



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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: JM AND DM HOLDINGS, LLC PETITION TO REZONE
PROPERTY AT UNION AVENUE AND UNION
AVENUE EXTENSION (NYS ROUTE 300) FROM R-3
RESIDENTIAL TO THE ADJACENT B (BUSINESS)
ZONING DISTRICT
OUR FILE NOS. 800.____; 800.1(B)() (2022)

DATE: JANUARY 21, 2022

ATTORNEYS

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COUNSEL

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OF COUNSEL

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Enclosed is the final version of an 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 Union Avenue and Union Avenue Extension (NYS Route 300) from R-3 to the Adjacent B Zoning District

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

1. Resolution of Town Board Determining that Proposed Adoption 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 Union Avenue and Union Avenue Extension (NYS Route 300) from R-3 to the Adjacent B Zoning District is an Unlisted Action under SEQR; Petition of JM and Dm Holdings, LLC, together with Part 1 and Part 2 of the Environmental Assessment Form
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 Union Avenue and Union Avenue Extension (NYS Route 52) from R-3 to the Adjacent B Zoning District and Providing for Public Hearing; Petition of JM and DM Holdings, LLC
3. Resolution of Town Board Referring Local Law Amending Chapter 185 Entitled Zoning of the Code of the Town of

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Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Union Avenue and Union Avenue Extension (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 JM and DM Holdings, LLC

Copies of submitted Petition and covering correspondence are also enclosed,

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

cc: Town Clerk Lisa M. Vance Ayers
Town Engineer James Osborne (via e-mail)
Pat Hines, Principal, McGoe, Hauser & Edsall (via e-mail)
Code Compliance Supervisor Gerald Canfield (via e-mail)
Molly Carhart, Assessor (via e-mail)
Marissa Logan, Esq. (via e-mail)

**INTRODUCTORY LOCAL LAW No. ____ of 2022
TOWN OF NEWBURGH**

**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 UNION AVENUE AND UNION AVENUE EXTENSION (NYS ROUTE 300)
FROM R-3 TO THE ADJACENT B ZONING DISTRICT**

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

SECTION 1 - TITLE

This Local Law shall be referred to as "A Local Law Amending Chapter 185 Entitled 'Zoning' of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Union Avenue and Union Avenue Extension (NYS Route 300) from R-3 to the Adjacent B Zoning District."

SECTION 2. 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 business use while retaining the residential character of the area, in line with the recommendations of the Town Comprehensive Plan.

SECTION 3. PURPOSE.

The purpose of this local law is to rezone certain property located at the northern corner of the intersection of Union Avenue and Union Avenue Extension (New York State Route 300) and fronting portions of said street and highway from the R-3 (Residential) Zoning District to the adjacent B (Business) Zoning District.

The area to be rezoned is comprised of a property which is situated on the eastern side of Union Avenue at its intersection with Union Avenue Extension (New York State Route 300) designated as Section 62 Block 1 Lot 8 on the tax map for the Town of Newburgh, which is approximately 0.6 acres in size, together with the fronting portions of the public rights of ways to the center line of each street. The owner of the property, JM and DM Holdings, LLC. has petitioned for the change in zoning.

SECTION 4. ZONING CODE AMENDMENT

Section 185-5 entitled "Zoning Map" of Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh is hereby amended to read as follows:

"§ 185-5. Zoning Map.

The boundaries of said districts hereby established are shown on the August 19, 1974, Zoning Map, Town of Newburgh, as last amended by Local Law No. ___ of the Year 2022, which accompanies and which, with all explanatory matter thereon, is hereby adopted and made a part of this chapter. The exact location of each zoning district boundary is recorded on an Official Zoning Map in the office of the Town Clerk in accordance with § 264 of Town Law."

SECTION 5. ZONING MAP AMENDMENT.

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. ___ of 2022, 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.

SECTION 6. 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 7. 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.

