 100mg caps x 100 #26			45.00 ✓
02-10-20		1	Otic- Posatex 15gm #268493	59.00	24.20	34.80 ** ✓

Total charges, this invoice...

**Total discount included: 24.20

79.80

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

Reminders for: Zima #97-19 (Weight: 60.2 lbs - 2y)	Last done
12/22 Consultation/Exam- Bi-annual	
12/20 lyme,HW,Ehrlichia Accu Plus4(A)	12-05-19
06/20 Canine Kennel Cough Vacc -1 ye	
06/20 FECAL EXAM	
12/18 Pro-Heart 12 (26-50lbs)	
12/18 Pro-Heart 12 (1-25lb)	
12/18 Pro-Heart 12 (51-100lbs)	
04/18 CANINE RABIES / 1YEAR	

Zima #97-19's weight history (in lbs)

02-07-20 60.20

LIKE US ON FACEBOOK.COM!

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

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

INVOICE

Newburgh Veterinary Hospital

1716 Route 300
Newburgh, NY 12550
845 564-2660



"Your pet is part of our family too." Visit us at www.newburghvet.com

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

Printed: 02-27-20 at 10:45a
Date: 02-13-20
Account: 19984
Invoice: 730347

Date	For	Qty	Description	Price	Discount	Net Price	
02-11-20	Tucker 14-20	1	Cerenia 160mgx4 #268576	60.29	29.21	31.08	✓
02-11-20	Zima #97-19	1	X-RAY SURVEY RADS	295.00	147.50	147.50	✓
02-11-20		1	OSHA Compliance Biohazards Fee	7.40	3.70	3.70	✓
02-11-20		1	Sedation for Imaging,i.v.catheter	83.00	41.50	41.50	✓
02-11-20		1	-TorbugesicInject 10mg/ml (butorph	17.55	17.55	0.00	**

Total charges, this invoice...

**Total discount included: 239.46

223.78

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

Reminders for: **Tucker 14-20** (Weight: 93.3 lbs - 2y) Last done

01/23	Consultation/Exam- Bi-annual	
02/21	CanineDist/Aden/Para/Parvo/Lep	
02/21	Canine Kennel Cough Vacc -1 ye	02-24-20
01/21	lyme,HW,Ehrlichia Accu Plus4(A	01-30-20
01/21	CANINE RABIES / 3 YEAR	
08/20	FECAL EXAM	02-26-20
07/20	Neuter your pet at 5-6 months	
01/19	Pro-Heart 12 (1-25lb)	
01/19	Pro-Heart 12 (51-100lbs)	
01/19	Pro-Heart 12 (26-50lbs)	

Reminders for: **Zima #97-19** (Weight: 60.2 lbs - 2y) Last done

12/22	Consultation/Exam- Bi-annual	
12/20	lyme,HW,Ehrlichia Accu Plus4(A	12-05-19
06/20	Canine Kennel Cough Vacc -1 ye	
06/20	FECAL EXAM	
12/18	Pro-Heart 12 (26-50lbs)	
12/18	Pro-Heart 12 (1-25lb)	
12/18	Pro-Heart 12 (51-100lbs)	

14A
14B
14C



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

MEMORANDUM

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 TO INCLUDE THE USES OF "NURSERY
SCHOOL FOR PRE-SCHOOL CHILDREN" AND "DAY
CARE CENTER" AS PERMITTED USES SUBJECT TO SITE
PLAN REVIEW IN THE "B" ZONING DISTRICT
OUR FILE NO. 800.1(B)() (2020)

DATE: MARCH 5, 2020

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

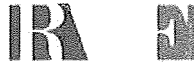
Stephen P. Duggan, III
John K. McGuirk
(1942-2018)

OF COUNSEL

Craig F. Simon
Irene V. Villacci

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

1. Resolution of Town Board Determining that Proposed Adoption of a Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to Include the Uses of "Nursery School for Pre-school Children" and "Day Care Center" as Permitted Uses Subject to Site Plan Review in the "B" Zoning District is a Type Action and Providing for Coordinated Review." A copy of the Long Form Environmental Assessment Form for the Action is also annexed. 14A
2. Resolution of Town Board Introducing and Providing for Referral of Local Law Amending Chapter 185 Entitled "Zoning" of the Code of the Town of Newburgh to Include the Uses of "Nursery School for Pre-school Children" and "Day Care Center" as Permitted Uses Subject to Site Plan Review in the "B" Zoning District; and 14B
3. 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 to Include the Uses of "Nursery School for Pre-school Children" and "Day Care Center" as Permitted Uses Subject to Site Plan Review in the "B" Zoning District 14C



Memorandum of March 5, 2020

Page -2-

The original petition for a zoning amendment and additional documents submitted to the Town Board are also enclosed. We will forward a revised version of the proposed Local Law under separate cover. As discussed at the work session, the revisions include the addition of “day care centers” to “nursery schools for pre-school children” as uses that will be permitted in the Business District subject to site plan review by the Planning Board, the requirement that nursery schools be registered with the NYS Dept of Education and day care centers be licensed by NYS OFCFS, and a provision requiring areas for the discharge and pick up of passengers from private vehicles outside of highway and street rights of way. A section allowing signs as a permitted accessory use to those uses has also been added. Certain bulk requirements including lot size and the setback for both side yards are also being adjusted.

MCT:sel

Enc.

cc: Joseph P. Pedi, Town Clerk
James Osborne, Town Engineer
Gerald Canfield, Code Compliance Supervisor
Kelly Naughton, Esq.

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 March, 2020 at 7:00 o'clock p.m.

PRESENT:

14A

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

RESOLUTION OF TOWN BOARD DETERMINING THAT PROPOSED ADOPTION OF A LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH TO INCLUDE THE USES OF "NURSERY SCHOOL FOR PRE-SCHOOL CHILDREN" AND "DAY CARE CENTER" AS PERMITTED USES SUBJECT TO SITE PLAN REVIEW IN THE "B" ZONING DISTRICT IS A TYPE I ACTION AND PROVIDING FOR COORDINATED REVIEW

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

WHEREAS, having received a request from a property owner for an amendment to the Zoning Code to include the uses of "Nursery school for pre-school children and "day care center" as permitted uses subject to site plan review in the "B" Business Zoning District, the Town Board of the Town of Newburgh has caused to prepared a local law amending the Zoning Code of the Town of Newburgh which will implement the proposed amendment; and

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

WHEREAS, the Town Board of the Town of Newburgh has caused an Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of the Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to include the uses of "Nursery School for Pre-school Children and "Day care center" as permitted uses subject to site plan review in the "B" Zoning District and

WHEREAS, the Town Board has determined that the proposed adoption of the aforesaid local law should be reviewed as an action (the "Action") under Part 617 of the General Regulations ("Part 617") adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQR") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

WHEREAS, the Town Board proposes to undertake, fund and approve the Action and

wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act; and

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

None; and

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

the Orange County Planning Department,

the Town of Newburgh Planning Board, and

the Town of Newburgh Zoning Board of Appeals; and

WHEREAS, the Town Board proposes to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to SEQR and Part 617.

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

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

; and

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

Orange County Department of Planning

Town of Newburgh Planning Board

Town of Newburgh Zoning Board of Appeals

and;

BE IT FURTHER RESOLVED, that the Town Board hereby directs that a Lead Agency coordination letter be circulated among involved agencies, if any, together with copies of the EAF, and such other information as is appropriate, indicating the Town Board’s intent to assume the role of Lead Agency for the Action under SEQR and Part 617, and that copies of the EAF also be forwarded to interested agencies for review and comment.

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. Piquadio, Supervisor voting _____

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 March, 2020 at 7:00 o'clock p.m.

14B

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 INTRODUCING AND PROVIDING FOR REFERRAL OF LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH TO INCLUDE THE USES OF "NURSERY SCHOOL FOR PRE-SCHOOL CHILDREN" AND "DAY CARE CENTER" AS PERMITTED USES SUBJECT TO SITE PLAN REVIEW IN THE "B" ZONING DISTRICT

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

WHEREAS, the Town Board of the Town of Newburgh, on petition, has determined to undertake consideration of an amendment of the Town's Zoning Code to include the uses of "Nursery School for Pre-School Children" and Day Care Center" as permitted uses subject to site plan review in the "B" – Business Zoning District.

NOW, THEREFORE, BE IT RESOLVED, that the Introductory Local Law entitled A Local Law Amending Chapter 182 Entitled "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to Include the Uses of 'Nursery School for Pre-School Children' and 'Day Care Center' as Permitted Uses Subject to Site Plan Review in the 'B' Zoning District" 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 the aforesaid introductory local law together with other relevant documentation be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports; and

BE IT FURTHER RESOLVED, that a copy of the aforesaid introductory 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:

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.

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 March, 2020 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
SCHEDULING A
PUBLIC HEARING ON
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF
NEWBURGH TO INCLUDE THE USES
"NURSERY SCHOOL FOR PRE-SCHOOL
CHILDREN" AND "DAY CARE
CENTER" AS PERMITTED USES
SUBJECT TO SITE PLAN REVIEW IN
THE "B" ZONING DISTRICT

14C

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

WHEREAS, an introductory Local Law, entitled "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh to Include the Uses of 'Nursery School for Pre-School Children' and 'Day Care Center' as Permitted Uses Subject to Site Plan Review in the 'B' Zoning District" has been introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York.

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; 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 _____, 2020 at 7:00 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, and 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:

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.

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

Alana R. Bartley
Aaron C. Fitch
Emily R. Worden
Judith A. Waye

Jennifer L. Schneider
Managing Attorney

*LL.M. in Taxation

November 26, 2019

VIA FEDERAL EXPRESS

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

Attn: Gil Piaquadio Supervisor

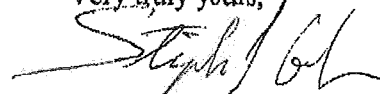
Re: Petition for Zoning Amendment - Building Blocks Child Care Center, Inc.
Our Matter ID: 12473-69731

Dear Supervisor Piaquadio:

This office represents Building Blocks Child Care Center, Inc., the owner of certain real property located at 248 Lakeside Road in the Town of Newburgh. Enclosed please find an original and six (6) copies of our client's petition for a zoning amendment to add the use of "Nursery School For Pre-School Children" as a use permitted in all "B" Zoning Districts in the Town subject to grant of site plan approval.

It is respectfully requested that this matter be placed on the agenda for the next Town Board meeting for a very brief presentation by the petitioner and discussion. Thank you.

Very truly yours,


STEPHEN J. GABA

SJG/ev/800991

Enclosures

cc: Client
Mark Taylor, Esq.,

Town of Newburgh
State of New York : County of Orange

-----X
In the matter of the application of

Building Blocks Child Care Center, Inc.,

Petitioner,

**PETITION FOR
ZONING AMENDMENT**

For an amendment to the Zoning Code of the Town
Of Newburgh to add "Nursery School for Pre-School
Children" as a use permitted in all "B" Zoning Districts
subject to grant of site plan approval and a special use
permit.

