

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

**WORKSHOP MEETING AGENDA**  
**Monday, November 22, 2021**  
**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. ANIMAL CONTROL: T-94 Withdrawal**
- 7. HIGHWAY DEPARTMENT: Road District Parkview South**
- 8. PLANNING BOARD: Landscape Bond Dollar General**
- 9. POLICE DEPARTMENT:**
  - A. Hiring Part Time Officer**
  - B. Purchase of New Police Vehicles (2) 2022 Ford Utility Police Interceptor Explorers**
  - C. Purchase of New Police Vehicle (1) 2022 Ford F-150 Police Responder**
- 10. ENGINEERING DEPARTMENT: Budget Transfer S/Crossroads S.D. Sewer System Evaluation**
- 11. ZONING DEPARTMENT: Rezoning Petition Parcel 62-1-8 from R-3 (residential) to B (business) Zoning District**
- 12. ADJOURNMENT**

GJP; lma  
First Revision – November 19, 2021 12:40

**TOWN OF NEWBURGH**

**AUDIT # 22**

**DATE: November 22, 2021**

**TOTAL OF ALL PAYMENTS: \$ 1,694,342.26**

To Mr. Gilbert Piaquadio and Town Board:

I certify that the invoices contained within this package of \$1,688,208.28 plus the paid prior audit of \$ 6,133.98 were audited by the Town Board on the above date and allowed in the amount shown above. You are authorized and directed to pay each of the claimants the amounts opposite their names.

**NOV 22 2021**

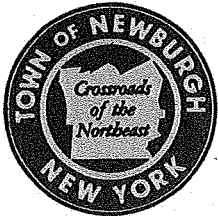
Dated : \_\_\_\_\_

\_\_\_\_\_  
Town Clerk Office

Town Board:

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

#6



TOWN OF NEWBURGH ANIMAL CONTROL & SHELTER

645 GIDNEY AVE. NEWBURGH, NY 12550

(845)561-3344

FAX: (845) 561-2220

To: Town Board

From: Tracey Carvell, Animal Control

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

Date: 11/2/21

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

F.A.H.

\*Totaling: \$ 35.35

Feline: \$

Canine: \$ 35.35

APPROVED  
DATE OF TOWN ACTION:  
VOTE OF TOWN BOARD

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JOSEPH P. PEDI, TOWN CLERK

#7

# TODD LYONS Paving, Inc.

57 Ingrassia Road  
Middletown, New York 10940  
(845) 343-PAVE (7283)  
Fax # (845) 343-7285  
estimating@tloaving.com  
www.toddllyonspavinginc.com

September 22, 2021

Maser Consulting COWERS ENGINEERING & DESIGN

555 Hudson Valley Ave. Suite 101  
New Windsor, NY 12553

Attn: Connor McCormack JUSTIN DATES

C) 536-0477

O) 564-4495 #3812

CMcCormack@maserconsulting.com JUSTIN.DATES@COWERSENGINEERING.COM

Re: Parkview South Street, Newburgh

Remove existing blacktop

Apply sub-base as needed to get 12" thickness

Apply 3" binder

Apply 1" topcoat

Area: 17,800 Sq Ft \$89,900.00

Price per (30') 15" HDPE Crossing \$2,200.00

1 day with excavator w/ grading bucket and 2 laborers to grade shoulders \$3,200.00

APPROVED  
DATE OF TOWN ACTION:  
VOTE OF TOWN BOARD

JOSEPH P. PEDI, TOWN CLERK

#8

# KALA

Karen Arent Landscape Architect

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## Memorandum

**To:** Supervisor Gil Piaquadio and the Town of Newburgh Board

**From:** Karen Arent, Landscape Architect

**Date:** November 11, 2021

**Subject:** Dollar General Landscape Security

**Town Project Number:** 2020-04

**Consultant:** Lawrence Marshall, PE

**Cc:** Pat Hines, Chairman John Ewasutyn and the Town of Newburgh Planning Board,  
Gerald Canfield, Dominick Cordisco, Mark Taylor

## COMMENTS:

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The landscape cost estimate for Dollar General was reviewed. Unit costs are reasonable and the landscape bond is recommended for approval. We recommend that the board approve a landscape security in the amount of \$39,381. The landscape inspection escrow amount for this project is \$2,000.

APPROVED  
DATE OF TOWN ACTION:

VOTE OF TOWN BOARD

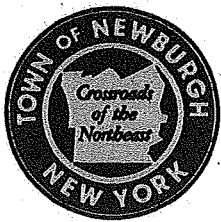
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JOSEPH P. PEDI, TOWN CLERK

## 9A. POLICE DEPARTMENT

Approval to Start Process to Hire Part  
Time Police Officer

#9B



**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**

November 16, 2021

To: Newburgh Town Board

From: Chief Bruce Campbell

Purpose: Purchase of Police Vehicles

I am requesting permission to purchase (2) 2022 Ford Utility Police Interceptor Explorers along with all lighting and equipment for a total of \$94,192.60. The vehicle costs are covered in the current capital project budget and are necessary to maintain the current condition of our fleet. (Budget line #H9119.9119.5200)

A handwritten signature in black ink, appearing to read "Donald B. Campbell".