Exhibit A
Description
Zoning Map Amendment

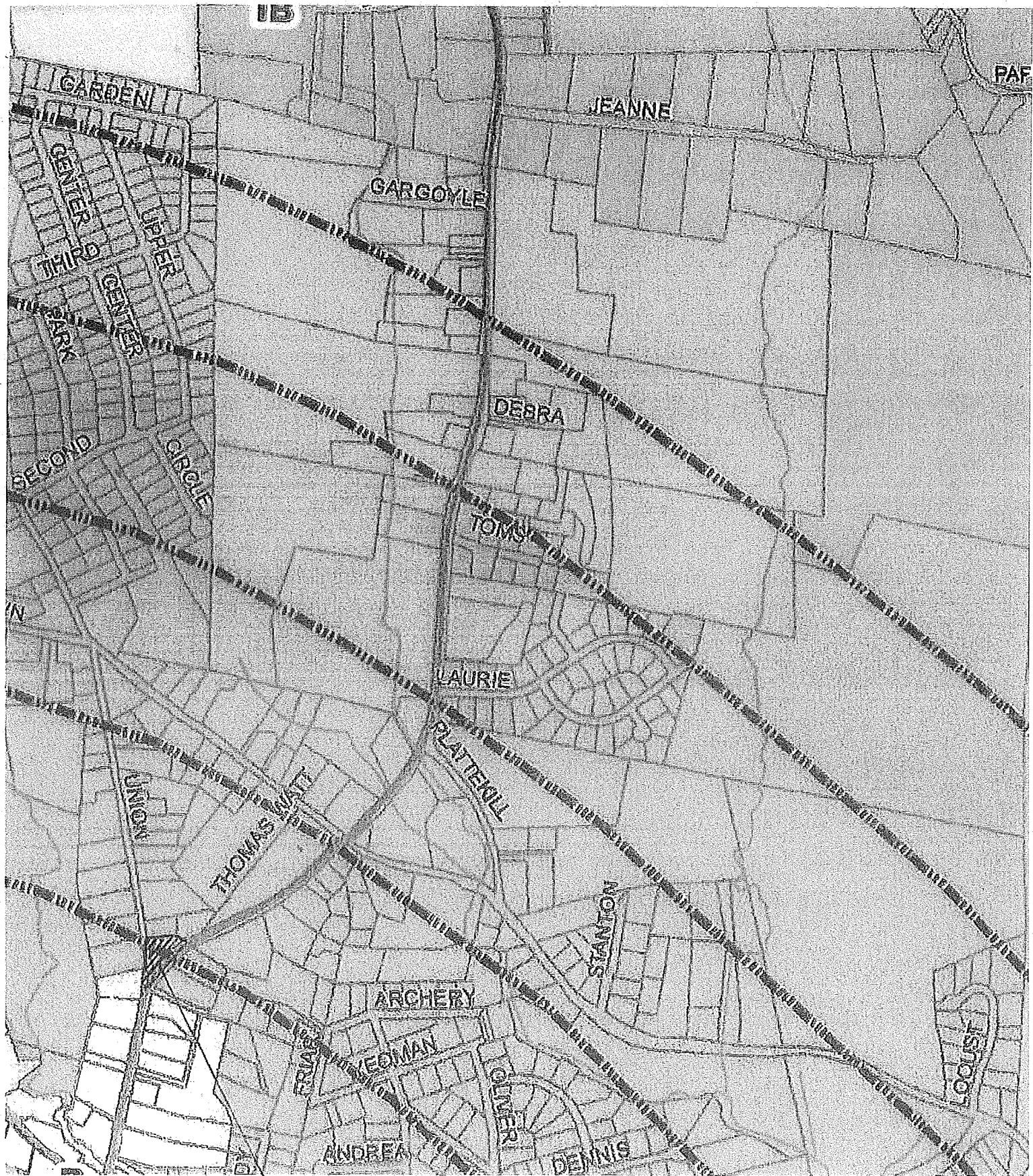
All that certain piece or parcel of land, situate, lying and being in the Town of Newburgh,
County of Orange, State of New York, being more accurately bounded and described as follows:

Beginning at a point at the intersection in the centerline of Union Avenue Extension (N.Y.S. Route 300 } with the centerline of Union Avenue;