-----X

**TO THE TOWN BOARD OF THE TOWN OF NEWBURGH, COUNTY OF
ORANGE, STATE OF NEW YORK:**

Petitioner, Building Blocks Child Care Center, Inc., respectfully requests that the Town
Board of the Town of Newburgh enact a local law amending the Town Code, Chapter 185,
"Zoning", Table of Use and Bulk Requirements, B District, to add the use of Nursery School For
Pre-School Children as a use permitted in all "B" Zoning Districts subject to grant of site plan
approval.

(A.) The Petitioner

1. Building Blocks Child Care Center, Inc., ("Petitioner") is a domestic
corporation organized and existing in the State of New York, with an address at 248
Lakeside Road, Newburgh, New York 12550.

2. The Petitioner is the owner of a certain real property located at 248
Lakeside Road, Newburgh, New York 12550 which is identified on the Town Tax Map as
Section 51, Block 10, Lot 11.1 (the "subject" property").

3. The subject property consists of 1.05 acres. It is improved by a main building of approximately 69' x 70' and an approximately 36' x 16' accessory building. These buildings were originally constructed by and used for the Dan Leghorn Engine Company No. 1.

4. The subject property is located within a "Business" ("B") zoning district.

5. In or about 1996, the Dan Leghorn Engine Company No. 1 moved to its new location on Route 52 (i.e., 426 South Plank Road, Newburgh, New York 12550) and put the subject property up for sale

6. In 1997, the Petitioner acquired title to the subject property. A use variance and area variances, as well as site plan approval, was granted to the Petitioner by the Town for establishment of a Nursery School for Pre-School Children on the subject property. Copies of the Petitioner's deed and the Use & Area Variance are attached as Exhibits "A" and "B".

7. The Petitioner then established a Nursery School for Pre-School Children on the subject property in the main building on the property and has operated the same continuously since 1997.

8. The Petitioner used the accessory building on the subject property for storage in connection with the Nursery School use. In 2007, the Petitioner applied for amended site plan approval to use the accessory building as a classroom for students/attendees.

9. The Town Planning Board referred the Petitioner's application to the Town Zoning Board of Appeals ("ZBA") for an interpretation as to whether the use variance previously granted to the Petitioner extended to use of the accessory building for housing student/attendee activities.

10. After the ZBA conducted a public hearing on the application, a "motion" was made as follows:

"I think we discussed every side of that. I don't see it being part of that use variance and I don't think we are allowed to cramp something of that nature where you have two independent buildings on the same lot, even if it is conducting the same business or businesses."

Without discussion the ZBA voted to approve the "motion" to find that the previously granted use variance did not extend to use of the accessory building for housing student/attendee activities. No formal resolution or findings were ever adopted by the ZBA on the Petitioner's application. A copy of the minutes of the ZBA's decision is attached as Exhibit "C".

11. In 2008, the Petitioner applied to the ZBA for a rehearing on the request for an interpretation. On the application, the Petitioner pointed out that, when no conditions or limitations are imposed by the ZBA on a use variance, the use variance extends *to the entire property*. 3 Salkin, *New York Zoning Law & Practice*, §29.02, p. 29-6; 3 Rathkopf, *The Law a Zoning & Planning*, §58:23; *In re Angel Plants, Inc. v. Schoenfeld*, 154 A.D.2d 459, 546 N.Y.S.2d 112 (2nd Dept. 1989); *In re Borer v. Vindeberg*, 213 A.D. 2d 828, 623 N.Y.S.2d 378 (3rd Dept. 1995); *In re Jame v. Town of New Hartford*, 49 A.D. 2D 373, 373 N.Y.S.2d 939 (4th Dept. 1975). That is, since the variance previously granted by ZBA had not imposed any conditions limiting child care to only the main building on the Petitioner's property, the use variance that had previously been granted for the subject property extended to use of the accessory building as a classroom for students/attendees, subject to site plan approval, a matter of law. In short, the ZBA's decision denying the requested interpretation was very clearly in error.

12. The vote of the ZBA on Petitioner's application for a rehearing to correct the ZBA's clearly erroneous prior decision was 6-1 in favor, with the lone vote in opposition to the rehearing being cast by ZBA member who had made the above-quoted motion on interpretation.

However, by law, a unanimous vote of the ZBA was required for grant of a rehearing on the ZBA's prior decision. (See Town Law §267-a(12)). As a result, the ZBA's prior decision stood.

(B.) The Requested Zoning Amendment

13. The Petitioner's business has grown over the years to the point where additional space is required to accommodate the child care needs of residents in the Town of Newburgh.

14. Under the ZBA's prior (and, again, respectfully, erroneous) decision, the Petitioner cannot expand the child care facilities on its property to the existing accessory building without seeking and obtaining a use variance.

15. The legal standard for obtaining a use variance is very stringent. It includes, among others, a showing that a reasonable return cannot be obtained upon the property without a use variance and a showing that the difficulty in complying with applicable zoning is not self-created. It is unlikely that the Petitioner can successfully meet the standard required for grant of a use variance.

16. If the Town Board enacts the requested zoning amendment to include Nursery School for Pre-School Children, then the Petitioner will be able to use of the accessory building for housing student/attende activities.

17. The requested zoning amendment will benefit not only the Petitioner but also all residents of the Town of Newburgh who require quality child care, as it will allow for additional child care locations to be established within the Town.

18. Furthermore, adding "Nursery School For Pre-School Children" to the permitted uses in the "B" District is consistent with the uses currently permitted within the B Zoning District and the Town's Comprehensive Plan.

19. Under the Town Code, the uses permitted in the Town's "B" zoning districts currently consist of:

- one or two-family dwellings,
- membership clubs,
- municipal buildings,
- retail and personal service stores,
- business, professional and research offices,
- eating and drinking places,
- Indoor amusement establishments,
- Motor vehicle service stations, public garages, car washes and rental agencies,
- Convenience stores (with or without gasoline filling stations),
- Hotels and motels,
- Shopping centers,
- Theaters,
- Places of Worship,
- Business parks,
- Public utility structures,
- Affordable housing,
- Senior housing,
- Restaurants,
- Mini-malls, and
- Veterinarian offices.

It is respectfully asserted that the use of Nursery School for Pre-School Children is wholly consistent and compatible with the above-listed uses.

20. The Town's Comprehensive Plan does not appear to speak to the issue of child care facilities. But it does note that "The Town of Newburgh, New York is one of the fastest growing communities in a region experiencing tremendous growth and development"; and a zoning amendment providing opportunities of additional child care facilities would certainly serve that need.

C.). Submittal of Proposed Local Law For Zoning Amendment

21. Annexed hereto as Exhibit "D" is a draft local law by which the proposed zoning amendment may be enacted if the Town Board wishes to do so.

WHEREFORE, the Petitioner respectfully prays that the Town the Board of the
Town of Newburgh enact the proposed zoning amendment.

Dated: Newburgh, New York
November 26, 2019

Building Blocks Child Care Center, Inc.,


BY: Maria Marino, President

EXHIBIT "A"

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE
 THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE



TYPE NAME(S) OF PARTY(S) TO DOCUMENT: BLACK INK

DAN LEHORN FIRE ENGINE COMPANY
 OF ORANGE LAKE, INC.

TO

VINCENT T. MARINO & MARIA MARINO

PART OF:
 SECTION 51 BLOCK 10 LOT 11

RECORD AND RETURN TO:
 (Name and Address)

Nicholas DeRosa, Esq.
 One Corwin Court, Suite 104
 Newburgh, New York 12550

THERE IS NO FEE FOR THE RECORDING OF THIS PAGE

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH

RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE JT-0-0186

INSTRUMENT TYPE: DEED MORTGAGE _____ SATISFACTION _____ ASSIGNMENT _____ OTHER _____

PROPERTY LOCATION

- | | |
|----------------------------|---------------------------|
| 2088 BLOOMING GROVE (TN) | 4289 MONTGOMERY (TN) |
| 2001 WASHINGTONVILLE (VLG) | 4201 MAYBROOK (VLG) |
| 2289 CHESTER (TN) | 4203 MONTGOMERY (VLG) |
| 2201 CHESTER (VLG) | 4205 WALDEN (VLG) |
| 2489 CORNWALL (TN) | 4489 MOUNT HOPE (TN) |
| 2401 CORNWALL (VLG) | 4401 OTISVILLE (VLG) |
| 2600 CRAWFORD (TN) | 4600 NEWBURGH (TN) |
| 2800 DEERPARK (TN) | 4800 NEW WINDSOR (TN) |
| 3089 GOSHEN (TN) | 5089 TUXEDO (TN) |
| 3001 GOSHEN (VLG) | 5001 TUXEDO PARK (VLG) |
| 3003 FLORIDA (VLG) | 5200 WALLKILL (TN) |
| 3005 CHESTER (VLG) | 5489 WARWICK (TN) |
| 3200 GREENVILLE (TN) | 5401 FLORIDA (VLG) |
| 3489 HAMPTONBURGH (TN) | 5403 GREENWOOD LAKE (VLG) |
| 3401 MAYBROOK (VLG) | 5405 WARWICK (VLG) |
| 3689 HIGHLANDS (TN) | 5600 WAWAYANDA (TN) |
| 3601 HIGHLAND FALLS (VLG) | 5889 WOODBURY (TN) |
| 3689 MINISINK (TN) | 5801 HARRIMAN (VLG) |
| 3801 UNIONVILLE (VLG) | |
| 4089 MONROE (TN) | |
| 4001 MONROE (VLG) | |
| 4003 HARRIMAN (VLG) | |
| 4005 KIRYAS JOEL (VLG) | |

NO. PAGES 4 CROSS REF _____
 CERT. COPY _____ AFFT. FILED _____

PAYMENT TYPE: CHECK
 CASH _____
 CHARGE _____
 NO FEE _____

CONSIDERATION \$ 200,000
 TAX EXEMPT _____

MORTGAGE AMT \$ _____
 DATE _____

MORTGAGE TYPE:
 _____ (A) COMMERCIAL
 _____ (B) 1 OR 2 FAMILY
 _____ (C) UNDER \$10,000
 _____ (E) EXEMPT
 _____ (F) 3 TO 8 UNITS
 _____ (I) NAT.PERSON/CR.UNION
 _____ (J) NAT.PER-CR.UNI OR 2
 _____ (K) CONDO

CITIES

- | |
|------------------|
| 0900 MIDDLETOWN |
| 1100 NEWBURGH |
| 1300 PORT JERVIS |
| 8889 HOLD |

Joan A. Macchi

JOAN A. MACCHI
 Orange County Clerk

RECEIVED FROM: _____

LIBER 46226 273



COUNTY OF
 ORANGE, NEW YORK

Deanna C. Blum
 COUNTY CLERK & CLERK OF
 THE SUPREME & COUNTY COURTS

DATED 1/31/08

STATE OF NEW YORK, COUNTY OF ORANGE, SS:
 I, ORANGE COUNTY CLERK, DO HEREBY CERTIFY THAT THE ABOVE INSTRUMENT WAS RECORDED IN THE OFFICE OF THE CLERK OF THE SUPREME & COUNTY COURTS, ORANGE COUNTY, NEW YORK, ON JANUARY 31, 2008, AT 11:05:33 AM.
 THEREON, BY INSTRUMENT NO. 46226-273.
 DEANNA C. BLUM, CLERK