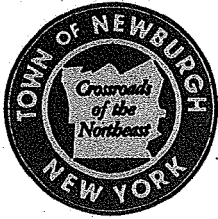
Donald B. Campbell  
Chief of Police

**APPROVED  
DATE OF TOWN ACTION:**

**VOTE OF TOWN BOARD**

**JOSEPH P. PEDI, TOWN CLERK**

#9C



**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**

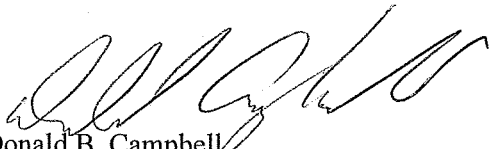
November 16, 2021

To: Newburgh Town Board

From: Chief Bruce Campbell

Purpose: Purchase Police Vehicles

I am requesting permission to purchase (1) 2022 Ford F-150 Police responder complete with all lighting and equipment for a total of \$49,200. The vehicle cost is covered in the current capital project budget and is necessary to replace the current pickup that is more than 15 years old. (Budget line #H9119.9119.5200)

  
Donald B. Campbell  
Chief of Police

**APPROVED  
DATE OF TOWN ACTION:  
VOTE OF TOWN BOARD**

**JOSEPH P. PEDI, TOWN CLERK**



#10A

TOWN OF NEWBURGH  
TOWN ENGINEER

MEMORANDUM

TO: Gilbert Piaquadio, Town Supervisor & Town Board  
FROM: J. Osborne, Town Engineer *JWO*  
DATE: 17 November 2021  
RE: S/Crossroads S.D. Sewer System Evaluation

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As part of the NYSDEC Consent Order for remediation of sanitary sewer overflows, the Town is required to conduct a sanitary sewer system evaluation. The Town has executed an agreement with MHE to undertake and complete this work in conformance with the schedule stipulated by NYSDEC. The estimated cost of this study is \$120,000 with \$100,000 of this amount payable through a NYSDEC/EFC grant.

I am requesting the Town Board approval of the following budget transfer to pay for the Town's portion and for interim payments to MHE until the Town is reimbursed through the grant.

From: Crossroads Interfund Transfer (G9902)  
To: Capital Project (H7106.8306.5200)  
Amount: \$60,000

As the above requires Town Board action, I am requesting that this item be placed on the next available agenda.

If you have any questions or comments, I am available to discuss them.

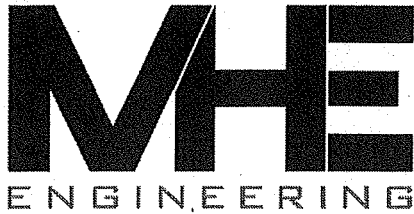
Cc: P. Hines, MHE  
J. Guido, Sewer Department Manager  
R. Clum, Town Accountant

JWO/dd

**APPROVED**  
**DATE OF TOWN ACTION:**  
**VOTE OF TOWN BOARD**

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**JOSEPH R. PEDI, TOWN CLERK**



add on  
# 10B

19 November 2021

Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

ATTENTION: Gibert Piaquadio, Supervisor and Town Board

SUBJECT: 800 Auto Park Place, LLC.- Barton Chevrolet Expansion PB #2021-08  
Stormwater Management/ Erosion and Sediment Control Cost Estimate

Dear Supervisor Piaquadio;

This office has reviewed a cost estimate prepared by Mecurio-Norton-Tarolli-Marshall Engineers for the stormwater drainage improvements and soil erosion control depicted on plans dated 28 June 2019 /last revised 7 July 2021. The unit costs are based on costs provided to the applicant's representative by MHE Engineering.

Based on the above this office takes no exception to the Town Board accepting Stormwater Security in the amount of \$ 68,314.00, for the soil erosion/sediment control and Stormwater Management System proposed on the subject property. A copy of the Bond Estimate prepared by MNTM Engineers is attached for your use. A Stormwater Improvements/ E&S Control Inspection Fee of \$2,750.00 is required to establish the escrow account.

This action requires Town Board approval for the establishment of the bond amount of \$68,314.00 and an Inspection Fee of \$2,750.00.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in black ink, appearing to read 'Patrick J. Hines'.

Patrick J. Hines  
Principal

PJH/kbw

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

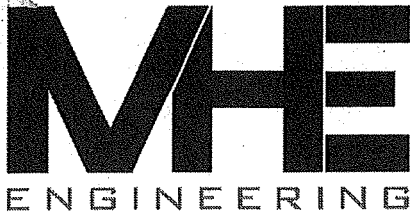
111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhempa@mhepc.com

