

A regular meeting of the City Council of the City of Newburgh was held on Monday, January 23, 2017 at 7:00 PM in the third floor Council Chambers at City Hall, 83 Broadway, Newburgh, NY.

Prayer/Rezo

The Prayer was led by Rev. Ernie Mossi from Christ Lutheran Church followed by the Pledge of Allegiance.

Pledge of Allegiance/Juramento a la Alianza

Roll Call/ Lista de asistencia

Present: Mayor Kennedy presiding, Councilwoman Angelo, Councilman Harvey, Councilwoman Holmes, Councilwoman Mejia - 5

Absent: Councilwoman Abrams, Councilwoman Rayford - 2

COMMUNICATIONS

Approval of the minutes of the meeting of January 9, 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Carried

City Manager Update/ Gerente de la Ciudad pone al dia a la audiencia de los planes de cada departamento

City Manager, Michael Ciaravino, said that the City of Newburgh will be joining other officials who are asking for the United States Department of Defense to eliminate the ongoing discharge of PFOS from the Air National Guard Base at Stewart Airport which since last year continues to discharge PFOS at 5900 parts per trillion and it's important to note that the EPA Advisory is only 60 parts per trillion. The City has been working with the New York State Department of Health and the New York State Department of Environmental Conservation to provide clean drinking water to our consumers. In 2016, the City switched to the backup water supply reservoir and since exhausting that backup supply in June we were forced to withdraw uncontaminated source water from the New York City Department of Environmental Protection's Catskill Aqueduct. The DEC is constructing a treatment system at the City of Newburgh's Filtration Plant which we expect to be operational in October, 2017 and at that time we would like to switch back to withdrawing water from Washington Lake and utilize this new treatment system. We are still left with two very serious concerns and the first relates to the ongoing discharge from the Department of Defense site at the Airport. As was indicated earlier, this has been going

on for over a year and we believe it has been even longer than that. It has simply not been removed and continues to leave the Airport site, travel down our watershed into Silver Stream and discharges into Washington Lake. We have closed the diversion gate and it is important to note that the point of discharge from the Airport site to Washington Lake is less than 1.5 stream miles. If you can imagine the Airport at the top of the funnel with Washington Lake at the bottom and what comes out at Washington Lake ultimately goes through our filtration plant and has been the water that the City of Newburgh has been drinking decade after decade. We have temporarily diverted this water from entering Washington Lake by closing a diversion gate along Silver Stream and redirecting this contaminated water down to Moodna Creek and the Hudson River. The DEC and DOH have identified Rec Pond as a significant source of water near the Base as a natural collection basin for the surface water that comes from the Military Base as well as an outfall for storm water piping. Rec Pond continues to this date to receive substantial amounts of PFOS from the Airport drainage. The DEC has done a commendable job providing short term relief by funding Aqueduct water from New York City and a treatment system at our Filtration Plant. Even with limited testing it has been demonstrated conclusively that the outfalls discharging in to Rec Pond and the outlet are major sources for the contamination of Washington Lake, Moodna Creek Watershed and the Hudson River. The Department of Defense has taken the position that Rec Pond is outside of their Base boundary and will, therefore, not be included in their site investigation. This suggests that the Department of Defense is not planning to deal with Rec Pond in their long term remediation plan and have allegedly based their decision on a Policy known as SAF/IE Policy 8112016. It is urgent that the Department of Defense revise its site investigation plan to include Rec Pond and to immediately take action to prevent PFOS contamination from that source. Regardless of whether or not it falls within their Base boundary we know that water flows downhill and it emanates and originates from the boundary down the hill, down the funnel to Washington Lake which is the primary source of drinking water for our residents and those who come here and drink the water on a daily basis. Whenever there is a release of a hazardous substance into the environment, Federal and State Laws make the responsible party liable for subsequent cleanup up off site as well as on site. Discharge water from Rec Pond flows directly into Silver Stream ultimately contaminating Moodna Creek, the Hudson River and Washington Lake. In the Fall of 2017, the City will be expected to reopen Silver Stream diversion gates and direct the source of that water into Washington Lake. If this problem is not addressed by then it will once again be putting contaminated water back into the City's primary drinking water reservoir. Our second concern is that no agency has yet stepped forward to take responsibility for the restoration of Washington Lake. The damage by the Department of Defense done to Washington Lake is clearly part of the contamination that originates from their Base. Although the DEC has declared the Air National Guard Base to be a State Super Fund Site the DEC understandably is again looking to the Department of Defense to take responsibility for any restoration effort. The DEC had defined its responsibility as locating the problem area and providing a means to supply clean water to its consumers and has focused its efforts on providing a long term treatment system for Washington Lake. There is no question that the contamination now located within Washington Lake originates from the Base. The levels of PFOS water in Washington Lake range as high as four times the EPA health advisory and maintaining the treatment system that the DEC is installing will be costly and we do not know at this time how many years it will take for the contamination in the reservoir to fall back to safe levels. In the meantime, the confidence of those who drink our water has been compromised severely and our City it seems is bearing alone the

consequences for the loss of that trust. We believe that the Department of Defense is legally required by Federal and State Law to prepare a plan to study the current condition in Washington Lake and to act immediately. What we need is a position from the Department of Defense specifying what their interim remedial measure will be to stop this discharge and a full site investigation. We have proposed the same measure that has already been constructed on Route 300 to lower the water level in Washington Lake and as it continues to rain the water fills up in the Lake. The DEC lowered that in the late Fall to accommodate this rain water. We need the exact same temporary technology to be positioned at Rec Pond to clean up that water before it continues to come down our funnel into Washington Lake. It is our understanding that the Department of Defense is set to follow their own lengthy investigation which would be a repeat of efforts already made by the DEC to define the contamination source. The work through all or much of 2017 would involve document review and small scale site investigations so it could be up to another year before the ground water pollution is fully characterized and the remedial options are proposed, designed and implemented. We ask for assistance in advocating our Elected Officials to prevent this delay particularly at the Department of Defense level and encourage them to utilize the efforts of the DEC thus far and not duplicate their efforts in a time consuming matter. We have already defined the contamination source and this will help speed up Newburgh's recovery from this water crisis which is not of our own making. We are going to be reaching out to our Federal Representatives, United States Senators and Local Congressman Maloney to ensure that this request is specified. Many have already made this request and we want to add our voice as it impacts the City of Newburgh and the quality of our water into the future.

Many have noticed that the winds have picked up outside as we are expecting high winds with rain and ice through the night. The National Weather Service has issued a high wind warning with expected winds up to 45 mph through Tuesday morning. This can bring down trees, power lines, road signs, construction scaffolding and unsecured objects such as outdoor furniture, grills and garbage cans can become dangerous projectiles. To prevent injury and damage bring all loose items indoors or secure them outside and be watchful for any dead trees, overhanging branches or anything else that could potentially fall or become airborne. In the event you see a downed power line, call for help and report all downed lines to the utility company and the Fire Department. Do not try to free lines or remove any debris and avoid anything touching the downed wires. Remember that puddles and snow covered ground can conduct electricity so stay clear of any downed wires and warn others to do the same. If you see someone who has been shocked, do not touch them. Stay clear and call 911. If a line falls on your car, stay inside the vehicle and do not touch any metal objects in the car. Honk your horn and roll down your window to warn others of the danger. Ask someone to dial 911 and do not exit the vehicle until help arrives. If the vehicle catches on fire, the Fire Department advises that you should open the door and try to jump without touching any exterior metal and get away from the car as quickly as possible. This is easier said than done but it is good to be prepared.