ORANGE COUNTY CLERKS OFFICE 43816 MCD
 RECORDED/FILED 08/29/07 11:05:33 AM
 FEES 47.00 EDUCATION FUND 5.00
 SERIAL NUMBER: 000725
 DEED CNTL NO 59140 RE TAX 800.00

Standard N.Y.S.T.M. Form 8002* - Bargain and Sale Deed, with Covenant against Grantor's Acts—Individual or Corporation (Single Sheet)
CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT—THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

THIS INDENTURE, made the 12th day of August, 1997

BETWEEN Dan Leghorn Fire Engine Company of Orange Lake, Inc.,
a New York State Not-For-Profit Corporation, with business
offices located at 134 Lakeside Road, Newburgh, New York 12550,

party of the first part, and Vincent T. Marino & Maria Marino, husband & wife,
both presently residing at 61 High View Avenue, Bernardsville,
New Jersey 07924,

party of the second part,
WITNESSETH, that the party of the first part, in consideration of
TEN (\$10.00) dollars
paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs
or successors and assigns of the party of the second part forever,

ALL that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate,
lying and being in the

SEE SCHEDULE "A" ANNEXED HERETO.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads
abutting the above described premises to the center lines thereof; TOGETHER with the appurtenances and all
the estate and rights of the party of the first part in and to said premises; TO HAVE AND TO HOLD the premises
herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second
part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby
the said premises have been encumbered in any way whatever, except as aforesaid.
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first
part will receive the consideration for this conveyance and will hold the right to receive such consideration as a
trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to
the payment of the cost of the improvement before using any part of the total of the same for any other purpose.
The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

IN PRESENCE OF: DAN LEGHORN FIRE ENGINE COMPANY OF ORANGE LAKE, INC.

BY: Charles J. Lanzer, Jr. President
CHARLES LANZER, JR. President

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that executed the same.

STATE OF NEW YORK, COUNTY OF ORANGE

ss:

On the 11 day of August 1997 , before me personally came Charles Lanzer, Jr. to me known, who, being by me duly sworn, did depose and say that he resides at Mary Phyllis Lane, Newburgh, New York that he is the President of Dan Leghorn Fire Engine Company of Orange Lake, Inc. the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the board of directors of said corporation, and that he signed his name thereto by the order

STATE OF NEW YORK, COUNTY OF

ss:

On the day of 19 , before me personally came

the subscribing witness to the foregoing instrument, with whom I am personally acquainted, who, being by me duly sworn, did depose and say that he resides at

that he knows to be the individual described in and who executed the foregoing instrument; that he, said subscribing witness, was present and saw execute the same; and that he, said witness, at the same time subscribed his name as witness thereto.

GARY A. GACATT
Notary Public, State of New York
Circuit 1 in Orange County
Commission Expires Oct. 31, 1997

BARGAIN AND SALE DEED

WITH COVENANT AGAINST GRANTOR'S ACTS

Title No. 570-0186 Abstract

DAN LEGHORN FIRE ENGINE COMPANY OF ORANGE LAKE, INC

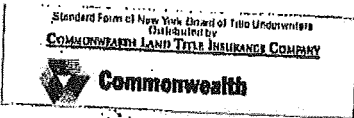
TO
VINCENT T. MARINO & MARIA MARINO

SECTION
BLOCK
LOT
COUNTY OR TOWN
STREET ADDRESS

Recorded at Request of
COMMONWEALTH LAND
TITLE INSURANCE COMPANY

RETURN BY MAIL TO

Nicholas DeRosa, Esq.
One Corwin Court, Suite 104
Newburgh, New York 12550



RESERVE THIS SPACE FOR USE OF RECORDING OFFICE

15746220 275

SCHEDULE "A"

ALL that certain lot, 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 number 1 on a filed map entitled "2 Lot Subdivision for Dan Leghorn Fire Engine Co. of Orange Lake, N.Y." filed in the Orange County Clerk's Office on December 18, 1996 as map #273-96 and more accurately bounded and described as follows:

BEGINNING at a railroad spike found at the intersection of the northerly line of New York State Route #52 with the southeasterly line of Lakeside Road; thence from the said point of place of beginning and following along the southeasterly line of Lakeside Road the following (4) courses and distances: 1) North 35-08-20 East 100.00 feet to a railroad spike found, 2) North 43-14-13 East 47.24 feet to a point, 3) North 54-59-20 East 92.01 feet to a point, 4) passing over a 20 foot wide sewer easement, North 46-16-13 East 48.97 feet to an iron pin; thence along the line of lands of Dan Leghorn Fire Engine Co. of Orange Lake, Inc., South 64 degrees 18 minutes 00 seconds East a distance of 125.00 feet to a point in the division line between lot #1 and lot #2, thence along the division line between lot #1 and lot #2, South 33 degrees 15 minutes 00 seconds West a distance of 268.25 feet to an iron pin in the northerly line of New York State Route #52; thence along the northerly line of Route #52, North 71 degrees 10 minutes 40 seconds West a distance of 190.00 feet to the point of place of beginning and containing 1.05 acres of land, more or less.

TOGETHER with, and subject to, that certain sewer line easement given by the Dan Leghorn Fire Engine Company of Orange Lake, Inc. to the Town of Newburgh by Easement Agreement dated May 23, 1995, and thereafter duly recorded in the Orange County Clerk's Office in Liber 4227 at page 235, which easement is approximately twenty feet in width, crosses and runs along the northerly side of the lot being conveyed herein, and runs with the land.

Further, Grantor hereby reserves for itself, its successors and assigns, and this conveyance is made and given subject to, a certain easement and right-of-way, running across and through the northerly side of the lot being conveyed herein, from the lands of the Grantor adjoining on the east to and from Lakeside Road, for purposes of a water line and utility easement and ingress and egress to and from said Lakeside Road to grantor's remaining lot and firehouse and improvements on the east. The said easement shall be thirty feet in width and the centerline of said easement shall be the centerline of the above sewer line easement recorded in Liber 4227 at page 235. The Grantor agrees to hold the Grantee/Purchaser harmless from any claims by the Town of

EXHIBIT "B"

sg/

800.42634

160114

1996

**TOWN OF NEWBURGH:
ZONING BOARD OF APPEALS**

-----X
In the matter of the application of:

BUILDING BLOCKS CHILD CARE CENTER, INC.

for variances to Code §§185-10 and
185-11, Table of Use and Bulk
Requirements, B District; Schedule 7,
(D).
-----X

**FINDINGS OF FACT
AND
DECISION**

Tax Map #51-10-11
B.I. #1049-96

The property which is the subject of this application is located at 134 Lakeside Road, Newburgh, New York and is designated on the tax map as Section 51, Block 10, Lot 11. It is located in the "B" District.

The applicant seeks to use the "Dan Leghorn Fire Engine Company" building as a site for operation of a child day care center. The applicant's plan requires variances to Code §§185-10 and 185-11, Table of Use and Bulk Requirements, B District, Schedule 7, (D). Nursery schools for pre-school children are not a permitted use in the "B" District. The proposed conversion of the subject property also fails to meet the requirements for lot area, front and side yard setback, and lot surface coverage.

A public hearing on the application was scheduled for October 24, 1996 at the Town Hall, 20-26 Union Avenue, Newburgh, New York. Notice of said public hearing, including the subject, date, place and time, was duly published and mailed. Proper affidavits of publication and mailing have been received from the applicant.

The public hearing was held on October 24, 1996. The applicant, BUILDING BLOCKS CHILD CARE CENTER, INC., appeared by counsel, Todd Kelson, Esq., and by its president, Maria Marino. Testimony, exhibits and other proof were submitted to the Board.

The testimony and exhibits at the Public Hearing established that the subject property is improved by an antiquated fire house which is not sufficient for or capable of use as a modern fire house. The property owner, Dan Leghorn Fire Engine Company, has attempted to market the property for several years without receiving any offers. It seems that the location of the property (it is at the corner of Lakeside Road and Route 52) coupled with the size and shape of the lot and the existing fire house, make the property highly undesirable for uses permitted in the District.

The applicant operates one of the few child day care centers in the Newburgh area which accepts infants. The property upon which the applicant's business is presently located has been sold and the new owners will not renew her lease. Unless suitable new quarters are located, the applicant will be put out of the business. The applicant has entered a contract to purchase the subject property and proposes to modify the existing building and property for use as a child day care center.

The Board, as lead agency in an uncoordinated review, has unanimously determined that the proposed action is an unlisted action under SEQRA and a negative declaration has been made.

II. WHETHER THE ALLEGED HARDSHIP IS UNIQUE, AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD?

The hardship involved in this case is a function of the existence an antiquated fire house on the subject property as well as the location, size and shape of the lot. It is clearly unique.

III. WHETHER THE REQUESTED USE VARIANCE, IF GRANTED, WILL ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD?

Importantly, the subject property is located in close proximity to the R-3 District in which nursery schools for pre-school children are permitted uses. Considering its proximity to the R-3 District and the fact that a vacant fire house is not particularly beneficial to the neighborhood, the Board finds that grant of the proposed variance will not have any detrimental effect upon the character of the neighborhood.

IV. WHETHER THE ALLEGED HARDSHIP HAS BEEN SELF-CREATED?

The inability to use the subject property for a fire house is a result of improvements and changes in the size and nature of fire fighting equipment, techniques and vehicles. As noted above, the inability to use the property for other permitted uses in the B District is a function of the prior use, location, size and shape of the lot. On the unique facts of this case, the Board finds that the hardship has not been self-created.

(B). AREA VARIANCES.

The applicant's proposed use of the subject property for a child day care center does not comply with the bulk requirements of the Code in several respects. Particularly, the following variances are proposed by the applicant:

	<u>Proposed</u>	<u>B Dist.</u>	<u>R-3 Dist.</u>
Lot Area:	1.05 acres	2 acres	2 acres
Front Yard:	39 feet	50 feet	50 feet
Side Yard:	15 feet	50 feet	50 feet
Lot Surface Coverage:	43%	50%	40%

The variances required depend, in part, on whether the bulk requirements for the B District or the R-3 District are deemed applicable to the proposed new use.¹

I. WHETHER AN UNDESIRABLE CHANGE WILL BE PRODUCED IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES WILL BE CREATED BY GRANTING OF THE VARIANCE?

As noted above, establishment of a nursery school on the subject property will not have any detrimental effect on the neighborhood. The Board has carefully reviewed the applicant's concept plan and finds that the proposed area variances will have no substantial impact on operation of the nursery school or its impact on the neighborhood.

¹This Board feels that the determination as to which Bulk requirements are applicable should be made by the Planning Board in the course of site-plan review. The ZBA will treat the application as a request for variances from the R-3 bulk requirements since these are more restrictive than the B requirements.

II. WHETHER THE BENEFIT SOUGHT BY THE APPLICANT CAN BE ACHIEVED BY SOME METHOD FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE?

The subject property cannot be put to the proposed new use unless the area variances requested are granted.

III. WHETHER THE REQUESTED AREA VARIANCE IS SUBSTANTIAL?

The variances sought are substantial. However, on the facts of this case the Board finds that this factor alone does not require denial of the variances sought.

