

*JOSEPH P. PEDI, Town Clerk
1496 Route 300
Town of Newburgh, New York 12550
Telephone 845-564-4554*

**TOWN BOARD PUBLIC MEETING AGENDA
Monday, September 14, 2020
7:00 p.m.**

- 1. ROLL CALL**
- 2. PLEDGE OF ALLEGIANCE TO THE FLAG**
- 3. MOMENT OF SILENCE**
- 4. CHANGES TO AGENDA**
- 5. APPROVAL OF AUDIT**
- 6. PUBLIC HEARING (7:00 p.m.): Introductory Local Law 4 of 2020 – Rezone Property Located at Fifth Avenue and Route 52 (Gasland)**
- 7. JUSTICE COURT: Approval of Court Clerk Appointment**
- 8. RECREATION DEPARTMENT: Approval to Start Process to Hire a Part Time Laborer**
- 9. FILTER PLANT: Budget Transfer**
- 10. DATA PROCESSING: Surplus Computers**
- 11. ASSESSOR: Tax Certiorari Settlements**
 - A. DiBrizzi Exemption Trust**
 - B. Upstate Electronics Distribution, Inc.**
- 12. HIGHWAY DEPARTMENT:**
 - A. Tarben Way Road Dedication**
 - B. Tarben Drainage District Dedication**
 - C. Authorization of the Reduction in the Cash Security for the Public Improvements to a Maintenance Security Amount**
- 13. SEWER DEPARTMENT: Community Development Block Grant Agreement for Roseton Hills Sewer District**
- 14. ENGINEERING DEPARTMENT: Watermain Improvements at North Fletcher Drive**
- 15. ANIMAL CONTROL: T-94 Withdrawal**
- 16. POLICE DEPARTMENT:**
 - A. Approval to Hire Full Time Police Officer**
 - B. Approval to Begin Process to Fill Two Vacant Sergeant Positions**
- 17. KAPLAN FOUNDATION: Approval to Apply for Grant for Purchase of Desmond Estate**
- 18. ANNOUNCEMENTS**
- 19. PUBLIC COMMENTS**
- 20. ADJOURNMENT**

GJP; jpp
Revision 3 – September 14, 2020 at 9:20 am



MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: GAS LAND PETROLEUM, INC APPLICATION TO
REZONE PROPERTY AT FIFTH AVENUE AND SOUTH
PLANK ROAD (NYS ROUTE 52) 9W FROM R-3
(RESIDENTIAL TO THE ADJACENT B (BUSINESS)
ZONING DISTRICT
OUR FILE NOS. 800. ___; 800.1(B)() (2020)

P: 845.562.9100
F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

DATE: AUGUST 5, 2020

ATTORNEYS

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

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

In accordance with your direction, we have prepared the enclosed Introductory Local Law Amending Chapter 185 Entitled Zoning of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 53) from R-3 to the Adjacent B Zoning District

We have additionally prepared the following draft resolutions for the Board's consideration:

1. Resolution of Town Board Providing for Referral of Local Law Amending Chapter 185 Entitled Zoning of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) from R-3 to the Adjacent B Zoning District to the Orange County Department of Planning, the Town of Newburgh Planning Board and the Town of Newburgh Zoning Board of Appeals: Petition of Gas Land Petroleum, Inc..
2. Resolution of Town Board Introducing Local Law Amending Chapter 185 Entitled Zoning of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) from R-3 to the Adjacent B Zoning District; Petition of Gas Land Petroleum, Inc.



**GAS LAND PETROLEUM, INC. PETITION
TO REZONE PROPERTY AT FIFTH AVENUE AND SOUTH PLANK ROAD (NYS ROUTE 52)
PAGE 2**

Should you have any questions or concerns in this regard, please feel free to contact me.

cc: Town Clerk Joseph P. Pedi,
Engineer James Osborne (via e-mail)
Pat Hines, Principal, McGoey, Hauser & Edsall (via e-mail)
Code Compliance Supervisor Gerald Canfield (via e-mail)
Lori Coady, Assessor (via e-mail)
Nicholas Ward Willis, Esq.. (via e-mail)

**INTRODUCTORY LOCAL LAW #__ OF 2020
A LOCAL LAW AMENDING
CHAPTER 185 ENTITLED “ZONING”
OF THE CODE OF THE TOWN OF NEWBURGH
AND
THE ZONING MAP
OF THE TOWN OF NEWBURGH
TO REZONE PROPERTY
AT FIFTH AVENUE AND SOUTH PLANK ROAD (NYS ROUTE 52)
FROM R-3 TO THE ADJACENT B ZONING DISTRICT**

SECTION 1 - TITLE

This Local Law shall be referred to as “A Local Law Amending Chapter 185 Entitled ‘Zoning’ of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) from R-3 to the Adjacent B Zoning District.”

SECTION 2 - PURPOSE

The purpose of this local law is to rezone certain property located at the northwest corner of the intersection of Fifth Avenue and South Plank Road (New York State Route 52) and fronting portions of said streets from the R-3 (Residential) Zoning District to the adjacent B (Business) Zoning District.

The rezoning will encompass approximately 0.79 acres of land. The area is comprised of a property which is situated on the western side of Fifth Avenue at its intersection with South Plank Road (New York State Route 52) designated as Section 71 Block2 Lot 11 on the tax map for the Town of Newburgh together with the fronting portions of the public rights of ways to the center line of each street. The owner of the property, Gas Land Petroleum, Inc. has petitioned for the change in zoning.

SECTION 3 - AMENDMENT TO CHAPTER 185 AND ZONING MAP

1. The Zoning Map of the Town of Newburgh, adopted and made a part of Chapter 185 of the Code of the Town of Newburgh pursuant to Section 185-5, as last amended by Local Law No. 4 of 2017, is hereby amended to change the Zoning District from R-3 to B for the property described in Exhibit A annexed hereto and made a part hereof and shown on the zoning map section annexed hereto and made a part hereof as Exhibit B.

2. The Zoning Map of the Town of Newburgh, as amended by this local law, shall be maintained on file in the office of the Town Clerk.

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

SECTION 5 - VALIDITY

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not affect, impair or invalidate the remainder of this local law or the application 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. The Town Board of the Town of Newburgh hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

SECTION 6 - EFFECTIVE DATE

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

Exhibit A
Description
Zoning Amendment

Beginning at a point in the center of Fifth Avenue, said point being the intersection of Fifth Avenue and New York State Route 55; thence running northeasterly with the centerline of Fifth Avenue, a distance of 300 feet; thence running northwesterly from the centerline of Fifth Avenue along the northern property line of lot 71-2-11; thence running southwesterly along the western property line of tax lot 71-2-11 to the centerline of New York State Route 52; thence running southeasterly along the centerline of New York State Route 52 back to the point of beginning at its intersection with the centerline of Fifth Avenue. Containing ± 0.79 acres of land.

Exhibit B

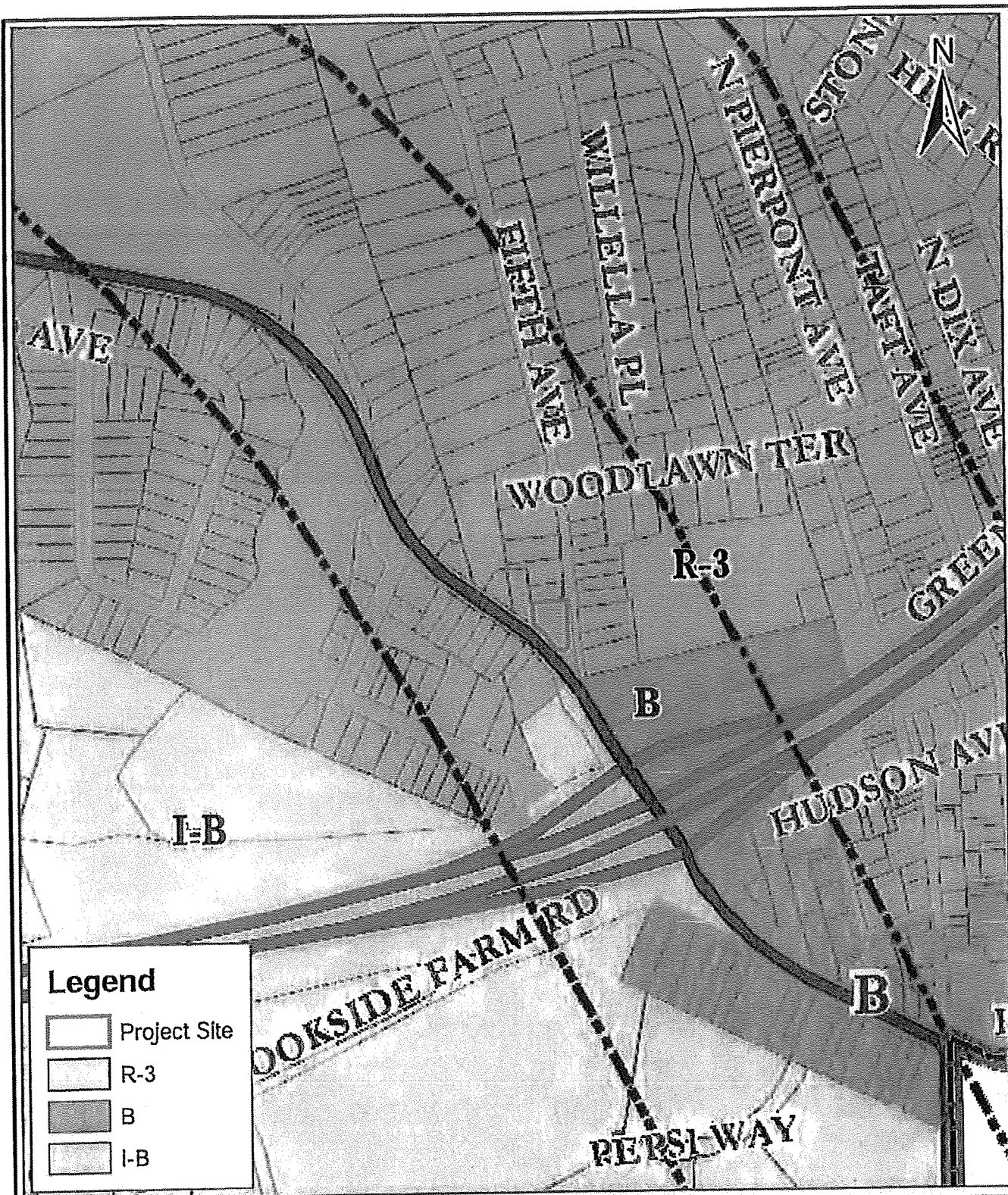
AMENDED ZONING MAP SECTION

Exhibit A
Description
Zoning Amendment





Beginning at a point in the center of Fifth Avenue, said point being the intersection of Fifth Avenue and New York State Route 55; thence running northeasterly with the centerline of Fifth Avenue, a distance of 300 feet; thence running northwesterly from the centerline of Fifth Avenue along the northern property line of lot 71-2-11; thence running southwesterly along the western property line of tax lot 71-2-11 to the centerline of New York State Route 52; thence running southeasterly along the centerline of New York State Route 52 back to the point of beginning at its intersection with the centerline of Fifth Avenue. Containing ± 0.79 acres of land.

Exhibit B

AMENDED ZONING MAP SECTION



Legend

-  Project Site
-  R-3
-  B
-  I-B

THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
 PLANNERS
 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

Dutchess County Office:
 21 Fox Street, Poughkeepsie, NY 12601
 Phone: (845) 454-8980

Capital District Office:
 547 River Street, Troy, NY 12180
 Phone: (518) 273-0055

North County Office:
 20 Elm St., Suite 110, Glens Falls, NY
 Phone: (518) 812-0513

Plank Road - GasLand

Proposed Zoning

Town of Newburgh, Orange County, New York

Drawn:	JC
Date:	07/30/2020
Scale:	Not to scale.
Project:	B2018.00
Sheet:	5

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

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD PROVIDING FOR REFERRAL OF LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO REZONE PROPERTY AT FIFTH AVENUE AND SOUTH PLANK ROAD (NYS ROUTE 52) FROM R-3 TO THE ADJACENT B ZONING DISTRICT TO THE ORANGE COUNTY DEPARTMENT OF PLANNING, THE TOWN OF NEWBURGH PLANNING BOARD AND THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS: PETITION OF GAS LAND PETROLEUM, INC.

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

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

WHEREAS, having received a petition from a property owner for a Zoning Map change for an area encompassing approximately 0.79 acres of land comprised of a property which is situated on the western side of Fifth Avenue at its intersection with South Plank Road (New York State Route 52) designated as Section 71 Block2 Lot 11 on the tax map for the Town of Newburgh together with the fronting portions of the public rights of ways to the center line of the street and highway, the Town Board has caused to be prepared and introduced a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) from R-3 (Residential) to the Adjoining B (Business) Zoning District; and

WHEREAS, the petitioner having also submitted Part 1 of an Environmental Assessment Form in connection with its request for the adoption of a Zoning Map Amendment and the Town Board having caused Part 2 to be prepared, said adoption constituting an Unlisted Action under Part 617 of the General Regulations adopted pursuant Article 8 of the Environmental Conservation Law ("SEQR") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

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

NOW, THEREFORE, BE IT RESOLVED, that copies of the Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) R-3 to the Adjacent B Zoning District together with all other materials required by law to constitute a "full statement of such proposed action" be forwarded to the Orange County Department of Planning and the Town of Newburgh Planning Board for their reports in accordance with the provisions of the New York State General Municipal Law and the Town of Newburgh Zoning Code; and

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

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

<u>Elizabeth J. Greene, Councilwoman</u>	<u>voting</u>
<u>Paul I. Ruggiero, Councilman</u>	<u>voting</u>
<u>Scott M. Manley, Councilman</u>	<u>voting</u>
<u>Anthony R. LoBiondo, Councilman</u>	<u>voting</u>
<u>Gilbert J. Piauquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.

DRAFT

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the ___th day of August, 2020 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo Councilman

RESOLUTION INTRODUCING LOCAL LAW AMENDING CHAPTER 185 ENTITLED "ZONING" OF THE CODE OF THE TOWN OF NEWBURGH AND THE ZONING MAP OF THE TOWN OF NEWBURGH TO REZONE PROPERTY AT FIFTH AVENUE AND SOUTH PLANK ROAD (NYS ROUTE 52 FROM R-3 TO THE ADJACENT B ZONING DISTRICT; PETITION OF GAS LAND PETROLEUM, INC.

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

BE IT RESOLVED that a Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) from R-3 to the Adjacent B Zoning District be and hereby is introduced before the Town Board of the Town of Newburgh in the County of Orange and State of New York, and

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

BE IT FURTHER RESOLVED that the Town Board shall hold a public hearing in the matter of the adoption of the aforesaid local law to be held at the Town Hall at 1496 Route 300 the Town of Newburgh, New York on the ___th day of September, 2020 at _____ o'clock, p.m., and

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

BE IT FURTHER RESOLVED that copies of the aforesaid local law and notice of the public hearing be forwarded to all municipalities, agencies and boards required to receive such

copies and notices in accordance with the provisions of the New York State General Municipal Law, the New York State Town Law and the Town of Newburgh Zoning Code.

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

Elizabeth J. Greene, Councilwoman voting _____

Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

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

Agency Use Only [If applicable]
 Project: R-3 tp B Zoning Map Amend. Gas Land
 Date: 08/05/2020

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. NO YES
 (See Part 1. D.2.a, D.2.c, D.2.d, D.2.p, D.2.q, D.2.t)
 If "Yes", answer questions a - h. If "No", move on to Section 5.

	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. NO YES
 (See Part 1. E.2)
 If "Yes", answer questions a - g. If "No", move on to Section 6.

	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) ii. More than 3.5 tons/year of nitrous oxide (N ₂ O) iii. More than 1000 tons/year of carbon equivalent of perfluorocarbons (PFCs) iv. More than .045 tons/year of sulfur hexafluoride (SF ₆) v. More than 1000 tons/year of carbon dioxide equivalent of hydrochloroflouorocarbons (HFCs) emissions vi. 43 tons/year or more of methane	D2g D2g D2g D2g D2g D2h	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <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.

NO

YES

(See Part 1. C.2.c, E.1.c., E.2.q.)

If "Yes", answer questions a - e. If "No", go to Section 12.

	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)

NO

YES

If "Yes", answer questions a - c. If "No", go to Section 13.

	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.)

NO

YES

If "Yes", answer questions a - m. If "No", go to Section 17.

	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.)

NO

YES

If "Yes", answer questions a - h. If "No", go to Section 18.

	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)

NO

YES

If "Yes", answer questions a - g. If "No", proceed to Part 3.

	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"/>

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NICHOLAS M. WARD-WILLIS
Principal Member
Also Admitted in CT

July 30, 2020

VIA OVERNIGHT COURIER

Honorable Gil Piaquadio, Supervisor
and Council Members of the Town Board
Town of Newburgh
1496 NY-300
Newburgh, NY 12550

Re: Gas Land Petroleum, Inc.
Zone Change Petition

Dear Supervisor Piaquadio and Council Members:

Keane & Beane, P.C. represents Gas Land Petroleum, Inc. ("Gas Land"), and, on its behalf, respectfully submits the enclosed Petition for a change in zone for property located at 42 S. Plank Road (Route 52), known and designated as Tax Parcel No. 71-2-11 (the "Property"). Our client appreciates the opportunity to have appeared before the Town Board this week at your workshop meeting to explain the Rezoning Petition. We understand the Town will consider referring the Petition to the County and Town Planning Boards for a report and recommendation and schedule a public hearing. Our client will be submitting a check in the amount of \$2,500 to be placed in the Town's land use review escrow account for costs the Town incurs related to processing the application.

As discussed Monday night, the Property is currently developed with a legal nonconforming gas station and convenience store building. By the enclosed Petition, Gas Land seeks an amendment to the Zoning Map of the Town of Newburgh to change the zoning designation of the Property from R-3 Residence (R-3) district to Business (B) district.

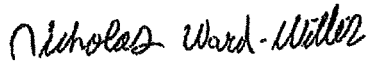
Gas Land recognizes that its proposal is an Unlisted action pursuant to the New York State Environmental Quality Review Act ("SEQRA"). Enclosed is a full Environmental Assessment Form ("EAF") for the Town Board's review, should it decide to declare its intent to be lead agency pursuant to SEQRA.

We look forward to working with the Town Board and Town staff as you consider our client's rezoning request. We respectfully request that the Petition be

Town Council of the Town of Newburgh
July 30, 2020
Page 2

placed on your August 10, 2020 agenda for consideration of a referral to the County and Town Planning Boards and the scheduling of a public hearing. Thank you for your consideration.

Very truly yours,



Nicholas M. Ward-Willis
DVG/

Enclosures

ecc: Mark Taylor, Esq, Town Attorney
Gas Land Petroleum, Inc.
Caren LoBrutto, Chazen

TOWN BOARD: TOWN OF NEWBURGH
COUNTY OF ORANGE: STATE OF NEW YORK

-----X

Petition of

Gas Land Petroleum, Inc.

For an Amendment of the Zoning Map of the Town of
Newburgh to Change the Zoning Designation on Certain Real
Property known and designated on the Tax Assessment Map of
the Town of Newburgh as SBL 71-2-11 from the R-3 Zoning
District to the B Zoning District

PETITION

-----X

Gas Land Petroleum, Inc. (hereinafter referred to as "Gas Land") by its attorneys,

Keane & Beane, P.C. respectfully petitions the Town Board of the Town of Newburgh
("Town Board"), as follows:

I. INTRODUCTION

1. Gas Land is the owner of approximately 0.53 acres (23,130 square feet) of certain real property located at 42 South Plank Road (New York State Route 52), situated within the Town of Newburgh (the "Town"), County of Orange, State of New York, known and designated on the Orange County Tax Maps for the Town of Newburgh as Tax Parcel Section 71 Block 2 Lot 11 (the "Property"). A metes-and-bounds description of the Property is annexed hereto as Exhibit "A."