THENCE, Northerly along the centerline of Union Avenue to a point opposite the southerly boundary line of reputed lands of Seneca, Liber 12242, Page 880; thence; along the southerly boundary line of Seneca, North 89 degrees 23 minutes 00 seconds East 25 feet +/- to an iron pipe found; thence along said Seneca North 89 degrees 23 minutes 00 seconds East 175.00 feet, to an iron pin found; thence along the reputed lands of Serbinov, Liber 11938, Page 700, South 36 degrees 34 minutes 00 seconds East 56.18 feet, to an iron pipe found, thence continuing South 36 degrees 34 minutes 00 seconds East 25 feet +/-, to the centerline of the above mentioned Union Avenue Extension; thence Southwesterly along the centerline of Union Avenue Extension to the point or place of beginning.

Exhibit B

AMENDED ZONING MAP SECTION



Subject Property to Be Rezoned R-3 to B (Business) Zoning District

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 January, 2022 at 7:00 o'clock p.m.

PRESENT:

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

RESOLUTION OF TOWN BOARD
DETERMINING THAT PROPOSED
ADOPTION OF A LOCAL LAW
AMENDING CHAPTER 185
ENTITLED "ZONING" OF THE
CODE OF THE TOWN OF NEWBURGH
AND THE ZONING MAP OF THE TOWN OF
NEWBURGH TO REZONE PROPERTY AT
UNION AVENUE AND UNION AVENUE
EXTENSION (NYS ROUTE 300) FROM
R-3 TO THE ADJACENT B ZONING DISTRICT
IS AN UNLISTED ACTION;
PETITION OF JM AND DM HOLDINGS, LLC

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

WHEREAS, having received a request from a property owner for an amendment to the Zoning Code of the Town of Newburgh and Zoning Map of the Town of Newburgh to rezone property at Union Avenue and Union Avenue Extension (NYS Route 300) from R-3 to the Adjacent B Zoning District the Town Board of the Town of Newburgh has caused to prepared a local law amending the Zoning Code of the Town of Newburgh which will implement the proposed amendment; and

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

WHEREAS the petitioner having also submitted Part 1 of an Environmental Assessment Form in connection with its request for the adoption of a Zoning Map Amendment, the Town Board has caused Part 2 to be prepared (Part 1 and Part 2 comprising the completed parts of the "EAF") for the proposed adoption of the Local Law; and

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

WHEREAS, the Town Board, using all due diligence, has identified the following involved agency for the Action:
None; and

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

the Orange County Planning Department,

the Town of Newburgh Planning Board, and

the Town of Newburgh Zoning Board of Appeals; and

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

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

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

; and

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

Orange County Department of Planning

Town of Newburgh Planning Board

Town of Newburgh Zoning Board of Appeals

and;

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

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

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

The resolution was thereupon declared duly adopted.

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.