**Project:**  
**Estimate Scope:**

800 Auto Park Place, LLC  
Stormwater

**Prepared on:** October 12, 2021

Item	Units	Quantity	Unit Price	Totals	Completed Quantities	Completed Cost	Remaining Cost
<b>Storm Drainage</b>							
Catch Basins	EA	4	\$4,888.00	\$ 19,552.00	0	\$ -	\$ 19,552.00
Connection to Existing Catch Basin	EA	1	\$1,360.00	\$ 1,360.00	0	\$ -	\$ 1,360.00
15" HDPE	LF	280.00	\$75.00	\$ 21,000.00	0	\$ -	\$ 21,000.00
Bioretention Basin	EA	1	\$20,000.00	\$ 20,000.00	0	\$ -	\$ 20,000.00
Non-Lined Drainage Channel	LF	55	\$16.40	\$ 902.00	0	\$ -	\$ 902.00
Dry Swale	LF	100	\$55.00	\$ 5,500.00	0	\$ -	\$ 5,500.00
<b>Grand Total</b>				<b>\$ 68,314.00</b>		<b>\$ -</b>	<b>\$ 68,314.00</b>



add on  
# 10C

19 November 2021

Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

ATTENTION: Gibert Piaquadio, Supervisor and Town Board

SUBJECT: 800 Auto Park Place, LLC.-Barton Chervolet Expansion PB #2021-08  
Landscaping Cost Estimate

Dear Supervisor Piaquadio;

This office has reviewed a cost estimate prepared by Mecurio-Norton-Tarolli-Marshall Engineering for the Landscaping improvements depicted on plans dated 28 June 2019/last revised 7 July 2021. The unit costs are based on costs provided to the applicant's representative by MHE Engineering.

Based on the above this office takes no exception to the Town Board accepting Landscaping Security in the amount of \$6,011.00, for the Landscaping Design proposed on the subject property. A copy of the Bond Estimate prepared by MNTM Engineers is attached for your use. A Landscaping Inspection Fee of \$1,000.00 is required to establish the escrow account.

This action requires Town Board approval for the establishment of the bond amount of \$6,011.00 and an Inspection Fee of \$1,000.00.

Respectfully submitted,

**MHE Engineering, D.P.C.**

A handwritten signature in black ink that reads 'Patrick J. Hines'.

Patrick J. Hines  
Principal

PJH/kbw

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

**Project:**  
**Estimate Scope:**

800 Auto Park Place, LLC  
Landscaping

Prepared on: October 12, 2021

Item	Units	Quantity	Unit Price	Totals	Completed Quantities	Completed Cost	Remaining Cost
<b>Landscaping</b>							
Shadblow Serviceberry	EA	21	\$64.00	\$ 1,344.00	0	\$ -	\$ 1,344.00
Silky Dogwood	EA	11	\$72.00	\$ 792.00	0	\$ -	\$ 792.00
Red Sprite Winterberry	EA	11	\$65.00	\$ 715.00	0	\$ -	\$ 715.00
Arrowwood Viburnum	EA	12	\$30.00	\$ 360.00	0	\$ -	\$ 360.00
Mulching	SY	560	\$5.00	\$ 2,800.00	0	\$ -	\$ 2,800.00
<b>Grand Total</b>				\$ 6,011.00		\$ -	\$ 6,011.00

TOWN OF NEWBURGH  
TOWN ENGINEER

add on  
#10D

MEMORANDUM

TO: Supervisor Gilbert Piaquadio and Town Board Members  
FROM: Patrick J. Hines, Representative Engineer for the Town  
DATE: 19 November 2021  
RE: Matrix Logistics Center at Newburgh PB #20-17  
Request for 5 acre Disturbance Waiver

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The project representative has requested issuance of a 5-Acre Waiver for Limit of Disturbance on the subject property. The applicants are requesting a waiver to disturb up to 20 acres at any given time. The project has an extensive Stormwater Pollution Prevention Plan prepared which contains the requirements which must be addressed in order to be granted a 5-Acre Waiver. These requirements include: 2 inspections per week by the projects' Environmental Consultant; Stabilization of any areas brought to grade within 7 days. The large structure on the site is approximately 21 acres in size. Due to the mass grading required, the size of the structures and implementation of a more stringent SWPPP this office takes no exception to the Town Board granting a 5-Acre Waiver. The Town Engineer's office as well as MHE Engineering will be periodically on the site to review the Stormwater Pollution Prevention measures on the site.

As the 5-Acre Waiver requires Town Board action we request this matter be scheduled for an upcoming Town Board meeting.

I have attached correspondence from the applicant's engineer of record who prepared the Design Plans and the SWPPP for the site.

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

Cc: Jim Osborne, Town Engineer  
Mark Taylor, Town Attorney  
John P. Ewasutyn, Planning Board Chairman  
Joseph Pedi, Town Clerk

November 15, 2021

MS-4 Administrator  
Town of Newburgh  
C/O Patrick Hines, PE  
Consulting Engineer for the Town of Newburgh  
1496 Route 300  
Newburgh, NY 12550

**Re: Land Disturbance Waiver Request  
Matrix Logistic Center at Newburgh  
Route 300, Newburgh  
Langan Project No.: 190063301**

Dear Mr. Hines:

On behalf of the Applicant, Matrix Newburgh Route 300, LLC, we are requesting written approval to disturb greater than five (5) acres of land at any one time for the above referenced project. The current project phasing includes disturbing up to 20 acres in any single phase of a multi-phase project.

### **Project Description**

The Applicant, Matrix Newburgh Route 300, LLC, is proposing to develop a ±115.6 acre parcel located along NYS Route 300 in the Town of Newburgh, New York. The project, Matrix Logistic Center at Newburgh, is a commercial development that consists of two single-story warehouse facilities – one 927,000 square foot building located in the middle of the site and one 212,200 square foot building located along NYS Route 300, with associated car and trailer parking spaces.