2. By this Petition, Gas Land seeks an amendment to the Zoning Map of the Town of Newburgh (the "Zoning Map") to change the zoning designation of the Property from the R-3 Residential (R-3) zoning district to the adjacent Business (B) zoning district, consistent with the Comprehensive Plan Update of the Town of Newburgh. The rezoning will encompass the entire Property (0.53 acres), and approximately 0.26 acres of land in the public right of way, for a total of 0.79 acres.

3. The requested amendment is consistent with the zoning district classifications of neighboring parcels. A map depicting the modified boundary of the Business (B) zoning district with the inclusion of the Property is annexed hereto as Exhibit "B."

4. The Property is currently developed with an approximately 1,564 square foot, one-story convenience store building with 8 fuel pumps (4 fueling dispenser) and 5 parking spaces for the convenience store and 8 parking spaces at the fuel pumps. The existing gasoline station and convenience store is a legal nonconforming use as gasoline stations and convenience stores are not permitted in the R-3 zoning district. A gasoline station has been located on the Property for decades and the existing convenience store building was constructed in the 1980s. No motor vehicle repairs, sales or leasing uses occur on the Property.

5. However, convenience stores and gasoline stations are a permitted use in the adjacent B zoning district.

6. Rezoning the Property to the B zoning district designation will eliminate the nonconforming use status of the Property.

7. The proposed B zoning district designation provides the necessary flexibility to encourage reasonable development on the Property that will yield significant benefits by improving the safety of the site and the Property, the appearance of the building and functionality of the gasoline station and convenience store. A copy of the Environmental Assessment Form is annexed hereto as Exhibit "C".

II. THE PROPERTY

8. The Property is located at 42 South Plank Road, known and designated on the Orange County Tax Maps for the Town of Newburgh as Section 71 Block 2 Lot 11 and identified on the Zoning Map of the Town of Newburgh as being within the R-3 zoning district. The Property consists of approximately 0.53 acres. The entire area to be rezoned is approximately 0.79 acres.

9. The Property is located on the east side of South Plank Road (Route 52) at the intersection of Fifth Avenue and South Plank Road, located approximately 1/8 mile from the interchange between Route 52 and Interstate 84. The Property abuts South Plank Road on the west, Fifth Avenue on the east, and 46 South Plank Road and 9 Fifth Avenue to the north.

10. The adjacent property at 46 South Plank Road is currently used as a nonconforming dental office and the property located across the street at 6 Fifth Avenue is used as a chiropractic office.

11. The Property is located next to the Interchange Business (IB) zoning district and the B zoning district. In 1995 by Local Law 3 of 1995, the Town of Newburgh rezoned 47 South Plank Road from R-3 zoning district to IB zoning district. This Parcel is the location of the Phoenix Unisex Salon. This parcel is adjacent to the real property which is the subject of this Petition.

12. In addition, the Property is adjacent to 38 South Plank Road, which is zoned in the B zoning district. This parcel contains a small shopping area, which includes Cooper Electric Supply Co. and ReStore Newburgh Furniture Store.

13. The Property is also located less than one mile from the exit ramps providing access to Interstate 84 (I-84).

III. PROPOSED ZONE CHANGE

14. Gas Land is seeking to rezone the property from the R-3 zoning district to the B zoning district.

15. The current zoning designation of the Property as R-3 is very limiting and will prevent Gas Land from improving the site and the gasoline station and convenience store in the future.

16. The gasoline station facility has been located on the Property for many decades, well before the Property was zoned as R-3.

17. The gasoline station and convenience store use permitted by the proposed change are appropriate in the community as such uses have existed for many decades on the Property.

18. The change is in accordance with the existing community plan as the Property is adjacent to other commercial business uses and abuts the IB and B zoning districts.

19. The Town of Newburgh adopted a Comprehensive Plan Update in October 2005 (the "Town Plan Update"). The Town Plan Update focuses on planning for growth through short, intermediate and long-term actions related to infrastructure and utilities; transportation, planning and zoning. The Property is located within the southern half of the Town, which is described in the Town Plan Update as having a higher density residential area and commercial corridors. The Town Plan Update also acknowledges that commercial uses in the town are located along the Town's major corridors particularly around Interstates 84 and 87 and Route 17K (*See* Town Plan Update p. III-26). The proposed zoning map amendment is consistent with the Town Plan Update as there are no recommendations specific to the Property. The use will remain the same, but will become

a conforming use. The gasoline station and convenience store use are appropriate for this Property given its proximity to major corridors Interstate 84 and Route 52.

20. The zone change also complies with the Orange County Comprehensive Plan, adopted in 2019 (the "County Plan"). The Property is located within a priority growth area in the County Plan pursuant to Map 1, Priority Growth Areas Map, of the County Plan. The County Plan states that, "Within the Growth Areas, the County encourages additional urban development within those areas of higher density such as cities, villages and hamlets. Appropriate development includes commercial, appropriate industrial, higher density residential, and community service uses." Gasoline stations and convenience stores are appropriate commercial uses for the area.

21. Rezoning the Property to allow flexibility in its development will greatly improve the appearance, functionality and safety of the site.

22. Further, based on the dimensional restrictions established for the R-3 zoning district, the only use permitted on the Property that would not require a lot area variance is a single-family dwelling, not to exceed one dwelling unit per lot.

23. The proposed amendment will not result in any increase or decrease in the total zoned residential capacity of the Town as the Property is currently a legal nonconforming use.

24. It is extremely unlikely that a single-family dwelling will ever be constructed on the site given its long-term use as gasoline station and the dimensional constraints of the Property. The Property is a small, triangular shape parcel, located on a corner lot requiring two front yard setback. In addition, the Property is located at the intersection of South Plank Road (Route 52) and Fifth Avenue and has frontage on both streets. Such

constraints make residential development difficult and unappealing. The Property is not in a location suitable for development of a single family home.

25. Adopting of the zone change requested by this Petition will yield significant benefits to the Town of Newburgh by allowing the orderly use of this Property consistent with the zoning permitted for a commercial use in the B zoning district. Its present status as a non-conforming use means any modifications to the Property, which are deemed to result in an expansion, or increase in the intensity of the use would require a use variance, which would be virtually impossible to be granted.

CONCLUSION

WHEREFORE, Gas Land Petroleum respectfully requests that, after due deliberation, the Town Board of the Town of Newburgh amend the Zoning Map and grant the requested zoning amendment as described herein.

Dated: White Plains, New York
July 30, 2020

KEANE & BEANE, P.C.

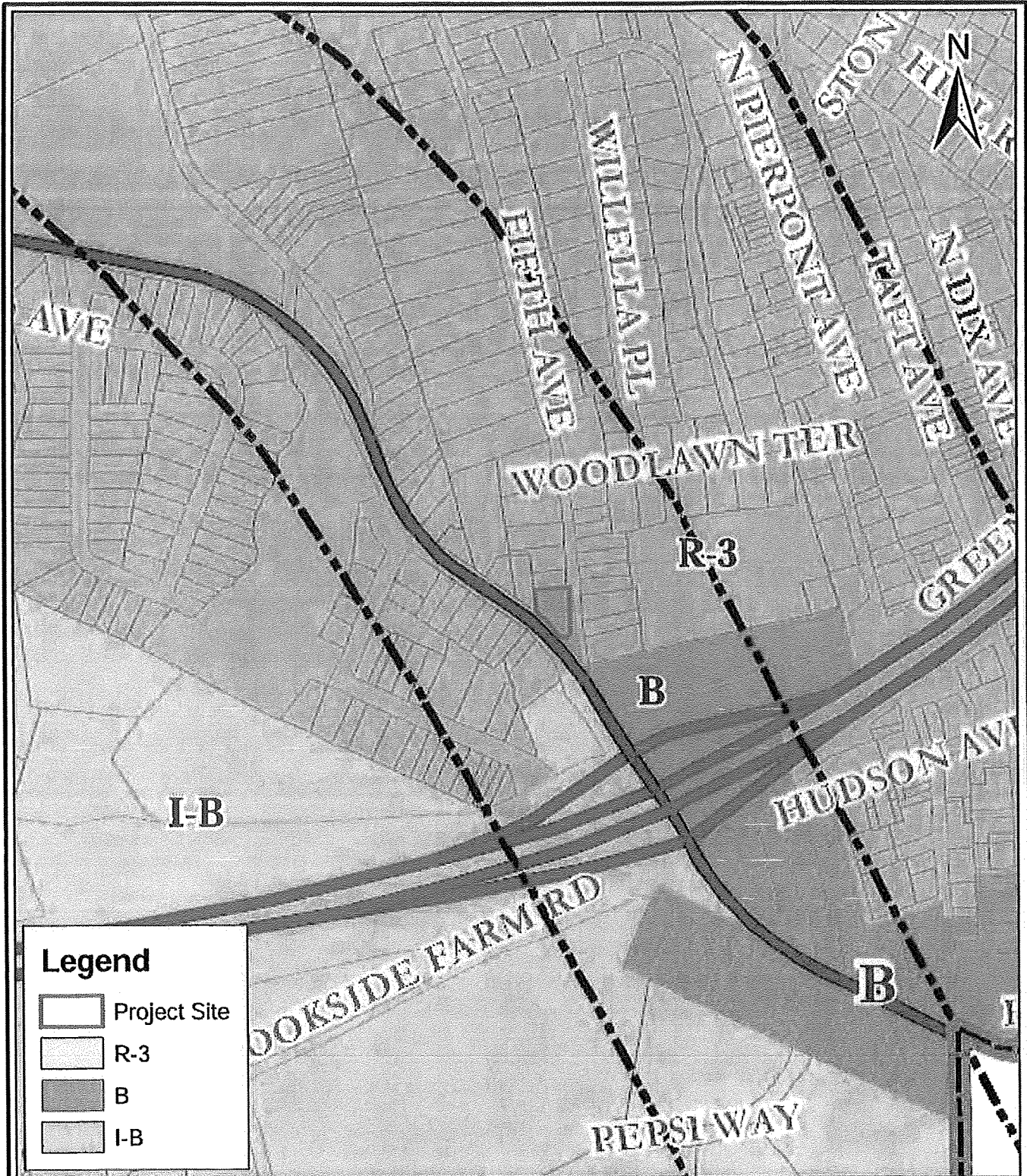
By: Nicholas Ward-Willis
Nicholas Ward-Willis
Attorneys for Gas Land Petroleum, Inc.
445 Hamilton Avenue, 15th Floor
White Plains, New York 10601
(914) 946-4777

EXHIBIT A

Exhibit A
Description
Zoning Amendment

Beginning at a point in the center of Fifth Avenue, said point being the intersection of Fifth Avenue and New York State Route 55; thence running northeasterly with the centerline of Fifth Avenue, a distance of 300 feet; thence running northwesterly from the centerline of Fifth Avenue along the northern property line of lot 71-2-11; thence running southwesterly along the western property line of tax lot 71-2-11 to the centerline of New York State Route 52; thence running southeasterly along the centerline of New York State Route 52 back to the point of beginning at its intersection with the centerline of Fifth Avenue. Containing ± 0.79 acres of land.

EXHIBIT B



THE Chazen COMPANIES
ENGINEERS
 LAND SURVEYORS
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 ENVIRONMENTAL & SAFETY PROFESSIONALS
 LANDSCAPE ARCHITECTS

Dutchess County Office:
 21 Fox Street, Poughkeepsie, NY 12601
 Phone: (845) 454-3980

Capital District Office:
 547 River Street, Troy, NY 12180
 Phone: (518) 273-0055

North Country Office:
 20 Elm St., Suite 110, Glens Falls, NY
 Phone: (518) 812-0513

Plank Road - GasLand

Proposed Zoning

Town of Newburgh, Orange County, New York

Drawn:	JC
Date:	07/30/2020
Scale:	Not to scale.
Project:	82018.00
Figure:	5

EXHIBIT C



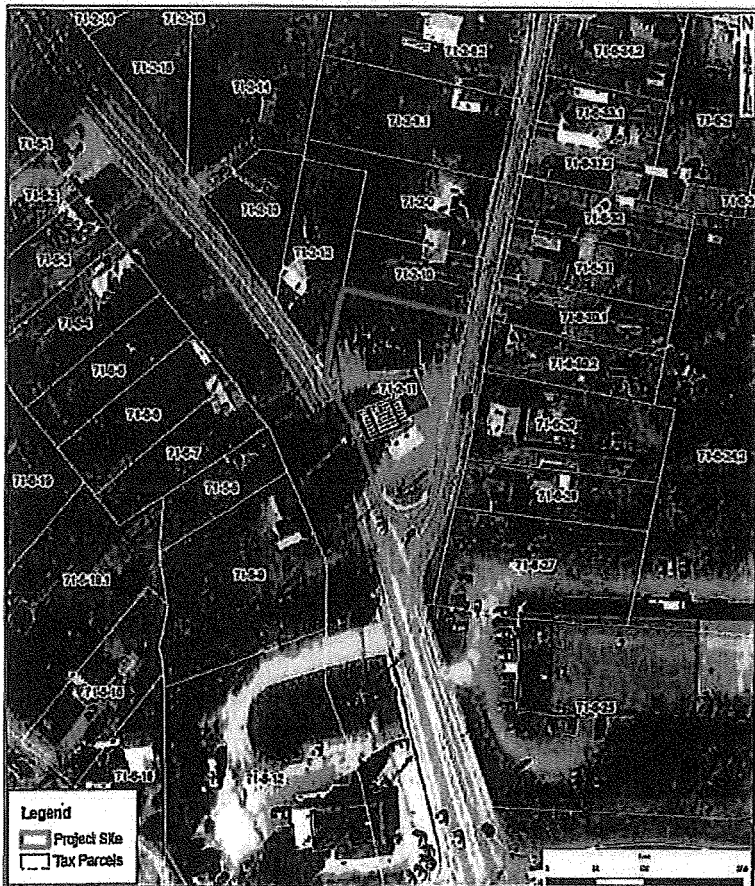
Short Environmental Assessment Form Part 1

for
42 S. Plank Road – Gas Land Petroleum

Zoning Map Amendment

**42 South Plank Road (U.S. Route 52)
Town of Newburgh
Orange County, New York**

Issued: July 31, 2020



Prepared for:

**Gas Land Petroleum
3 South Ohioville Road
New Paltz, NY 12561**

Prepared by:

**Chazen Engineering, Land Surveying &
Landscape Architecture Co., D.P.C.
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-454-3980**

Chazen Project No. 82018.00

HUDSON VALLEY
845-454-3980

CAPITAL DISTRICT
518-273-0055

NORTH COUNTRY
518-812-0513

WESTCHESTER
914-997-8510

NASHVILLE, TN
615-380-1359

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SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1 FORM

FIGURES

- Figure 1: USGS Location Map
- Figure 2: Orthophoto Tax Map
- Figure 3: Land Use Map
- Figure 4: Existing Zoning Map
- Figure 5: Proposed Zoning Map

1.0 PROJECT DESCRIPTION

The Applicant and Owner, Gas Land Petroleum, is seeking approval by the Town Board for a zoning map amendment to change the zoning designation of 42 S. Plank Road (Route 52) (the "Property") and adjacent street right-of-way (the "ROW") from the Residential R-3 Zoning District to the Business Zoning District. The Property is approximately 0.53 acres and is known and designated as Parcel 71-2.11 (see Figures 1 and 2). The ROW is comprised of approximately 0.26 acres. The Property is currently developed with a one-story convenience store building and a gasoline filling station. The Property is located at the intersection of S. Plank Road and Fifth Avenue. The current convenience store and gasoline filling station use (in place since at least 1975) is an existing, legal non-conforming use within the R-3 District. Therefore, the Applicant seeks to rezone the parcel to the Business (B) Zoning District, which would bring the use into conformance with zoning.

Table 1 provides a list of the approvals/permits/statutory referrals that are anticipated for the project.

Table 1: Anticipated Approvals/Permits/Statutory Referrals

AGENCY	APPROVAL/PERMIT/Statutory Referrals
Town of Newburgh Town Board	Zoning Map Amendment
Orange County Department of Planning and Development Town of Newburgh Planning Board	GML 239m referral Town Code Section 185-60 referral

2.0 LAND USE AND ZONING

2.1 Land Use

The site proposed to be rezoned is located at the edge of a residential area, wedged between a State highway (NYS Route 52/S. Plank Road) and Fifth Avenue. Commercial properties located adjacent to the site include a former dentist's office (previously known as Francis Indzonka – Dentist at 46 S. Plank Road), which is currently inactive and a chiropractor's office (Dane Clark – Chiropractor at 4 Fifth Avenue) (see Figure 3). The site is also located less than ½ mile northeast of a property owned by Waterstone (zoned for Industrial Business (IB)), Cooper Electric (zoned as B District) and Habitat for Humanity (zoned as B District) and less than one mile from the exit ramps providing access to Interstate 84 (I-84).

The existing use of the property is as a convenience store and gasoline filling station. No motor vehicle auto repair, auto leasing or sales use takes place on the property. The proposed zoning map amendment would bring the existing convenience store and gasoline filling station use into conformance. As a non-conforming use, the Applicant is at a disadvantage as it pertains to improving the site. Expansion of or change in the intensity of the existing non-conforming use in the R3 district is prohibited.

The site has operated as a convenience store and gasoline filling station use since at least 1975 and is unlikely to be reoccupied with a residential use. Due to site constraints (small sized, triangular-shaped lot: 0.5 acre (23,130 square feet), corner lot requiring two front yard setbacks) and given its proximity to I-84, it is considered unlikely that it would be redeveloped as another commercial use. The only use permitted in the R3 district on a 0.5 acre lot is a single-family home. It is extremely unlikely that the Property will

ever be developed with a single-family home due to the site constraints, its location at the intersection of Route 52 and Fifth Avenue and its long-term use of the property as a gas station. For these reasons, the zoning map amendment is anticipated to be consistent with local land uses as it is unlikely the site would be redeveloped.

2.2 Zoning

The project site is currently located in the R3 Residential (R3) Zoning District as designated by the Town of Newburgh Zoning Map (see Figure 4). The R-3 Zoning District is the highest density residential district in the Town. The existing convenience store and gasoline filling station is not a permitted use in the R3 Zoning District; therefore, the use is considered a legal, non-conforming use. The proposed zoning map amendment would change the site's zoning from R3 Zoning District to the Business (B) Zoning District (see Figure 5).

The bulk and dimensional requirements for the B Zoning District and applicable supplemental regulations are identified in Table 2. As indicated below, the site generally conforms to the bulk and dimensional requirements of the B Zoning District. A rear yard of approximately 50 feet is provided where 30 feet is required and a landscape buffer pursuant to Zoning Section 185-21(D)(2) between the facility and the adjoining residential use located to the northeast is also provided. Upon rezoning, the site would be considered pre-existing, nonconforming for the required minimum front yard, minimum setback to a parked car, minimum setback to an intersection, parking in the required yards and loading.

The proposed zoning map amendment is not anticipated to result in any adverse significant impacts related to zoning as the site has been in use as a convenience store and gasoline filling station since at least 1975 and is unlikely to be redeveloped into another residential or commercial use due to site constraints and proximity to major roadways (e.g. NYS Route 52 and I-84). While the rezoning will result in some pre-existing, nonconformances related to bulk and dimensional requirements, it is compliant with regulations designed to protect adjacent residences, such as the required rear yard setback and landscape buffer requirements. Moreover, by rezoning the site to the B Zoning District, the use will become conforming, providing the owner an easier ability to improve the site and potentially bring the site into further conformance with zoning. Any future development on the site will be subject to review by the Town Planning Board, Architectural Review Board and/or Building Inspector to ensure that such renovations or construction is in compliance with the requirements of the Town Code.