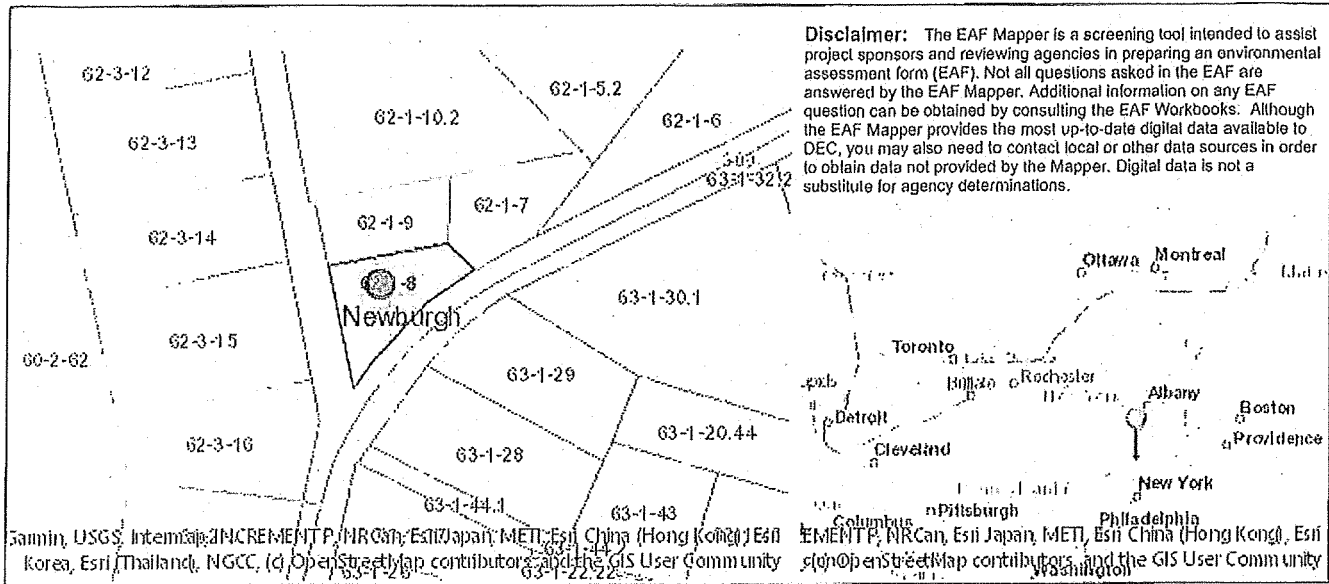
Part 1 - Project and Sponsor Information			
Name of Action or Project: JM AND DM HOLDINGS LLC			
Project Location (describe, and attach a location map): 1463 Route 300, Town of Newburgh, Orange County, NY, SBL No. 62-1-8			
Brief Description of Proposed Action: Petition to the Town of Newburgh Town Board 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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation services available at or near the site of the proposed action?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near 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	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	<input type="checkbox"/>	<input type="checkbox"/>	
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____ 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?	NO	YES
Indiana Bat	<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?	NO	YES
If Yes,	<input checked="" 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:		
No construction proposed as a result of requested action		
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)?	NO	YES
If Yes, explain the purpose and size of the impoundment:	<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?	NO	YES
If Yes, describe:	<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?	NO	YES
If Yes, describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor/name: <u>JM AND DM HOLDINGS LLC, c/o Jacobowitz & Gubits, LLP</u> Date: <u>November 9, 2021</u> Signature: <u><i>[Signature]</i></u> Title: <u>Attorney for applicant</u>		

EAF Mapper Summary Report

Tuesday, November 9, 2021 2:21 PM



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

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

Project :	R-3 1p B Zoning Map Amend. Union Ave
Date :	01/23/2022

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

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

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

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

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

9. Impact on Aesthetic Resources 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.) <i>If "Yes", answer questions a - g. If "No", go to Section 10.</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. 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 The proposed action may occur in or adjacent to a historic or archaeological resource. (Part 1. E.3.e, f. and g.) <i>If "Yes", answer questions a - e. If "No", go to Section 11.</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 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"/>
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. (See Part 1. C.2.c, E.1.c., E.2.q.) If "Yes", answer questions a - e. If "No", go to Section 12.			
		<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 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) If "Yes", answer questions a - c. If "No", go to Section 13.			
		<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 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.
(See Part 1. D.2.j)

☒ NO☐ YES

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.
(See Part 1. D.2.k)

☒ NO☐ YES

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.
(See Part 1. D.2.m, n, and o.)

☒ NO☐ YES

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 I. C.1, C.2. and C.3.) If "Yes", answer questions a - h. If "No", go to Section 18.			
		<input type="checkbox"/> NO	<input checked="" type="checkbox"/> YES
	Relevant Part I Question(s)	No, or small impact may occur	Moderate to large impact may occur
a. The proposed action's land use components may be different from, or in sharp contrast to, current surrounding land use pattern(s).	C2, C3, D1a E1a, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. The proposed action will cause the permanent population of the city, town or village in which the project is located to grow by more than 5%.	C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. The proposed action is inconsistent with local land use plans or zoning regulations.	C2, C2, C3	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. The proposed action is inconsistent with any County plans, or other regional land use plans.	C2, C2	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. The proposed action may cause a change in the density of development that is not supported by existing infrastructure or is distant from existing infrastructure.	C3, D1c, D1d, D1f, D1d, E1b	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. The proposed action is located in an area characterized by low density development that will require new or expanded public infrastructure.	C4, D2c, D2d D2j	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. The proposed action may induce secondary development impacts (e.g., residential or commercial development not included in the proposed action)	C2a	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Other: _____		<input type="checkbox"/>	<input type="checkbox"/>