IV. WHETHER THE PROPOSED VARIANCE WILL HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD?

As noted above, the requested variances will not have any substantial effect on the neighborhood or the physical or environmental conditions within it.

V. WHETHER THE ALLEGED DIFFICULTY WAS SELF-CREATED?

The difficulty experienced by the applicant was not self-created. The Board notes that even if the difficulty could be considered self-created, it would decline to give significant emphasis to this consideration on the facts of this case.

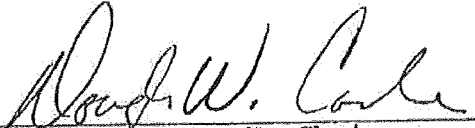
DECISION

The Board determines that the applicant has met the requisites of Town Law Section 267-b. It is hereby resolved that a variance under Code §185-10, Table of Use and Bulk Requirements, B District, Schedule 7, (D) to permit establishment of a child day care center on the subject property is granted as well as variances to Code §185-11, Table of Use and Bulk Requirements, B District, Schedule 7, (D) to permit the proposed construction/modifications shown on the applicants "concept plan" dated October 10, 1996 resulting in a lot area of 1.05 acres, a front yard of 39 feet, a side yard of 15 feet and a lot surface coverage of 43%. The Board finds that such variances are the minimum variances necessary and adequate for the applicant.

Present and Voting on this decision:

Douglas W. Carle,	Aye
Paul Blanchard,	Aye
Grace Cardone,	Aye
Ruth Eaton,	Aye
Michael Maher,	Aye
Frank Galli	Aye
John McKelvey	Aye

Dated: November 21, 1996
Newburgh, New York


DOUGLAS W. CARLE, Chairman
Town of Newburgh, Zoning
Board of Appeals

sg/

800.42634

160114

Filed in the Town Clerk's Office this 16 day of
Dec, 1996.

Olisa Williams
Town Clerk

EXHIBIT "C"

ZBA MEETING- FEBRUARY 22, 2007

VINCENT & MARIA MARINO

430 S. PLANK RD., NBGH
(51-10-11.1) B Zone

Applicant is seeking interpretation of 1996 decision and/or use variance to allow a conversion for an existing storage building into an additional classroom on the site.

The portion in 'Blue' or (Italic) *Dina had somehow taped over or blanked out (no audio) on the tape ...recorded over it after typing it up.*

The 'Red' or (Bold Underlined portions are corrections), after listening to the tape again, made by me.

Chairperson Cardone: Our next applicant is Vincent & Maria Marino, 430 S. Plank Road, Newburgh, (51-10-11.1) B Zone

The applicant is looking for interpretation of 1996 Decision & / or Use Variance: Use Variance – to allow conversion of an existing storage building into an additional classroom on the site.

Todd Kelson: The property is located on the corner of Lakeside Road and Route 52. They are here today primarily for an interpretation of the existing variance granted to the applicants in November 1996. They had purchased the property from Dan Leghorn Fire Department and obtained a use variance for the purposes of constructing a child care center. The childcare center was constructed and a certificate of occupancy was issued in January 1999. On the site plan presented to this Board in 1996, a note indicated an existing structure (the firehouse), which was converted to the childcare facility and an additional small structure. The note said that the existing structure will remain, which was a garage. The applicant now has a waiting list to her facility and desires to install additional classroom space in that building (garage). The building has been refurbished. Water and sewer has been added to the building, there's a lavatory in the building and the garage door has been removed. And the building properly landscaped and finished. An application was made to the Planning Board for an amendment to the site plan to permit that building to be used (more blank tape). The Planning Board and its attorneys took the position that it was unclear whether the 1996 variance included all of the property. I think it being the insinuation that somehow the variance did not apply to that garage and that garage continued to be subject to a B zone Zoning. It's the applicant's contention and we hope the Board's position as well, that the variance in 1996 by it's plain language included all of the improvements on the property and that that garage would continue to be used but the garage would be used as an accessory use, to the use for which a variance was granted in 1996. That is to say, a garage to be used as an accessory to the day care and we're asking for an interpretation to confirm that the entire property is the subject of that variance and that no further variances are required. If on the other hand, the Board takes a contrary position, we are here in the alternative to urge that it is appropriate to grant additional use variance for that property, we believe and the application is there before you, that the applicant meets all of the requirements for

a use variance. We understand that those requirements are substantial but in this case its quite novel. She cannot, in fact, based upon the use of the property as a daycare center; it is our contention that the applicant can derive absolutely no economic use from that building except as an adjunct to the existing day care center. The license issued for a daycare center by the Department of Social Services of the State of New York is subject to requirements. Those regulations include a requirement that any buildings or any areas adjacent to where children are used and I'll quote "must not be used for any other business or social purpose when children are present such that the intention of staff is diverted from the care of the children. When a child daycare center is located in a multi use building, those portions of the premises designated for the care of children must be used exclusively for child daycare during the hours the children are present". And, there is a citation in the application. It's our contention that there's no way that the property, there is no way that we could rent it to someone part time. You cannot rent a building to somebody and say "Oh, by the way you cannot use it between the hours of 6 and 7 each day, you cannot have access to it". It would be quite impossible. As to the other criteria, I think that they're fairly self-evident the hardship is unique; it doesn't apply to any other portion of the property. This is a small building that's surrounded by an area already approved for a variance. The variance would not alter the essential character of the neighborhood. The neighborhood, this property, this daycare is completely integrated and it is an integral part of this neighborhood. The hardship is not self-created. We don't believe that there is any need for a variance at all but if you take that position the hardship is based upon the New York State Regulations, under which the applicant acts. I invite the Board have answered any questions they may have regarding the application.

Chairperson Cardone: I have a couple of questions. The garage that we're speaking about that's the same one that was on the property at the time of the variance was granted?

Mr. Kelson: That's correct.

Chairperson Cardone: Do we have any comments from the Board or any thoughts about the interpretation first?

Mr. Hughes: I have some things. The way the use was granted to begin with it seemed like it wasn't all the way together to begin with and I believe that the intent of the narrative that accompanied the use variance restrictions limited them from going into that building. And, that's the way I read it. I don't know, maybe there is something there that you could point out to me to clarify that in a different way. However, there are some other things that go on here as well. The way I read it here from the State Law, is that the applicant has to show each and every use that's allowed in that B District could not be applied to this property and not what was just explained. I have some Case Law to refer to. In the B District there's lots of permitted uses, single-family dwellings and depending on whether they have water and sewer or not two family dwellings, municipal buildings, and so on, funeral homes. So, I don't know that it's unique in its own right, as Mr. Kelson has described, I wanted to clarify those.

Chairperson Cardone: I have a little problem with the fact that this is an accessory structure; you're talking about renting it out for a business? That's a whole different use to begin with.

Mr. Hughes: Yes. No, I meant the entire property.

Chairperson Cardone: No, what I am saying, what they are proposing and the reason for saying that there's no monetary gain from it because they couldn't rent it out? That doesn't even sound right to me. It was a garage, it was used as a garage, it's an accessory structure.

Mr. Hughes: I don't know whether we should segment this or not and as far as the interpretation.

Chairperson Cardone: The interpretation, I see it was the concept plan that was dated October 10, 1996 and in that concept plan it was a storage garage.

Mr. Hughes: Right. No classrooms.

Chairperson Cardone: It didn't have plumbing and I'm not sure about the electricity, I don't think it had electricity.

Mr. Hughes: So, the narrative here and the description that has included tonight that there are facilities in there now of water and electric and so forth, but it also says that there'll be no more employees. I don't know, something doesn't seem to add up here but are you shifting people from the main building to the garage now?

Mr. Kelson: Yes, that's correct. What we want to have more space for the children, O.K., so there should not be more employees. Is that correct, Ms. Marino? Yes, my client is here and she's indicated that.

Mr. Hughes: Was any of this work in this garage permitted or was it just done?

Ms. Marino: It's all permitted, I have the variance here.

Mr. Hughes: Because it is confusing here, in the '96 use variance that was granted, it doesn't indicate to me that that was part of it and that it indicated that that was not to be used.

Mr. Kelson: I don't, I'm sorry but I'm curious as to where you see that. I'm looking at the decision and I don't see that. I mean I am certainly interested in what the Board Members ah ...

Mr. Hughes: You were the attorney of record on this?

Mr. Kelson: Yes, I was, Sir.

Mr. Hughes: You should be very familiar with it.

Mr. Kelson: Yes I know, I am very familiar, that's why I'm saying I'm not sure what you're eluding to cause I'm looking at the decision and I ...

Chairperson Cardone: I agree with Mr. Hughes I think he's referring to under the decision, last page, to permit the proposed construction shown on the applicant's concept plan. And, on the concept plan it did not indicate that the storage building would have plumbing or that it would be used for anything other than storage.

Mr. Kelson: That's correct and it was not and we did not use it for anything.

Chairperson Cardone: So, that would be my personal interpretation is that it would be used for storage.

Mr. McKelvey: For storage.

Mr. Kelson: But that, O.K., that's fine but that storage would be as an accessory use to the primary use. It could not be, it would be, I'm reading the decision that the variance to permit establishment of a child day care center on the property is granted. O.K. So, the entire, the use applies to the entire property. Now, I certainly agree that a change of use, a change of the, I guess we have to be careful how we use the word use here, O.K., the way that the property is used, the purpose for which is used clearly is the subject of the Planning Board's purview and they could not, they would have to, if they want to change it from a garage to some other accessory use or an integral use that it would be subject to Site Plan approval. But, the entire property is the subject of the original variance. We can use that as a, guess maybe I'll give an example, maybe it'll make more sense, we can use that garage and I invite the Board to tell me the contrary, we can use that garage as a garage incidental to our use of the property as a day care center. If we wanted to store day care center goods or desks or what have you, all of those things are incidental to the use as a day care center and that's how it's been used. So, I think that you would argue that the use, I would argue that the use of the entire property is as a day care center and that's an accessory use to that use, O.K. Now, do we use it, now that's what I'm saying that's why we have trouble with the way we use the word use here, do we use it as a classroom in the day care center? No of course not, that was not part of the original plan that was approved by the Planning Board. It was not part of the original concept plan that was presented to the ZBA at that time. O.K. but you couldn't, I'm not sure how we could argue that a building, a small building on a piece of property was not the subject of the 1996 variance. The entire, and as I said I am reading the plain language of it. The entire property, all of the property is to be used as part of the day care center. That would include the parking that would include the playground that would include all of the property.

Chairperson Cardone: And, it specifically says as proposed ... the uses as proposed.

Mr. Kelson: Right, so we're using, so at the time we were using as a garage. O.K.

Mr. McKelvey: And, that's what the variance was granted back then.

Mr. Kelson: O.K.

Mr. McKelvey: To use it as a garage...

Mr. Kelson: Yeah, well...

Mr. McKelvey: ...not as a classroom.

Mr. Kelson: Which is why, of course, we are here again and that's why we also present in the alternative the application for an additional use variance. Now, Mr. Hughes says that there are other uses for which the property can be put and what I've indicated and then the application appears, and I invite the Board to review the reg's, consistent with the use for which the overwhelming majority of the property has already granted, there are no other uses.