Table 2: Bulk and Dimensional Requirements - B Zoning District and Supplemental Regulations

Convenience Store with Gasoline Filling Station	B District – use subject to PB site plan approval	Existing Condition
Lot area SF	20,000	Yes, 23,130
Lot width FT	100 FT	Yes, 130 FT
Lot depth FT	125 FT	Yes, 221 FT
Front yard FT	40 FT; 50 - 60 FT pending average depth on State Highway (185-18(C)(4)(b))	Pre-existing Nonconforming 37.8 FT (NYS 52) Pre-existing Nonconforming 30 FT (Fifth th Ave)
Rear yard FT ¹	30 FT	Yes, 55.1 FT
1 side yard FT ¹	25 FT	Yes, 46.9 FT
Lot building coverage %	50%	Yes, 6.78%
Building height FT	35 FT	Yes, < 35 FT
Lot surface coverage %	80%	Yes, 60.8%
Minimum setback to parked car	10 FT	Pre-existing Nonconforming 4.5 FT
Setback to intersection	50 FT	Pre-existing Nonconforming 22 FT
Parking in required yards	Not allowed	Pre-existing Nonconforming - Parking spaces located in front and side yards
185-21(D)(2) Landscape buffer between Residential and Nonresidential	15 FT, rear yard	Yes, building is setback at 55.1 FT
Required Parking: Convenience Store	1 space per 150 SF gross leasable floor space	1,564 SF convenience store / 150 SF = 11 required spaces. Yes, 13 spaces provided (including 8 spaces at the Pumps)
Required Loading	< 25,000 SF = 1 space	Pre-existing Nonconforming - 0 space provided

¹Town Code § 185-18(C)(5)(a) Minimum Adjacent Side and Rear Yard Requirements for Lots in B District Abutting Residential Zones: If total building floor area is less than 30,000 SF, then the greater of the minimum required yard set forth in the B District Table of Bulk and Use Requirements – Schedule 7, or 25 feet. Schedule 7 regulates a 30 FT rear yard, which is the greater of the two. Schedule 7 regulates a 15 FT side yard, which is less than 25 FT; therefore, 25 FT is required.

2.3 Public Policy

Town of Newburgh 2005 Comprehensive Plan

The Town's Comprehensive Plan ("Plan") was written in 2005 following a time of heightened development and growth. The Plan focuses on planning for growth through short, intermediate and long-term actions related to infrastructure and utilities; transportation and planning and zoning. The site is located within the southern half of the Town, which is described in the Plan as having a higher density residential area and commercial corridors.

The project site is not identified specifically in the Plan, but the Plan does include an implementation action to update the definitions of convenience store and motor vehicle service stations¹. According to Zoning Section 185-3, a convenience store is defined as,

"a retail business selling nondurable consumer products, including but not limited to groceries, prepared and packaged foods and gasoline, and providing no services. A convenience store shall be regulated in accordance with § 185-28 if it is on the same lot with a car wash or motor vehicle service station."

As stated above, the existing use does not include a car wash or motor vehicle service station; therefore § 185-28 does not apply as the existing use (convenience store selling gasoline and no automobile service or car wash provided) on the Property is within the Zoning Code's definition of a convenience store.

The proposed zoning map amendment is anticipated to be consistent with the Town's Plan as there are no recommendations specific to the site and the use remains consistent with the definition for a convenience store. Therefore, no amendment of the Plan is anticipated to be required.

Orange County Comprehensive Plan, Adopted 2019

The site is located within an area identified in Map 1, Priority Growth Areas Map, of the Orange County Comprehensive Plan ("County Plan") as a Priority Growth Area. Page 17 of the County Plan states that, "Within the Growth Areas, the County encourages additional urban development within those areas of higher density such as cities, villages and hamlets. Appropriate development includes commercial, appropriate industrial, higher density residential, and community service uses."

The site is a decades old existing commercial use appropriately located on a major roadway and less than one mile to I-84. The site is not located on or adjacent to protected resources (e.g. aquatic resources, protected habitats, historic or cultural resources) but instead is located within a built environment. The proposed zoning map amendment would bring the existing use into conformance and allows the Applicant the ability to more readily improve site conditions. For these reasons, the proposed zoning map amendment is anticipated to be consistent with the County Plan.

¹ Zoning Section 185-3 defines a Motor Vehicle Service Station as a, "building or lot or part thereof where refueling and related services are available to the public, operated for gain, including repair, greasing, washing, servicing, adjusting, equipping, lease or rental of automobiles or other motor vehicles, but not including the storing, holding or displaying of the same for sale or resale, except as to the holding of a vehicle for not more than 60 days for insurance appraisal purposes covering property damage claims and except as to the holding of a vehicle for the required period to perfect or protect a garageman's lien pursuant to statute."

SHORT ENVIRONMENTAL ASSESSMENT FORM
(SEAF)

Short Environmental Assessment Form

Part 1 - Project Information


Instructions for Completing

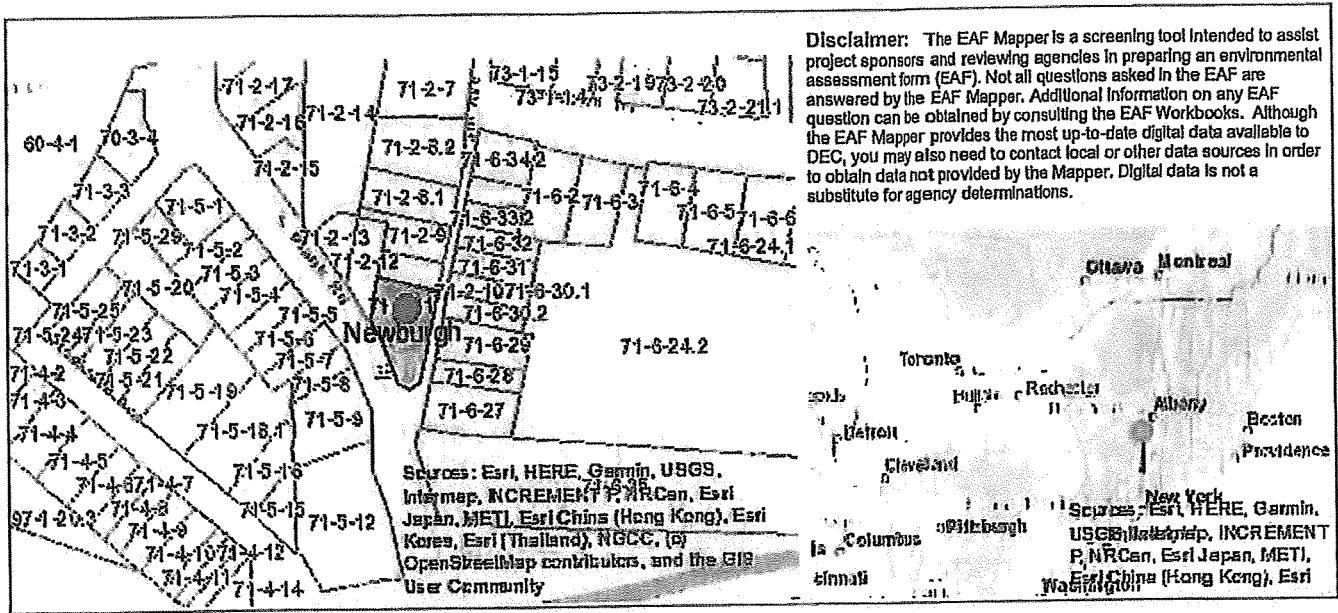
Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available.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

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

Part 1 – Project and Sponsor Information			
Name of Action or Project: 42 S. Plank Road - Gas Land Petroleum			
Project Location (describe, and attach a location map): 42 S. Plank Road, Town of Newburgh, Orange County, NY			
Brief Description of Proposed Action: The Applicant and Owner, Gas Land Petroleum, is seeking approval by the Town Board for a zoning map amendment to change the zoning designation of 42 S. Plank Road (Route 52) (the "Property") and adjacent street right-of-way (the "ROW") from the Residential R-3 Zoning District to the Business Zoning District. The Property is approximately 0.53 acres and is known and designated as Parcel 71-2.11 (see Figures 1 and 2). The ROW is comprised of approximately 0.26 acres. The Property is currently developed with a one-story convenience store building and a gasoline filling station. The Property is located at the intersection of S. Plank Road and Fifth Avenue. The current convenience store and gasoline filling station use (in place since at least 1975) is an existing, legal non-conforming use within the R-3 District. Therefore, the Applicant seeks to rezone the parcel to the Business (B) Zoning District, which would bring the use into conformance with zoning.			
Name of Applicant or Sponsor: Gas Land Petroleum (Zeldan Nesheiwat)		Telephone: 845-331-7545 E-Mail: gasland.zeldan@gmail.com	
Address: 3 Ohlerville Road			
City/PO: New Paltz		State: NY	Zip Code: 12561
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.		NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other government Agency? If Yes, list agency(s) name and permit or approval:		NO <input type="checkbox"/>	YES <input type="checkbox"/>
3. 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			
4. Check all land uses that occur on, are adjoining or near the proposed action:			
5. <input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other(Specify):			
<input type="checkbox"/> Parkland			

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	<input type="checkbox"/>	<input type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	NO	YES	
If Yes, identify: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?	<input type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements?	NO	YES	
If the proposed action will exceed requirements, describe design features and technologies: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?	NO	YES	
If No, describe method for providing potable water: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO	YES	
If No, describe method for providing wastewater treatment: _____ _____	<input type="checkbox"/>	<input type="checkbox"/>	
12. a. 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?	NO	YES	
b. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ There are no aquatic resources located on the project site. Winona Lake is located approximately 1,000 feet northwest of the site. _____ _____			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
<input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
16. Is the project site located in the 100-year flood plan?	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes,	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
a. Will storm water discharges flow to adjacent properties?	<input type="checkbox"/>	<input type="checkbox"/>
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, briefly describe: _____		
Drainage flows will continue to sheet flow towards existing collection systems in the roadway. _____		
18. Does the proposed action include construction or other activities that would result in the impoundment of water or other liquids (e.g., retention pond, waste lagoon, dam)? If Yes, explain the purpose and size of the impoundment: _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<u>The site has not been the subject of remediation for hazardous waste. The DuPont-Stauffer Landfill (DEC #336009), a State Superfund Site, is located approximately 2,000 feet southeast of the site (across I-84). Remediation is complete.</u>		
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor/name: <u>Gas Land Petroleum</u>		Date: <u>7/31/2020</u>
Signature: <u>Caren LoBrutto, Agent for Applicant, Chazen Companies</u> 		Title: <u>Senior Planner</u>

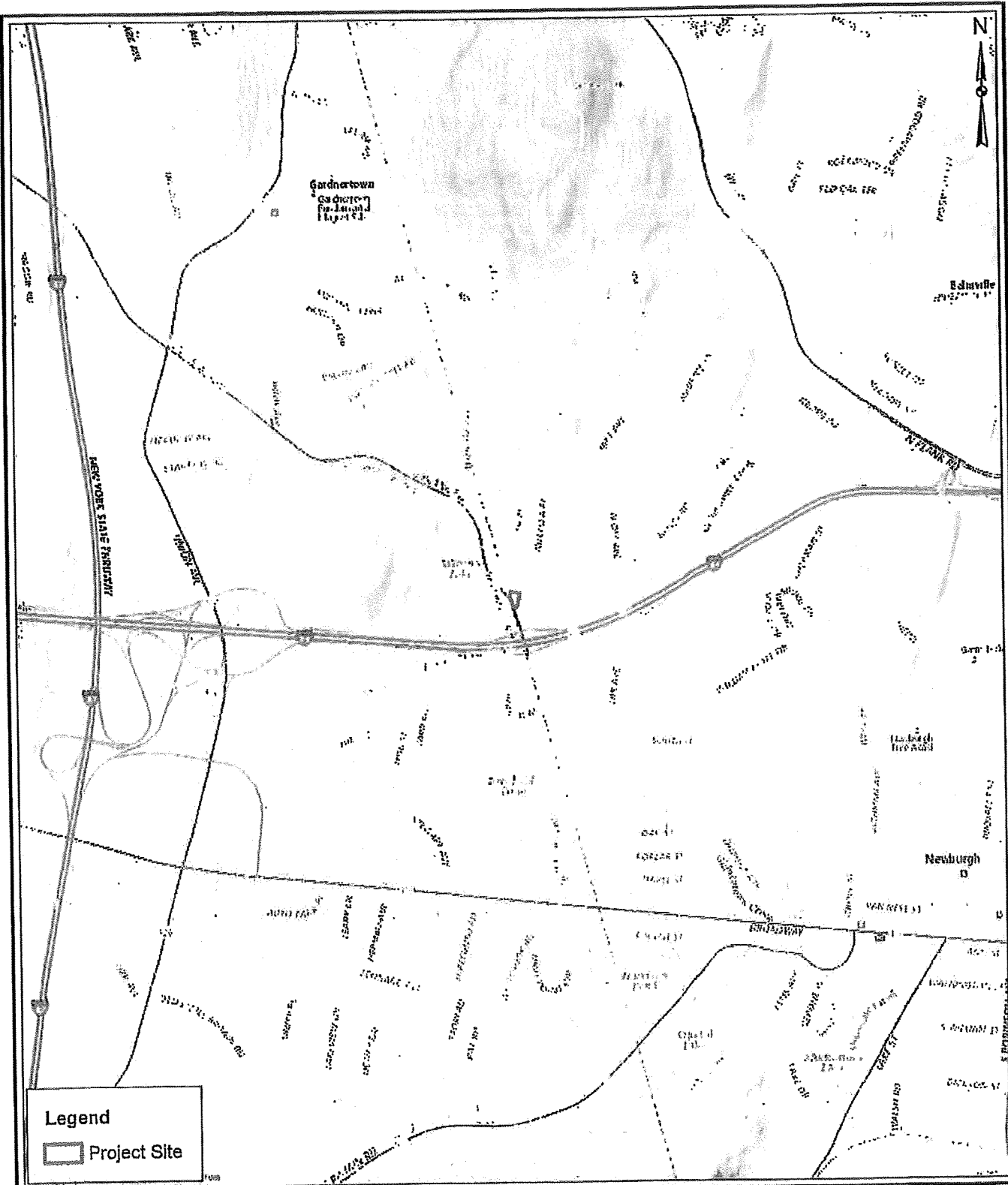


Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

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

FIGURES

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Legend
 [Shaded Box] Project Site

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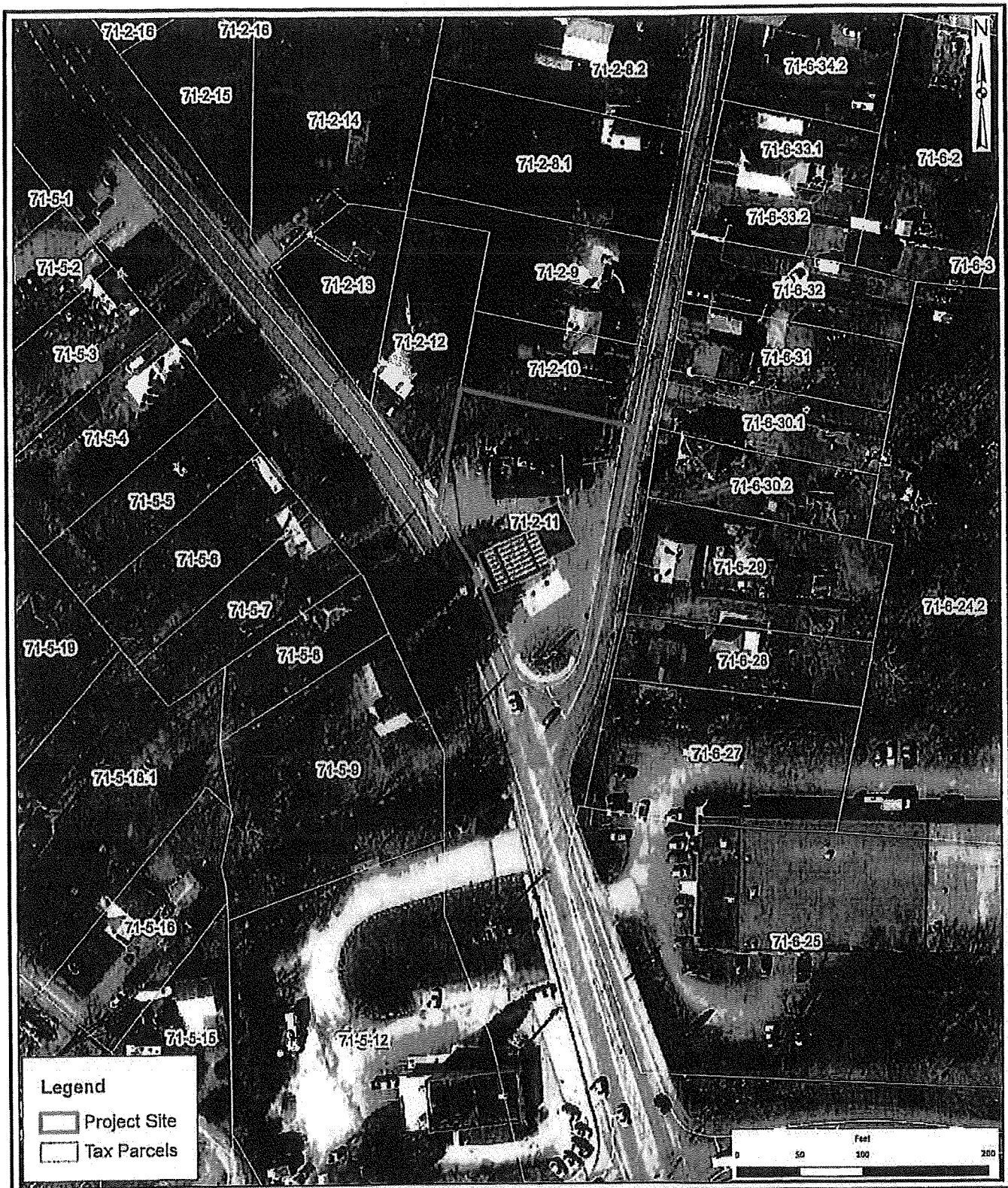
North County Office:
 575 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Plank Road - GasLand

USGS Location Map

Town of Newburgh, Orange County, New York

Drawn:	SPL
Date:	04/09/2020
Scale:	1 Inch = 2,000 feet
Project:	82018.00
Figure:	1



Legend

- Project Site
- Tax Parcels

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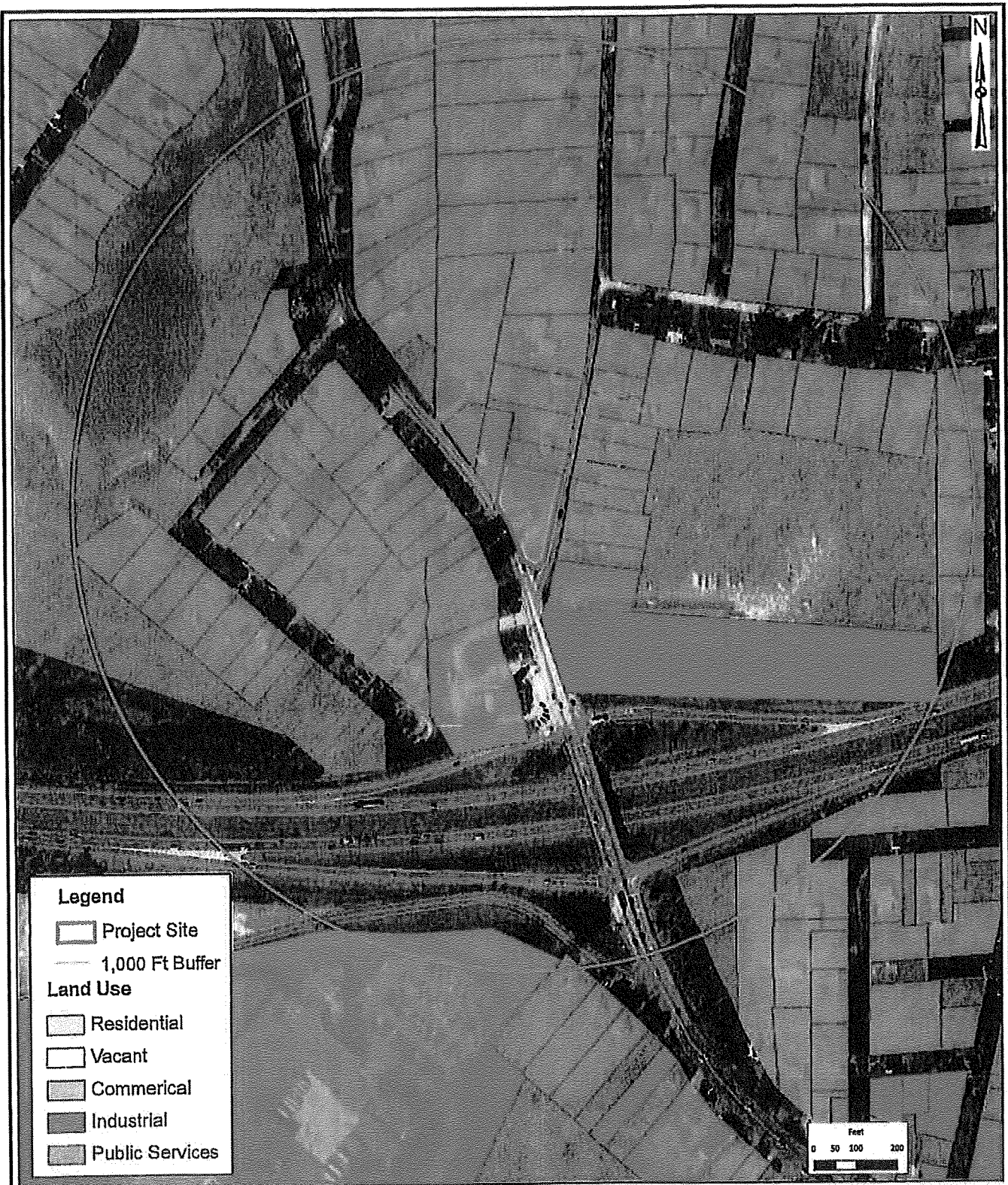
Norfolk County Office:
 375 Bay Road, Queensbury, NY 12804
 Phone: (518) 812-0513