In the Recreation Department winter basketball and soccer are in full swing. The games and practices are held nightly at the Newburgh Armory, Jewish Community Center and Heritage Middle School. Registration for the City of Newburgh Summer Playground starts Monday, January 16th which is the annual Summer Camp for boys and girls in Grades 1

through 6. Camp dates are June 26th through August 4, 2017 Monday through Friday from 8:00 a.m. to 4:00 p.m. The cost is \$350.00 for residents and \$450.00 for non-residents which includes all trips and you must register in person at the Activity Center. Registration for the Positive Image Team Program is ongoing which is designed to promote health and personal development for high school aged youth. The Program will meet 5:00 p.m. to 9:00 p.m. on Fridays and 1:00 p.m. to 5:00 p.m. on Saturdays. For more information contact the Recreation Department at (845) 565-3230. The Recreation Department will also host Open Gym at the Newburgh Armory any time that the Newburgh Enlarged City School District is closed or on a half day schedule. The next Open Gym is scheduled for Monday, February 6, 2017 and if for any reason we have a school closure we will attempt to have that gym open for the community to use. Through the generosity of our Planning and Development Department improvements at Delano-Hitch Recreation Park are moving forward with new basketball court lighting, bleachers, benches and two outdoor fitness stations all coming hopefully in the next few weeks.

PRESENTATIONS

A Video Presentation and Certificates of Appreciation will be presented to and by the Newburgh Free Academy's Track Team

Certificates were awarded to:

Coach Bruce Greene and Coach Malcolm Burks

& Track Team Members:

**Marielle Apronti
Andrea McCaskill
Kayara Thompson
Justine Brooks
Ricardo Singh
Jordan Lawrence
Stephon Scott
Robert Walker
Ryler Gould
Ellyson Grant**

COMMENTS FROM THE PUBLIC REGARDING THE AGENDA

Michael Acevedo, 73 Carpenter Avenue said that he is in favor of the Tenant Responsibility Act and is happy that the Council has designed one. It is well needed for everyone involved and it will help the City move forward.

Mayor Kennedy noted that they have been working on it for a very long time.

There being no further comments this portion of the meeting was closed.

COMMENTS FROM THE COUNCIL REGARDING THE AGENDA

There were no comments.

CITYMANAGER'S REPORT

Resolution No. 18 - 2017 - ShotSpotter Flex Subscription Service Donations

Mayor Kennedy noted that we are moving forward with great technology that can identify where shots come from in the City within thirty seconds. It will triangulate not only where the shot comes from but also what kind of gun it comes from and will get that information to our Police Department so that action can be taken. She is calling it, "We are putting the heat on the street". We have the money for the first eighteen months of the subscription and we need to start raising funds to be able to continue with it.

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 19 - 2017 - Intent to Declare Newburgh City Council Lead Agency in the SEQRA Review of Newburgh's LWRP

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 20 - 2017 - Authorizing amendment to Grantee on a deed for property located at 8 Larter Avenue

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 21 - 2017 - Discharge of Judgments - 17 Dubois Street

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 22 - 2017 - Release of Covenants -- 12 Parcels

Councilwoman Mejia moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 23 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 24 - 2017 Rental License Amendments & Tenant Responsibility

Councilman Harvey thanked the Landlord Association, the Mayor, the City Council, Michelle Kelson and our City Manager. He thanked everyone who put their hands on deck for this particular legislation. This is something that has been on the minds and hearts of many people and it will help clean up our City. He thinks this is part of the revitalization and is one of the elements that is going to help everyone be accountable and responsible for their homes and where they live whether they are renters or homeowners. It is a shared accountability and he is really proud of this because it will revitalize our beautiful City and restore it to its historical greatness. He is very proud of this legislation.

Mayor Kenney agrees with Councilman Harvey and said they started this about two years ago so it has taken some time but we are getting there slowly but surely. She likes the phrase "*Rights and Responsibility*". You don't get rights without responsibilities so this is a way to make it more balanced and fair. She feels this will help our City move forward and let people know that we all have to take part in making things better. You can't throw your trash or kick in the walls and as a Landlord you can't have an apartment that just doesn't work. It is for both sides of the fence and we will now have to implement it and see how it works. She is happy to support this piece of legislation tonight because it is a step in the right direction.

Councilwoman Mejia added that this process began well before two years ago. It started at the table of the Distressed Property Task Force where dialogue happens and we would not be here if it had not been for all of those meetings. They continue to have these meetings on a quarterly basis and the next one is coming up in April. She knew we would end up here eventually and she is looking forward to checking this off as being done. This is the easy part; now comes the enforcement and the accountability portion.

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 25 - 2017 - Financial Clarification For Audit Purposes - Deputy Police Chief Salary 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Mejia, Kennedy - 4

Nays: Holmes-1

Adopted

Resolution No. 26 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 27 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 28 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 29 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

Resolution No. 30 - 2017

Councilwoman Angelo moved and Councilman Harvey seconded.

Ayes: Angelo, Harvey, Holmes, Mejia, Kennedy - 5

Adopted

NEW BUSINESS

Mayor Kennedy would like to add to the next Work Session Agenda a presentation by Downing Park concerning a proposal to bring a Coffee Shop to the Shelter House. She feels that would be a great thing to have in the Park.

There being no further new business this portion of the meeting was closed.

OLD BUSINESS

Mayor Kennedy gave an update on the cat issues and according to Councilwoman Holmes there are only two cats left at that address. The people rescuing and moving the cats have been doing their due diligence and are now working on a second property that was brought to light at a previous meeting. She looks forward to a formal proposal to deal with this on an ongoing basis.

There being no further old business this portion of the meeting was closed.

PUBLIC COMMENTS REGARDING GENERAL MATTERS OF CITY BUSINESS

Drew Kartiganer, 30 Meadow Street, is here concerning the Mid-Broadway Project and Mill Street Partners. Many have opposed this development for many different reasons and while looking over a number of different items the original Deed was found for the Johnston Street Parking Lot from 1956. This may be the only document concerning the City of Newburgh's ownership of the property. The Deed was reviewed by Attorney Alan Lipman who wrote the attached letter which was submitted and read aloud. (copy attached).

Stuart Sachs, 28 Lander Street, submitted and read the attached letter. (copy attached)

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BRIAN M. GIBSON
KAREN TELGHEDER

January 19, 2017

City Council, City of Newburgh
83 Broadway, City Hall
Newburgh, New York 12550

Attention: Judy Kennedy, Mayor
Attention: Michael Ciravino, City Manager

Re: Kartiganer and Sachs w. City Council of Newburgh

Dear Mayor Kennedy and City Manager Ciravino:

I write to you on behalf of Drew Kartiganer and Stuart Sachs residing at 30 Meadow Street, Newburgh, New York 12550 and 28 Lander Street, Newburgh, New York 12550, respectively.