Mr. Hughes: That was not my inference.

Mr. Kelson: O.K., no, then I apologize.

Mr. Hughes: If I may tell you, I am trying to steer you.

Mr. Kelson: That's all right.

Mr. Hughes: I am citing the State Law on what you're supposed to prove to us, not what I'm supposed to prove to you.

Mr. Kelson: Well, no, no, you, you, as a Board Member has indicated that there are other uses that can be used and what we are, our statement is and our application is that because of the limitations placed on the property as a whole consists by the applicants' Department of Social Services license, there are no other uses that that garage can be used for. They cannot rent that garage for any of the uses for any of the uses itemized in the list that Mr. Hughes referred to because if they do so the Department of Social Services would look with that with disfavor with respect to the applicant's license. So, if you say, if the Board says no, she cannot, we don't grant the use variance for the garage and say O.K., she has to continue to use it, she cannot use it for any other purpose that's permitted in the B Zone. She cannot rent it, she cannot use it for a funeral, she cannot use it for any of those uses because the SS will not permit it to be used, cannot be permit it to be rented to anybody else for any other purpose. No one else can use it. She can't make any other use out of it.

Mr. Hughes: If I may? Maybe this will help you to go where you need to go with this. What you're supposed to do is show us that there is no other way that you can do this to

begin with and there's certainly enough property on that place that the main building could be added onto with less difficulty than what you're trying to propose here. But, let me get back, the permitted use may not be the most profitable use is immaterial so whatever else goes on, what must be established is that return from the property would not be reasonable for each and every use permitted under the Ordinance. So, I think you have your concept backwards about what you're ...

Mr. Kelson: Well, I would respectfully disagree, what I'm suggesting that the return would be zero because it cannot be used for any other use. It cannot be used for any other use...

Mr. Hughes: Well I understand that.

Mr. Kelson: ...so long as the balance of the property is used as a day care center. If the entire property as a whole were to be used for some other use then I would agree with you completely.

Mr. Hughes: I got your point the first two times through. I am not fighting, I'm discussing here.

Mr. Kelson: Sure.

Mr. Hughes: I want you to understand from the discussion what the State Law requires you to do.

Mr. Kelson: I understand. Thank you.

Ms. Eaton: Does the Department of Social Services know you want to use this detached building?

Mr. Kelson: Yes, they do.

Ms. Eaton: What objections do they have?

Mr. Hughes: Is the building sprinklered?

Mr. Kelson: The building is not required to be sprinklered.

Mr. Hughes: Are you on Town water?

Mr. Kelson: Yes.

Mr. Hughes: Do you have Town sewer?

Mr. Kelson: Yes.

Mr. Hughes: I'm not really satisfied with all the answers here for the criteria set forth by the State and I would not want to vary too much from that. I have other comments, but we will wait to the proper time.

Chairperson Cardone: Do we have any other questions from the Board?

Ms. Eaton: If you use this as a classroom the children will just stay in that building for the day, they would not go back and forth between the main building and there?

Ms. Marino: They would stay there.

Ms. Drake: You had mentioned that you have a waiting list, so does that mean that you will be bringing in more children then?

Ms. Marino: About 10 more.

Ms. Drake: And, you don't need to increase your staff to ...

Ms. Marino: (inaudible)

Chairperson Cardone: Mr. Canfield.

Mr. Canfield: Jerry Canfield, Town of Newburgh Code Compliance Supervisor, just to make a couple of comments on Mr. Kelson's reference to hopefully clear up some of the matter or help the Board along ... our Department became involved with the structure in 2006 at which time a Building Permit was taken out by the owners to renovate this structure in question and the permit was for storage and office space. O.K. Upon a final inspection, in July of 2006 Fire Inspectors Ken Canfield and Tom Dubetsky of the Code Compliance Department learned that the structure was being utilized as classroom space. At that point in time, an Order to Remedy was issued and also the C of O (Certificate of Occupancy) for the building has been revoked. Just to give the Board a little update on that. Additionally, some of the things cited in the Order to Remedy was the change of use of what the Permit was intended for. The applicant was advised via a letter, on July 14th, to report to or obtain a Town of Newburgh Planning Board approval for the change of use, possibly a Zoning Board approval, submit sprinkler application fee, hydraulic calculations, manufacturer cut sheets, device utilized in the Town of Newburgh Municipal Code 107-21 entitled Sprinklers Required. So, contrary to the fact that whether sprinklers are required, the answer is yes, they are required, also a manual alarm system. And, in addition also to clear up this existing enforcement action that we have pending.

Chairperson Cardone: Thank you, Mr. Canfield. Any other questions or comments from the Board? Any questions or comments from the public? If so, please state your name and address. O.K. On the report from the Orange County Department of Planning, their comment was that the proposed action will

not have any major impact upon State or County facilities nor does it have any inter municipal concerns. If there are no other comments, I declare this part of the hearing closed.

Mr. Kelson: Thank you.

Chairperson Cardone: Thank you.

ZBA MEETING- FEBRUARY 22, 2007

END OF MEETING

VINCENT & MARIA MARINO

430 S. PLANK RD, NBGH,
(51-10-11.1) B Zone

Chairperson Cardone: On the application of Vincent T. and Maria Marino, Building Blocks Daycare Center. First we'll address the interpretation, seeking an interpretation of the 1996 decision. Do I have discussion on that?

Mr. Hughes: I think we discussed every side of that. I don't see it being part of that use variance and I don't think we are allowed to cramp something of that nature where you have two independent buildings on the same lot, even if it is conducting the same business or businesses.

Chairperson Cardone: Do I have a motion to that effect.

Mr. Hughes: I will move.

Mr. Mc Kelvey: Second.

Chairperson Cardone: All those in favor please say Aye.

Aye all.

Chairperson Cardone: Opposed?

No response

Chairperson Cardone: Motion is carried. And now on the same application for a use variance to allow a conversion of an existing storage building into an additional classroom on the site. This is an Unlisted Action under SEQRA. Do I have a motion for a negative declaration?

Mr. Mc Kelvey: So moved.

Mr. Hughes: Second.

Chairperson Cardone: All those in favor please say Aye.

Aye All

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: The motion is carried. Do we have discussion on this application?

Mr. Hughes: I think we are wrung out of every aspect of what was to be expected on this project. I have nothing further.

Chairperson Cardone: I think we have to look at whether or not we have met the criteria necessary, the first one being that they cannot realize a reasonable return as shown by confident financial evidence.

Mr. Hughes: I agree.

Chairperson Cardone: You are saying that that has not been met.

Mr. Hughes. That has not been met.

Chairperson Cardone: And the alleged hardship is unique and does not apply to substantial portions of the district or neighborhood.

Mr. Hughes: Well it wasn't like; it was a secret with the property involved when they entered into agreement to buy it and such. It's the applicants' responsibility to know what business can be conducted in those Zones. So I believe the hardship was self-created.

Chairperson Cardone: Which was the fourth one that has not been self-created and it would not alter the essential character of the neighborhood. I would say that it would not alter the essential character of the neighborhood, however we must meet all four criteria. Do I have a motion for approval on this application?

No response.

Chairperson Cardone: Do I have a motion for disapproval?

Mr. Hughes: So Moved.

Chairperson Cardone: Do I have a second.

Mr. Mc Kelvey: Second.

Chairperson Cardone: All those in favor of disapproval, please say Aye.

Aye All.

Chairperson Cardone: Opposed?

No response.

Chairperson Cardone: Motion for disapproval is carried.

PRESENT ARE:

GRACE CARDONE
JOHN MC KELVEY
BRENDA DRAKE
RUTH EATON
RONALD HUGHES

ABSENT ARE:

ROBERT KUNKEL
JAMES MANLEY

EXHIBIT "D"

**LOCAL LAW NO. __ OF THE YEAR 2020
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED "ZONING"
OF THE CODE OF THE TOWN OF NEWBURGH TO
INCLUDE THE USE OF "NURSERY SCHOOL
FOR PRE-SCHOOL CHILDREN" AS A PERMITTED USE
IN "B" ZONING DISTRICTS**

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 to include the use of "Nursery School For Pre-School Children" as a permitted use in 'B' Zoning Districts".

Section 2 - INTENT

The intent of this local law is to implement changes in the Town of Newburgh Zoning Code by amending the Use & Bulk Tables to add the use of "Nursery School for Pre-School Children" as a permitted use in "B" Zoning Districts" and including appropriate bulk requirements for such use in "B" Zoning Districts".

SECTION 3 - AMENDMENT TO CHAPTER 185

A. Table of Use & Bulk Requirements, B District, Schedule 7, is hereby amended to add under column "D", "Uses Subject To Site Plan Review By The Planning Board", as a new item number "18", the use of "Nursery School for Pre-School Children"

B. Table of Use & Bulk Requirements, B District, Schedule 7, is hereby amended to add under column "D", for the new item number "18", "Nursery School for Pre-School Children", the following bulk requirements:

Lot Area	-	2 acres
Lot Width (feet)	-	150
Lot Depth (feet)	-	150
Front Yard (feet)	-	50
Rear Yard (feet)	-	50
Front Yard (feet)	-	50

1 Side Yard (feet)	-	50
Bothe Side Yards (feet)	-	50
Habitable Floor Area Per Dwelling Unit	-	NA
Dwelling Units Per Acre	-	NA
Lot Building Coverage (Percent)	-	20%
Building Height (feet)	-	35
Lot Surface Coverage (Percent)	-	40%

SECTION 4 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by an court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 - EFFECTIVE DATE

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



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

MEMORANDUM

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 TO INCLUDE THE USES OF "NURSERY
SCHOOL FOR PRE-SCHOOL CHILDREN" AND "DAY
CARE CENTER" AS PERMITTED USES SUBJECT TO SITE
PLAN REVIEW IN THE "B" ZONING DISTRICT
OUR FILE NO. 800.1(B)() (2020)

DATE: MARCH 5, 2020

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
(1942-2018)

OF COUNSEL

Craig F. Simon
Irene V. Villacci

Attached are parts 1 and 2 of the Long Form EAF for the proposed adoption of the Zoning Amendment

MCT:sel
Enc.

cc: Joseph P. Pedi, Town Clerk
James Osborne, Town Engineer
Gerald Canfield, Code Compliance Supervisor
Kelly Naughton, Esq.