Plank Road - GasLand

Orthophoto Tax Map

Town of Newburgh, Orange County, New York

Drawn:	SPL
Date:	04/09/2020
Scale:	1 inch = 100 feet
Project:	82018.00
Figure:	2



Legend

Project Site
 1,000 Ft Buffer

Land Use

Residential
 Vacant
 Commerical
 Industrial
 Public Services



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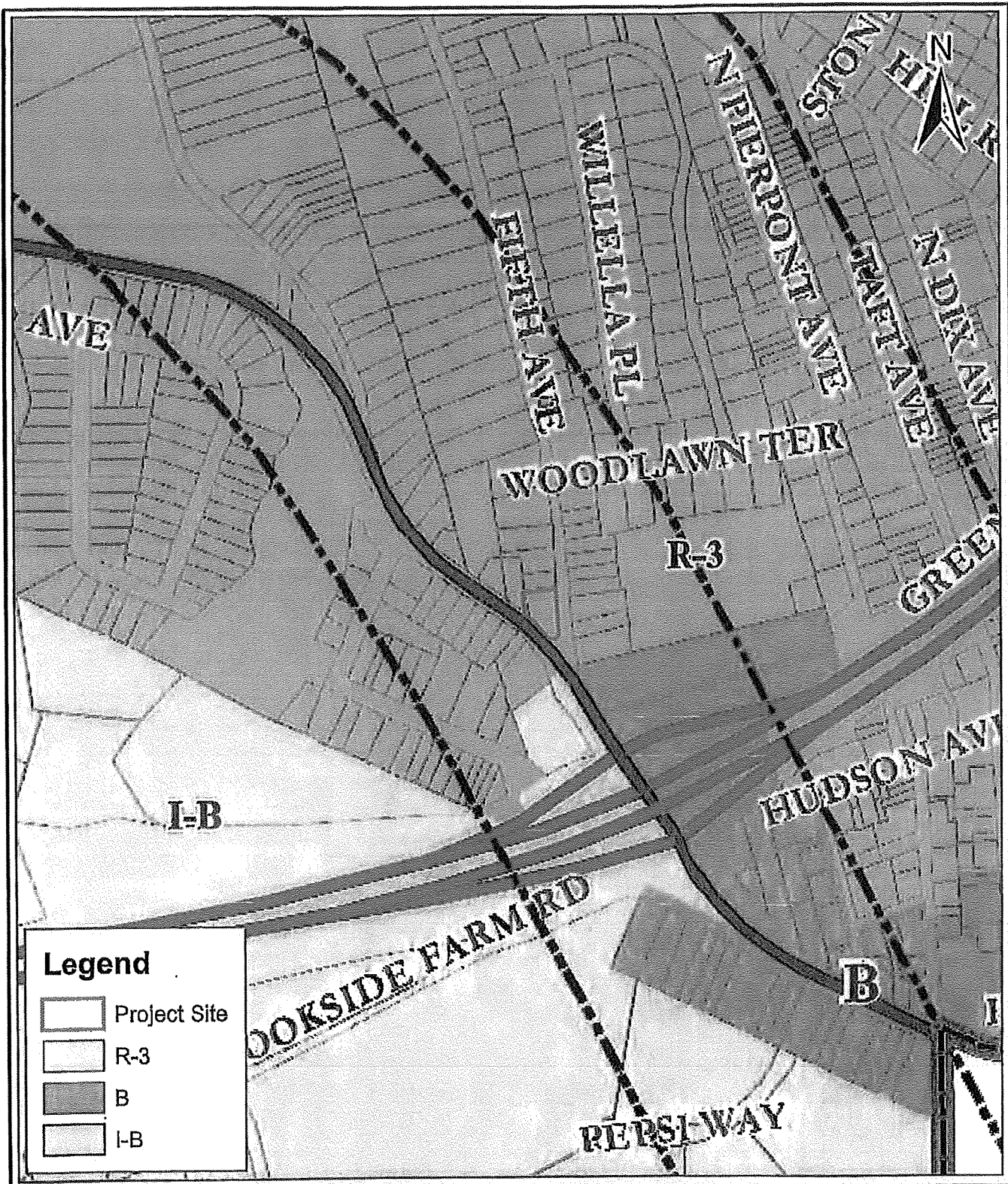
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Plank Road - GasLand

Land Use Map

Town of Newburgh, Orange County, New York

Drawn:	SPL
Date:	04/09/2020
Scale:	1 Inch = 300 feet
Project:	82018.00
Figure:	3



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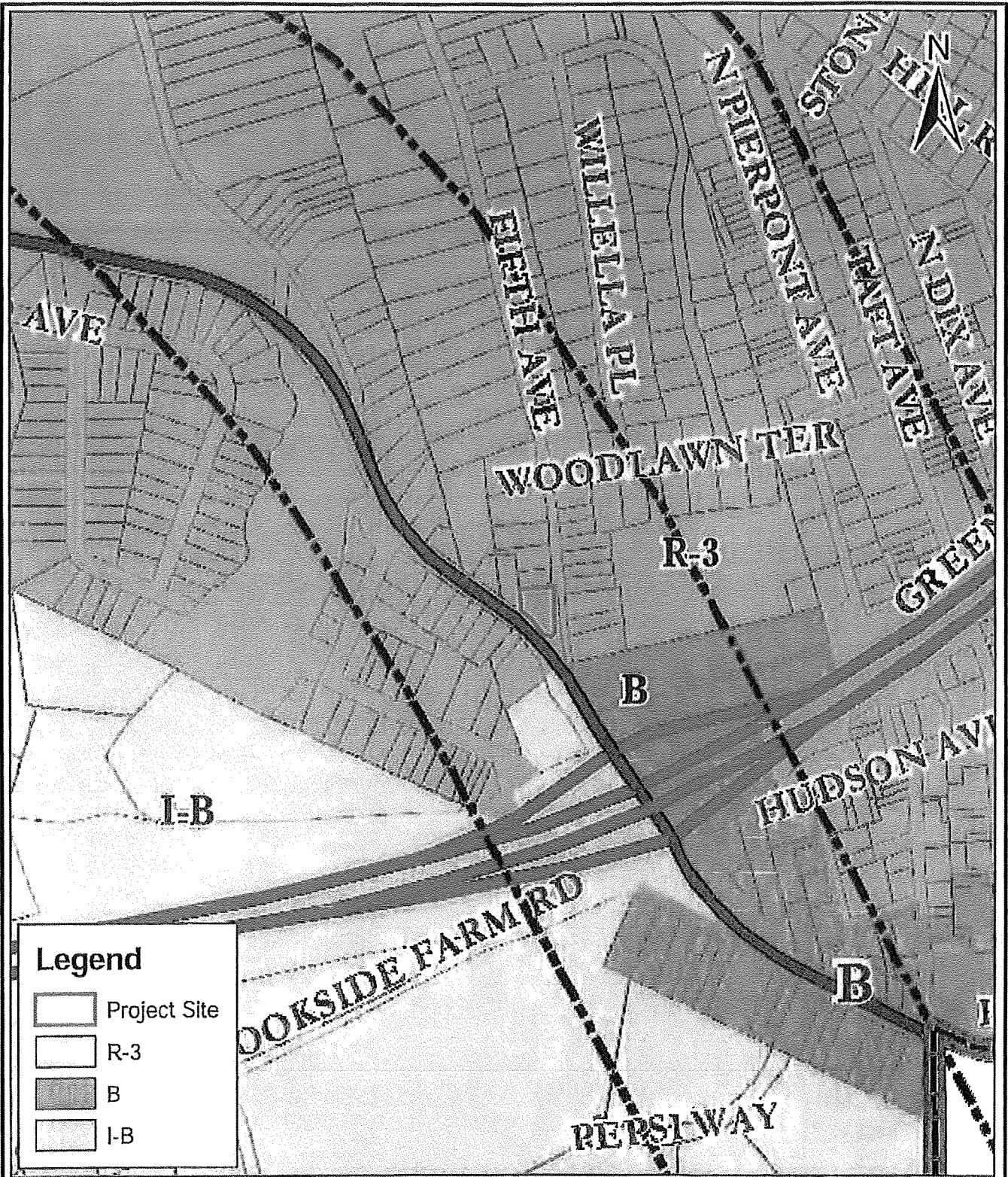
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20 Elm St., Suite 110, Glens Falls, NY
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Plank Road - GasLand

Existing Zoning

Town of Newburgh, Orange County, New York

Drawn:	JC
Date:	07/30/2020
Scale:	Not to scale.
Project:	82018.00
Figure:	4



Legend

- Project Site
- R-3
- B
- I-B

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Plank Road - GasLand

Proposed Zoning

Town of Newburgh, Orange County, New York

Drawn:	JC
Date:	07/30/2020
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Project:	82018.00
Sheet:	5

September 3, 2020

BY EMAIL AND FIRST CLASS MAIL

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

Re: Proposed Zoning Map Amendment for Property at Fifth Avenue and South Plank Road

Dear Supervisor Piaquadio and Town Board Members:

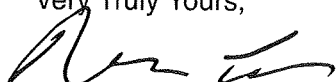
At the Planning Board's September 3, 2020 meeting, the Planning Board reviewed the referral of the proposed zoning map amendment for property located at Fifth Avenue and South Plank Road from R-3 to the adjacent B zoning district. The amendment is being considered as a result of the petition of Gas Land Petroleum, Inc., which currently operates a gasoline filling station and convenience store at this location.

The Planning Board considered the proposed amendment in accordance with the requirements of Town Code § 185-60(B)(2). In particular, the Planning Board found the following:

1. That the uses permitted by this proposed change are appropriate in the area concerned, based on the property being improved previously by a use allowed within the B zoning district.
2. That there are no public school facilities or other public services that would be needed as a result of the zoning map amendment.
3. That the proposed amendment is consistent with the Town's existing comprehensive plan and other applicable land use plans.
4. That the proposed amendment is unlikely to have any effect on the zoned residential capacity in the Town given that the affected property is presently improved with commercial development.

As a result, the Planning Board has no negative comments or other concerns in relation to the proposed zoning map amendment.

Very Truly Yours,



Dominic Cordisco

cc:

Mark C. Taylor, Esq., Attorney for the Town
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer

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

Alana R. Bartley
Aaron C. Fitch
Judith A. Waye
Michael Martens

Jennifer L. Schneider
Managing Attorney

*L.L.M. in Taxation



Steven M. Neuhaus
County Executive

Orange County Department of Planning

124 Main Street
Goshen, NY 10924-2124
Tel: (845) 615-3840
Fax: (845) 291-2533

Alan J. Sorensen, AICP
Commissioner

www.orangecountygov.com/planning
planning@orangecountygov.com

County Reply – Mandatory Review of Local Planning Action as per NYS General Municipal Law §239-l, m, &n

Local Referring Board: Town of Newburgh Board

Applicant: Gas Land Petroleum, Inc.

Project Name: Zoning Amendment R3 to B Map Change

Proposed Action: Local Law to amend zoning map designation from R3 to adjacent B zone for new construction of gas station

Reason for County Review: Within 500 feet of NYS Route 52

Date of Full Statement: August 13, 2020

Referral ID #: NBT 15-20M

Tax Map #: 71-2-11

Local File #: none provided


Comments:

The Department has received the above referenced local law and has found no evidence that significant intermunicipal or countywide impacts would result from its approval. We have no advisory comments regarding this application.

County Recommendation: Local Determination

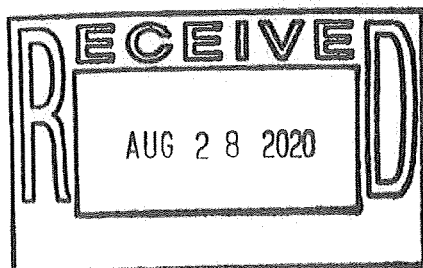
Date: August 20, 2020

Prepared by: Megan Tennermann, AICP, Planner



Alan J. Sorensen, AICP
Commissioner of Planning

As per NYS General Municipal Law 239-m & n, within 30 days of municipal final action on the above referred project, the referring board must file a report of the final action taken with the County Planning Department. For such filing, please use the final action report form attached to this review or available online at www.orangecountygov.com/planning.





TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

PERSONNEL DEPT.

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

To: Supervisor Piaquadio & Town Board

From: Charlene M Black, Personnel

Date: August 26, 2020

Re: Justice Court: Court Clerk Position

Town Justice Clarino has interviewed nine candidates for the full time position that is available in his department. He would like to offer the position to Brittany Meeker. All paperwork is attached: Employment request form and letter from Judge Clarino. Everything is in order. Ms Meeker's employment is based upon your approval. All paperwork, physical and finger printing will be completed once I receive your approval. Thank you in advance.



TOWN OF NEWBURGH RECREATION DEPARTMENT

311 ROUTE 32, NEWBURGH, NY 12550

8

Jim Presutti

Commissioner of Parks, Recreation & Conservation

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

TO: Gil Piaquadio, Supervisor
Town Board Members

FROM: Jim Presutti, Commissioner

DATE: August 27, 2020

RE: Request to Hire Laborer

At this time we are requesting the Board's approval to begin the process to hire for the position of Part Time Laborer in the Recreation Department. This position will fill the vacancy left by the resignation of Mr. Fred Zuniga.

Thank you for your consideration.

Regards,

Jim Presutti
Commissioner



TOWN OF NEWBURGH
1496 Route 300
NEWBURGH, NEW YORK 12550
(845) 564-4552

Date: 8/20/2020

Is the budget adjustment under \$5,000? Yes: No: x

If yes, Please give Gil a copy to sign and deliver to the Accounting Office.

If no, Please have the board approve at the next available board meeting.

Reason why the budget transfer is needed: Sludge Hauling and Chemicals budgets
are short. Chadwick Lake Filtration Plant is being utilized
more than previous years, therefore chemical usage
and sludge hauling/removal have increased costs.

From: Account Number: 8330.4002.5430 Amount: \$ (150,000.00)
Account Description: NYC Water Board Amount:

From: Account Number: Amount:
Account Description: Amount:

=====
To: Account Number: 8330.4001.5457 Amount: \$ 120,000.00
Account Description: Sludge Hauling Amount:

To: Account Number: 8330.4001.5459 Amount: \$ 30,000.00
Account Description: Chemicals Amount:

Please note: The total of from/to should be equal. Total 150,000.00

=====
\$ -

Department Head Signature

Gil Piaquadio, Town Supervisor



TOWN OF NEWBURGH JUSTICE COURT
311 ROUTE 32
NEWBURGH, NEW YORK 12550

TELEPHONE (845) 564-7161
FACSIMILE (845) 564-7171

HON. RICHARD CLARINO
TOWN JUSTICE

ABIGAIL PUNTAR
COURT CLERK TO TOWN JUSTICE

August 26 , 2020

Hon. Gilbert Piaquadio
Supervisor of the Town of Newburgh
1496 Route 300
Newburgh, New York 12550

Ms. Charlene Black
Director of Personnel
1496 Route 300
Newburgh, New York 12550

Re: Request to Fill Vacancy

Dear Supervisor Piaquadio & Ms. Black:

This is to respectfully request Brittany N. Meeker be appointed court clerk to fill the vacancy created by the resignation of Jill Sarlo.

Enclosed is a signed Employment Request Form.

Please contact me or my chief clerk Abby Puntar if you have any question or need to discuss this matter further.

Thank you for your usual cooperation and courtesies.

Very truly yours,

RICHARD CLARINO
Town Justice, Town of Newburgh

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Brittany N. Meeker

DEPARTMENT: Justice Court

TITLE OF POSITION: Court Clerk

FULL TIME OR PART TIME: Full time

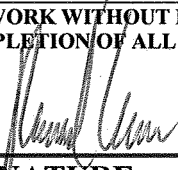
HOURLY RATE: \$19.49

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 1110.0100

PROPOSED HIRE DATE: 9/15/20

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



HON RICHARD CLARINO
TOWN JUSTICE-TOWN OF NEWBURGH

DEPARTMENT HEAD SIGNATURE

8/25/26

DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL DEPARTMENT

DELL COMPUTERS TO BE DECLARED SURPLUS**OLD COMPUTER TAG NUMBERS**

1. F9SYLN1
2. 4F4FPS1
3. F9TXLN1
4. F9TYLN1
5. 4FB9PS1
6. F9VYLN1
7. 8B9YDP1
8. 4F6GPS1
9. ? -Nemesis SIN – 20050594
10. ? SIN – 3700231
11. F9VXLN1
12. 4F4HPS1
13. F9VWLN1
14. 4F4CPS1
15. 8WLGFG1
16. 2THJW11
17. 4F6CPS1
18. 4F6DPS1
19. 4FBBPS1
20. F9TWLN1
21. DQS4YV1
22. 14BBXV1
23. Accountant Computer SIN – 38Q0231
24. 6412RL1



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

Attorney-Client privileged
MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2018, 2019);
EXEMPTION TRUST UNDER THE LAST WILL AND
TESTAMENT OF COSIMO DIBRIZZI, ANGELA DiBRIZZI,
ELISA DiBRIZZI, NICHOLAS C. DiBRIZZI, SERENA
DiBRIZZI AND COS 17 II, LLC (NYS ROUTE 17K)
(NYS ROUTE 17K)
OUR FILE NO. 800.24

DATE: SEPTEMBER 4, 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. Matsier
Mark C. Taylor
Deborah Weisman-Estis
M. Justin Rider
Donna M. Badura

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

Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy regarding the above referenced proposed settlement, a proposed Consent Judgment and charts showing the claimed and approximate settlement refund liability for the above referenced real property tax assessment appeal. Also enclosed is a map showing the location of the two tax parcels which are the subject of the proceedings. The parcels are adjoining vacant parcels on the north side of NYS Route 17K immediately to the west of the NYS Thruway overpass (In front of the Matrix property.) Lot 49.122 is approximately 6.1 acres and Lot 80 is approximately 9 acres.