Each of those individuals has a significant stake in the outcome of the development that is proposed between Lander Street, Johnson Street and Broadway. The development is proposed by Mill Street Partners LLC.

Regarding the Development Agreement which was adopted by the City Council of the City of Newburgh in the year 2013, that adopted Agreement was limited to a term of two (2) years.

I have also been advised that the Johnson Street Municipal Parking Lot was transferred to the City of Newburgh by the Newburgh Housing Authority by a Deed recorded in the Orange County Clerk's office in Liber 1411 of Deeds at Page 11, a copy of which is attached hereto. That Deed contains a provision requiring a reversion of the title, which reads as follows:

(Continued)

FABRICANT LIPMAN & FRISHBERG, PLLC

City Council, City of Newburgh
January 18, 2017
Page 2

"TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, its successors and assigns forever, so long as the demised premises are used for municipal purposes. If at any future time said premises are used *for other than municipal purposes*, title thereto shall immediately revert to the grantor."

The above quoted language raises the issue of whether an attempted transfer of the title to the parking lot by the City of Newburgh to Mill Street Partners LLC, for non-municipal purposes, would trigger the reversion of the title to the Newburgh Housing Authority.

It seems to me that without the parking lot, the proposed development may not be viable.

If you have any questions, please feel free to call or write to me.

Very truly yours,



ALAN S. LIPMAN

ASL/las
Enclosure

cc: Mill Street Partners LLC,
Attn. Patrick Normoyle

W. Thompson
W.B.
This Indenture

Made the 10th day of October Nineteen Hundred and
Fifty-six

Between NEWBURGH HOUSING AUTHORITY, a public corporation which is a corporate governmental agency organized pursuant to Article XVII of the Constitution of the State of New York, having its principal place of business at No. 150 Smith Street, Newburgh, Orange County, New York,

party of the first part, and

THE CITY OF NEWBURGH, a municipal corporation of the State of New York with its principal place of business at 81-85 Broadway, City of Newburgh, County of Orange & State of New York.

party of the second part.

Witnesseth, that the party of the first part, in consideration of

ONE Dollar.

(\$ 1.00) lawful money of the United States, and other good and valuable considerations paid by the party of the second part,

does hereby grant and release unto the party of the second part, its

successors and assigns forever, all those certain lots, pieces or parcels of land in the City of Newburgh, Orange County, New York, situated, lying and being on the east side of Johnston Street, in said City, bounded and described as follows:

BEGINNING at the northwest corner of premises known and distinguished as No. 16 Johnston Street and running thence in a northerly direction along the east side of Johnston Street aforesaid 323 feet more or less to the southwest corner of premises known as No. 48 Johnston Street; thence in an easterly direction along the south line of No. 48 Johnston Street 99 feet more or less to the south east corner of said No. 48 Johnston Street; thence in a southerly direction and along the rear lot lines of Nos. 18 to 46 Johnston Street inclusive 325 feet more or less to the northeast corner of No. 16 Johnston Street; thence along the north line of No. 16 Johnston Street 100 feet more or less to the east side of Johnston Street and the point or place of beginning.

BEING all of the premises owned by the party of the first part on the east side of Johnston Street in the City of Newburgh, New York, acquired from the following conveyances, namely:

1. Deed from Rebecca K. Dickerson, dated January 20, 1956, recorded January 24, 1956, in Liber 135 of Deeds at page 144.
2. Deed from Irving W. Weisblatt et al, dated July 2, 1955, recorded August 3, 1955, in Liber 1356 of Deeds at page 220.
3. Deed from Harry Ruben et al, dated October 17, 1955, recorded November 3, 1955, in Liber 1137 of Deeds at page 98.

STATE OF NEW YORK:
COUNTY OF ORANGE:

On this 10th day of *October* 1956, Nineteen hundred and Fifty-six, before me personally came RALPH E. DIEBOLD to me personally known who, being by me duly sworn did depose and say that he resides in 89 Wisner Avenue, Newburgh, New York that he is the Chairman of Newburgh Housing Authority, the corporation described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was so affixed by order of the Board of Directors of said corporation, and that he signed his name thereby by like order.

AUGUSTUS W. REINET
Notary Public in and for the State of New York
Commission expires March 23, 1957

Augustus W. Reinet

A true record entered December 14th, 1956 at 9:00 A. M.

R. H. Hottel

Clerk

Dear Mayor and Members of the City Council,

I rise today to notify you of a Deed restriction that we found associated with the Johnston Street parking lot that is included in the Mid Broadway Development site. It appears that the Johnston Street parking lot was acquired in a manner that requires that it be used only for municipal purposes. Specifically, the Deed contains a provision that seems to require a reversion of the title if it used for something else.

The Deed states that the City of Newburgh may have and use the property for municipal purposes, but "...If at any future time said premises are used for other than municipal purposes..." the title will revert to the previous owner. This seems to state, that the City cannot sell the property to a private developer for private purposes.

This development has a lot of issues to overcome, but this is the hardest, I believe it will require approvals and repayment of funds, that will be costly and time consuming.

Their contract expired in October, and
They do not yet have State Funding required, and
They do not have ARC approval for demolishing the last historic building on the site, and
Significant opposition to the overly generous tax subsidy may prevent a renewal of their PILOT, but
this Deed restriction may be their biggest obstacle so far.

What can be done? Many many things, consider this: A development on Broadway that includes residential and commercial without tax subsidy that includes storm water separation, green cover, on site parking and highly efficient energy and water use. The property on Johnston could be developed by the same developer as a public park. We believe this would be possible without violating the Deed restriction. It is a common practice in many cities to include public amenities as part of a private development. Why shouldn't the City of Newburgh get some public amenity as part of a large lucrative development?

I hope this starts a public dialogue about how this site should be used. A proper procedure would be to separate planning and development. A planner might be hired to work with the City and residents to develop a use plan, and that plan could be sent out as a Request for Proposals for developers. This way the interest of the City is built into the project, not just the interest of the Developer.

Respectfully Submitted,

Stuart Sachs

Akino, City of Newburgh, said that the Track Program is amazing and Coach Burks doesn't get the props that he deserves as he was on one of the best mentors he had in his life. He has lived here for eighteen years attending N.F.A. and O.C.C.C. and he feels that Newburgh is a great community which he loves. We have beautiful homes and great views here with many opportunities that are not being realized because people from surrounding municipalities have a negative stigma about Newburgh. People who have never been here fear they will be robbed or shot but he feels that Newburgh is not as bad as some people make it out to be. His girlfriend thought the same thing but she now wants to live here because it is a beautiful place with so much to offer. We need to find a way to change people's perspective about Newburgh and he feels the best way to do that is with a PR representative or to start a City of Newburgh page to let people know. Newspapers are not used like they were in the past and we need to promote the good things going on like the Certificates the Track Teams were awarded tonight. There are beautiful homes here and new businesses but people don't know about them so if we can fix that then people will feel better about themselves and the people around us will invest in our City. They will move here and start businesses here but if they feel negatively about the City they will not do any of that. If we can show these people what the City has to offer, he believes we could turn things around.