### **Waiver Request**

The applicant is applying for a 5-acre waiver to disturb up to 20-acres at any one given time. Construction will consist of multiple phases and each phase will have multiple sections associated with it. An advance clearing and grading permit has been issued and includes approximately ±45.3-ac. The proposed grade for the building pad and the adjacent areas north and south of the building pad will be established as part of this phase. An erosion and sediment control plan has been prepared for Phase I land disturbance which includes sediment basins, diversion swales, silt fence, fiber rolls, and a stabilized construction entrance. Complete site construction including final stormwater management practices, retaining walls, utilities, and impervious surfaces will be constructed during Phase II.

The limits of disturbance will be flagged prior to the commencement of construction to ensure over clearing does not occur. Areas that are disturbed and graded will be immediately stabilized with appropriate stabilization measures while construction is occurring in other portions of the site. Stabilization methods will include, but not limited to, hydro-seeding,

mulching, haying, and spreading wood chips over the disturbed areas once construction within those areas are complete. Stone will be used to stabilize the access road and building pad. Exposed rock areas shall be considered to be stabilized and will be determined by the certified onsite inspector during construction.

The unique characteristics of this site and the proposed development that includes a single building pad of approximately 21 acres, make it impractical to limit disturbance to less than 5 acres. Due to these unique site characteristics, development of the site cannot be achieved in 5-acre segments. However, the SWPPP provides significant controls and erosion control measures to ensure that the disturbance of more than 5 acres does not result in any adverse environmental impact

A minimum of 2 site inspections will be conducted every 7 calendar days by a qualified inspector to ensure the stability and effectiveness of all protective measures and practices during construction for as long as more than 5.0 acres of land remains disturbed.

Considering the above information, we believe there is sufficient information in support of our request to disturb greater than five (5) acres of land at any one time. Please do not hesitate to contact this office, should you have any questions or require any additional information. Thank you.

Sincerely,  
**Langan Engineering, Environmental, Surveying  
and Landscape Architecture, D.P.C.**

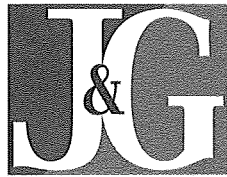


Charles Utschig, PE  
Associate

cc: K. Griffin  
C. Zolezi, PE



#11



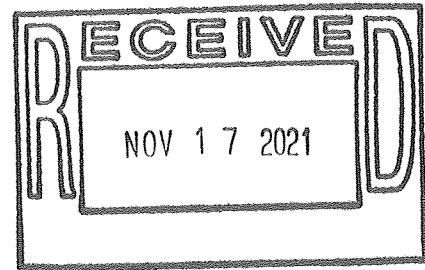
**JACOBOWITZ  
AND GUBITS LLP**  
COUNSELORS AT LAW

November 16, 2021

Gerald N. Jacobowitz\*\*  
David B. Gubits\*\*  
Howard Protter  
Donald G. Nichol\*\*  
Larry Wolinsky\*\*  
J. Benjamin Gailey  
John C. Cappello  
George W. Lithco\*\*  
Michele L. Babcock  
Gary M. Schuster  
Marcia A. Jacobowitz  
William E. Duquette  
Kara J. Cavallo  
Kelly A. Pressler  
Michael Wagner♦  
Marissa G. Weiss  
Michael J. Kenney  
Rebecca B. Mantello  
Christina Randazzo\*\*  
Kara M. Nelson  
Cynthia J. Hand

Via Email: [town-clerk@townofnewburgh.org](mailto:town-clerk@townofnewburgh.org); [supervisor@townofnewburgh.org](mailto:supervisor@townofnewburgh.org)

Hon. Gil Piaquadio, Supervisor  
and Town Board Members  
Town of Newburgh  
496 Route 300  
Newburgh, New York 12550  
(845) 564-4552  
Attn: Hon. Joseph P. Pedit, Town Clerk



RE: Petition of JM and DM Holdings, LLC  
Owner of Town of Newburgh Tax Map Parcel 62-1-8  
For Amendment of the Zoning Map to Rezone This Property  
From R-3 (Residential) to B (Business)  
Our File No. 114942-001

♦Admitted in NJ  
\*\*OF COUNSEL

Dear Honorable Supervisor Piaquadio and Town Board Members:

**REPLY TO:**  
158 Orange Avenue  
P.O. Box 367  
Walden, NY 12586  
tel. (845) 778-2121  
fax (845) 778-5173

I am hereby submitting one original and five copies of the following documents constituting the formal petition of JM and DM Holdings, LLC seeking an amendment to the Town zoning map, rezoning the above-referenced property from the R-3 (residential) to B (business) zoning district.