The settlement provides for reductions in Assessed Value for 2018, 2019 and 2020 for Lot 49.122 as follows: a reduction in the Assessed Value for 2018 by \$72,672 from \$222,000 to \$149,328 a reduction in the 2019 Assessed Value by \$80,578 from \$222,000 to \$141,422 and a reduction in the 2020 Assessed Value by \$108,729 from \$222,000 to \$113,271. The settlement also provides for reductions in Assessed Value for Lot 80 as follows: a reduction in the Assessed Value for 2018 by \$103,680 from \$324,000 to \$220,320 a reduction in the 2019 Assessed Value by \$115,344 from \$324,000 to \$208,656 and a reduction in the 2020 Assessed Value by \$15,6879 from \$324,000 to \$167,121. The Consent Judgment specifies that the provisions of RPTL Section 727 apply, holding the Assessed Value at settled 2020 figures for the 2021, 2022 and 2023 assessment rolls, subject to the statutory exceptions. The Attorney for the Newburgh Enlarged City School District has already signed the Consent Judgment.

The charts indicate that the refund liability for the Town (including Highway but not including special districts and the Fire District) for the reductions in 2018 and 2019 Assessed Value would be approximately \$5,590.39 in total versus claimed liability for 2018 and 2019 of \$11,287.22. As the 2020 Town/County tax bills have not been issued, it is assumed there will be no Town refund liability for that year's reduction.



September 4, 2020

Page -2-

Also attached is a proposed resolution which would authorize the Settlement.

cc: Joseph P. Pedi, Town Clerk
Lori Coady, Assessor *(via e-mail)*
Deborah Smith, Receiver of Taxes *(via e-mail)*
Ronald Clum, Town Accountant *(via e-mail)*
Cathy L. Drobny, Esq. *(via e-mail)*



E. STEWART
Jones Hacker Murphy LLP
ATTORNEYS & COUNSELORS AT LAW

28 SECOND STREET
TROY, NY 12180
PHONE: (518) 274-5820
FAX: (518) 274-5875

7 AIRPORT PARK BOULEVARD
LATHAM, NY 12110
PHONE: (518) 783-3843
FAX: (518) 783-8101

511 BROADWAY
SARATOGA SPRINGS, NY 12866
PHONE: (518) 584-8886

www.joneshacker.com

PLEASE REPLY TO:

Latham

August 26, 2020

VIA E-MAIL - mtaylor@riderweiner.com

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
P.O. Box 2280
Newburgh, New York 12550

Re: DiBrizzi Exemption Trust, et al. v. Town of Newburgh
Index Nos. EF007481-2018, EF005532-2019
Our File No. 5018.154

Dear Mr. Taylor:

Attached please find the proposed Consent Order and Judgment relative to the above-referenced proceedings. There are currently two years pending.

The properties that are the subject of this proceeding are two vacant commercial lots located on Rt. 17. Tax Map No. 95-1-49.122 is 6.10 acres; Tax Map No. 95-1-80 is 9 acres. The FMV of the 6.1-acre parcel is \$652,941 in 2018 and \$689,441 in 2019. The FMV of the 9-acre lot is \$952,941 in 2018 and \$1,006,211 in 2019.

After review of the discovery documents provided, including an appraisal prepared for the petitioner and Lori Coady inspecting the properties, a settlement was negotiated. The proposed settlement reduces the assessment of the 6.1-acre parcel to an equalized FMV of \$439,200 in 2018 and \$439,199 in 2019 and a reduction of the 2020 FMV to \$378,200. The proposed settlement reduces the assessment of 9-acre lot to an equalized FMV of \$648,000 in 2018 and 2019 and a reduction of the 2020 FMV to \$558,000. After considering the cost of trial ready appraisals and litigation costs and the inspection of the parcels, we feel that this is a good settlement.

I have attached for your review a copy of the refund liability charts, which show the potential liability versus the proposed settlement refund liability.

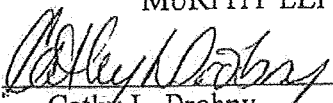
We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board meeting for approval. Once the Resolution passes, please let me know and I will sign the Consent Order and Judgment.

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
August 26, 2020
Page 2

Please do not hesitate to contact me if you have any questions.

Very truly yours,

E. STEWART JONES HACKER
MURPHY LLP

By: 
Cathy L. Drobny
cdrobny@joneshacker.com
Direct Dial: (518) 213-0116

CLD:kah
Attachments
cc: Lori Coady, Assessor
Gilbert Piaquadio, Supervisor

At an IAS Term of the Supreme Court of the State of New York held in and for the County of Orange, at 285 Main Street, Goshen, New York on the ____ day of _____, 2020. .

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF ORANGE

-----X
In the Matter of the Application of
EXEMPTION TRUST UNDER LAST WILL AND
TESTAMENT OF COSIMO DiBRIZZI, ANGELA
DiBRIZZI, ELISA DiBRIZZI, NICOLAS C. DiBRIZZI and
SERENA DiBRIZZI, and COS 17 II, LLC,

CONSENT JUDGMENT

Petitioners,

-against-
TOWN OF NEWBURGH, a Municipal
Corporation, its ASSESSOR, and its
BOARD OF ASSESSMENT REVIEW,

Index Nos.:
007481-2018
005532-2019

Respondents.

Assigned Justice:
Hon. Catherine M. Bartlett,
AJSC

For Review of the Assessment of Certain Real
Property under Article 7 of the Real Property Tax Law.

-----X
The above petitioners having heretofore served and filed Petitions and Notices to review the tax assessments fixed by the Town of Newburgh for the assessment rolls of 2018 and 2019, upon certain real property located in the Town of Newburgh, Orange County, New York, and designated as: 95-1-49.122 (Route 17K) and 95-1-80 (Route 17K) on the Official Assessment Map of the Town of Newburgh, and

The petitioners having appeared by Stenger, Roberts, Davis & Diamond, LLP,

Karen E. Hagstrom, Esq., the respondents having appeared by E Stewart Jones Hacker Murphy, LLP, Cathy L. Drobny, Esq., Attorneys for the Town of Newburgh, and the Newburgh Enlarged City School District having appeared by Shaw, Perelson, May & Lambert, LLP, Elizabeth A. Ledkovsky, Esq., and the parties having made their settlement, it is hereby

ORDERED, that the assessments of the properties referred to herein, be and the same are hereby reduced, corrected and fixed for the 2018 and 2019 assessment rolls as follows:

OWNER: EXEMPTION TRUST UNDER LAST WILL AND TESTAMENT OF COSIMO DIBRIZZI, et al.
 DESCRIPTION (Tax Map No.: 95-1-49.122)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2018	222,000	149,328	72,672
2019	222,000	141,422	80,578

OWNER: COS 17 II, LLC
 DESCRIPTION (Tax Map No.: 95-1-80)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2018	324,000	220,320	103,680
2019	324,000	208,656	115,344

, and it is further

ORDERED, that the officer or officers having custody of the assessment rolls upon

which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite of said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the Orange County Commissioner of Finance or the Town of Newburgh for 95-1-49.122 (Route 17K) and 95-1-80 (Route 17K), the amount of Town, Special District and any other ad valorem taxes paid by the petitioners as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further,

ORDERED, that the Commissioner of Finance of the County of Orange, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioners the amount of County taxes paid by the petitioners as taxes against the erroneous assessments in excess of what the taxes would have been had the assessments been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute; provided, however, notwithstanding any other provision herein to

the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order upon the Commissioner of Finance with notice of entry; and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioners by the Newburgh Enlarged City School District for 95-1-49.122 (Route 17K) and 95-1-80 (Route 17K), the amount of School taxes, and Library taxes if applicable, paid by the petitioners as taxes against the said erroneous assessments in the excess of what the taxes would have been had the said assessments made in the aforesaid years been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that the Fire District or the Orange County Commissioner of Finance, County of Orange, State of New York, be and is hereby directed and authorized to audit, allow and pay to the petitioners where applicable, the amounts, if any, of County taxes and ad valorem Special District Taxes, if any, paid by the petitioners as taxes against the erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid tax years had been as determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, provided, however, notwithstanding any other provision herein to the contrary, interest shall be waived in the

event that payment is made within sixty (60) days from the date of service of this Order with notice of entry, and it is further

ORDERED, that unless paid within sixty (60) days from service of this Order and of the Audit and Demand for payment all tax refunds are to be made with statutory interest from the date the taxes indicated herein were paid, pursuant to Section 726 of the Real Property Tax Law of the State of New York, and it is further

ORDERED, that all tax refunds hereinabove directed to be made by respondents, the Orange County Commissioner of Finance, Town of Newburgh, Newburgh Enlarged City School District and/or any of the various taxing authorities, be made by check or draft payable to the order of Stenger, Roberts, Davis & Diamond, LLP, as attorneys for the petitioners, who is to hold the proceeds as trust funds for appropriate distribution, and who is to remain subject to the further jurisdiction of the Court in regard to its attorney's lien, pursuant to Judiciary Law Section 475, and it is further

ORDERED, that the settlement of the 2018 and 2019 proceedings herein is contingent upon the reduction of the 2020 assessments for the subject properties by stipulations on grievance complaints, as follows:

OWNER: EXEMPTION TRUST UNDER LAST WILL AND TESTAMENT OF COSIMO DIBRIZZI, et al.
DESCRIPTION (Tax Map No.: 95-1-49.122)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2020	222,000	113,271	108,729

OWNER: COS 17 II, LLC
DESCRIPTION (Tax Map No.: 95-1-80)

<u>Assessment Roll</u>	<u>Original Assessment</u>	<u>Settlement Assessment</u>	<u>Amount of Reduction</u>
2020	324,000	167,121	156,879

, and it is hereby

ORDERED, that the 2020 settlement assessments shall not be changed for the subject properties for the next three (3) succeeding assessment rolls prepared on the basis of the three (3) taxable status dates next occurring on or after the taxable status date of the most recent assessment under review, for the 2021, 2022 and 2023 tax rolls, pursuant to § 727(1) of the Real Property Tax Law of the State of New York; and it is further

ORDERED, that this Consent Judgment may be executed in counterparts, all of which taken together shall be deemed an original, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

Dated: Goshen, New York
_____, 2020

E N T E R ,

HON. CATHERINE M. BARTLETT, AJSC

Signing and entry of the within Order is hereby Consented to:

E STEWART JONES HACKER MURPHY LLP

BY:

CATHY L. DROBNY, ESQ.
Attorneys for Respondents
28 Second Street
Troy, NY 12180
(518) 213-0116

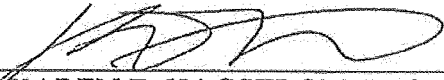
SHAW, PERELSON, MAY & LAMBERT, LLP

BY:

ELIZABETH A. LEDKOVSKY, ESQ.
Attorneys for Intervenor-Respondent
Newburgh Enlarged City School District
21 Van Wagner Road
Poughkeepsie, NY 12603
(845) 486-4200

STENGER, ROBERTS, DAVIS & DIAMOND, LLP

BY:



KAREN E. HAGSTROM, ESQ.
Attorneys for Petitioners
1136 Route 9
Wappingers Falls, NY 12590
(845) 298-2000 x133

DiBrizzi Exemption Trust, et al v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2018	95-1-49.122	\$ 222,000	\$ 68,000	34.00%	\$ 652,941	\$ 200,000	\$ 154,000	County 11.0305	\$ 1,698.70
								Town 9.4132	\$ 1,449.63
								Highway 5.4584	\$ 840.59
								Fire-OL 3.9814	\$ 613.14
								Sp.Dist. 3.9814	\$ 613.14
								Library 3.410414	\$ 525.20
								School 73.757176	\$ 11,358.61
2018	95-1-80	\$ 324,000	\$ 102,000	34.00%	\$ 952,941	\$ 300,000	\$ 222,000	County 11.0305	\$ 2,448.77
								Town 9.4132	\$ 2,089.73
								Highway 5.4584	\$ 1,211.76
								Fire-OL	\$ -
								Sp.Dist.	\$ -
								Library 3.410414	\$ 757.11
								School 73.757176	\$ 16,374.09
2019	95-1-49.122	\$ 222,000	\$ 66,000	32.20%	\$ 689,441	\$ 211,180	\$ 154,000	County 11.5799	\$ 1,783.30
								Town 9.6560	\$ 1,487.02
								Highway 5.4916	\$ 845.71
								Fire-OL 4.1105	\$ 633.02
								Sp.Dist. 3.9837	\$ 613.49
								Library 3.438755	\$ 529.57
								School 72.719540	\$ 11,198.81
2019	95-1-80	\$ 324,000	\$ 102,000	32.20%	\$ 1,006,211	\$ 316,770	\$ 222,000	County 11.5799	\$ 2,570.74
								Town 9.6560	\$ 2,143.63
								Highway 5.4916	\$ 1,219.14
								Fire-OL	\$ -
								Sp.Dist.	\$ -
								Library 3.438755	\$ 763.40
								School 72.719540	\$ 16,143.74
								County	\$ 8,501.51
								Town	\$ 7,170.02
								Highway	\$ 4,117.20
								Fire-OL	\$ 1,246.15
								Sp. Dist.	\$ 1,226.63
								Library	\$ 2,575.29
								School	\$ 55,075.25
								Total	\$ 79,912.04



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Residential

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- [Inventory](#)
- [Improvements](#)
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- [Report](#)
- [Comparables](#)

Municipality of Newburgh				
SWIS:	334600	Tax ID:	95-1-49.122	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 17K			
Property Class:	330 - Vacant comm	Site Property Class:	330 - Vacant comm	
Ownership Code:				
Site:	Res 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	0	
Neighborhood:	41126 -	School District:	Newburg	
Property Description:	parcel c matrix newburgh llc sub map 262-15 filed 11/10/15			
Total Acreage/Size:	6.10	Equalization Rate:	---	
Land Assessment:	2020 - \$113,271	Total Assessment:	2020 - \$113,271	
Full Market Value:	2020 - \$378,200			
Deed Book:	13970	Deed Page:	582	
Grid East:	607656	Grid North:	974368	
Bank Code:	N/A			
Special Districts for 2020				
Description	Units	Percent	Type	Value
FD030-Orange lk fire	0	0%		0
WD001-Consol wtr 1	0	0%		0
WD002-Consol wtr 2	0	0%		0
Land Types				

Photographs

No Photo Available

[Pictometry Connect](#)

Documents

No documents found for this parcel

Maps

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- [Pin Property on GIS Map](#)
- [View in Google Maps](#)
- [View in Bing Maps](#)

[Map Disclaimer](#)

Property Details - Image Mate Online

Type	Size
Primary	6.10 acres



Image Mate Online

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Commercial

- Property Info
- Owner/Sales
- Inventory
- Improvements
- Tax Info
- Report
- Comparables

Municipality of Newburgh				
SWIS:	334600	Tax ID:	95-1-80	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 17K			
Property Class:	330 - Vacant comm	Site Property Class:	330 - Vacant comm	
Ownership Code:				
Site:	Com 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	Not Applicable	
Neighborhood:	00000 -	School District:	Newburg	
Property Description:	parcel b matrix newburgh llc submap 262-15 filed 11/10/15			
Total Acreage/Size:	9.00	Equalization Rate:	---	
Land Assessment:	2020 - \$167,121	Total Assessment:	2020 - \$167,121	
Full Market Value:	2020 - \$558,000			
Deed Book:	13970	Deed Page:	582	
Grid East:	608081	Grid North:	974468	
Bank Code:	N/A			
Special Districts for 2020				
Description	Units	Percent	Type	Value
FD030-Orange lk fire	0	0%		0
Land Types				
Type			Size	
Primary			9.00 acres	

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

Maps

- View Tax Map
- Pin Property on GIS Map
- View in Google Maps
- View in Bing Maps

Map Disclaimer



Image Mate Online

Navigation GIS Map Tax Maps | DTF Links

Help Contact Us Log In

Commercial

- Property Info
- Owner/Sales
- Inventory
- Improvements
- Tax Info
- Report
- Comparables

Municipality of Newburgh				
SWIS:	334600	Tax ID:	95-1-80	
Tax Map ID / Property Data				
Status:	Active	Roll Section:	Taxable	
Address:	Route 17K			
Property Class:	330 - Vacant comm	Site Property Class:	330 - Vacant comm	
Ownership Code:				
Site:	Com 1	In Ag. District:	No	
Zoning Code:	-	Bldg. Style:	Not Applicable	
Neighborhood:	00000 -	School District:	Newburg	
Property Description:	parcel b matrix newburgh llc submap 262-15 filed 11/10/15			
Total Acreage/Size:	9.00	Equalization Rate:	—	
Land Assessment:	2020 - \$167,121	Total Assessment:	2020 - \$167,121	
Full Market Value:	2020 - \$558,000			
Deed Book:	13970	Deed Page:	582	
Grid East:	608081	Grid North:	974468	
Bank Code:	N/A			
Special Districts for 2020				
Description	Units	Percent	Type	Value
FD030-Orange lk fire	0	0%		0
Land Types				
Type	Size			
Primary	9.00 acres			

Photographs

No Photo Available

Pictometry Connect

Documents

No documents found for this parcel

Maps

- View Tax Map
- Pin Property on GIS Map
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Map Disclaimer

DiBrizzi Exemption Trust, et al v. Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2018	95-1-49.122	\$ 222,000	\$ 149,328	34.00%	\$ 652,941	\$ 439,200	\$ 72,672	County Town	11.0305 \$ 801.61 9.4132 \$ 684.08
								Highway	5.4584 \$ 396.67
								Fire-OL	3.9814 \$ 289.34
								Sp. Dist.	3.9814 \$ 289.34
								Library	3.410414 \$ 247.84
								School	73.757176 \$ 5,360.08
2018	95-1-80	\$ 324,000	\$ 220,320	34.00%	\$ 952,941	\$ 648,000	\$ 103,680	County	11.0305 \$ 1,143.64
								Town	9.4132 \$ 975.96
								Highway	5.4584 \$ 565.93
								Fire	\$ -
								Sp. Dist.	\$ -
								Library	3.410414 \$ 353.59
								School	73.757176 \$ 7,647.14
2019	95-1-49.122	\$ 222,000	\$ 141,422	32.20%	\$ 689,441	\$ 439,199	\$ 80,578	County	11.5799 \$ 933.09
								Town	9.6560 \$ 778.06
								Highway	5.4916 \$ 442.50
								Fire-OL	4.1105 \$ 331.22
								Sp. Dist.	3.9837 \$ 321.00
								Library	3.438755 \$ 277.09
								School	72.719540 \$ 5,859.60
2019	95-1-80	\$ 324,000	\$ 208,656	32.20%	\$ 1,006,211	\$ 648,000	\$ 115,344	County	11.5799 \$ 1,335.67
								Town	9.6560 \$ 1,113.76
								Highway	5.4916 \$ 633.42
								Fire	\$ -
								Sp. Dist.	\$ -
								Library	3.438755 \$ 396.64
								School	72.719540 \$ 8,387.76
								County	\$ 4,214.01
								Town	\$ 3,551.86
								Highway	\$ 2,038.53
								Fire-OL	\$ 620.56
								Sp. Dist.	\$ 610.33
								Library	\$ 1,275.16
								School	\$ 27,254.58
								Total	\$ 39,565.02

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

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL #95-1- 49.122 AND 95-1-80
EXEMPTION TRUST UNDER THE LAST
WILL AND TESTAMENT OF COSIMO
DIBRIZZI, ANGELA DIBRIZZI, ELISA
DIBRIZZI, NICHOLAS C. DIBRIZZI,
SERENA DIBRIZZI AND COS 17 II, LLC
(NYS ROUTE 17K)
INDEX NUMBERS 2018-EF007481 and
2019-EF005532

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

WHEREAS, the Exemption Trust Under the Last Will and Testament of Cosimo DiBrizzi, Angela DiBrizzi, Elisa DiBrizzi, Nicholas C. DiBrizzi Serena DiBrizzi and Cos 17 II, LLC (collectively the "Petitioners") have instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioners seek to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of vacant parcels of land on NYS Route 17K (Section 95-Block 1-Lot 49.122 and Section 95 Block 1 Lot 80) on the tax assessment roll for the tax years 2018 and 2019; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioners, the terms of which are embodied in a proposed Consent Judgment annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Stipulation and Order of Settlement on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker & Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor and other officers of the Town are

hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and delivered, in the name of and on behalf of the Town, all such certificates, documents and papers as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

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 _____

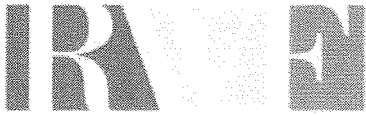
Paul I. Ruggiero, Councilman voting _____

Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piauquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.