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

At a meeting of the Town Board of 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 January, 2022 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 UNION AVENUE
AND UNION AVENUE EXTENSION (NYS
ROUTE 300) FROM R-3 TO THE ADJACENT B
ZONING DISTRICT AND PROVIDING FOR
PUBLIC HEARING;
PETITION OF JM AND DM HOLDINGS, LLC

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 Union Avenue and Union Avenue Extension (NYS Route 300) 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 March, 2022 at 7:00 o'clock, p.m., and

BE IT FURTHER RESOLVED that the Town Clerk give notice of such public hearing by the publication of a notice in the official newspapers of the Town, specifying the time when and the place where such public hearing will be held at least three (3) days prior to the public hearing in accordance with the requirements of the Municipal Home Rule Law and Section 25-1 of the Town of Newburgh Municipal Code and by posting one copy of the local law together with the notice of hearing on the signboard of her 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.

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 January, 2022 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 UNION AVENUE AND UNION AVENUE EXTENSION (NYS ROUTE 300) 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 JM AND DM HOLDINGS, LLC

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 JM and DM Holdings, LLC, the property owner, for a Zoning Map change for an area of land comprised of a property which is situated on the eastern side of Union Avenue at its intersection with Union Avenue Extension (New York State Route 300) designated as Section 62 Block 1 Lot 8 on the tax map for the Town of Newburgh encompassing approximately 1.02 acres of land 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 Union Avenue and Union Avenue Extension (NYS Route 300) from R-3 (Residential) to the Adjoining B (Business) Zoning District; and

WHEREAS, the petition having also submitted Part 1 of an Environmental Assessment Form in connection with its request for the adoption of a Zoning Map Amendment, 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.

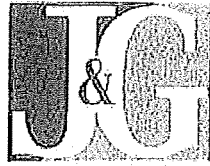
NOW, THEREFORE, BE IT RESOLVED, that copies of the Local Law Amending Chapter 185 entitled "Zoning" of the Code of the Town of Newburgh and the Zoning Map of the Town of Newburgh to Rezone Property at Fifth Avenue and South Plank Road (NYS Route 52) R-3 to the Adjacent B Zoning District together with 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 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. Piaquadio, Supervisor</u>	<u>voting</u>

The resolution was thereupon declared duly adopted.



JACOBOWITZ AND GUBITS^{LLP}

COUNSELORS AT LAW

November 16, 2021

Gerald N. Jacobowitz**
David B. Gubits**
Howard Protter
Donald G. Nichol**
Larry Wolinsky**
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REPLY TO:

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

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

JACOBOWITZ.COM

Via Email: town-clerk@townofnewburgh.org; 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. Pedi, 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

Dear Honorable Supervisor Piaquadio and Town Board Members:

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.

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

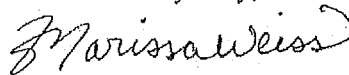
the residential character of the property, in line with the recommendations of the Town Comprehensive Plan.

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:rnc
Enclosure

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

TOWN BOARD
TOWN OF NEWBURGH

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.

**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 \pm 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 roadways¹; 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

¹ 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.