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

Instructions for Completing Part 1

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

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

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

A. Project and Applicant/Sponsor Information

Name of Action or Project: Introductory Local Law No. ___: Amending Chapter 185 ("Zoning") to include the uses of Nursery Schools and Day Care Facilities in the B district		
Project Location (describe, and attach a general location map): Business ("B") District, Town of Newburgh, Orange County, New York		
Brief Description of Proposed Action (include purpose or need): The purpose of Introductory Local Law No. ___ of 2020 is to implement changes in the Town of Newburgh Zoning Code by amending the Use and Bulk Tables to add the uses of "Nursery School" and "Day Care" as permitted uses in the "B" (Business) Zoning District, and include appropriate bulk requirements for such uses in the B district.		
Name of Applicant/Sponsor: Town of Newburgh	Telephone: 845-564-4554	
	E-Mail: town-clerk@townofnewburgh.org	
Address: 1496 Route 300		
City/PO: Newburgh	State: New York	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role): Gill Plaquadro, Supervisor	Telephone: 845-564-4552	
	E-Mail: supervisor@townofnewburgh.org	
Address: 1496 Route 300		
City/PO: Newburgh	State: New York	Zip Code: 12550
Property Owner (if not same as sponsor): N/A	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No or Village Board of Trustees	Town Board	Petition filed November 2019
b. City, Town or Village Planning Board or Commission <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Planning Board	Referral per Town Code
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Orange County Planning Department	GML 239 referral
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
iii. Is the project site within a Coastal Erosion Hazard Area?		<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

C. Planning and Zoning

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

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If Yes, identify the plan(s):	

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
 If Yes, what is the zoning classification(s) including any applicable overlay district?
 B (Business District), a portion of which includes the Self Storage Overlay and the LHI Overlay (Light and Heavy Equipment and Recreational Vehicle Sales, Service and Repair)

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

c. Is a zoning change requested as part of the proposed action? Yes No
 If Yes,
 i. What is the proposed new zoning for the site? Permitting 'Nursery Schools' and 'Day Care' Facilities In the Business District

C.4. Existing community services

a. In what school district is the project site located? Newburgh Enlarged City School District, Valley Central School District, Marlboro School District

b. What police or other public protection forces serve the project site?
 Town of Newburgh Police Department, Orange County Sheriff's Office, NYS Troopers

c. Which fire protection and emergency medical services serve the project site?
 Coldenham, Cronomer Valley, Dan Leghorn, Goodwill, Middlehope, and Winona Lake Fire Departments; Town of Newburgh Ambulance

d. What parks serve the project site?
 Chadwick Lake Park, Cronomer Hill Park, Algonquin Park

D. Project Details

D.1. Proposed and Potential Development

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

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

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

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

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

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

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

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

i. Total number of structures _____

ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length

iii. Approximate extent of building space to be heated or cooled: _____ square feet

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

i. Purpose of the impoundment: _____

ii. If a water impoundment, the principal source of the water: Ground water Surface water streams Other specify: _____

iii. If other than water, identify the type of impounded/contained liquids and their source. _____

iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres

v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length

vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____

D.2. Project Operations

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

i. What is the purpose of the excavation or dredging? _____

ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?

- Volume (specify tons or cubic yards): _____
- Over what duration of time? _____

iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____

iv. Will there be onsite dewatering or processing of excavated materials? Yes No
 If yes, describe. _____

v. What is the total area to be dredged or excavated? _____ acres

vi. What is the maximum area to be worked at any one time? _____ acres

vii. What would be the maximum depth of excavation or dredging? _____ feet

viii. Will the excavation require blasting? Yes No

ix. Summarize site reclamation goals and plan: _____

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

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

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

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

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

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

v. Describe any proposed reclamation/mitigation following disturbance: _____

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

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

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

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

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

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

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

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

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

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: _____ gallons/minute.

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

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

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

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

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

<ul style="list-style-type: none"> • Do existing sewer lines serve the project site? _____ • Will a line extension within an existing district be necessary to serve the project? _____ <p>If Yes:</p> <ul style="list-style-type: none"> • Describe extensions or capacity expansions proposed to serve this project: _____ _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____</p> <p>If Yes:</p> <ul style="list-style-type: none"> • Applicant/sponsor for new district: _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans): _____ _____</p>	
<p>vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____ _____</p>	
<p>e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____</p> <p>If Yes:</p> <p>i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size)</p> <p>ii. Describe types of new point sources. _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____ _____</p> <ul style="list-style-type: none"> • If to surface waters, identify receiving water bodies or wetlands: _____ _____ • Will stormwater runoff flow to adjacent properties? _____ 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No
<p>iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____</p> <p>If Yes, identify:</p> <p>i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____</p> <p>ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____</p> <p>iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____</p>	<input type="checkbox"/> Yes <input type="checkbox"/> No
<p>g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____</p> <p>If Yes:</p> <p>i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____</p> <p>ii. In addition to emissions as calculated in the application, the project will generate:</p> <ul style="list-style-type: none"> • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs) 	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Yes <input type="checkbox"/> No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No
 If Yes:
 i. Estimate methane generation in tons/year (metric): _____
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Yes No
 If Yes:
 i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____
 iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____
 iv. Does the proposed action include any shared use parking? Yes No
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No
 If Yes:
 i. Estimate annual electricity demand during operation of the proposed action: _____
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____
 iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

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

i. During Construction: <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ 	ii. During Operations: <ul style="list-style-type: none"> • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? Yes No
 If yes:
 i. Provide details including sources, time of day and duration:

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

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

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

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

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

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

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

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

 • Operation: _____

 iii. Proposed disposal methods/facilities for solid waste generated on-site:
 • Construction: _____

 • Operation: _____

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

Forest Agriculture Aquatic Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

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

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

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

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

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

h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? Yes No
 If Yes:
 i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: Yes No
 Yes - Spills Incidents database Provide DEC ID number(s): _____
 Yes - Environmental Site Remediation database Provide DEC ID number(s): _____
 Neither database
 ii. If site has been subject of RCRA corrective activities, describe control measures: _____
 iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? Yes No
 If yes, provide DEC ID number(s): _____
 iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____

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

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

E.2. [Natural Resources On or Near Project Site]

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

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

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

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

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

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

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

h. Surface water features.

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

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

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

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

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

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

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

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

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

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

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No
 If Yes:
 i. Name of aquifer: _____

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

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

o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? Yes No
 If Yes:
 i. Species and listing (endangered or threatened): _____

p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? Yes No
 If Yes:
 i. Species and listing: _____

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

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

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

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

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

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

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No

If Yes:

i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District

ii. Name: _____

iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No

If Yes:

i. Describe possible resource(s): _____

ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No

If Yes:

i. Identify resource: _____

ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____

iii. Distance between project and resource: _____ miles.

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No

If Yes:

i. Identify the name of the river and its designation: _____

ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

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

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

G. Verification

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

Applicant/Sponsor Name Town of Newburgh Town Bd. Date _____

Signature  Title Supervisor

Milbert J. Piaquadio

Full Environmental Assessment Form
Part 2 - Identification of Potential Project Impacts

Agency Use Only [If applicable]
 Project : N. School/Day Care in B Zoning Amend.
 Date : 03/05/2020

Part 2 is to be completed by the lead agency. Part 2 is designed to help the lead agency inventory all potential resources that could be affected by a proposed project or action. We recognize that the lead agency's reviewer(s) will not necessarily be environmental professionals. So, the questions are designed to walk a reviewer through the assessment process by providing a series of questions that can be answered using the information found in Part 1. To further assist the lead agency in completing Part 2, the form identifies the most relevant questions in Part 1 that will provide the information needed to answer the Part 2 question. When Part 2 is completed, the lead agency will have identified the relevant environmental areas that may be impacted by the proposed activity.

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

Tips for completing Part 2:

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

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

2. Impact on Geological Features
 The proposed action may result in the modification or destruction of, or inhibit access to, any unique or unusual land forms on the site (e.g., cliffs, dunes, minerals, fossils, caves). (See Part 1. E.2.g) NO YES
If "Yes", answer questions a - c. If "No", move on to Section 3.

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

3. Impacts on Surface Water
 The proposed action may affect one or more wetlands or other surface water bodies (e.g., streams, rivers, ponds or lakes). (See Part 1. D.2, E.2.h) NO YES
If "Yes", answer questions a - l. If "No", move on to Section 4.

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

I. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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4. Impact on groundwater The proposed action may result in new or additional use of ground water, or may have the potential to introduce contaminants to ground water or an aquifer. <input type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t) <i>If "Yes", answer questions a - h. If "No", move on to Section 5.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may require new water supply wells, or create additional demand on supplies from existing water supply wells.	D2c	<input type="checkbox"/>	<input type="checkbox"/>
b. Water supply demand from the proposed action may exceed safe and sustainable withdrawal capacity rate of the local supply or aquifer. Cite Source: _____	D2c	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may allow or result in residential uses in areas without water and sewer services.	D1a, D2c	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may include or require wastewater discharged to groundwater.	D2d, E2l	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the construction of water supply wells in locations where groundwater is, or is suspected to be, contaminated.	D2c, E1f, E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may require the bulk storage of petroleum or chemical products over ground water or an aquifer.	D2p, E2l	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may involve the commercial application of pesticides within 100 feet of potable drinking water or irrigation sources.	E2h, D2q, E2l, D2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

5. Impact on Flooding The proposed action may result in development on lands subject to flooding. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. E.2) <i>If "Yes", answer questions a - g. If "No", move on to Section 6.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in development in a designated floodway.	E2i	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in development within a 100 year floodplain.	E2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in development within a 500 year floodplain.	E2k	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in, or require, modification of existing drainage patterns.	D2b, D2e	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may change flood water flows that contribute to flooding.	D2b, E2i, E2j, E2k	<input type="checkbox"/>	<input type="checkbox"/>
f. If there is a dam located on the site of the proposed action, is the dam in need of repair, or upgrade?	E1e	<input type="checkbox"/>	<input type="checkbox"/>

g. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>
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6. Impacts on Air			
The proposed action may include a state regulated air emission source. (See Part 1. D.2.f., D.2.h, D.2.g) <i>If "Yes", answer questions a - f. If "No", move on to Section 7.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. If the proposed action requires federal or state air emission permits, the action may also emit one or more greenhouse gases at or above the following levels:			
i. More than 1000 tons/year of carbon dioxide (CO ₂)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
ii. More than 3.5 tons/year of nitrous oxide (N ₂ O)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
iv. More than .045 tons/year of sulfur hexafluoride (SF ₆)	D2g	<input type="checkbox"/>	<input type="checkbox"/>
v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflourocarbons (HFCs) emissions	D2g	<input type="checkbox"/>	<input type="checkbox"/>
vi. 43 tons/year or more of methane	D2h	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may generate 10 tons/year or more of any one designated hazardous air pollutant, or 25 tons/year or more of any combination of such hazardous air pollutants.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may require a state air registration, or may produce an emissions rate of total contaminants that may exceed 5 lbs. per hour, or may include a heat source capable of producing more than 10 million BTU's per hour.	D2f, D2g	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may reach 50% of any of the thresholds in "a" through "c", above.	D2g	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in the combustion or thermal treatment of more than 1 ton of refuse per hour.	D2s	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