548 Broadway  
Monticello, NY 12701  
tel. (845) 791-1765  
fax (845) 794-9781

1. A fully executed rezoning petition (with exhibits) executed on behalf of JM and DM Holdings, LLC;

2. A proposed local law attached to said petition, amending the zoning map to rezone the above-referenced parcels from the R-3 (residential) to B (business) zoning district. This parcel is surrounded by parcels zoned business, which are consequently comprised of both residential, business, and mixed-use development akin to the development proposed for this parcel. If rezoned, the Petitioner proposes that the Property be developed in a manner that would permit a professional (medical) office and accessory apartment to be located on the property (subject to site plan review), which would allow the property owner to redevelop this property and provide for a low-traffic, mixed-use development while retaining

JACOBOWITZ.COM

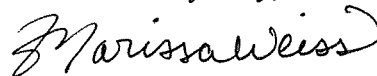
the residential character of the property, in line with the recommendations of the Town Comprehensive Plan.

3. A completed Short Environmental Assessment Form and accompanying Narrative.
4. Owner Authorization from the owner authorizing its consultants to process any and all land use applications pertaining to these properties.

We have been advised that there is no fee needed at this time. We will be happy to forward same when the fee is calculated.

We look forward to presenting this petition to your Board and respectfully request that your Board place this matter on its next available agenda to initiate that discussion.

Yours very truly,



Marissa G. Weiss

MGW:rmc  
Enclosure

cc: Mark C. Taylor, Esq. Attorney for Town (via email only)  
Mr. Joseph Accettura, Client (via email only)

#11

TOWN BOARD  
TOWN OF NEWBURGH

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In the Matter of the Petition of  
**JM AND DM HOLDINGS LLC**

**REZONING  
PETITION**

For Amendment of the Zoning Map  
of the Town of Newburgh, Orange County, New York  
to Change the Designation of the Property Designated  
on the Town of Newburgh Tax Map as Tax Map  
Parcel 62-1-8 from the R-3 (residential) to B  
(business) zoning district.

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**TO: THE HONORABLE SUPERVISOR and  
THE TOWN BOARD OF THE TOWN  
OF NEWBURGH, ORANGE COUNTY,  
NEW YORK:**

The undersigned Petitioner, JM AND DM HOLDINGS LLC (“Petitioner”), respectfully petitions the Town Board of the Town of Newburgh as follows:

**WHEREAS**, Petitioner owns a ± 1.02 acre parcel of land (“the Property”) located on the west side of Route 300 at 1463 Route 300, Town of Newburgh; and

**WHEREAS**, Petitioner acquired title to the Property by deed dated August 26, 2021 and recorded in the Orange County Clerk’s Office on September 27, 2021 in Liber 15059 at page 1159 et seq.; and

**WHEREAS**, the Property is identified on the most recent Tax Map of the Town of Newburgh as Section 62 Block 1, Lot 8, and is more particularly described in the Schedule annexed as Exhibit “A”; and

**WHEREAS**, the Property is presently located in the R-3 zoning district, as shown on the portion of the Town of Newburgh Zoning Map annexed as Exhibit “B” and currently contains a single-family dwelling permitted as-of-right; and

**WHEREAS**, the Property is served by the Town’s water districts and by a private septic system; and

**WHEREAS**, the lands on both the east and west side of Route 300 in the adjacent vicinity of the property are designated within the B (Business) zoning district and are consequently comprised of both residential, business, and mixed-use development; and

**WHEREAS**, the Town's Comprehensive Plan recommends and encourages "smaller scale commercial areas to be closer to residential neighborhoods" in order to "reduce the likelihood that people would need to drive extended distances to access everyday needs" as a necessary traffic calming technique for the Town's roadways<sup>1</sup>; and

**WHEREAS**, Petitioner's proposes that the Property be developed in a manner that would permit a professional (medical) office and accessory apartment to be located on the Property if rezoning is permitted, subject to site plan review, which would allow the Property to be developed in a manner that will allow for low-traffic, mixed-use development while retaining the residential character of the Property in line with the recommendations of the Town Comprehensive Plan; and

**WHEREAS**, retaining the existing zoning of Petitioner's property would prohibit such mixed-use development from occurring on-site, in an area designated by the Town Comprehensive Plan for smaller scale commercial development such as a low-traffic professional office which is compatible with the existing surrounding residential, commercial, and mixed-use environment;

**THEREFORE**, pursuant to Section 185-60, "Amendments," of the Code of the Town of Newburgh, Petitioner respectfully petitions the Town Board to amend the Zoning Map of the Town of Newburgh as follows:


Designate and classify all of the aforesaid Property (Tax Map No. 62-1-8) into the B Zoning District classification.

Dated: November 12, 2021

Respectfully Submitted:

**JM AND DM HOLDINGS LLC**

By:

  
Joseph Accettura, Member

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<sup>1</sup> 2005 Town of Newburgh Comprehensive Plan, pp. III-18, -22.