Michelle Basch, Warehouse Restaurant agrees with the last comment because lately they have been seeing people from everywhere that they don't recognize and have never met. It is amazing to see the change that is happening just by word of mouth. Instagram is a great idea or perhaps a Contest for kids at N.F.A. who are interested in communications. The Mill Street Project is not going to benefit the City financially with a thirty year PILOT where they are not paying taxes. We all pay taxes in one way, shape or form so why is someone who is putting a building in a prime location only paying \$45,000.00? It is going to cost about 1.2 million just to put the kids that will be in that building into schools in the City of Newburgh and who is going to pay for that? Everybody and that is not fair. She does not have a problem with low income housing if we can afford it but at this point we can't. The Grocery Store will be opened by someone from outside the City who will bring in their Managers and the people in the City of Newburgh will be hired to stock the shelves for minimum wage which will not help the people here. We need structures and businesses that will help the City.

Michael Acevedo, 73 Carpenter Avenue, asked about the old Consolidated Iron Site where he understands someone wanted to build a Hotel and Convention Center. Why wasn't that approved? That would have given us tax revenue and jobs but instead we built a Park there. Don't we have enough Parks? We need taxes and money here to move us forward. You can't keep hitting the Landlords and homeowners because you are just pushing everybody out of here.

Jeff Wallace, City of Newburgh said in rebuttal to the last comment that there is a revitalized industrial waste site in Louisville, Kentucky that currently brings in about ten million dollars a year and it is a beautiful award winning Park.

Leslie, Grand Street, said that another steel grate was just put on her street recently so she asked when Grand Street will be repaved. There are municipal buildings and a College on this street so why is it being overlooked? All of the roads leading to the Waterfront are great but what about the community that lives here?

A visitor from Los Angeles said that she is thinking of relocating and just came tonight to listen. She is staying with some close friends and would like to be part of the Newburgh community. She has been here several times since last Spring and has gotten to know a lot of the locals. In her observation as an outsider in regard to the Mill Street Project, she has noticed a lot of foreclosures from lack of taxes so she is curious as to why a project like this would be approved if they are going to create another tax hole in a community that is already struggling with their taxes.

There being no further comments this portion of the meeting was closed.

FURTHER COMMENTS FROM THE COUNCIL

Councilwoman Angelo noted that the Library puts out a seasonal newspaper and there is a lot going on such as free tax help from February 7th to April 11th. They are putting little Libraries all over the City and there is one at the corner of Liberty Street by the little Park which is being used with free books and another one is planned for Unico Park in the Spring. They have also gotten involved with Farmers in "*Feel Good with Field Goods*" and if anyone is interested they can sign up to get fresh produce. There are also youth services such as afterschool homework help Monday through Thursday. She added that on January 28th at the Armory there will be a conversation for young females called "*Be Only Yourself*" and she will leave copies of all of the events that are going on downstairs if anyone is interested in taking one.

Councilman Harvey thanked all who supported the celebration of the N. F. A. Track Team. This is his eighteenth year as a History Teacher at N. F. A. and he has the pleasure and honor of working with Mr. Burks and Mr. Greene. A lot of his students over the years have participated on the track teams so these Coaches have mentored many students throughout the years and he is grateful for the work that they do. He has done a lot of mentoring also and created 100 Men for Newburgh. He agrees that the negative images and stereotypes we have in the City of Newburgh, particularly with young men of color, is a serious problem. A College friend who is an ER Doctor in Brooklyn believes that African American men killing other African American men is not only a crisis in America that we are confronted with every day but it is also a health care crisis. African American and Latino men are dying or being mass incarcerated by the time they are twenty-five years old so he is trying to change the negative images in Newburgh and stop young men from killing each other in our City streets. He has fifty men already signed up and he welcomes all young men and women to get involved because we need to work on this image and that starts with mentorship. We still do not have one hundred men to stand for that cause so he invites

every one of every color to get together and do this. He has mentored many young men and women over the years but it is difficult to get them to come out. He thanked Drew Kartiganer, Stuart Sachs and Michelle Basch who spoke about the Mid-Broadway Project because this is something he wrestles with all the time. For some reason they are saying they need one more thing from the City Council and it was his understanding that in 2016 we gave them their "*One more thing*" and then they were supposed to go get funding. They seem to keep putting the City Council on the hook to help them move the Project forward when we have done all that he believes we are obligated to do. He noted that this Project was created and voted on years before any of them were on this City Council. Mayor Kennedy and Councilwoman Angelo were the only members on that Council when that was passed so most of the current Council inherited this Project. Michael Acevedo is currently the President of the Landlord Association and he brought up a good point. In 2016, after he was sworn in to the Council he received several calls about a developer who wanted to put in a nice Hotel. They already have the prototypes drawn up and the researchers, designers and engineers for this plan which was presented to the City Manager. They were going to pay fair market value for six and a half acres of land out of the ten and a half acres that are down at the Waterfront with no tax rebate and they wanted to create one hundred or two hundred jobs for City residents. He also wanted to start a program for hotel and hospitality management at SUNY Orange in the Newburgh Campus. He wanted this to be here because out of all the Schools and Colleges in the Hudson Valley not one has a Hotel Management Hospitality Degree Program with New York City only sixty miles away with all the Hotels you want. This developer already owns about four Hotels and just built a state of the art Hotel in New Paltz that had to fit the historical environment. He wanted to bring this beautiful Canopy Hilton Hotel to the City of Newburgh on our Waterfront but our City Manager spoke to him and said, "*No*". He doesn't want to be impartial to one particular developer as it should go out to bid. This person is an Immigrant from India and the reason why he wants to bring this here to the City of Newburgh is because this is where he started his career as a blue collar worker in a Hotel on Broadway. He is a multi-millionaire who owns four Hyatt Regency Hotels in New York as well as beer distributing centers in Kingston and New Windsor. He is a multi-millionaire who wants to give back to the City of Newburgh and that project would be major. There is also a second project coming up with the person who owns the Pocketbook Factory here on Water Street. He wants to buy two and a half acres of land across the street from the Factory at fair market value to renovate and create a Hotel, restaurant and retail space. These are two major developers who are multi-millionaires that want to do two very special projects here in Newburgh which would bring employment, tax revenue and revitalization to this City. He said that if these don't happen, then he is fighting a losing battle because they are ready to go. If we are going to scratch the Mid-Broadway Project then we need to get these two going because we have the opportunity to bring them here.

Councilwoman Holmes thanked all the Landlords for the Tenant Responsibility Act and she is glad that they are moving ahead with that. In regard to the Mid-Broadway Project, as Councilman Harvey noted, this was inherited by the Council and for all she knows they might still be working on this next year. Coach Burks and Coach Greene have been mentors to her and they don't get recognized enough. They should be recognized more because they have done so much with our youth especially the males. The stigma in Newburgh to her is what the people make it. She thinks that we do have a Facebook and an Instagram that she will verify with our IT person. Councilman Harvey spoke about the

Hotels and she agrees with everything that he said. She announced that on the 28th, as was heard earlier from Councilwoman Angelo, the "*Be Only Yourself*" Summit will be held at the Armory from 1:00 p.m. to 4:00 p.m. with Arreda Cotten and Tara Jones from the school district. On February 15th, for Black History Month, Sadie Tallie will be having a program honoring Roxie Royal, Eddie B. Best, Lilliam Harris and Dr. Coleman Briggs at Best Temple, 111 South Street at 7:00 p.m. She thanked everyone for coming out tonight.