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

Attorney-Client privileged
MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: SETTLEMENT OF TAX CERTIORARI (2015, 2016, 2017,
2018, 2019);
UPSTATE ELECTRONICS DISTRIBUTION, INC. (JEANNE
DRIVE)
OUR FILE NO. 800.24

DATE: SEPTEMBER 8, 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

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

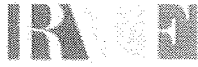
Enclosed are copies of a letter from Cathy Drobny, Esq. of E. Stewart Jones, Hacker Murphy, the Town's special counsel for tax certiorari matters, regarding the above referenced proposed real property tax appeal settlement, a proposed Consent Order and Judgment, and charts showing the claimed refund liability and the approximate refunds that will be due from the taxing jurisdictions under the proposed settlement. Also enclosed is a map showing the location of the three tax parcels on Jeanne Drive, 65 Jeanne Drive (Lot 30.2) containing a light industrial manufacturing building, 47 Jeanne Drive (Lot 67.1) containing an office building and the third lot (Lot 30.1) being vacant, which are the subject of the proceedings. While the petitioner is not the owner of record of the parcels, ownership resting in affiliated entities, Ms. Drobny reviewed the documentation and determined it did have the right to bring the proceedings

The settlement provides for the following reductions in the Assessed Value for each parcel:

Lot 30.2, containing the manufacturing building: for 2015 a \$0 reduction (discontinuance), for 2016, 2017 and 2018, a reduction in Assessed Value of \$273,500 from \$1,133,500 to \$860,000 and for 2019, a reduction in Assessed Value of \$293,500 from \$1,133,500 to \$840,000;

Lot 67.1 containing the office building: for 2015 a \$0 reduction (discontinuance), for 2016, a reduction in Assessed Value of \$50,700 from \$410,700 to \$360,000, for 2017 and 2018, a reduction in Assessed Value of \$60,700 from \$410,700 to \$350,000 and for 2019, a reduction in Assessed Value of \$85,700 from \$410,700 to \$325,000;

Lot 30.1, the 2.5 acre vacant parcel, for 2015, 2016, 2017, 2018 and 2019 a reduction in Assessed Value of \$17,000 from \$46,300 to \$29,300



September 8, 2020

Page -2-

The Stipulation and Order specifies that the provisions of RPTL Section 727 apply, holding the Assessed Values at the 2019 figures for the 2020, 2021 and 2022 assessment rolls, subject to the statutory exceptions.

The charts indicate that the refund liability for the Town (including Highway but not including special districts and the Fire District) for the reductions in Assessed Value in the aggregate will be approximately \$30,587.41 under the settlement versus claimed refund liability of approximately \$100,638.94. The attorneys for the Newburgh Enlarged City School District will also be signatories to the Consent Order and Judgment.

cc: Joseph P. Pedi, Town Clerk
Lori Coady, Assessor *(via e-mail)*
Deborah Smith, Receiver of Taxes *(via e-mail)*
Ronald Clum, Town Accountant *(via e-mail)*
Cathy L. Drobny, Esq. *(via e-mail)*

July 30, 2020

VIA E-MAIL - mtaylor@riderweiner.com

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
P.O. Box 2280
Newburgh, New York 12550

Re: Upstate Electronics Distribution, Inc. v. Town of Newburgh
Index Nos. 15-005450, 16-EF004498, 17-EF005467, 18-EF007251, 19-EF005464
Our File No. 5018.130

Dear Mr. Taylor:

Attached please find the proposed Consent Order and Judgment relative to the above-referenced proceedings. There are currently five (5) years pending.

The properties that are the subject of this proceeding are 65 Jeanne Drive (tax map #34-2-30.2) a 55,000 sq. ft. light industrial manufacturing building, 47 Jeanne Drive (tax map #34-2-67.1) a 21,560 sq. ft. office building and a 2.5 acre vacant commercial parcel located next to 65 Jeanne Drive (tax map #34-2-30.1) (1 acre primary and 1.5 acre residual). The FMV of 65 Jeanne Drive ranges from \$2,982,895 in 2015 to \$3,520,186 in 2019; the FMV of 47 Jeanne Drive ranges from \$1,080,789 in 2015 to \$1,275,466 in 2019; the FMV of the vacant parcel ranges from \$121,842 in 2015 to \$143,789 in 2019.

After review of the discovery documents provided, including an income and expense statement, a settlement was negotiated. The proposed settlement reduces the assessment of the vacant parcel to an equalized FMV ranging from \$44,737 to \$52,795 in 2019. The proposed settlement for 65 Jeanne Drive and 47 Jeanne Drive discontinues the proceeding in 2015. The proposed settlement reduces the FMV of 65 Jeanne Drive to a FMV of \$2,388,889 in 2016 to \$2,608,696 in 2019. The proposed settlement of 47 Jeanne Drive reduces the FMV to \$1,000,000 in 2016 to \$1,009,317 in 2019. The 2019 assessed values as reduced will be held for 2020, 2021 and 2022 pursuant to the statute, subject to the usual exceptions. After considering the cost of trial ready appraisals and litigation costs, we feel that this is a good settlement.

I have attached for your review a copy of the refund liability charts, which show the potential liability versus the proposed settlement refund liability.

We recommend that the Town Board authorize us to enter into this settlement as proposed. Please place this matter on the agenda for the next Newburgh Town Board meeting for approval. Once the Resolution passes, please let me know and I will sign the Consent Order and Judgment.

Mark C. Taylor, Esq.
Rider, Weiner & Frankel, P.C.
July 30, 2020
Page 2

Please do not hesitate to contact me if you have any questions.

Very truly yours,

E. STEWART JONES HACKER
MURPHY LLP

By: 

Cathy L. Drobny
cdrobny@joneshacker.com
Direct Dial: (518) 213-0116

CLD:kah
Attachments
cc: Lori Coady, Assessor
Gilbert Piaquadio, Supervisor

File 0008-0102T

At a Special Condemnation and Tax Certiorari Term of the Supreme Court of the State of New York, held in and for the County of Orange, Goshen, New York, on the _____ day of _____, 20____.

P R E S E N T :

HON. CATHERINE M. BARTLETT, A.J.S.C.

Justice.

-----X
In the Matter of

CONSENT ORDER & JUDGMENT

UPSTATE ELECTRONICS DISTRIBUTION INC.,

Petitioner,

-against-

THE BOARD OF ASSESSORS AND/OR THE ASSESSOR OF THE TOWN OF NEWBURGH AND THE BOARD OF ASSESSMENT REVIEW,

<u>Index No.</u>	<u>Assessment Year</u>
15-005450	2015
16-EF004498	2016
17-EF005467	2017
18-EF007251	2018
19-EF005464	2019

Tax Map No.: 34/2/30.1; 30.2; 67.1

Respondents.

And

NEWBURGH ENLARGED CITY SCHOOL DISTRICT,

Respondent-Intervenor.
-----X

The above petitioners having heretofore served and filed the Petitions and Notices to review the tax assessments fixed by the Town of Newburgh with respect to premises located at 65 Jeanne Drive, Newburgh, New York, also designated as Section 34, Block 2, Lots 30.1; 30.2; 67.1 on the Official Assessment Map of the Town of Newburgh for the assessment years 2015, 2016, 2017, 2018 and 2019, and

The issues of these proceedings having duly come on for trial at an IAS Term of this Court, and the petitioner having appeared by WARREN M. DUBITSKY, ESQ., of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, the respondents having appeared by CATHY L.

DROBNY, ESQ., of E. STEWART JONES HACKER MURPHY, LLP, Attorneys for the Town of Newburgh, and the respondent-intervenor having appeared by MARC E. SHARFF, ESQ. of SHAW PERELSON MAY & LAMBERT, LLP, and the parties having made their settlement, it is

ORDERED, that the assessments on the above-referenced property be and the same are hereby reduced, corrected and fixed for the assessment years as follows:

Assessment Year	Tax Map Number	Original Assessed Value	Reduction	Corrected Assessed Value
2015	34/2/30.1	\$46,300	\$29,300	\$17,000
2016	34/2/30.1	\$46,300	\$29,300	\$17,000
2017	34/2/30.1	\$46,300	\$29,300	\$17,000
2018	34/2/30.1	\$46,300	\$29,300	\$17,000
2019	34/2/30.1	\$46,300	\$29,300	\$17,000

Assessment Year	Tax Map Number	Original Assessed Value	Reduction	Corrected Assessed Value
2015	34/2/30.2	\$1,133,500	\$-0-	\$1,133,500
2016	34/2/30.2	\$1,133,500	\$273,500	\$860,000
2017	34/2/30.2	\$1,133,500	\$273,500	\$860,000
2018	34/2/30.2	\$1,133,500	\$273,500	\$860,000
2019	34/2/30.2	\$1,133,500	\$293,500	\$840,000

Assessment Year	Tax Map Number	Original Assessed Value	Reduction	Corrected Assessed Value
2015	34/2/67.1	\$410,700	\$-0-	\$410,700
2016	34/2/67.1	\$410,700	\$50,700	\$360,000
2017	34/2/67.1	\$410,700	\$60,700	\$350,000
2018	34/2/67.1	\$410,700	\$60,700	\$350,000
2019	34/2/67.1	\$410,700	\$85,700	\$325,000

and so reduced and confirmed, it is further

ORDERED, ADJUDGED AND DECREED that the officer or officers having custody of the assessment rolls upon which the above-mentioned assessments and any taxes levied thereon are entered shall correct the said entries in conformity with this Order and shall note upon the margin of said rolls, opposite said entries, that the same have been corrected by the authority of this Order, and it is further

ORDERED, that there shall be audited, allowed and paid to the petitioner by the Newburgh Enlarged City School District, the amount of School taxes paid by the petitioner as taxes against the said erroneous assessments in excess of what the taxes would have been if the said assessments made in the aforesaid years had been determined by this Order, together with interest from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED that the Commissioner of Finance of the County of Orange, State of New York, be and are hereby directed and authorized to audit, allow and to pay to the petitioner the amount, if any, of State, County, Town, Judiciary, Sewer District and any special taxes paid by the petitioner as taxes against said erroneous assessments in excess of what the taxes would have been if the said assessments had been determined by this Order, together with interest thereon from the date of payment thereof as provided by statute, and it is further

ORDERED AND DIRECTED, that all tax refunds are to be paid with interest pursuant to §726 of the Real Property Tax Law of the State of New York; except that in the event the refund of taxes is paid within ninety (90) days from the date of service of a copy of this judgment with Notice of Entry, then interest is waived; together with the amounts of interest and penalties, if any, paid on the excess of any of the aforesaid taxes by reason of delinquent payment, and it is further

ORDERED AND DIRECTED, that all tax refunds hereinabove directed to be

made by respondent, the Town of Newburgh, and/or any of the various taxing authorities, be made by check or draft payable to the order of HERMAN KATZ CANGEMI WILKES & CLYNE, LLP, as attorneys for the petitioner, who are to hold the proceeds as trust funds for appropriate distribution, and who are to remain subject to the further jurisdiction of this Court in regard to their attorney's lien, pursuant to Judiciary Law §475, and it is further

ORDERED, that in the event that the taxes are unpaid and have already been billed for the Town of Newburgh in accordance with the original assessed valuation, the officer or officers having custody of said assessment rolls are hereby directed to forward to petitioner, care of HERMAN KATZ CANGEMI WILKES & CLYNE, P.C., attorneys for Petitioner, 538 Broadhollow Road, Suite 307, Melville, New York 11747, a new bill or bills, taxing said petitioners on the basis of the final total assessed valuation as herein provided, as well as recalculating any and all interest and penalties that might be due, and it is further

ORDERED AND DIRECTED, that the terms of R.P.T.L. §727 shall apply to this settlement in all respects for the 2020, 2021 and 2022 assessment years; and it is further

ORDERED AND DIRECTED, that the parties have agreed that the assessments have been found to be unlawful, unequal, excessive or misclassified, and shall therefore be reduced for the 2019 assessment year. Upon final entry of the Consent Order & Judgment reducing said assessments, petitioner acknowledges that they will not file an RPTL Article 7 petition to review the assessment on such property for the 2020 through 2022 assessment years; the period set forth in RPTL §727. In the event, as a result of administrative delay or other reason, the assessments are not set at the reduced amounts set for 2019 and a petition is filed, the Town may reduce the assessments, and upon the assessments being reduced and a refund for overpaid taxes, if any, being paid, the Petitioner shall discontinue the tax review proceedings for the 2020 assessment year with prejudice. No further approval of the Board of Trustees shall be needed for the Town to carry out this provision. This provision shall survive the entry of the Order. This paragraph shall survive judgment, and it is further

ORDERED, that this Order hereby constitutes and represents full settlement of each of the tax review proceedings herein, and there are no costs or allowances awarded to, by or against any of the parties, and that upon compliance with the terms of this Order, the above-entitled proceedings be and the same are settled and discontinued.

E N T E R,

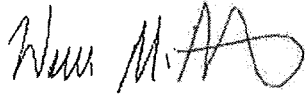
A.J.S.C.

**SIGNING AND ENTRY OF THE WITHIN
ORDER IS HEREBY CONSENTED TO:**

E. STEWART JONES HACKER MURPHY, LLP
Attorneys for Respondents

By: CATHY L. DROBNY, ESQ.
7 Airport Park Boulevard
Latham, New York 12110
(518) 274-5820

HERMAN KATZ CANGEMI WILKES & CLYNE, LLP
Attorneys for Petitioner



By: WARREN M. DUBITSKY, ESQ.
538 Broadhollow Road, Suite 307
Melville, New York 11747
(631) 501-5011

SHAW PERELSON MAY & LAMBERT, LLP
Attorneys for Respondent-Intervenor

By: MARC E. SHARFF, ESQ.
115 Stevens Avenue
Valhalla, New York 10595
(914) 741-9870

Upstare Electronics Distribution, Inc. v Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2015	34-2-30.1	\$ 46,300	\$ 4,630	38.00%	\$ 121,842	\$ 12,184	\$ 41,670	County 10.3172 \$ 429.92 Town 9.3402 \$ 389.21	
								Highway 4.1586 \$ 173.29	
								Fire-Cr 4.4932 \$ 187.23	
								Sp.Dist. 1.5606 \$ 65.03	
								Library 3.181501 \$ 132.57	
2015	34-2-30.2	\$ 1,133,500	\$ 113,350	38.00%	\$ 2,982,895	\$ 298,289	Newburgh \$ 1,020,150 \$ 3,053.31	County 10.3172 \$ 10,525.09	
								Town 9.3402 \$ 9,528.41	
								Highway 4.1586 \$ 4,242.40	
								Fire-Cr 4.4932 \$ 4,583.74	
								Sp.Dist. 1.5606 \$ 1,592.05	
								Library 3.181501 \$ 3,245.61	
2015	34-2-67.1	\$ 410,700	\$ 113,350	38.00%	\$ 1,080,789	\$ 298,289	Newburgh \$ 297,350 \$ 3,067.82	County 10.3172 \$ 3,067.82	
								Town 9.3402 \$ 2,777.31	
								Highway 4.1586 \$ 1,236.56	
								Fire-Cr 4.4932 \$ 1,336.05	
								Sp.Dist. 4.3015 \$ 1,279.05	
								Library 3.181501 \$ 946.02	
2016	34-2-30.1	\$ 46,300	\$ 4,630	36.00%	\$ 128,611	\$ 12,861	Newburgh \$ 41,670 \$ 21,787.88	County 10.7266 \$ 446.98	
								Town 8.9568 \$ 373.23	
								Highway 4.7918 \$ 199.67	
								Fire-Cr 4.4933 \$ 187.24	
								Sp.Dist. 1.557 \$ 64.88	
								Library 3.393216 \$ 141.40	
2016	34-2-30.2	\$ 1,133,500	\$ 113,350	36.00%	\$ 3,148,611	\$ 314,861	Newburgh \$ 1,020,150 \$ 3,126.85	School 75.038340 \$ 3,126.85	
								County 10.7266 \$ 10,942.74	
								Town 8.9568 \$ 9,137.28	
								Highway 4.7918 \$ 4,888.35	
								Fire-Cr 4.4933 \$ 4,583.84	
								Sp.Dist. 1.557 \$ 1,588.37	
								Library 3.393216 \$ 3,461.59	
2016	34-2-67.1	\$ 410,700	\$ 113,350	36.00%	\$ 1,140,833	\$ 314,861	Newburgh \$ 297,350 \$ 3,189.55	School 75.038340 \$ 3,189.55	
								County 10.7266 \$ 2,663.30	
								Town 8.9568 \$ 1,424.84	
								Highway 4.7918 \$ 1,396.08	
								Fire-Cr 4.4933 \$ 1,275.36	
								Sp.Dist. 4.2891 \$ 1,008.97	
								Library 3.393216 \$ 22,312.65	
								School 75.038340 \$ 22,312.65	

Upstate Electronics Distribution, Inc. v. Newburgh

Year	Parcel Number	Assessed Value	Claimed Assessed Value	Eq. Rate	FMV	Claimed FMV	Difference	Tax Rate	Refund Liability
2019	34-2-30.1	\$ 46,300	\$ 4,630	32.20%	\$ 143,789	\$ 14,379	\$ 41,670	County	\$ 482.53
								Town	\$ 9,6560
								Highway	\$ 5,4916
								Fire-Cr	\$ 4,6204
								Sp. Dist.	\$ 1,4614
								Library	\$ 3,438755
								School	\$ 72,719540
2019	34-2-30.2	\$ 1,133,500	\$ 113,350	32.20%	\$ 3,520,186	\$ 352,019	\$ 1,020,150	County	\$ 11,813.23
								Town	\$ 9,6560
								Highway	\$ 5,4916
								Fire-Cr	\$ 4,6204
								Sp. Dist.	\$ 1,4614
								Library	\$ 3,438755
								School	\$ 72,719540
2019	34-2-67.1	\$ 410,700	\$ 41,070	32.20%	\$ 1,275,466	\$ 127,547	\$ 369,630	County	\$ 11,0305
								Town	\$ 9,4132
								Highway	\$ 5,4584
								Fire-Cr	\$ 4,5661
								Sp. Dist.	\$ 3,9837
								Library	\$ 3,438755
								School	\$ 72,719540
								County	\$ 76,691.14
								Town	\$ 65,261.82
								Highway	\$ 35,377.12
								Fire-Cr	\$ 31,771.34
								Sp. Dist.	\$ 15,141.60
								Library	\$ 23,711.05
								School	\$ 519,934.91
								Total	\$ 767,888.97