# EXHIBIT A

## Schedule A Description

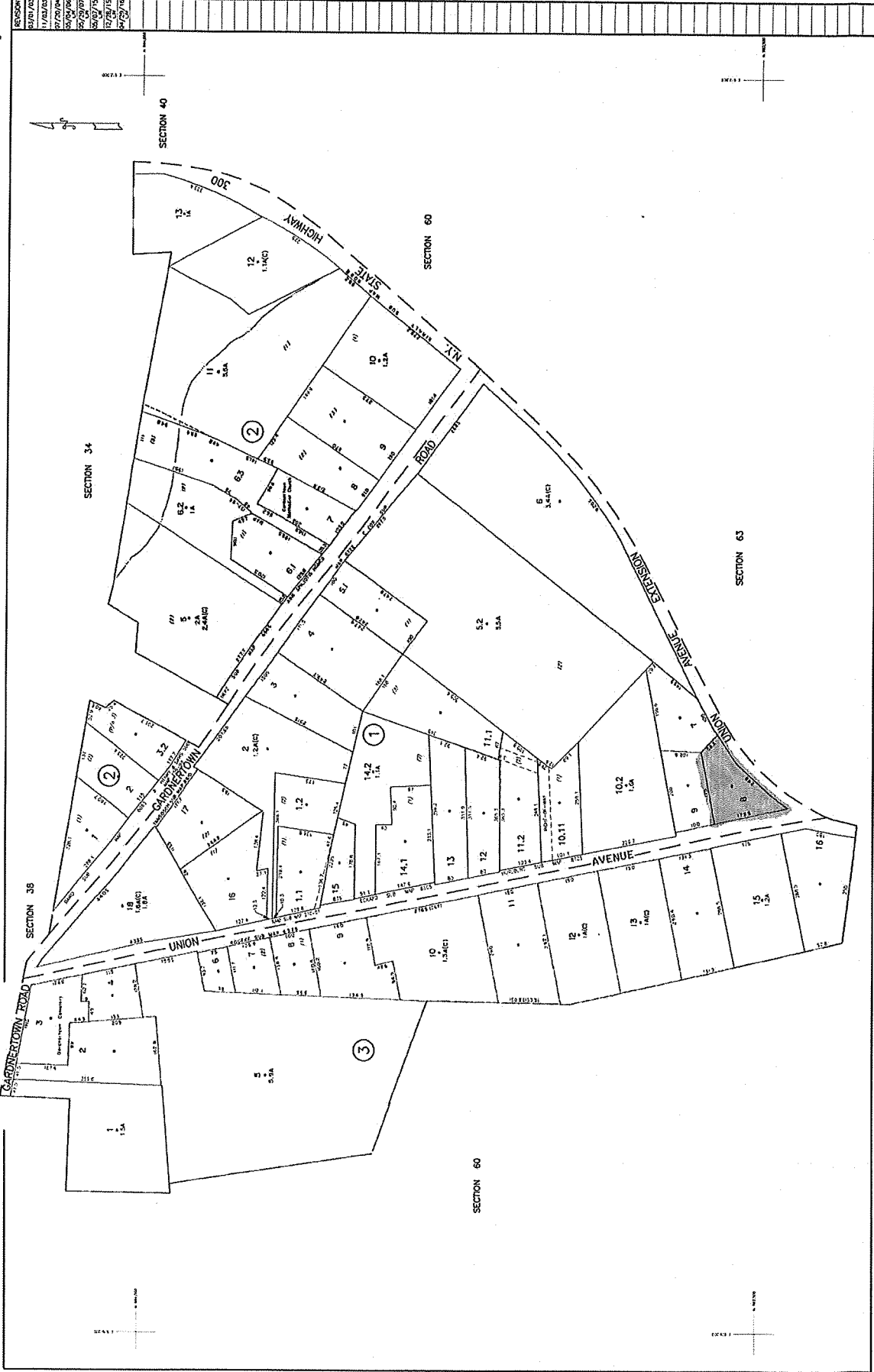
Title Number JT-1587OR

Page 1

ALL that certain plot, piece, or parcel of land situate, lying and being in the Town of Newburgh, County of Orange and State of New York, being bounded and described as follows:

BEGINNING at a point of intersection of the easterly line of Union Avenue and the westerly line of Union Avenue Extension and running thence along the easterly line of Union Avenue, North 1 degrees 13' West 179.46 feet to the line of the lands of Goddard; thence along the line of lands of said Goddard, North 89 degrees 23' East 175.00 feet to an iron pipe found; thence, South 36 degrees 34' East 56.19 feet along the line of lands of Terhune to a point in the northwesterly side of the Union Avenue Extension; thence along the side of the said Union Avenue Extension, South 66 degrees 10' West 86.29 feet to a point, still along the said side, South 53 degrees 40' West 104.24 feet to a point; thence still along said side, South 46 degrees 33' West 57.50 feet to the point or place of BEGINNING.

# EXHIBIT B



TOWN OF NEWBURGH  
 Scale 1" = 100'  
 Section No. 62



## ORANGE COUNTY-NEW YORK

MAINTENANCE, ALTERATION, SALE OR DISTRIBUTION OF THIS MAP IS PROHIBITED FOR COMMERCIAL PURPOSES WITHOUT THE WRITTEN PERMISSION OF THE CLERK, PROPERTY TAX SERVICE AGENCY OF THE CLERK, PROPERTY TAX SERVICE AGENCY

Prepared by: *[Name]*  
 Orange County, New York  
 March 15, 2023  
 File # 2023-1234

**LEGEND**

DESCRIPTION	SYMBOL / LINE TYPE	NOTES
STATE OF ORANGE COUNTY	Solid line	
TOWN OF NEWBURGH	Dashed line	
SECTION 60	Dotted line	
ROAD	Double line	
RAILROAD	Line with cross-ticks	
WATER	Blue shading	
UNIMPROVED LAND	White area	
IMPROVED LAND	Shaded area	