This is a detailed plat map of a portion of the Township of Union, Michigan. The map shows sections 34, 38, 40, 50, and 60. Key features include:

- Highway 300** running along the top edge.
- State Road** running diagonally from the top left towards the center.
- Union Avenue** running horizontally across the bottom half of the map.
- Section 34** (top left) and **Section 38** (bottom left) containing numerous small, numbered land parcels.
- Section 40** (top center) and **Section 50** (bottom center) containing larger, numbered land parcels.
- Section 60** (bottom right) containing a large, shaded area and several smaller parcels.
- Map Labels:** "TOWNSHIP OF UNION", "COUNTY OF WASHTENAW", "SECTION 34", "SECTION 38", "SECTION 40", "SECTION 50", "SECTION 60", "HIGHWAY 300", "STATE ROAD", "UNION AVENUE".
- Parcel Numbers:** Various numbers are scattered throughout the map, including 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.
- Other Features:** A north arrow is located in the top left corner. A scale bar is located in the top right corner.

LEGEND

1. Name of the person	2. Date of birth	3. Place of birth	4. Date of death	5. Place of death	6. Date of burial	7. Place of burial	8. Date of cremation	9. Place of cremation	10. Date of interment	11. Place of interment	12. Date of exhumation	13. Place of exhumation	14. Date of reinterment	15. Place of reinterment	16. Date of removal	17. Place of removal	18. Date of return	19. Place of return	20. Date of disposal	21. Place of disposal	22. Date of recovery	23. Place of recovery	24. Date of identification	25. Place of identification	26. Date of examination	27. Place of examination	28. Date of autopsy	29. Place of autopsy	30. Date of report	31. Place of report	32. Date of filing	33. Place of filing	34. Date of release	35. Place of release	36. Date of return	37. Place of return	38. Date of disposal	39. Place of disposal	40. Date of recovery	41. Place of recovery	42. Date of identification	43. Place of identification	44. Date of examination	45. Place of examination	46. Date of autopsy	47. Place of autopsy	48. Date of report	49. Place of report	50. Date of filing	51. Place of filing	52. Date of release	53. Place of release	54. Date of return	55. Place of return	56. Date of disposal	57. Place of disposal	58. Date of recovery	59. Place of recovery	60. Date of identification	61. Place of identification	62. Date of examination	63. Place of examination	64. Date of autopsy	65. Place of autopsy	66. Date of report	67. Place of report	68. Date of filing	69. Place of filing	70. Date of release	71. Place of release	72. Date of return	73. Place of return	74. Date of disposal	75. Place of disposal	76. Date of recovery	77. Place of recovery	78. Date of identification	79. Place of identification	80. Date of examination	81. Place of examination	82. Date of autopsy	83. Place of autopsy	84. Date of report	85. Place of report	86. Date of filing	87. Place of filing	88. Date of release	89. Place of release	90. Date of return	91. Place of return	92. Date of disposal	93. Place of disposal	94. Date of recovery	95. Place of recovery	96. Date of identification	97. Place of identification	98. Date of examination	99. Place of examination	100. Date of autopsy	101. Place of autopsy	102. Date of report	103. Place of report	104. Date of filing	105. Place of filing	106. Date of release	107. Place of release	108. Date of return	109. Place of return	110. Date of disposal	111. Place of disposal	112. Date of recovery	113. Place of recovery	114. Date of identification	115. Place of identification	116. Date of examination	117. Place of examination	118. Date of autopsy	119. Place of autopsy	120. Date of report	121. Place of report	122. Date of filing	123. Place of filing	124. Date of release	125. Place of release	126. Date of return	127. Place of return	128. Date of disposal	129. Place of disposal	130. Date of recovery	131. Place of recovery	132. Date of identification	133. Place of identification	134. Date of examination	135. Place of examination	136. Date of autopsy	137. Place of autopsy	138. Date of report	139. Place of report	140. Date of filing	141. Place of filing	142. Date of release	143. Place of release	144. Date of return	145. Place of return	146. Date of disposal	147. Place of disposal	148. Date of recovery	149. Place of recovery	150. Date of identification	151. Place of identification	152. Date of examination	153. Place of examination	154. Date of autopsy	155. Place of autopsy	156. Date of report	157. Place of report	158. Date of