Councilwoman Mejia noted that she is wearing a shirt with "PFOS" on the front and "WHAT'S YOUR LEVEL?" on the back. She told everyone to make sure that they have been tested for PFOS and to know what their level is. Our water is safe to drink but the message we are trying to get out is that all community members should know what their PFOS blood level is. She is looking to the Landlord's Association to help get the word out to their tenants about how important it is to get tested. As a community we really need to know what our baseline is as this an ongoing process. She was glad to hear the City Manager's request to our Officials at the Federal Level because that Department really needs to clean up this contamination. She placed a Map in front of the Council and noted that what is circled is the whole Local Waterfront Revitalization Program which is something we had talked about that was needed so that Newburgh can have control and guidelines of what development looks like on our Waterfront. That was one of the things that she thinks was impeding in the conversations that Mr. Ciaravino had with potential developers because we wanted to make sure that all of the guidelines are set so that there are no surprises. She said to everyone who has ever called upon us for any Waterfront development that we are ready to dance now. The guidelines are going to be discussed and copies are available in the Clerk's Office and the Library as well as the City's Website. At this point she has been very clear about the development she would like to see as a taxpayer and community resident for our Consolidated Iron Site as it has to generate income for the City. We are a very creative society and there is nothing that restricts us from also having open space with public access to our Waterfront. Selling or not selling is up to us all to decide and aside from that parcel we only own the parking lot, the Newburgh Landing and Unico Park. That is the only Waterfront property that we have to give to our City of Newburgh residents and the future generations here. This is all up for debate and people's input so read it and get informed as we will be having a public hearing on it which should be really interesting. To Leslie who talked about the paving she said she has always talked about "*Mill and Fill*" which is how this all started happening. She asked the City Manager to make it a public conversation on what streets get paved and when. Last year they all fought and supported the whole Pavement Management Plan and streets were paved because there are people watching the Budget and allocating funds to make sure our worst streets get paved. The public perception of our City has changed but not fast enough. About three years ago if you Googled the City of Newburgh "*Murder Capital*" was the first thing that would pop up but if you Google it now all sorts of stories pop up. Like the echo shrimp story, the approval of ShotSpotter and The City of Newburgh Website so yes our perception has changed but we need to do more and we need to do it aggressively. Newburgh Restoration has done an amazing job of getting information out to people by saying that there is a different Newburgh that you need to know. We are still a word of mouth community which is why it is so hard to get people to come out to meetings and show up for blood tests so it definitely is changing but we need to do more. To our guest from the West Coast she knows that she is going to move here because we are a great community. She added that she is super pumped about 2017 because it is at the local

level where we are going to survive and create the community that we all know we can be. As for the Mill Street Development, everyone knows where she stands on that. It is all about numbers to her and the taxes just do not make sense and we are going to have more than two projects coming up for development. We have released Requests for Proposals for the Dutch Reformed Church and she loves RFP's because it takes the guessing out and it opens it up to everyone who is interested. We also just sold the parcel on Liberty Street next to the Park for development which has been vacant for over a decade. We always have blind spots and we need the residents to keep us in check so keep coming to these meetings to have conversations about the type of community you want to live in. She thanked everyone for coming tonight.

Mayor Kennedy said that it has been a passionate night. When she was first elected as Mayor five years ago we were known as the "*Murder Capital of New York*" and her determination at that time was to change that perception. She feels that we have the Ship about halfway turned and every time she has had a chance to be on television her comment has always been that yes this did happen but we are doing these positive things to move in the right direction. Every city has problems but we have to focus on what is good and what we are doing right. The challenge to all is to keep pouring in the good which comes from all directions and people. Acknowledge it, recognize it and build on it because that is how we turn the City around. The City Council for the first time since she has been here is working better than it has in the past. We don't all agree all the time but we are working on it. The renaissance is happening but people hear the word *gentrification* and they fear and panic that they are going to be pushed out. She assured anyone who was listening that we have a lot of property in this City and to her knowledge nobody is being pushed out or told they have to leave. The only thing pushing people out is the taxes because they can't afford to live here. The secret is that the more people we have in this City the more discretionary income comes in to support the businesses and the less taxes we have to pay. We need everyone to encourage people to come into the City who have jobs and discretionary income to support businesses and help take up these empty buildings and renovate them. If they do that, the water table rises and everybody does better. If we can get the tax base moving then we can keep people in their homes. She added that the School District and the City Council are starting to work together which is another slow moving turn. About three years ago she started sitting in meetings with the Superintendent speaking about early childhood development and how we mentor our children from the ages of three to eight. As Councilman Harvey said, these young men are at great risk and that is determined by the time they are in the third grade so they have to learn how to read and be on a path to success by then. We have to save them early so she praises the School District for working on that process and they have opened up another School at N.F.A. West where they are working with youth who are at risk. More programs were just announced in the newspaper this morning so that is another turn that is happening. We have to focus on what is good and support our School District and these programs that they are doing. She noted that there are several Websites that highlight what is good about Newburgh that should show up in a search and she would like to push for an electronic sign like they have on Route 207 in New Windsor to announce some of the things that are going on in Newburgh. On the Waterfront development, she has been saying for the last three years that that's the property we have to develop. Getting this thing called the LWRP done was primary and we are now going through the steps to finalize that. This Council needs to put together a vision for the Consolidated Iron Site and what we want down there

so we can get a proposal ready because it is time to take action. We can have open space but it has to be a ratable. She suggested that we might not want to sell it but we could do a ninety-nine year lease. We need to get creative here and be proactive because we have developers interested in our property so we can't be sitting on this forever. Economic Development is the key to lowering the taxes which is the key to keeping people in their homes. She said to imagine a parking garage on the Waterfront built into the hill on the east side of Water Street with a glass elevator going up the front of it and perhaps a restaurant on top that opens onto Colden Street with parking in the middle and shops on the bottom. Why not? Once upon a time Water Street was the hub of our City so why not again? It's time to look at that property and start having a vision for what can happen. Lastly, money was passed for a Pavement Management Plan so when is that supposed to be started?

City Manager, Michael Ciaravino said that they hope to have something in the next couple weeks for the planning part of it. They will be working with Engineering and DPW and can maybe give an update at the next Work Session as to where they are with that.

Mayor Kennedy feels that the politics need to be left out of it and we need to move forward on getting that Plan underway. She told the visitor from Los Angeles that they look forward to her moving to the City of Newburgh and warned her that once you are in you never get out.

There being no further comments this portion of the meeting was closed.

ADJOURNMENT

There being no further business to come before the Council the meeting adjourned at 8:46 p.m.