7. Impact on Plants and Animals			
The proposed action may result in a loss of flora or fauna. (See Part 1. E.2. m.-q.) <i>If "Yes", answer questions a - j. If "No", move on to Section 8.</i>		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may cause reduction in population or loss of individuals of any threatened or endangered species, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction or degradation of any habitat used by any rare, threatened or endangered species, as listed by New York State or the federal government.	E2o	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may cause reduction in population, or loss of individuals, of any species of special concern or conservation need, as listed by New York State or the Federal government, that use the site, or are found on, over, or near the site.	E2p	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in a reduction or degradation of any habitat used by any species of special concern and conservation need, as listed by New York State or the Federal government.	E2p	<input type="checkbox"/>	<input type="checkbox"/>

e. The proposed action may diminish the capacity of a registered National Natural Landmark to support the biological community it was established to protect.	E3c	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result in the removal of, or ground disturbance in, any portion of a designated significant natural community. Source: _____	E2n	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may substantially interfere with nesting/breeding, foraging, or over-wintering habitat for the predominant species that occupy or use the project site.	E2m	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action requires the conversion of more than 10 acres of forest, grassland or any other regionally or locally important habitat. Habitat type & information source: _____	E1b	<input type="checkbox"/>	<input type="checkbox"/>
i. Proposed action (commercial, industrial or recreational projects, only) involves use of herbicides or pesticides.	D2q	<input type="checkbox"/>	<input type="checkbox"/>
j. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

8. Impact on Agricultural Resources			
The proposed action may impact agricultural resources. (See Part 1. E.3.a. and b.)		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
<i>If "Yes", answer questions a - h. If "No", move on to Section 9.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may impact soil classified within soil group 1 through 4 of the NYS Land Classification System.	E2c, E3b	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may sever, cross or otherwise limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc).	E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may result in the excavation or compaction of the soil profile of active agricultural land.	E3b	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may irreversibly convert agricultural land to non-agricultural uses, either more than 2.5 acres if located in an Agricultural District, or more than 10 acres if not within an Agricultural District.	E1b, E3a	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may disrupt or prevent installation of an agricultural land management system.	E1 a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action may result, directly or indirectly, in increased development potential or pressure on farmland.	C2c, C3, D2c, D2d	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed project is not consistent with the adopted municipal Farmland Protection Plan.	C2c	<input type="checkbox"/>	<input type="checkbox"/>
h. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

9. Impact on Aesthetic Resources NO YES

The land use of the proposed action are obviously different from, or are in sharp contrast to, current land use patterns between the proposed project and a scenic or aesthetic resource. (Part 1, E.1.a, E.1.b, E.3.h.)
If "Yes", answer questions a - g. If "No", go to Section 10.

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

10. Impact on Historic and Archeological Resources NO YES

The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1, E.3.e, f, and g.)
If "Yes", answer questions a - e. If "No", go to Section 11.

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

d. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>
e. If any of the above (a-d) are answered "Moderate to large impact may occur", continue with the following questions to help support conclusions in Part 3:			
i. The proposed action may result in the destruction or alteration of all or part of the site or property.	E3e, E3g, E3f	<input type="checkbox"/>	<input type="checkbox"/>
ii. The proposed action may result in the alteration of the property's setting or integrity.	E3e, E3f, E3g, E1a, E1b	<input type="checkbox"/>	<input type="checkbox"/>
iii. The proposed action may result in the introduction of visual elements which are out of character with the site or property, or may alter its setting.	E3e, E3f, E3g, E3h, C2, C3	<input type="checkbox"/>	<input type="checkbox"/>

11. Impact on Open Space and Recreation The proposed action may result in a loss of recreational opportunities or a reduction of an open space resource as designated in any adopted municipal open space plan. <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES (See Part 1. C.2.c, E.1.c., E.2.q.) <i>If "Yes", answer questions a - e. If "No", go to Section 12.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in an impairment of natural functions, or "ecosystem services", provided by an undeveloped area, including but not limited to stormwater storage, nutrient cycling, wildlife habitat.	D2e, E1b, E2h, E2m, E2o, E2n, E2p	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the loss of a current or future recreational resource.	C2a, E1c, C2c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action may eliminate open space or recreational resource in an area with few such resources.	C2a, C2c, E1c, E2q	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action may result in loss of an area now used informally by the community as an open space resource.	C2c, E1c	<input type="checkbox"/>	<input type="checkbox"/>
e. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

12. Impact on Critical Environmental Areas The proposed action may be located within or adjacent to a critical environmental area (CEA). (See Part 1. E.3.d) <input checked="" type="checkbox"/> NO <input type="checkbox"/> YES <i>If "Yes", answer questions a - c. If "No", go to Section 13.</i>			
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action may result in a reduction in the quantity of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in a reduction in the quality of the resource or characteristic which was the basis for designation of the CEA.	E3d	<input type="checkbox"/>	<input type="checkbox"/>
c. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

13. Impact on Transportation
 The proposed action may result in a change to existing transportation systems. NO YES
 (See Part 1. D.2.j)
If "Yes", answer questions a - f. If "No", go to Section 14.

	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. Projected traffic increase may exceed capacity of existing road network.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
b. The proposed action may result in the construction of paved parking area for 500 or more vehicles.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
c. The proposed action will degrade existing transit access.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
d. The proposed action will degrade existing pedestrian or bicycle accommodations.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may alter the present pattern of movement of people or goods.	D2j	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

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

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

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

d. The proposed action may result in light shining onto adjoining properties.	D2n	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may result in lighting creating sky-glow brighter than existing area conditions.	D2n, E1a	<input type="checkbox"/>	<input type="checkbox"/>
f. Other impacts: _____ _____		<input type="checkbox"/>	<input type="checkbox"/>

16. Impact on Human Health The proposed action may have an impact on human health from exposure to new or existing sources of contaminants. (See Part 1.D.2.q., E.1. d. f. g. and h.) <i>If "Yes", answer questions a - m. If "No", go to Section 17.</i>			
		<input checked="" type="checkbox"/> NO	<input type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action is located within 1500 feet of a school, hospital, licensed day care center, group home, nursing home or retirement community.	E1d	<input type="checkbox"/>	<input type="checkbox"/>
b. The site of the proposed action is currently undergoing remediation.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
c. There is a completed emergency spill remediation, or a completed environmental site remediation on, or adjacent to, the site of the proposed action.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
d. The site of the action is subject to an institutional control limiting the use of the property (e.g., easement or deed restriction).	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may affect institutional control measures that were put in place to ensure that the site remains protective of the environment and human health.	E1g, E1h	<input type="checkbox"/>	<input type="checkbox"/>
f. The proposed action has adequate control measures in place to ensure that future generation, treatment and/or disposal of hazardous wastes will be protective of the environment and human health.	D2t	<input type="checkbox"/>	<input type="checkbox"/>
g. The proposed action involves construction or modification of a solid waste management facility.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
h. The proposed action may result in the unearthing of solid or hazardous waste.	D2q, E1f	<input type="checkbox"/>	<input type="checkbox"/>
i. The proposed action may result in an increase in the rate of disposal, or processing, of solid waste.	D2r, D2s	<input type="checkbox"/>	<input type="checkbox"/>
j. The proposed action may result in excavation or other disturbance within 2000 feet of a site used for the disposal of solid or hazardous waste.	E1f, E1g E1h	<input type="checkbox"/>	<input type="checkbox"/>
k. The proposed action may result in the migration of explosive gases from a landfill site to adjacent off site structures.	E1f, E1g	<input type="checkbox"/>	<input type="checkbox"/>
l. The proposed action may result in the release of contaminated leachate from the project site.	D2s, E1f, D2r	<input type="checkbox"/>	<input type="checkbox"/>
m. Other impacts: _____ _____			

17. Consistency with Community Plans
 The proposed action is not consistent with adopted land use plans.
 (See Part 1. C.1, C.2. and C.3.)
 If "Yes", answer questions a - h. If "No", go to Section 18.

NO YES

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

18. Consistency with Community Character
 The proposed project is inconsistent with the existing community character.
 (See Part 1. C.2, C.3, D.2, E.3)
 If "Yes", answer questions a - g. If "No", proceed to Part 3.

NO YES

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

MARCH 9TH TOWN BOARD WORKSHOP MEETING**DATA PROCESSING**

Motion to:

Purchase of (16) OptiPlex 3070 Small Form Factor computers and (16) 23" Dell Monitors P2319H.

The above computers are allocated as follows:

- Eleven (11) computers are for the Code Compliance Department.
- Three computers are for the Town Clerk's Department.
- One computer is for the Highway Department.
- One computer is for the Fleet Maintenance Department.

The total cost for the above computers is \$ 12,520.48.

Motion to expend

\$ 12,520.48 from the Computer reserve account # 001.1680.0497



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

GIL PIAQUADIO
Supervisor

845-564-4552
Fax: 845-566-9486
e-mail: supervisor@townofnewburgh.org

Purchase Order

February 28, 2020

PO 20200228

DELL Inc.
Attention: Mallory Sassano, Account Manager

via E-mail

- Products: OptiPlex 3070 SFF MLK; Dell 23 Monitor – P2319H
- Quantity: 16
- Quote No.: 3000056602587.1
- Total: \$12,520.48
- Customer #: 28486270
- DELL Agreement

Gil Piaquadio
Town Supervisor



A quote for your consideration.

Based on your business needs, we put the following quote together to help with your purchase decision. Below is a detailed summary of the quote we've created to help you with your purchase decision.

To proceed with this quote, you may respond to this email, order online through your **Premier page**, or, if you do not have Premier, use this **Quote to Order**.

Quote No.	3000056602587.1	Sales Rep	Mallory Sassano
Total	\$12,520.48	Phone	(800) 456-3355, 7250393
Customer #	28486270	Email	Mallory_Sassano@Dell.com
PO Number	20200123	Billing To	GIL PIAQUADIO
Quoted On	Feb. 27, 2020		TOWN OF NEWBURGH
Expires by	Mar. 28, 2020		1496 ROUTE 300
Deal ID	19622601		NEWBURGH, NY 12550-2697

Message from your Sales Rep

Please contact your Dell sales representative if you have any questions or when you're ready to place an order. Thank you for shopping with Dell!

Regards,
Mallory Sassano

Shipping Group

Shipping To	Shipping Method
GIL PIAQUADIO TOWN OF NEWBURGH 1496 ROUTE 300 NEWBURGH, NY 12550-2697 (845) 564-4552	Standard Delivery

Product	Unit Price	Qty	Subtotal
OptiPlex 3070 SFF MLK	\$600.54	16	\$9,608.64
Dell 23 Monitor – P2319H	\$181.99	16	\$2,911.84

Subtotal:	\$12,520.48
Shipping:	\$0.00
Non-Taxable Amount:	\$12,520.48
Taxable Amount:	\$0.00
Estimated Tax:	\$0.00

Total:	\$12,520.48
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Special lease pricing may be available for qualified customers and offers. Please contact your DFS Sales Representative for details.