Upstate Electronics Distribution, Inc. v. Newburgh - Settlement

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2015	34-2-30.1	\$ 46,300	\$ 17,000	38.00%	\$ 121,842	\$ 44,737	\$ 29,300	County Town	10.3172 \$ 302.29 9.3402 \$ 273.67
								Highway	4.1586 \$ 121.85
								Fire-Cr	4.4932 \$ 131.65
								Sp.Dist.	1.5606 \$ 45.73
								Library	3.181501 \$ 93.22
2015	34-2-30.2	\$ 1,133,500	\$ 1,133,500	38.00%	\$ 2,982,895	\$ 2,982,895	Newburgh	School	73.273521 \$ 2,146.91
								County	10.3172 \$ -
								Town	9.3402 \$ -
								Highway	4.1586 \$ -
								Fire-Cr	4.4932 \$ -
2015	34-2-67.1	\$ 410,700	\$ 410,700	38.00%	\$ 1,080,789	\$ 1,080,789	Newburgh	Sp.Dist.	1.5606 \$ -
								Library	3.181501 \$ -
								School	73.273521 \$ -
								County	10.3172 \$ -
								Town	9.3402 \$ -
2016	34-2-30.1	\$ 46,300	\$ 17,000	36.00%	\$ 128,611	\$ 47,222	\$ 29,300	County Town	10.7266 \$ 314.29 8.9568 \$ 262.43
								Highway	4.7918 \$ 140.40
								Fire-Cr	4.4933 \$ 131.65
								Sp.Dist.	1.557 \$ 45.82
								Library	3.393216 \$ 99.42
2016	34-2-30.2	\$ 1,133,500	\$ 860,000	36.00%	\$ 3,148,611	\$ 2,388,889	\$ 273,500	School	75.038340 \$ 2,188.62
								County	10.7266 \$ 2,833.73
								Town	8.9568 \$ 2,449.88
								Highway	4.7918 \$ 1,310.56
								Fire-Cr	4.4933 \$ 1,228.92
2016	34-2-67.1	\$ 410,700	\$ 360,000	36.00%	\$ 1,140,833	\$ 1,000,000	\$ 50,700	Sp.Dist.	1.557 \$ 425.84
								Library	3.393216 \$ 928.04
								School	75.038340 \$ 20,522.89
								County	10.7266 \$ 543.84
								Town	8.9568 \$ 454.11
							Highway	4.7918 \$ 242.94	
							Fire-Cr	4.4933 \$ 227.81	
							Sp.Dist.	4.2891 \$ 217.46	
							Library	3.393216 \$ 172.04	
							School	75.038340 \$ 3,804.44	

Upsate Electronics Distribution, Inc. v. Newburgh

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2017	34-2-30.1	\$ 46,300	\$ 17,000	34.44%	\$ 134,437	\$ 49,361	\$ 29,300	County	\$ 325.99
								Town	\$ 269.91
								Highway	\$ 154.54
								Fire-Cr	\$ 131.56
								Sp. Dist.	\$ 45.46
								Library	\$ 101.74
2017	34-2-30.2	\$ 1,133,500	\$ 273,500	34.44%	\$ 3,291,231	\$ 794,135	\$ 860,000	School	\$ 2,224.54
								County	\$ 9,568.45
								Town	\$ 7,922.15
								Highway	\$ 4,535.90
								Fire-Cr	\$ 3,861.40
								Sp. Dist.	\$ 1,334.29
								Library	\$ 2,986.31
2017	34-2-67.1	\$ 410,700	\$ 350,000	34.44%	\$ 1,192,509	\$ 1,016,260	\$ 60,700	School	\$ 65,293.66
								County	\$ 675.35
								Town	\$ 559.16
								Highway	\$ 320.15
								Fire-Cr	\$ 272.54
								Sp. Dist.	\$ 259.27
								Library	\$ 210.78
2018	34-2-30.1	\$ 46,300	\$ 17,000	34.00%	\$ 136,176	\$ 50,000	\$ 29,300	School	\$ 4,608.52
								County	\$ 323.19
								Town	\$ 275.81
								Highway	\$ 159.93
								Fire-Cr	\$ 133.79
								Sp. Dist.	\$ 42.90
								Library	\$ 99.93
2018	34-2-30.2	\$ 1,133,500	\$ 860,000	34.00%	\$ 3,333,824	\$ 2,529,412	\$ 273,500	School	\$ 20,172.59
								County	\$ 669.55
								Town	\$ 571.38
								Highway	\$ 331.32
								Fire-Cr	\$ 277.16
								Sp. Dist.	\$ 241.67
								Library	\$ 207.01
2018	34-2-67.1	\$ 410,700	\$ 350,000	34.00%	\$ 1,207,941	\$ 1,029,412	\$ 60,700	School	\$ 4,477.06
								County	\$ 669.55
								Town	\$ 571.38
								Highway	\$ 331.32
								Fire-Cr	\$ 277.16
								Sp. Dist.	\$ 241.67
								Library	\$ 207.01

Upstate Electronics Distribution, Inc. v Newburgh

Year	Parcel Number	Assessed Value	Reduced Assessed Value	Eq. Rate	FMV	Reduced FMV	Difference	Tax Rate	Refund Liability
2019	34-2-30.1	\$ 46,300	\$ 17,000	32.20%	\$ 143,789	\$ 52,785	\$ 29,300	County 11.5799	\$ 339.29
								Town 9.6560	\$ 282.92
								Highway 5.4916	\$ 160.90
								Fire-Cr 4.6204	\$ 136.38
								Sp. Dist. 1.4614	\$ 42.82
								Library 3.438755	\$ 100.76
2019	34-2-30.2	\$ 1,133,500	\$ 840,000	32.20%	\$ 3,520,186	\$ 2,608,696	Newburgh \$ 293,500	County 72.719540	\$ 2,130.68
								Town 9.6560	\$ 3,398.70
								Highway 5.4916	\$ 2,834.04
								Fire-Cr 4.6204	\$ 1,611.78
								Sp. Dist. 1.4614	\$ 1,366.09
								Library 3.438755	\$ 428.92
2019	34-2-67.1	\$ 410,700	\$ 325,000	32.20%	\$ 1,275,466	\$ 1,009,317	Newburgh \$ 85,700	School 72.719540	\$ 21,343.18
								County 11.0305	\$ 945.31
								Town 9.4132	\$ 808.71
								Highway 5.4584	\$ 467.78
								Fire-Cr 4.5661	\$ 391.31
								Sp. Dist. 3.9837	\$ 341.40
								Library 3.438755	\$ 294.70
								School 72.719540	\$ 6,232.06
								COUNTY	\$ 23,356.83
								TOWN	\$ 19,536.47
								HIGHWAY	\$ 11,050.94
								FIRE-Cr	\$ 9,526.09
								SP. DIST.	\$ 3,871.84
								LIBRARY	\$ 7,235.97
								SCHOOL	\$ 157,316.35
								Total	\$ 231,896.49

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

PRESENT:

Gilbert J. Piaquadio, Supervisor

Elizabeth J. Greene, Councilwoman

Paul I. Ruggiero, Councilman

James E. Manley, Councilman

Anthony R. LoBiondo, Councilman

RESOLUTION OF TOWN BOARD
AUTHORIZING SETTLEMENT OF
PROCEEDINGS UNDER ARTICLE
7 OF THE REAL PROPERTY
TAX LAW:
SBL #34-2- 30.1, 34-2-30.2, 34-2-67.1
UPSTATE ELECTRONICS DISTRIBUTION
INC. (47 and 65 JEANNE DRIVE)
INDEX NUMBERS 15-005450, 16-
EF00004498, 17-EF005467, 18-EF007251
and 19-EF005464

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

WHEREAS, Upstate Electronics Distribution Inc. (the "Petitioner") has instituted proceedings under Article 7 of the Real Property Tax Law by which Petitioner seeks to obtain judicial review and reduction of the assessment of real property in the Town of Newburgh, Orange County, New York, consisting of a light industrial manufacturing building and related improvements located on a parcel of land at 65 Jeanne Drive (Section 34-Block 2-Lot 30.2), an office building and related improvements located on a parcel of land at 47 Jeanne Drive (Section 34-Block 2-Lot 67.1) and a vacant approximately 2.5 acre parcel of land also on Jeanne Drive on the tax assessment roll for the tax years 2015, 2016, 2017, 2018 and 2019; and

WHEREAS, special counsel to the Town, E. Stewart Jones Hacker Murphy, LLP, has negotiated a settlement of the proceeding with the Petitioner, the terms of which are embodied in a proposed annexed hereto and recommended that the Town Board authorize the settlement; and

WHEREAS, after review and discussion, the Town Board has determined it to be in the best interests of the Town to authorize the settlement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes and directs E. Stewart Jones Hacker Murphy, LLP to execute and deliver the Consent Order and Judgment on behalf of the Town; and

BE IT FURTHER RESOLVED, that E. Stewart Jones Hacker Murphy, LLP, the Supervisor, the Attorney for the Town, the Town's Assessor and other officers of the Town are hereby authorized to take such actions and to make, execute and deliver, or cause to be made, executed and

delivered, in the name of and on behalf of the Town, all such certificates, documents, papers and payments as may be necessary to effectuate and carry out the settlement; and

BE IT FURTHER RESOLVED that the aforesaid resolutions shall take effect immediately.

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 _____

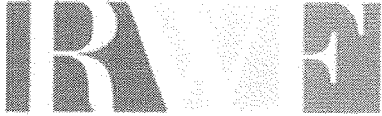
Scott M. Manley, Councilman voting _____

Anthony R. LoBiondo, Councilman voting _____

Gilbert J. Piaquadio, Supervisor voting _____

The resolution was thereupon declared duly adopted.

12A, 12B, 12C



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

MEMORANDUM

P: 845.562.9100

F: 845.562.9126

655 Little Britain Road
New Windsor, NY 12553

P.O. Box 2280
Newburgh, NY 12550

ATTORNEYS

David L. Rider
Charles E. Frankel
Michael J. Matsler
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Deborah Weisman-Estis
M. Justin Rider
Donna M. Badura

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

**TO: HON. GILBERT J. PIAQUADIO, SUPERVISOR
TOWN BOARD MEMBERS
JOSEPH P. PEDI, TOWN CLERK**

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

**RE: ROAD DEDICATION FOR TARBEN WAY (Tax Parcel
SBL 127-1-14);
DRAINAGE IMPROVEMENTS DEDICATION FOR TARBEN
SUBDIVISION DRAINAGE DISTRICT (Tax Parcels SBL 127-1-
11 and 13)**

OUR FILE NOS 800.____, 801.____, 800.1(B)(2020)

DATE: SEPTEMBER 11, 2020

Enclosed please find the following for the Town Board's consideration in regard to the dedication of Tarben Way as a Town highway and the dedication and transfer of drainage improvements to the Town for and on behalf of the Tarben Subdivision Drainage District:

- (1) Consent of Town Board to Dedication in the Matter of the Laying Out of a Certain Town Highway in the Town of Newburgh, Orange County, New York: Tarben Way (to be executed by the Supervisor, Councilwoman and Councilmen in triplicate following adoption of an approval motion at the Town Board's meeting. Following the Board's execution of the Consent, the Highway Superintendent will be able to execute and file the Order Accepting Dedication of the Highway);
- (2) Acceptance of the Town Board of Dedication of Drainage Improvements for the Tarben Subdivision Drainage District of the Tow of Newburgh in the Matter of the Consent and Dedication of Certain Drainage Improvements Installed and Constructed in the Town of Newburgh, Orange County New York (also to be

September 11, 2020

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and Councilmen in triplicate following adoption of an approval motion at the Town Board's meeting);

In addition, as a third action item for its meeting, the Town Board should consider authorizing a reduction in the cash performance security currently held by the Town to a maintenance security amount of \$79,053.00, with the balance plus accrued interest to be returned to the applicant, Tarben, Inc. The original performance security for the Tarben Subdivision's public improvements was \$790,532.00 and the Town Board authorized a reduction at its February 22, 2016 meeting to \$150,468. The maintenance security for the dedicated public improvements, as provided in Town Code, should be 10% of the original performance security amount which equals \$79,053.

In support of these actions, we are enclosing the following documents for the Town Clerk's records with the hard copy of this memo:

- (3) Executed Irrevocable Offer of Dedication for Tarben Way, with TP584;
- (4) One Survey; Additional surveys have already been delivered to the Town Engineer;
- (5) Executed Release and Dedication for Highway Purposes in the Matter of the Laying Out of a Certain Town Highway in the Town of Newburgh, Orange County, New York: Tarben Way (in duplicate);
- (6) Checks of Tarben, Inc. payable to the Town of Newburgh in the amounts of \$250.00 (the administrative fee for the dedication of one road), and \$1,750.00 and \$3,500.00 (both comprising the escrow deposit for the Town's consultant fees and other costs associated with the dedications and transfers of record ownership (original checks are submitted with the Town Accountant's copy of this memo;
- (7) Marked up title report, including omissions for all taxes including 2020-2021 School Tax and 2021 County Taxes (Tarben Inc. having paid these to the Title Company in escrow, together with the search and recording charges and the title insurance premium;
- (8) Copy of Full Covenant and Warranty Deed conveying title to the Town for Tarben Way, together with E & A & TP-584. (The original deed and forms will be delivered to the Title Company to record and the original deed will be submitted to the Town Clerk to maintain on file following its return after being recorded);

September 11, 2020

Page -3-

- (9) Copy of Full Covenant and Warranty Deed conveying title to the Town (on behalf of the Tarben Subdivision Drainage District) of Drainage Areas A and B on the filed Lands of Tarben, Inc. Subdivision Plat (The original deed will be delivered upon return from the Orange County Clerk following recording);
- (10) Copy of Snow Storage Easement, together with TP-584, (the original easement will be delivered upon return from the Orange County Clerk following recording);
- (11) Order of Town Superintendent of Highways Accepting Dedication of Tarben Way (in triplicate, for signature following the Town Board's execution of the Consent);
- (12) Letter Certificate of Project Surveyor that the road to be dedicated has been completed in accordance with the approved plans and specifications of the Town and that the total right of way has been cleared and the work was performed in a workmanlike manner. (The Certificate of Town's Engineer that the constructed road's compliance with the Town of Newburgh minimum road specifications is to be delivered separately).;
- (13) Maintenance Security Letter;
- (14) Unanimous Written Consent of Shareholders and Directors of Tarben, Inc.; and
- (15) Irrevocable Offer of Dedication for Drainage Area A and B.

Following action by the Town Board and Highway Superintendent our office will proceed in recording the deeds and easement on the Town's behalf.

cc: Deborah Smith, Receiver of Taxes (via e-mail)
Mark Hall, Highway Superintendent (via e-mail)
James Osborne, P.E. (via e-mail)
Patrick Hines, Principal, McGoey, Hauser & Edsall (via e-mail)
Lori Coady, Town Assessor (via e-mail)
Gerald Canfield, Code Compliance Supervisor (via e-mail)
Ronald Clum, Town Accountant (by e-mail and hand with original checks)

-----X

IN THE MATTER
OF THE
LAYING OUT OF A CERTAIN TOWN
HIGHWAY IN THE TOWN OF NEWBURGH,
ORANGE COUNTY, NEW YORK

**CONSENT OF TOWN BOARD
TO DEDICATION**

TARBEN WAY

-----X

Upon reading the Dedication and Release in the above entitled matter dated the _____ day of _____, 2020, wherein the owner of lands described therein has released the same to the Town of Newburgh and its highway superintendent for highway purposes; now, therefore, be it

RESOLVED, that consent be and the same hereby is given to the Town Superintendent of Highways of the Town of Newburgh to make an Order Laying Out the Lands described in Schedule "A" attached hereto in accordance with the provisions of the Highway Law and other statutes applicable thereto.

Dated the _____ day of _____ 2020

TOWN BOARD OF THE TOWN OF
NEWBURGH, ORANGE COUNTY,
NEW YORK

Town Dedication

Lands of Tarben Inc. Subdivision
Tarben Way Road Description
Town of Newburgh
Orange County, New York

That certain lot of land situate, lying and being in the Town of Newburgh, Orange County, New York, is bounded and described as follows:

From the intersection of the southeasterly corner of lands of O'Connell and the northerly side of Revere Road on a curve to the right having a radius of 175.00' and an arc length of 26.48' to a monument set at the point of beginning; Thence leaving said road and traveling through the lands of Tarben Inc. the following (28) courses; (1) on a curve to the left having a radius 25.00 and a curve length of 34.10', (2) on a curve to the left having a radius 325.00 and a curve length of 208.22' to a monument set, (3) North $07^{\circ}48'37''$ East 46.44' to a monument set, (4) on a curve to the right having a radius 275.00 and a curve length 283.36' to a monument set, (7) on a curve to the left having a radius 275.00 and a curve length of 396.23' to a monument set, (8) on a curve to the right having a radius 325.00 and a curve length of 229.10' to a monument set, (9) North $24^{\circ}41'04''$ East 300.00' to a monument set, (10) on a curve to the left having a radius 375.11' and a curve length of 228.79' to a monument set, (11) on a curve to the left having a radius 25.00 and a curve length of 22.96' to a monument set, (12) on a curve to the right having a radius 50.00 and a curve length of 240.97' to a monument set, (13) on a curve to the left having a radius 25.00 and a curve length of 19.43' to a monument set, (14) on a curve to the right having a radius 425.11 and a curve length of 266.80' to a monument set, (15) South $24^{\circ}41'04''$ West 300.00' to a monument set, (16) on a curve to the left having a radius 275.00 and a curve length of 193.86' to a monument set, (17) on a curve to the right having a radius 325.00 and a curve length of 468.27' to a monument set, (18) on a curve to the left having a radius 225.00' and a curve length of 231.84' to an iron rod set, (19) South $07^{\circ}48'37''$ West 46.44', (20) on a curve to the right having a radius 375.00' and a curve length of 244.58', (21) on a curve to the left having a radius 25.00' and a curve length of 32.08' to the northern edge of Revere Road, (22) along said road on a curve to the left having a radius of 175.00' and an arc length of 88.51' to a monument set at the point and place of beginning.

Containing 2.19 acres of land more or less

06/16/2019

Town Dedication

Lands of Tarben Inc. Subdivision
Snow Easement #1 Description
Town of Newburgh
Orange County, New York

That certain lot of land situate, lying and being in the Town of Newburgh, Orange County, New York, is bounded and described as follows:

From the intersection of lot #12, lot #15 of the Lands of Tarben filed map #274-16 and the northerly side of Tarben Way on a curve to the right having a radius of 50.00' and an arc length of 26.64' to a point at the place of beginning; Thence leaving said road and traveling through lot #12 of said filed map the following (3) courses; (1) North $8^{\circ}07'05''$ East 15.00' to a point, (2) on a curve to the right having a radius 65.00 and a curve length of 32.50' to a point, (3) South $36^{\circ}45'58''$ West 15.00' to a point along the northern edge of Tarben Way; Thence on a curve to the left having a radius 50.00 and a curve length 25.00' to the point and place of beginning.

Containing 431 sf or 0.01 acres of land more or less

04/22/2020

07/15/2020

Town Dedication

Lands of Tarben Inc. Subdivision
Snow Easement #2 Description
Town of Newburgh
Orange County, New York

That certain lot of land situate, lying and being in the Town of Newburgh, Orange County, New York, is bounded and described as follows:

From the intersection of lot #12, lot #15 of the Lands of Tarben filed map #274-16 and the northerly side of Tarben Way on a curve to the left having a radius of 50.00' and an arc length of 25.81' to a point at the place of beginning; Thence leaving said road and traveling through lot #15 of said filed map the following (3) courses; (1) North $51^{\circ}58'45''$ West 15.00' to a point, (2) on a curve to the left having a radius 65.00 and a curve length of 41.26' to a point, (3) South $88^{\circ}20'42''$ East 15.00' to a point along the northern edge of Tarben Way; Thence on a curve to the right having a radius 50.00 and a curve length 31.74' to the point and place of beginning.

Containing 547 sf or 0.01 acres of land more or less

04/22/2020

-----X

IN THE MATTER
OF THE CONSENT AND
DEDICATION OF CERTAIN
DRAINAGE IMPROVEMENTS
INSTALLED AND CONSTRUCTED
IN THE TOWN OF NEWBURGH,
ORANGE COUNTY, NEW YORK

ACCEPTANCE OF
TOWN BOARD OF
DEDICATION OF DRAINAGE
IMPROVEMENTS
FOR THE TARBEN
SUBDIVISION DRAINAGE
DISTRICT OF THE TOWN OF
NEWBURGH

-----X

Upon reading the Irrevocable Offer Dedication in the above entitled matter dated the 6th day of June, 2020, wherein Tarben, Inc. has offered to dedicate to the Town of Newburgh on behalf of the Tarben Subdivision Drainage District certain real property identified as "Drainage Area A" and "Drainage Area B" on the plan of subdivision entitled "Lands of Tarben, Inc." filed in the Orange County Clerk's office on October 5, 2016, as Filed Map No. 274-16 together with drainage improvements constructed thereon (the "Drainage Improvements"), installed and constructed within the boundaries of the Tarben Subdivision Drainage District for drainage uses and the reports that such Drainage Improvements have been constructed in accordance with applicable laws, rules and regulations;

NOW, THEREFORE, BE IT RESOLVED, that consent and acceptance be and the same hereby are given to the dedication and use of the Drainage Improvements for and by the Tarben Subdivision Drainage District of the Town of Newburgh and the related instruments of conveyance in accordance with the provisions of the Town Law, the Town of Newburgh Municipal Code and other statutes applicable thereto, and be it

FURTHER RESOLVED that the Drainage Improvements shall become a part of the Tarben Subdivision Drainage District's facilities and improvements, and the expense of maintenance thereof shall be a charge against such Drainage District, except that for the repair of any defects in workmanship or materials in the Drainage Improvements which become evident

during a two (2) year period from the date hereof, Tarben, Inc. shall be responsible to perform or reimburse the Town of Newburgh for the costs of repair of such defects in the Drainage Improvements.