LORENE VITEK
CITY CLERK

RESOLUTION NO.: 18 - 2017

OF

JANUARY 23, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ACCEPT
DONATIONS TO FUND SUBSCRIPTION-BASED SHOTSPOTTER SERVICES
IN THE CITY OF NEWBURGH**

WHEREAS, by Resolution No. 336-2016 adopted January 9, 2017, the City Council of the City of Newburgh approved an agreement with SST, Inc. for subscription-based ShotSpotter Flex gunfire location, alert and analysis services to the City of Newburgh; and

WHEREAS, the initial cost of the ShotSpotter Flex subscription service is \$351,500.00 for an 18-month period and such funding is derived from the CDBG program; and

WHEREAS, the City Council wishes to accept donations to offset the cost to continue the subscription services after the initial 18-month period; and

WHEREAS, this Council has determined that accepting such donations is in the best interests of the City of Newburgh, its further economic development and the safety and welfare of its residents and stakeholders;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized to accept donations to offset the cost of subscription-based ShotSpotter Flex gunfire location, alert and analysis services, with the appreciation and particular thanks of this Council on behalf of itself and the residents and stakeholders of the City of Newburgh.

RESOLUTION NO.: 19 - 2017

OF

JANUARY 23, 2017

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH
DECLARING ITS INTENT TO BE LEAD AGENCY UNDER STATE
ENVIRONMENTAL
QUALITY REVIEW ACT (SEQRA) WITH RESPECT TO THE AMENDMENT OF
THE LOCAL WATERFRONT REVITALIZATION PROGRAM, DECLARING THE
PROJECT TO BE A TYPE I ACTION, CONSIDERING A FULL ENVIRONMENTAL
ASSESSMENT FORM AND REFERRING SAME TO INVOLVED AND INTERESTED
AGENCIES**

WHEREAS, in 1992, the City Council adopted the City's Waterfront Consistency Review Law as Chapter 296 of the City's Code of Ordinances to implement the Local Waterfront Revitalization Program ("LWRP"), which was approved by the State of New York under Article 42 of the New York Executive Law and which contained the City's policies and recommendations, consistent with the coastal management policies of the state, to promote beneficial waterfront development enhanced by or dependent on the City's waterfront resources and in balance with protection of the its natural coastal resources; and

WHEREAS, in 2001, the City Council adopted an update to the 1992 LWRP to incorporate redevelopment initiatives and reflect the then-current land uses, economic, natural, infrastructure, and community service policies as they related to the community's local waterfront revitalization area; and

WHEREAS, in 2007, the City of Newburgh began undertaking amendments to the 2001 City's LWRP, including the preparation of a Harbor Management Plan, which was not completed; and

WHEREAS, the City of Newburgh proposes to undertake a targeted update to the 2007 draft LWRP through an amendment to the existing LWRP which will update the existing conditions within the LWRP area to reflect changes experienced in the area since 2001, with the objectives of preserving open space and increasing public access to the waterfront; linking the waterfront to the historic district, Washington's Headquarters and the Broadway commercial area; addressing parking issues on the waterfront by planning for and integrating inter-modal and multi-modal transportation links to the waterfront; identifying contaminated sites in and adjacent to the LWRP area and planning for contaminant remediation; the preparation of a Harbor Management Plan; and

WHEREAS, the City proposes to undertake the adoption of the LWRP amendment in compliance with the terms of State law and does hereby wish to review the project in accordance with the State Environmental Quality Review Act (SEQRA); and

WHEREAS, in compliance with SEQRA, the City Council of the City of Newburgh wishes to declare its intent to assume Lead Agency status, classify the project as a Type I action, proposes accept as complete a Full Environmental Assessment Form ("EAF") Part 1 and to notify involved and interested agencies;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York as follows:

1. That the City Council of the City of Newburgh hereby declares its intent to assume Lead Agency status for the environmental review of the action pursuant to 6 NYCRR 617.6; and
2. Classifies the action as a Type I Action; and
3. Proposes to accept as complete the Full Environmental Assessment Form ("FEAF") attached hereto; and
4. Provides notification to involved and interested agencies.



CITY OF NEWBURGH LOCAL WATERFRONT REVITALIZATION PROGRAM UPDATE

ENVIRONMENTAL ASSESSMENT FORM - PART 1

January 12, 2017

City of Newburgh Local Waterfront Revitalization Program Update
City Of Newburgh, Orange County, New York

ENVIRONMENTAL ASSESSMENT FORM – Part 1

Lead Agency

City of Newburgh City Council

83 Broadway

Newburgh, NY 12550

Contact: Deirdre Glenn, Director of Planning and Development
(845) 569-7383

Prepared by

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115 Fifth Avenue

New York, NY 10003

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(212) 353-7375

TABLE OF CONTENTS

1.0	INTRODUCTION: LOCATION, DESCRIPTION AND PURPOSE OF PROPOSED ACTION	1
1.1	Introduction	1
1.2	Project Location	1
1.3	Project Description	4
2.0	FULL ENVIRONMENTAL ASSESSMENT FORM	17

1.0 INTRODUCTION: LOCATION, DESCRIPTION AND PURPOSE OF PROPOSED ACTION

1.1 Introduction

Pursuant to the New York State Environmental Quality Review Act (SEQR) this Environmental Assessment Form (EAF) – Part 1 evaluates the potential impacts that could result from the following action by the City of Newburgh City Council, Newburgh, New York: Adoption of an updated Local Waterfront Revitalization Program (LWRP). The action consists solely of the adoption of the LWRP and therefore will not result in any direct construction or development.

1.2 Project Location

The City of Newburgh is located approximately 60 miles north of New York City and 85 miles south of Albany, on the western side of the Hudson River in Orange County (see Figure 1: Regional Location Map). The City, a small, densely settled community in a 3.8-square-mile area, is bounded by the Town of Newburgh on the north and west, the Hudson River on the east and the Town of New Windsor on the south. On the east, Newburgh's corporate limits extend to the centerline of the Hudson River where they meet the west limits of the City of Beacon and Dutchess County. Quassaick Creek, a tributary of the Hudson River, is coterminous with a portion of the city's southern boundary. The City is in the coastal area of New York State as defined by the state Legislature.

The Newburgh LWRP area boundary is as follows (see Figure 2):

Beginning at the point of intersection of the municipal boundary between the Town of Newburgh and the City of Newburgh and mean high water; then westerly along that boundary to the point where North Plank Road intersects with Powell Avenue; then southerly along Powell Avenue to Gidney Avenue; then southeasterly along Gidney Avenue to Liberty Street; then southerly along Liberty Street to Overlook Place; then westerly along Overlook Place to Mill Street; then northerly along Mill Street to Dickson Avenue; then westerly along Dickson Avenue to Walsh's Road; then southerly to the northern parcel boundary of a multifamily residential development; then westerly along that parcel boundary; then northeasterly along Lake Street; then westerly, southerly and easterly along Lake Drive to the intersection of Lake Street and the boundary between the Town of New Windsor and the City of Newburgh, delineated by the Quassaick Creek; then easterly along that boundary to the point of intersection with mean high water.