Shipping Group Details

Shipping To

GIL PIAQUADIO
TOWN OF NEWBURGH
1496 ROUTE 300
NEWBURGH, NY 12550-2697
(845) 564-4552

Shipping Method

Standard Delivery

		Qty	Subtotal
OptiPlex 3070 SFF MLK	\$600.54	16	\$9,608.64

Estimated delivery if purchased today:

Mar. 09, 2020

Contract # C000000005000

Customer Agreement # PM20820/1000041162

Description	SKU	Unit Price	Qty	Subtotal
OptiPlex 3070 SFF BTX	210-ASBL	-	1	-
Intel® Core™ i5-9500 (6 Cores/9MB/6T/3.0GHz to 4.4GHz/65W); supports Windows 10/Linux	338-BRSY	-	1	-
Win 10 Pro 64 English, French, Spanish	619-AHKN	-	1	-
No AutoPilot	340-CKSZ	-	1	-
Microsoft(R) Office 30 Days Trial	658-BCSB	-	1	-
8GB 1X8GB 2666MHz DDR4 Memory	370-AEBK	-	1	-
3.5 inch 500GB 7200rpm SATA Hard Disk Drive	400-AWFO	-	1	-
No Additional Hard Drive	401-AANH	-	1	-
Intel Integrated Graphics, Dell OptiPlex	490-BBFG	-	1	-
OptiPlex 3070 Small Form Factor with 200W up to 85% efficient Power Supply (80Plus Bronze)	329-BEJV	-	1	-
System Power Cord (Philippine/TH/US)	450-AAOJ	-	1	-
ODD Bezel, Small Form Factor	325-BCXP	-	1	-
8x DVD+/-RW 9.5mm Optical Disk Drive	429-ABFH	-	1	-
CMS Essentials DVD no Media	658-BBTV	-	1	-
No Media Card Reader	379-BBHM	-	1	-
No Wireless LAN Card	555-BBFO	-	1	-
No Wireless Driver	340-AFMQ	-	1	-
Chassis Intrusion Switch - SFF	461-AAEE	-	1	-
No Stand Option	575-BBBI	-	1	-
No Additional Cable Requested	379-BBCY	-	1	-
No PCIe add-in card	492-BBFF	-	1	-
Black Dell KB216 Wired Multi-Media Keyboard English	580-ADJC	-	1	-
Black Dell MS116 Wired Mouse	275-BBBW	-	1	-
No Cable Cover	325-BCZQ	-	1	-
Not selected in this configuration	817-BBBC	-	1	-
SupportAssist	525-BBCL	-	1	-
Dell(TM) Digital Delivery Cirrus Client	640-BBLW	-	1	-

Waves Maxx Audio	658-BBRB	-	1	-
Dell Developed Recovery Environment	658-BCUV	-	1	-
Software for OptiPlex Systems	658-BEGX	-	1	-
No Media	620-AAOH	-	1	-
ENERGY STAR Qualified	387-BBLW	-	1	-
Safety/Environment and Regulatory Guide (English/French Multi-language)	340-AGIK	-	1	-
Dell Watchdog Timer	379-BDLB	-	1	-
Quick Setup Guide 3070 Small Form Factor	340-CMOE	-	1	-
US Order	332-1286	-	1	-
Retail POD	389-BDQH	-	1	-
Trusted Platform Module (Discrete TPM Enabled)	329-BBJL	-	1	-
Ship Material for OptiPlex Small Form Factor	340-CDWZ	-	1	-
Shipping Label for DAO	389-BBUU	-	1	-
SFF: EPA Regulatory LBL for Mexico	389-DQPX	-	1	-
No CompuTrace	461-AABF	-	1	-
No Hard Drive Bracket, Dell OptiPlex	575-BBKX	-	1	-
Intel(R) Core(TM) i5 Processor Label	340-CKVN	-	1	-
Desktop BTS/BTP Shipment	800-BBIP	-	1	-
No Out-of-Band Systems Management	631-ACDC	-	1	-
Dell Developed Recovery Environment	658-BCUV	-	1	-
Fixed Hardware Configuration	998-DOFI	-	1	-
McAfee Small Business Security 30 Day Free Trial	650-0028	-	1	-
Optional VGA Video Port for SFF	382-BBFF	-	1	-
No Additional Add In Cards	382-BBHX	-	1	-
No Optane	400-BFPO	-	1	-
Dell Limited Hardware Warranty Plus Service	803-8583	-	1	-
ProSupport Plus: Accidental Damage Service, 3 Years	803-8774	-	1	-
ProSupport Plus: Keep Your Hard Drive, 3 Years	803-8802	-	1	-
ProSupport Plus: Next Business Day Onsite, 3 Years	803-8830	-	1	-
ProSupport Plus: 7x24 Technical Support, 3 Years	803-8886	-	1	-
Thank you for choosing Dell ProSupport Plus. For tech support, visit www.dell.com/contactdell or call 1-866-516-3115	997-8367	-	1	-
Client ProSupport Plus Asset Label without Company Name	365-0896	-	1	-
CFI,Information,VAL,CHASSISDEF,Factory Install	377-8262	-	1	-
			Qty	Subtotal

Dell 23 Monitor – P2319H

Estimated delivery if purchased today:

Mar. 09, 2020

Contract # C000000005000

Customer Agreement # PM20820/1000041162

Description	SKU	Unit Price	Qty	Subtotal
Dell 23 Monitor - P2319H	210-AQCI	-	16	

\$181.99

Qty

16

Subtotal

\$2,911.84

Subtotal:	\$12,520.48
Shipping:	\$0.00
Estimated Tax:	\$0.00
<hr/>	
Total:	\$12,520.48

Important Notes

Terms of Sale

This Quote will, if Customer issues a purchase order for the quoted items that is accepted by Supplier, constitute a contract between the entity issuing this Quote ("Supplier") and the entity to whom this Quote was issued ("Customer"). Unless otherwise stated herein, pricing is valid for thirty days from the date of this Quote. All product, pricing and other information is based on the latest information available and is subject to change. Supplier reserves the right to cancel this Quote and Customer purchase orders arising from pricing errors. Taxes and/or freight charges listed on this Quote are only estimates. The final amounts shall be stated on the relevant invoice. Additional freight charges will be applied if Customer requests expedited shipping. Please indicate any tax exemption status on your purchase order and send your tax exemption certificate to Tax_Department@dell.com or ARSalesTax@emc.com, as applicable.

Governing Terms: This Quote is subject to: (a) a separate written agreement between Customer or Customer's affiliate and Supplier or a Supplier's affiliate to the extent that it expressly applies to the products and/or services in this Quote or, to the extent there is no such agreement, to the applicable set of Dell's Terms of Sale (available at www.dell.com/terms or www.dell.com/oemterms), or for cloud/as-a-Service offerings, the applicable cloud terms of service (identified on the Offer Specific Terms referenced below); and (b) the terms referenced herein (collectively, the "Governing Terms"). Different Governing Terms may apply to different products and services on this Quote. The Governing Terms apply to the exclusion of all terms and conditions incorporated in or referred to in any documentation submitted by Customer to Supplier.

Supplier Software Licenses and Services Descriptions: Customer's use of any Supplier software is subject to the license terms accompanying the software, or in the absence of accompanying terms, the applicable terms posted on www.Dell.com/eula. Descriptions and terms for Supplier-branded standard services are stated at www.dell.com/servicecontracts/global or for certain infrastructure products at www.dell.com/en-us/customer-services/product-warranty-and-service-descriptions.htm

Offer-Specific, Third Party and Program Specific Terms: Customer's use of third-party software is subject to the license terms that accompany the software. Certain Supplier-branded and third-party products and services listed on this Quote are subject to additional, specific terms stated on www.dell.com/offeringspecificterms ("Offer Specific Terms").

In case of Resale only: Should Customer procure any products or services for resale, whether on standalone basis or as part of a solution, Customer shall include the applicable software license terms, services terms, and/or offer-specific terms in a written agreement with the end-user and provide written evidence of doing so upon receipt of request from Supplier.

In case of Financing only: If Customer intends to enter into a financing arrangement ("Financing Agreement") for the products and/or services on this Quote with Dell Financial Services LLC or other funding source pre-approved by Supplier ("FS"), Customer may issue its purchase order to Supplier or to FS. If issued to FS, Supplier will fulfill and invoice FS upon confirmation that: (a) FS intends to enter into a Financing Agreement with Customer for this order; and (b) FS agrees to procure these items from Supplier. Notwithstanding the Financing Agreement, Customer's use (and Customer's resale of and the end-user's use) of these items in the order is subject to the applicable governing agreement between Customer and Supplier, except that title shall transfer from Supplier to FS instead of to Customer. If FS notifies Supplier after shipment that Customer is no longer pursuing a Financing Agreement for these items, or if Customer fails to enter into such Financing Agreement within 120 days after shipment by Supplier, Customer shall promptly pay the Supplier invoice amounts directly to Supplier.

Customer represents that this transaction does not involve: (a) use of U.S. Government funds; (b) use by or resale to the U.S. Government; or (c) maintenance and support of the product(s) listed in this document within classified spaces. Customer further represents that this transaction does not require Supplier's compliance with any statute, regulation or information technology standard applicable to a U.S. Government procurement.

For certain products shipped to end users in California, a State Environmental Fee will be applied to Customer's invoice. Supplier encourages customers to dispose of electronic equipment properly.

Electronically linked terms and descriptions are available in hard copy upon request.

^Dell Business Credit (DBC):

OFFER VARIES BY CREDITWORTHINESS AS DETERMINED BY LENDER. Offered by WebBank to Small and Medium Business customers with approved credit. Taxes, shipping and other charges are extra and vary. Minimum monthly payments are the greater of \$15 or 3% of account balance. Dell Business Credit is not offered to government or public entities, or business entities located and organized outside of the United States.



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

Jae
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PERSONNEL DEPT.

PH: 845-566-7785

Fax: 845-564-2170

To: Supervisor Piaquadio
Town Board Members

From: Charlene M Black, Personnel

Date: March 5, 2020

Re: Principal Payroll Clerk

There is a request from Ron Clum, Head of Accounting Department, to hire Kristina Stoltz-Miuca as a full time Principal Payroll Clerk. Her salary will be \$19.49 per hour. Ms. Stoltz-Miuca will need to complete her paperwork, physical, drug/alcohol testing and fingerprints. The hire date will be contingent on her completing all the above and your approval. The earliest date of hire would be on or after March 16, 2020.

Thank you for your time in this matter.

Cc: Ronald Clum, Town Accountant



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

RONALD E. CLUM, CPA
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: rclumaccountant@townofnewburgh.org

To: Gil Piaquadio, Supervisor
Cc: Board Members
From: Ronald E. Clum, Town Accountant
Date: March 5, 2020
RE: Hiring of Principal Payroll Clerk

I conducted interviews for the Principal Payroll Clerk position on March 4, 2020, along with Charlene and Scott, and would like to hire Kristina Stoltz-Miuca, who was on the current Orange County listing.

She meets all of the requirements of the position and I believe would be an asset to the Accounting Department.

Since this needs Board approval, I respectfully ask that you add this to the Town Board agenda for March 9, 2020 and approve the hiring. I am anticipating a hire date of March 16th.

Respectfully,

Ronald E Clum

TOWN OF NEWBURGH
EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Kristina Stoltz-Miuca

DEPARTMENT: Accounting

TITLE OF POSITION: Principal Payroll Clerk

FULL TIME OR PART TIME: Full-Time

HOURLY RATE: \$ 19.0168

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: A. 1315.5100

PROPOSED HIRE DATE: March 16, 2020

NOTE: CANDIDATE CANNOT BEGIN WORK WITHOUT FINGERPRINTS, PRE-EMPLOYMENT PHYSICAL, DRUG/ALCOHOL TESTING AND COMPLETION OF ALL REQUIRED PAPERWORK.



DEPARTMENT HEAD SIGNATURE

3/5/20

DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL
DEPARTMENT