PERSON	DATE
[Name]	11/22/2022
[Name]	07/20/24
[Name]	09/19/24
[Name]	09/19/24
[Name]	12/28/25
[Name]	01/27/26

**LOCAL LAW No. \_\_\_ of 2021  
TOWN OF NEWBURGH**

**A LOCAL LAW AMENDING THE ZONING MAP OF THE TOWN OF NEWBURGH  
ENTITLED “ZONING MAP—TOWN OF NEWBURGH”**

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

**Section 1.** Findings.

The Town of Newburgh Town Board has performed the necessary analyses and studies in connection with its review of the Town’s Comprehensive Plan and this Zoning Amendment. The Town Board hereby provides this zoning correction to accurately reflect the current development pattern of the surrounding neighborhood and allow for the property to be redeveloped in a manner which will allow for smaller scale, mixed-use development while retaining the residential character of the area, in line with the recommendations of the Town Comprehensive Plan.

**Section 2.** Purpose.

It is the purpose of this Local Law to change the zoning designation for property within the Town of Newburgh, and to adopt the Town Zoning Map reflecting such changes.

**Section 3.** Zoning Map Amendments.

The Zoning Map of the Town of Newburgh, entitled “Zoning Map—Town of Newburgh” is hereby amended as follows:

The following property shall be zoned B:

- Section 62, Block 1, Lot 8.

**Section 4.** Zoning Map.

The Zoning Map of the Town of Newburgh, attached hereto, is hereby adopted.

**Section 5.** Severability.

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined in its operation to the clause, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered, and the remaining provisions shall remain in full force and effect.

**Section 6.** Superseding Provision.

To the extent that any State or local laws fail to provide specific authority for this Local Law or the procedures necessary for its adoption, or otherwise appear to be in conflict with this Local Law or the

procedures followed for its adoption, then such laws, including, but not limited to, Town Law §§ 264 and 265, are hereby superseded by this Local Law pursuant to New York Municipal Home Rule Law and the common law.

**Section 7.**      Effective Date.

This Local Law shall take effect immediately upon its filing with the Secretary of State in accordance with the New York State Municipal Home Rule Law.



# Short Environmental Assessment Form

## Part 1 - Project Information

### Instructions for Completing

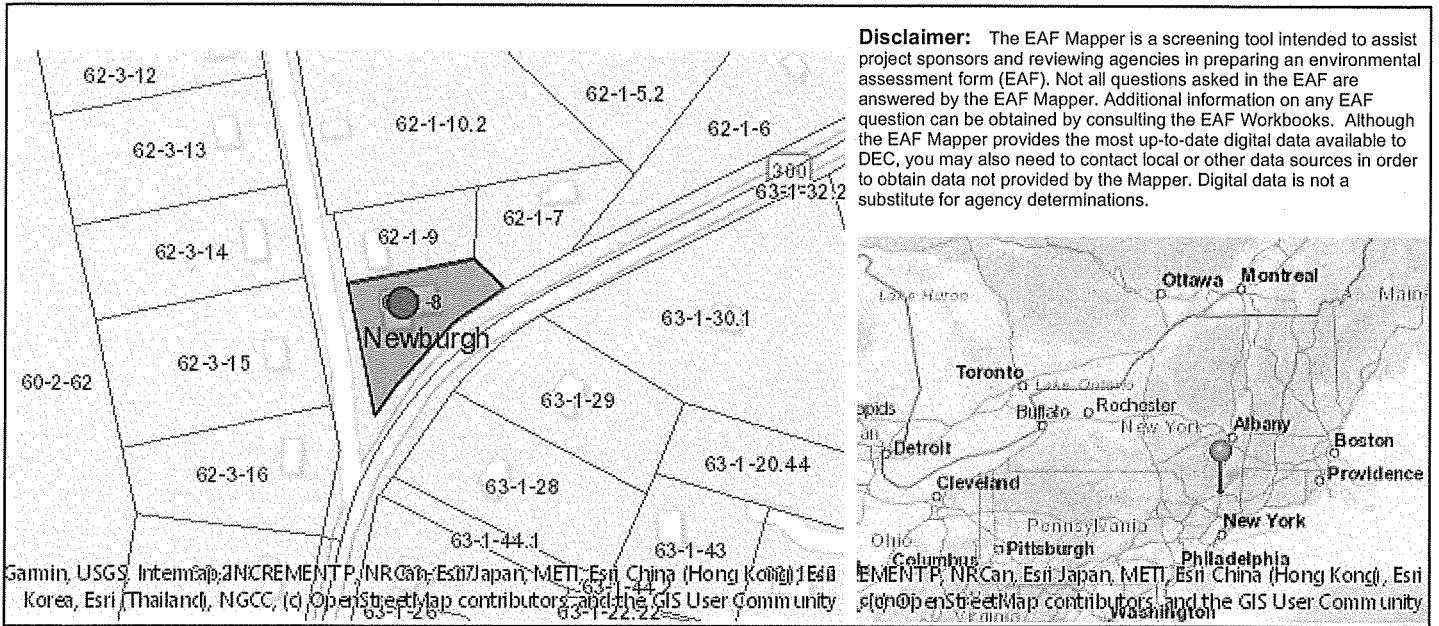
**Part 1 – Project Information.** The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. 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.