filing	159. Place of filing	160. Date of release	161. Place of release	162. Date of return	163. Place of return	164. Date of disposal	165. Place of disposal	166. Date of recovery	167. Place of recovery	168. Date of identification	169. Place of identification	170. Date of examination	171. Place of examination	172. Date of autopsy	173. Place of autopsy	174. Date of report	175. Place of report	176. Date of filing	177. Place of filing	178. Date of release	179. Place of release	180. Date of return	181. Place of return	182. Date of disposal	183. Place of disposal	184. Date of recovery	185. Place of recovery	186. Date of identification	187. Place of identification	188. Date of examination	189. Place of examination	190. Date of autopsy	191. Place of autopsy	192. Date of report	193. Place of report	194. Date of filing	195. Place of filing	196. Date of release	197. Place of release	198. Date of return	199. Place of return	200. Date of disposal	201. Place of disposal	202. Date of recovery	203. Place of recovery	204. Date of identification	205. Place of identification	206. Date of examination	207. Place of examination	208. Date of autopsy	209. Place of autopsy	210. Date of report	211. Place of report	212. Date of filing	213. Place of filing	214. Date of release	215. Place of release	216. Date of return	217. Place of return	218. Date of disposal	219. Place of disposal	220. Date of recovery	221. Place of recovery	222. Date of identification	223. Place of identification	224. Date of examination	225. Place of examination	226. Date of autopsy	227. Place of autopsy	228. Date of report	229. Place of report	230. Date of filing	231. Place of filing	232. Date of release	233. Place of release	234. Date of return	235. Place of return	236. Date of disposal	237. Place of disposal	238. Date of recovery	239. Place of recovery	240. Date of identification	241. Place of identification	242. Date of examination	243. Place of examination	244. Date of autopsy	245. Place of autopsy	246. Date of report	247. Place of report	248. Date of filing	249. Place of filing	250. Date of release	251. Place of release	252. Date of return	253. Place of return	254. Date of disposal	255. Place of disposal	256. Date of recovery	257. Place of recovery	258. Date of identification	259. Place of identification	260. Date of examination	261. Place of examination	262. Date of autopsy	263. Place of autopsy	264. Date of report	265. Place of report	266. Date of filing	267. Place of filing	268. Date of release	269. Place of release	270. Date of return	271. Place of return	272. Date of disposal	273. Place of disposal	274. Date of recovery	275. Place of recovery	276. Date of identification	277. Place of identification	278. Date of examination	279. Place of examination	280. Date of autopsy	281. Place of autopsy	282. Date of report	283. Place of report	284. Date of filing	285. Place of filing	286. Date of release	287. Place of release	288. Date of return	289. Place of return	290. Date of disposal	291. Place of disposal	292. Date of recovery	293. Place of recovery	294. Date of identification	295. Place of identification	296. Date of examination	297. Place of examination	298. Date of autopsy	299. Place of autopsy	300. Date of report	301. Place of report	302. Date of filing	303. Place of filing	304. Date of release	305. Place of release	306. Date of return	307. Place of return	308. Date of disposal	309. Place of disposal	310. Date of recovery	311. Place of recovery	312. Date of identification	313. Place of identification	314. Date of examination	315. Place of examination	316. Date of autopsy	317. Place of autopsy	318. Date of report	319. Place of report	320. Date of filing	321. Place of filing
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ORANGE COUNTY-NEW YORK

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334650
TOWN OF NEWBURGH

Scale 1" = 100' Section No. 52

FOR ALL 2/7

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

}

}

ss:

County of Orange

}

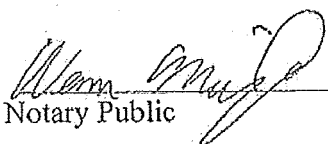
JOSEPH ACCETTURA, being duly sworn, deposes and says:

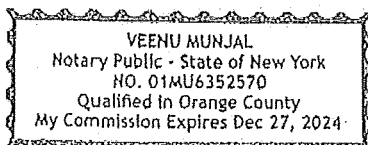
1. I am a Member of JM AND DM HOLDINGS, LLC and have authority to sign on behalf of the LLC. The statements contained herein are true to the best of my knowledge and belief.
2. JM AND DM HOLDINGS, LLC is the Owner of the property described in the accompanying application for amendment of the Zoning Map 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



**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.