Dated the _____ day of September, 2020.

TOWN BOARD OF THE TOWN OF NEWBURGH,
ORANGE COUNTY, NEW YORK

Town Dedication
Lands of Tarben Inc. Subdivision
~~Drainage Area - 'A'~~
Town of Newburgh
Orange County, New York

That certain lot of land situate, lying and being in the Town of Newburgh, Orange County, New York, is bounded and described as follows:

From the intersection of the southeasterly corner of lands of O'Connell and the northerly side of Revere Road on a curve to the right having a radius of 175.00' and an arc length of 142.02' to the point of beginning; Thence traveling along the north side of Revere Road on a curve to the left having a radius of 175.00' and an arc length of 27.03' to a point; Thence leaving said road and traveling through the lands of Tarben the following (2) courses; (1) on a curve to the right having a radius 25.00 and a curve length of 32.08', (2) on a curve to the left having a radius 375.00 and a curve length of 244.58' to a point along the westerly side of lands now or formerly Walsh; Thence along said lands the following (2) courses: (1) South 07°48'37" West 247.91', (3) South 70°29'47" West 71.00' to the point and place of beginning.

Containing 0.20 acres of land more or less

07/15/07

Town Dedication

Lands of Tarben Inc. Subdivision
Drainage Area – 'B'
Town of Newburgh
Orange County, New York

That certain lot of land situate, lying and being in the Town of Newburgh, Orange County, New York, is bounded and described as follows:

Beginning at a point at the intersection of the southeasterly corner of lot #4 of filed map #274-16 and the westerly side of the lands of Tausch & Jaffe; Thence traveling along the westerly side of said lands of Tausch & Jaffe South $24^{\circ}21'55''$ West 200.00' to a point at the intersection with the northeasterly corner of lot #2 of filed map #274-16; Thence along the northerly line of said lot #2 the following (2) courses: (1) North $51^{\circ}58'35''$ West 207.08', (2) North $76^{\circ}26'53''$ West 44.96' to a monument set at a point along the easterly side of the proposed roadway of filed map #274-16; Thence along the easterly side of said roadway on a curve to the left having a radius 325.00 and a curve length 157.82' to a monument set at the intersection with the southwesterly corner of lot #4 of filed map #274-16; Thence along the southerly line of said lot #4 the following (2) courses: (1) South $76^{\circ}26'53''$ East 33.67' to a monument set, (2) South $64^{\circ}57'23''$ East 197.42' to the point and place of beginning.

Containing 0.92 acres of land more or less

06/16/2019

Item 12C. Authorization of the Reduction in the Cash Security for the Public Improvements to a Maintenance Security Amount

Authorization to reduce the cash performance security currently held by the Town to a maintenance security amount of \$79,053.00, with the balance plus accrued interest to be returned to the applicant, Tarben, Inc. The original performance security for the Tarben Subdivision's public improvements was \$790,532.00 and the Town Board authorized a reduction at its February 22, 2016 Meeting to \$150,468. The maintenance security for the dedicated public improvements, as provided in Town Code, should be 10% of the original performance security amount which equals \$79,053.00.

MEMORANDUM

TO: Gilbert Piaquadio, Supervisor

FROM: Patrick J. Hines –Rep. Engineers for Town *PJH*

DATE: 3 September 2020

RE: **Watermain Improvements at North Fletcher Drive- Contract Services Bid Authorization**

Maser Engineers has designed watermain improvements which received Health Department approval 20 October 2017 for the improvements at North Fletcher Drive. The project generally consists of the installation of approximately 2,250 lineal feet of 8 inch ductile watermain from vicinity of Fletcher Drive and Meadow Hill Road to existing water system located in Amber Drive. This improvement is proposed to eliminate the Amber Fields pump station and hydropneumatic tank system. Project also includes replacement of water services to residents along the proposed watermain route.

Maser Consulting has identified a lump sum fee for the Bid Phase including preparation of Bid ready Contract Documents and an engineer's estimate. The scope of services also includes addressing requests for information submitted by proposed bidders, issuance of any addendum and a recommendation to the Town Board for contract award. The ten sets of plans and specifications will be provided. Maser proposes these services for a lump sum fee of \$6,750.00. Based on a review of the proposal we would recommend the Town Board award Maser Consulting the subject contract and authorize the public bidding of the project if funding is available

If you have any questions or comments I am available to discuss them further with you

Attachment
PJH/kbw

Cc: Ronald Clum, Town Accountant
Jeff Guido, Water Management Supervisor
Jim Osborne, Town Engineer



Engineers
Planners
Surveyors
Landscape Architects
Environmental Scientists

555 Hudson Valley Avenue, Suite 101
New Windsor, NY 12553-4749
T: 845.564.4495
F: 845.567.1025
www.maserconsulting.com

August 27, 2020

VIA E-MAIL

James Osborne, P.E.
Town Engineer
Town of Newburgh Town Hall
1496 Route 300
Newburgh, NY 12550

Re: Watermain Improvements at North Fletcher Drive
Town of Newburgh, Orange County, New York
MC Proposal No. 16000130BP

Dear Mr. Osborne:

Maser Consulting is pleased to submit this proposal to provide professional services for the proposed replacement of the existing watermain, valves, hydrants, services and appurtenances with a new eight (8) inch watermain on North Fletcher Drive for the Town of Newburgh. We propose to use the previously granted Health Department approval (October 20, 2017) for the project and advance the design to a set of bid documents.

The project is for a new, relocated 8-inch ductile iron watermain in North Fletcher Drive from the valve chamber on Meadow Hill Road to a check valve in Amber Drive, approximately 2,250 feet and the replacement of the water services to the residences abutting this new watermain.

This proposal is divided into four sections as follows:

- Section I – Scope of Services
- Section II – Client Contract Authorization

The following scope of services has been separated into phases so that it may be more easily reviewed. The order in which the phases are presented generally follows the sequence in which the project will be accomplished; however, depending on the project, the various authorized services contained in this proposal may be performed in a sequence as deemed appropriate by Maser Consulting to meet project schedules.

SECTION I – SCOPE OF SERVICES

Based on our conversations and information noted above, we propose to complete the following:



PHASE 1.0 BID DOCUMENTS

Upon approval, Maser Consulting will develop a set of Bid Documents for the proposed water main improvements for public bidding for the project. This will include front end documents (updated forms to be provided by the Town, as applicable), written specifications and plans. An engineering estimate will also be prepared.

Maser Consulting shall respond to questions (RFI's) posed by bidders relative to the bid documents in coordination with the Town. All addenda shall be included.

Maser Consulting shall prepare and supply 10 sets of plans and specifications, for bidding and eventual award of contract between the Town and the contractors for the proposed project.

Phase 1.0 Lump Sum Fee **\$ 6,750.00**

PHASE 2.0 PLAN REVISIONS AND ADDITIONAL SERVICES

Services accomplished under this phase will be billed in accordance with a separate proposal and will include revisions or extra services requested by the various review agencies and/or the client that differ from the original scope of service, or revisions required as conditions of approval and are not an error or omission on the part of Maser Consulting. Additional services will not be advanced without providing notice to you of the need for additional services and obtaining your approval of the additional scope of services and fees.

Phase 2.0 Fee **Separate Proposal**

SCHEDULE OF FEES

For your convenience, we have broken down the total estimated cost of the project into the categories identified within the scope of services.

PHASE 1.0	BID DOCUMENTS	\$ 6,750.00
PHASE 2.0	PLAN REVISIONS AND ADDITIONAL SERVICES	Separate Proposal

Delivery, mileage, printing and reproduction, overnight mail service and postage costs are not included in the lump sum fees and will be added to each monthly invoice. Except as noted, printing is a reimbursable expense.



EXCLUSIONS AND UNDERSTANDINGS

Services relating to the following items are not anticipated for the project or cannot be quantified at this time. Therefore, any service associated with the following items is specifically excluded from the scope of professional services within this agreement:

- Services not specifically outlined above in Section I;
- SEQRA is to be addressed by the Town of Newburgh (as applicable);
- Construction Administration, Construction Specifications, Construction Stake-Out and/or additional field surveying information;
- Exploratory or testing work, interpretations or conclusions related to determination of potential chemical, toxic, radioactive or other type of contaminants on the site;
- Application or review fees to any regulatory review agencies;
- Changes or revisions beyond our control or changes in basic concept after design service has been accomplished; and
- Substantial plan revisions, changes, or preparation of additional design support requested by regulatory agencies during the course of project review.

If an item listed herein, or otherwise not specifically mentioned within this agreement, is deemed necessary Maser Consulting may prepare an addendum to this agreement for your review, outlining the scope of additional services and associated professional fees with regard to the extra services.



SECTION II – CLIENT CONTRACT AUTHORIZATION

I hereby declare that I am duly authorized to sign binding contractual documents. I also declare that I have read, understand, and accept this contract.

Signature

Date

Printed Name

Title

If you find this proposal acceptable, **please sign where indicated above in Section II, and return one signed copy to this office.** Invoices are due within 30 days. This proposal is valid for 60 days per business terms.

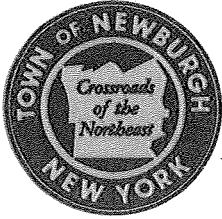
We very much appreciate the opportunity of submitting this proposal and look forward to performing these services for you.

Very truly yours,

MASER CONSULTING CONNECTICUT, P.C.

Andrew B. Fetherston, P.E.
Principal

ABF/paw
cc: Justin E. Dates, RLA, Maser Consulting (via e-mail)



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: September 3, 2020

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

*Totaling: \$302.00

~~Feline: \$150.00~~

~~Canine: \$152.00~~

TOWN OF NEWBURGH
 1496 ROUTE 300
 NEWBURGH, N.Y. 12550

VOUCHER

DEPARTMENT _____

CLAIMANT'S
 NAME
 AND
 ADDRESS

T.A.R.A., Inc
 P.O. Box 185
 Warwick, NY 10990

TERMS _____

Order No. _____

DO NOT WRITE IN THIS BOX

Date Voucher Received		FUND - APPROPRIATION	AMOUNT	VOUCHER NO.
		TOTAL		
Abstract No.				

Vendor's
 Ref. No. _____

Dates	Quantity	Description of Materials or Services	Unit Price	Amount
Customer Info				
Item Count: 8				
	1	CANINE SPAY (UP TO 35 LBS Control # D25)	\$100.00	
	1	DISTEMPER VACCINE CANINE	\$10.00	
	1	BORDETELLA VACCINE CANINE	\$17.00	
	1	HEARTWORM/LYME TEST	\$25.00	
	3	FELINE SPAY/NEUTER Control # C36-C38	\$135.00	
	1	DISTEMPER VACCINE FELINE	\$5.00	
	1	DISTEMPER VACCINE FELINE	\$5.00	
	1	DISTEMPER VACCINE FELINE	\$5.00	
		Subtotal	\$302.00	
		GRAND TOTAL	\$302.00	
		On Account	\$302.00	
		Signature: _____		
		Amount saved: \$115.00		
		Thank you!		
		Today's Pick-Up Time: _____ (For spay/neuter surgeries only)		
		Ido		
		TOTAL		

CLAIMANT'S CERTIFICATION

I, _____, certify that the above account in the amount of \$ _____ 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.

9.2.00
 DATE

[Signature]
 SIGNATURE

Asst Clinic 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 paid from the appropriations indicated above.

DATE _____

AUDITING BOARD _____

INVOICE

The Animal Rights Alliance, Inc. (TARA)

60 Enterprise Place
 Middletown, NY 10941
 845-343-1000

Low-Cost Spay/Neuter Clinic

FOR: Town of Newburgh Animal Control
 645 Gidney Ave
 Newburgh, NY 12250
 (845) 561-3344

Printed: 09-02-20 at 3:28p
Date: 09-02-20
Account: 9241
Invoice: 91506

Date	For	Qty	Description	Net Price
09-02-20	Blaise	1	Castration, Feline	45.00
09-02-20		1	WEIGHT UPDATE	0.00
09-02-20		1	Penicillin (Combi-Pen-48)	0.00
09-02-20		1	Ear Cleaning	0.00
09-02-20		1	Nail Trim	0.00
09-02-20		1	Rabies Vaccination, 1 Year	0.00
			In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.	
09-02-20		1	FVRCP Distemper Vaccination, Feline	5.00
			If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.	
09-02-20		1	Free Roaming (Stray or Feral)	0.00
09-02-20	Holly	1	Ovariohysterectomy, Canine	100.00
09-02-20		1	WEIGHT UPDATE	0.00
09-02-20		1	Penicillin (Combi-Pen-48)	0.00
09-02-20		1.50	Carprofen, 100mg, Tablet	0.00
			Givé 1/2 tablét(s) óncé dáily by móuth with fóód. If vómítíng ór díárrhéá óccúrs, díscóntínué úsé. --D25--	
09-02-20		1	Rabies Vaccination, 1 Year	0.00
			In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.	
09-02-20		1	Distemper (DA2PP) Vaccination, Canine	10.00
			If this is your dog's first distemper (DA2PP) vaccine, a booster shot is required in 3-4 weeks. If this is not your dog's first distemper vaccine, it will expire one (1) year from date of vaccination.	
09-02-20		1	Bordetella Vaccination, Canine	17.00
			If this is your dog's first bordetella ("kennel cough") vaccine, a booster shot is NOT required. This vaccine will expire one (1) year from date of vaccination.	
09-02-20		1	Heartworm/Lyme Test (4Dx SNAP)	25.00
			T.A.R.A. sells Heartgard, a monthly Heartworm preventative, but we do not write	

prescriptions for online pharmacies.

09-02-20	Julius 09-02-20	1 Castration, Feline	45.00
09-02-20		1 WEIGHT UPDATE	0.00
09-02-20		1 Penicillin (Combi-Pen-48)	0.00
09-02-20		1 Ear Cleaning	0.00
09-02-20		1 Nail Trim	0.00
09-02-20		1 Rabies Vaccination, 1 Year	0.00
In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.			
09-02-20		1 FVRCP Distemper Vaccination, Feline	5.00
If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.			
09-02-20		1 Free Roaming (Stray or Feral)	0.00
09-02-20	Ruby 09-02-20 C	1 Ovariohysterectomy, Feline	45.00
09-02-20		1 Penicillin (Combi-Pen-48)	0.00
09-02-20		1 Nail Trim	0.00
09-02-20		1 Ear Cleaning	0.00
09-02-20		1 WEIGHT UPDATE	0.00
09-02-20		1 Rabies Vaccination, 1 Year	0.00
In order to receive a three (3) year rabies vaccine, your pet's rabies vaccine must be up to date, at the time of re-vaccination.			
09-02-20		1 FVRCP Distemper Vaccination, Feline	5.00
If this is your cat's first distemper (FVRCP) vaccine, a booster shot is required in 3-4 weeks.			
09-02-20		1 Free Roaming (Stray or Feral)	0.00
Old balance	Charges	Payments	New balance
-90.00	302.00	0.00	212.00

Thank you for being a part of ending pet overpopulation!

The Animal Rights Alliance, Inc.
Low-Cost Spay/Neuter Clinic
 60 Enterprise Place
 Middletown, NY 10941
 (845) 343-1000

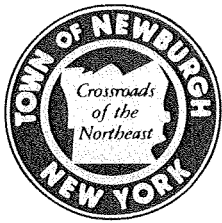
Client Information	
Name	Town of Newburgh Animal Control
Address	645 Gidney Ave
City, State, Zip	Newburgh, NY 12250
Telephone	(845) 561-3344

Patient Information	
Name	Holly Patient Control #: <i>D25</i>
Species	Canine
Breed	Terrier, Jack Russell Mix
Sex	Spayed Female
Color	White and Tan

Blood Test Results	
Heartworm	<i>Negative</i>
Lyme	<i>Negative</i>
Ehrlichiosis	<i>Negative</i>
Anaplasmosis	<i>Negative</i>
Idexx Test #	<i>0060408</i>

This will confirm the test results for any of the specific tests conducted on the animal listed above. If the test results were positive, the owner of said animal has been advised to seek the advice of their own veterinarian for further treatment of said animal.

DATE OF TESTING: 09-02-20



TOWN OF NEWBURGH

1496 Route 300, Newburgh, New York 12550

[Handwritten signature]
16A

PERSONNEL DEPT.

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

To: Supervisor Piaquadio
Town Board

From: Charlene M Black, Personnel

Date: September 8, 2020

Re: Full Time Police Officer

[Handwritten initials]

Please find attached a letter from Chief Campbell requesting the approval to hire Michael Carfora as a full time Police Officer. Approval will be pending the outcome of the Orange County physical, and completion of all fulltime paperwork. Mr. Carfora is already an employee, so transition to full time is easier. A proposed hire date is on or after September 21, 2020. Thank you in advance for your time in this matter.



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

DONALD B. CAMPBELL
CHIEF OF POLICE

Phone: (845) 564-1100
Fax: (845) 564-1870

September 8, 2020

To: Newburgh Town Board

Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Full-Time Police Officer Position

I am requesting authorization to hire Michael Carfora as a full-time police officer at a starting rate of \$62,712 per year. Mr. Carfora is currently reachable on the Orange County Civil Service Police Eligibility list as a resident of the Town of Newburgh and is currently working as a part-time police officer with the Town of Newburgh. I am requesting Mr. Carfora receive a start date effective September 21, 2020 pending the completion of his Orange County physical. (Fund appropriation # 001-3120-0100-000)

Respectfully submitted,

Donald B. Campbell
Chief of Police

TOWN OF NEWBURGH

EMPLOYMENT REQUEST FORM

To: Personnel Department

NAME OF CANDIDATE: Michael Corp

DEPARTMENT: Police

TITLE OF POSITION: Police Officer

FULL TIME OR PART TIME: Annual

HOURLY RATE: \$62,712 per year

IS POSITION FUNDED IN CURRENT BUDGET: YES OR NO

FUND APPROPRIATION NUMBER: 001-3120-0100-000

PROPOSED HIRE DATE: 9/21/2020

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

[Signature]
DEPARTMENT HEAD SIGNATURE

9/8/2020
DATE

ORIGINAL APPLICATION SHOULD BE ON FILE IN THE PERSONNEL DEPARTMENT



TOWN OF NEWBURGH POLICE DEPARTMENT

300 Gardnertown Road, Newburgh, New York 12550

[Handwritten signature]
16B

DONALD B. CAMPBELL
CHIEF OF POLICE

Phone: (845) 564-1100
Fax: (845) 564-1870

September 8, 2020

To: Newburgh Town Board

Cc: Charlene Black/Personnel Department

From: Chief Donald B. Campbell

Subject: Request to fill vacancy

I am requesting authorization to begin the process of filling two vacant sergeant positions. Orange County Civil Service requires any promotions be selected from the Orange County Civil Service Promotional Sergeant List.

Donald B. Campbell
Chief of Police

September 14th 2020 Town Board Meeting Add on

I am looking for a motion to apply to the Kaplan Foundation for a one million dollar Grant for the purchase of the Desmond Estate and the operation of programs.

A handwritten signature in black ink, enclosed within a hand-drawn oval. The signature is cursive and appears to read "Mel".