<b>Part 1 – Project and Sponsor Information</b>				
Name of Action or Project: JM AND DM HOLDINGS LLC				
Project Location (describe, and attach a location map): 1463 Route 300, Town of Newburgh, Orange County, NY, SBL No. 62-1-8				
Brief Description of Proposed Action: Petition to the Town of Newburgh Town Board to amend the Town zoning map, rezoning the above-referenced property, from R-3 (residential) to B (business).				
Name of Applicant or Sponsor: JM AND DM HOLDINGS LLC , c/o Jacobowitz & Gubits, LLP		Telephone: (845) 778-2121 E-Mail: mgw@jacobowitz.com		
Address: 158 Orange Avenue P.O. Box 367				
City/PO: Walden		State: NY	Zip Code: 12586	
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 checked="" type="checkbox"/>	YES <input type="checkbox"/>
3. a. Total acreage of the site of the proposed action? _____ 1.02 acres b. Total acreage to be physically disturbed? _____ 0 acres c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ 1.02 acres				
4. Check all land uses that occur on, are adjoining or near the proposed action:				
5. <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other(Specify): Mixed-use <input type="checkbox"/> Parkland				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO		YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?	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 checked="" 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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?	NO		YES
If No, describe method for providing wastewater treatment: _____ Parcel served by private septic system	<input type="checkbox"/>	<input checked="" 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
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input type="checkbox"/>	<input type="checkbox"/>	
No construction proposed as a result of proposed action. _____ _____			

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 checked="" type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input checked="" type="checkbox"/> Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered? Indiana Bat	NO	YES
	<input type="checkbox"/>	<input checked="" 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, a. Will storm water discharges flow to adjacent properties? b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <hr/> No construction proposed as a result of requested action	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>
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 checked="" 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 checked="" 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 checked="" type="checkbox"/>	<input type="checkbox"/>
<b>I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</b>  Applicant/sponsor/name: <u>JM AND DM HOLDINGS LLC, c/o Jacobowitz &amp; Gubits, LLP</u> Date: <u>November 9, 2021</u>  Signature: <u><i>Marisa Weiss</i></u> Title: <u>Attorney for applicant</u>		



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]	Yes
Part 1 / Question 15 [Threatened or Endangered Animal - Name]	Indiana Bat
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

## **Narrative Description**

This proposed petition to the Town of Newburgh Town Board would amend the Town zoning map, rezoning 1463 Route 300 (SBL No. 62-1-8), from R-3 (residential) to B (business). There are no environmental resources that may be adversely affected by this zoning amendment, as this amendment does not authorize site work.

**OWNER AUTHORIZATION & AFFIDAVIT**

State of New York                                    }  
  }  
County of Orange                                   }

ss:

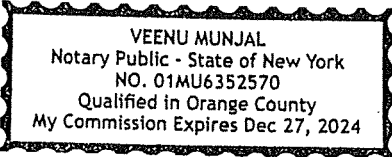
JOSEPH ACCETTURA, being duly sworn, deposes and says:

- 1. I am a Member of JM AND DM HOLDINGS, LLC and have authority to sign on behalf of the LLC. The statements contained herein are true to the best of my knowledge and belief.
- 2. JM AND DM HOLDINGS, LLC is the Owner of the property described in the accompanying application for amendment of the Zoning Map to Rezone from R-3 (residential) to B (business).
- 3. I have reviewed said application and to the best of my knowledge it is accurate and presents a correct statement of the approval requested.
- 4. The Managing Member of JM AND DM HOLDINGS, LLC has approved and hereby authorizes Jacobowitz and Gubits, LLP to make and process said re-zoning application and all other land use applications associated with the development of Town tax map parcel Section 62, Block 1, Lot 8.

JM AND DM HOLDINGS, LLC

By:   
JOSEPH ACCETTURA, Member

 11/12/2021  
Notary Public





**TOWN OF NEWBURGH**

*add on  
new item 12*

1496 Route 300, Newburgh, New York 12550

**RONALD E. CLUM, CPA**  
ACCOUNTANT

845-564-5220

Fax: 845-566-9461

E-Mail: [rclumaccountant@townofnewburgh.org](mailto:rclumaccountant@townofnewburgh.org)

**To:** Gil Piaquadio, Town Supervisor  
**Cc:** Town Board  
**From:** Ronald E Clum  
**Date:** November 17, 2021  
**RE:** Transfer and Use of Covid Money

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Upon review of the Roseton Hills Sewer Plant Capital Project it was discovered that there was an authorization to go out for additional bonding of \$392,000, which was never done. Because of this there is a negative cash situation within that capital project of approximately \$189,000.00 which needs to be replenished before the year end.

I am asking for board approval to use \$189,000 of COVID/ARPA money to cover this shortfall via a cash transfer from the General Fund to the Capital Fund in that amount. This type of expenditure is authorized by the State and Local Fiscal Recovery Funds.

If you have any questions, please feel free to contact me.

Sincerely,

Ronald E Clum

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Approved