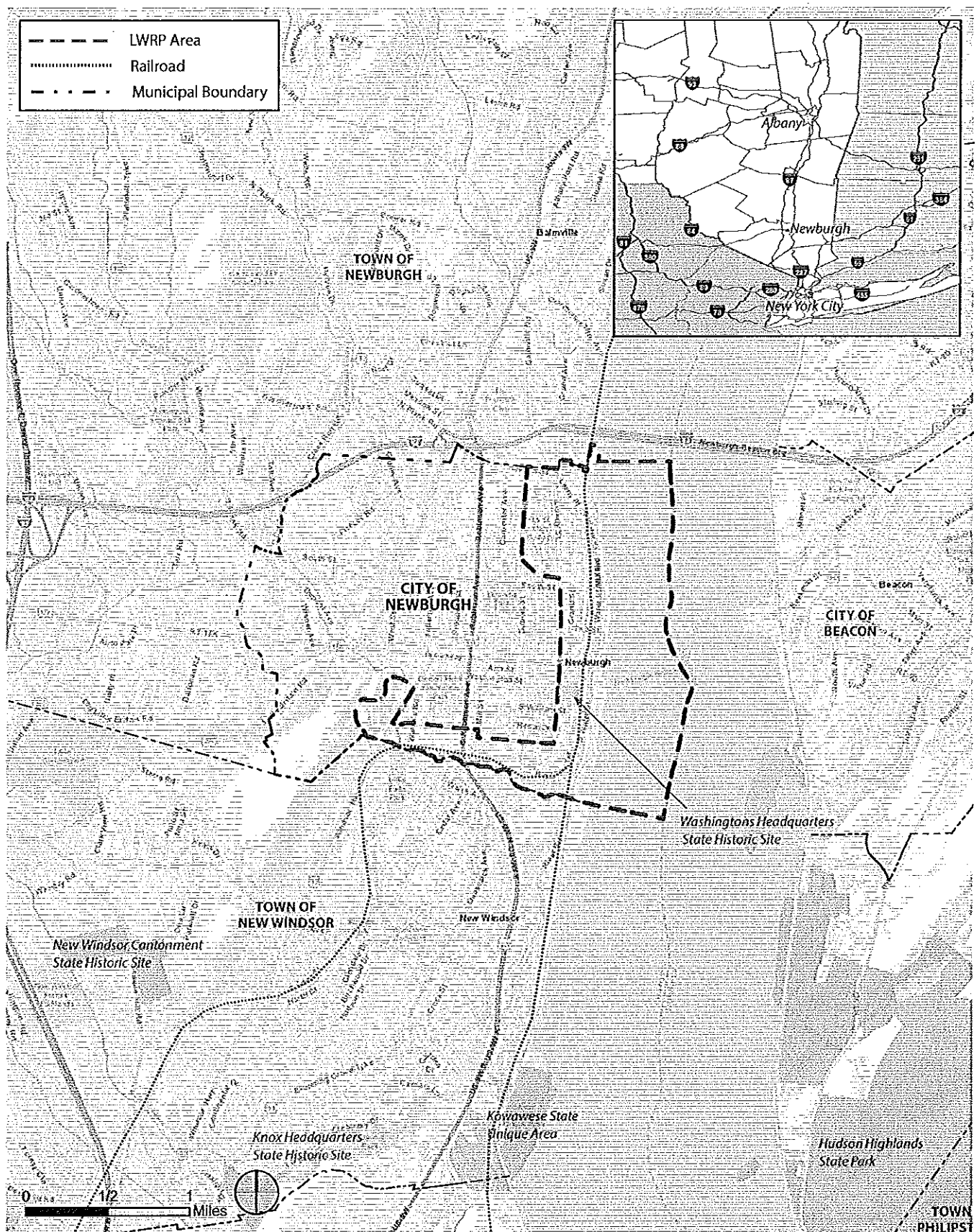


Figure 1: Regional Location Map



Figure 2: LWRP Boundary

The LWRP area includes the Hudson River, the area surrounding Muchattoes Lake and portions of Quassaick Creek within the City's municipal boundaries. Over the Hudson River, the City's municipal boundary extends to the centerline of the river.

The waterside boundary of the City of Newburgh LWRP area is as follows:

Beginning at the point of intersection of the northern boundary of the Town of New Windsor and the southern boundary of the City of Newburgh and mean high water extending to the centerline of the Hudson River; then northerly coterminous with the eastern boundary of Orange County; then westerly to the point of intersection with the northern boundary of the Town of Newburgh and the City of Newburgh and mean high water.

1.3 Project Description

As the New York State Department of State (NYS DOS) describes, a Local Waterfront Revitalization Program (LWRP) is "both a land and water use plan prepared by a community, as well as the strategy to implement the plan." An approved LWRP reflects community consensus and provides a clear direction for appropriate future development. In addition, State permitting, funding and direct actions must be consistent, to the maximum extent practicable, with an approved LWRP. Within the Federally defined coastal area, Federal agency activities are also required to be consistent with an approved LWRP.

In 1992, the City prepared its first LWRP to strengthen the City's role for managing its water and waterfront resources. In that same year, the City Council adopted the City's Waterfront Consistency Review Law (Chapter 296 of the City's Code of Ordinances) to implement the LWRP. The 1992 LWRP was adopted by the City and approved by the State of New York in accordance with authority provided by Article 42 of the New York Executive Law. The LWRP contained the City's policies and recommendations, consistent with the coastal management policies of the state, to promote beneficial waterfront development enhanced by or dependent on the City's waterfront resources and in balance with protection of the its natural coastal resources.

In accordance with Article 42 of the New York Executive Law, the City's LWRP became a required element of the New York State Coastal Management Program. As a result, State and federal actions affecting the City's LWRP Area must be consistent with the LWRP's policies and other provisions. This consistency requirement is a significant tool that the City uses to ensure that state and federal actions conform to Newburgh's needs, interests and conditions.

The 1992 Waterfront Consistency Review Law also established the Newburgh Waterfront Advisory Committee (WAC), to be responsible for reviewing proposed actions affecting the LWRP Area, considering the consistency of such actions with the LWRP and making

recommendations regarding that consistency to the agencies responsible for approving or implementing the proposed actions. In 2013, the City Council repealed Chapter 296 and replaced it with Chapter 159 Conservation, which established a Conservation Advisory Council (CAC) and regulations for implementation of the LWRP.

In 1999, because of redevelopment initiatives, the City of Newburgh determined it was timely to revise and update the 1992 LWRP. This update was prepared by staff from several City departments and reflected current land uses, economic, natural, infrastructure, and community service policies as they relate to the community's local waterfront revitalization area. The revised LWRP was adopted by the City Council and approved by the State of New York in 2001.

In 2007, again because of redevelopment initiatives in the waterfront area the City determined it was appropriate to update its LWRP as well as prepare a Harbor Management Plan (HMP). Due to a number of factors, including the 2008 economic downturn, the 2007 LWRP Update was never completed. In 2016, the City undertook a targeted update to the 2007 draft LWRP update. This amendment to the existing LWRP, updates the existing conditions within the LWRP area to reflect changes experienced in the area since 2001, with the following objectives:

- Preserving open space and increasing public access to the waterfront
- Linking the waterfront to the historic district, Washington's Headquarters and the Broadway commercial area
- Addressing parking issues on the waterfront by planning for and integrating inter-modal and multi-modal transportation links to the waterfront
- Identifying contaminated sites in and adjacent to the LWRP area and planning for contaminant remediation
- Preparation of a Harbor Management Plan, as set forth in 19 NYCRR Part 603 and further described in guidelines prepared by the Department of State

Upon approval and adoption of this 2016 LWRP Update, the LWRP and the fully integrated HMP will be applied by the City to address issues regarding waterfront land-use and development. Once the LWRP is adopted, any Type 1 or Unlisted action under SEQRA is required to be reviewed by the lead agency for consistency with the coastal policies and the projects contained within the LWRP. In order to ensure local consistency with the LWRP, the lead agency's determination of consistency will be made with the benefit of an advisory recommendation of consistency from the CAC.

In addition, the City adopted a new Zoning Code in 2015 to implement the recommendations contained in the 2008 "*Plan-It Newburgh*" Sustainable Master Plan and the 2011 City of Newburgh Future Land Use Plan. As part of the amendments to the Zoning Code, new zoning was adopted within the City's LWRP area that seek to provide for the redevelopment and adaptive reuse of the City's waterfront as well as those neighborhoods proximate thereto. This new Code replaced the previous Zoning Code with a hybrid code containing both traditional

zoning districts and form-based districts. The LWRP has been updated to reflect the new zoning, as well as other changes in the LWRP area.

Other “macro” changes that are reflected in the updated LWRP include new development throughout the region, changes in State and Federal laws and current best practices to improve water quality and the impacts of global climate change and sea level rise.

The proposed LWRP includes an expansion of the LWRP area to include Muchattoes Lake and the land area immediately adjacent to it, including Lake Street Apartments and the Lake Street Plaza (Section I). The LWRP also includes a complete update of Section II of the document, the inventory and analysis. This section describes existing conditions for a range of topics, including, land and water-side uses, natural features and infrastructure. The section also includes a discussion of potential planning issues.

Section III of the LWRP, Policies, has been updated to reflect current conditions and priorities, as well as to streamline and clarify the intent of the policies. The proposed LWRP policies are as follows:

Developed Coast Policies

Policy 1: Restore, revitalize, and redevelop deteriorated and underutilized waterfront areas for commercial, industrial, cultural, recreational and other compatible uses.

Policy 1A: Redevelop and revitalize under-utilized and/or vacant industrial and heavy commercial properties located north of the quassaick creek (Sub-Area A – southern/quassaick creek area).

Policy 1b: Redevelop and revitalize the land area west of rev. Dr. Martin luther king jr. Boulevard (Sub-Area B – upland area) for commercial, cultural, institutional, residential, and recreational uses, with emphasis on integrating uses which are water-enhanced such as public parks with views to the river.

Policy 1C: Redevelop and revitalize the land area between rev. Dr. Martin luther king jr. Boulevard and the hudson river (Sub-Area C – waterfront area) to include water-dependent and water-enhanced mixed-use residential, recreational, commercial, and open space uses which incorporate public access to the hudson river.

Policy 1D: Create a pedestrian link to the uses along the waterfront and link the western portion of the lwrp area along the quassaick creek with the waterfront, especially along the broadway corridor and from washington's headquarters and the montgomery-grand-liberty streets historic district neighborhoods.

Policy 1E: Encourage sustainable building practices and green building design as part of all redevelopment activities throughout the entire LWRP area.

Policy 2: Facilitate the siting of water-dependent uses and facilities on or adjacent to coastal waters.

Policy 3: Further develop the state's major ports of Albany, Buffalo, New York, Ogdensburg, and Oswego as centers of commerce and industry, and encourage the siting, in these port areas, including those under the jurisdiction of state public authorities, of land use and development which is essential to, or in support of, the waterborne transportation of cargo and people. *(This State policy is not applicable to the City of Newburgh.)*

Policy 4: Strengthen the economic base of smaller harbor areas by encouraging the development and enhancement of those traditional uses and activities which have provided such areas with their unique maritime identity.

Policy 4A: Redevelop the harbor for promotion of water-dependent and water-enhanced uses.

Policy 5: Encourage the location of development in areas where public services and facilities essential to such development are adequate.

Policy 6: Expedite permit procedures in order to facilitate the siting of development activities at suitable locations.

Fish and Wildlife Policies

Policy 7: Significant coastal fish and wildlife habitats will be protected, preserved, and where practical, restored so as to maintain their viability as habitats. *(This State policy is not applicable to the City of Newburgh.)*

Policy 7A: Activities that would adversely affect fish resident in or migrating through waters adjacent to Newburgh will be avoided.

Policy 8: Protect fish and wildlife resources in the coastal area from the introduction of hazardous wastes and other pollutants which bio-accumulate in the food chain or which cause significant sublethal or lethal effect on those resources.

Policy 8A: New developments or expansion of existing facilities will not be permitted if such facilities introduce hazardous wastes or other pollutants into the environment or if they are unable to acquire the necessary state, federal, and local permits.

Policy 9: Expand recreational use of fish and wildlife resources in coastal areas by increasing access to existing resources, supplementing existing stocks, and developing new resources.

Policy 9A: Incorporation of a pedestrian walkway along the waterfront as part of development/redevelopment of waterfront parcels shall be encouraged wherever possible to provide public access for fishing and wildlife observation and scenic view appreciation.

Policy 10: Further develop commercial finfish, shellfish, and crustacean resources in the coastal area by encouraging the construction of new, or improvement of existing on-shore commercial fishing facilities, increasing marketing of the state's seafood products, and maintaining adequate stocks and expanding aquaculture facilities.

Flooding and Erosion Policies

Policy 11: Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

Policy 11A: All development on property which includes flood hazard areas will be located at an elevation above the 100-year-flood plain.

Policy 12: Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

Policy 12A: Major grading and clearing activities will be discouraged on the Washington Heights bluff to avoid soil erosion impacts to Quassaick Creek and the Hudson River.

Policy 13: The construction or reconstruction of erosion protection structures shall be undertaken only if they have a reasonable probability of controlling erosion for at least thirty years as demonstrated in design and construction standards and/or assured maintenance or replacement programs.

Policy 14: Activities and development, including the construction or reconstruction of erosion protection structures, shall be undertaken so that there will be no measurable increase in erosion or flooding at the site of such activities or development, or at other locations.

Policy 15: Mining, excavation or dredging in coastal waters shall not significantly interfere with the natural coastal processes which supply beach materials to land adjacent to such waters and shall be undertaken in a manner which will not cause an increase in erosion of such land.

Policy 16: Public funds shall only be used for erosion protective structures where necessary to protect human life, and new development which requires a location within or adjacent to an

erosion hazard area to be able to function, or existing development; and only where the public benefits outweigh the long term monetary and other costs including the potential for increasing erosion and adverse effects on natural protective features.

Policy 17: Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

General Policy

Policy 18: To safeguard the vital economic, social and environmental interests of the state and of its citizens, proposed major actions in the coastal area must give full consideration to those interests, and to the safeguards which the state has established to protect valuable coastal resource areas.

Policy 18A: Maintain and improve existing low- and moderate-income housing and provide additional such housing.

Public Access Policies

Policy 19: Protect, maintain and increase the level and types of access to public water-related recreation resources and facilities.

Policy 19A: Improve pedestrian, vehicular (motorized and non-motorized) and public access to Newburgh landing and waterfront park and any new developments along the Hudson River. Minimize the barrier created by the railroad embankment through landscaping and related amenities.

Policy 19B: Implement improvements to the transportation elements within the waterfront area and provide improved transit links between the waterfront and the region. In particular, pursue transit links among the waterfront, upland areas, downtown Newburgh, the Broadway corridor and Stewart international airport.

Policy 19C: Best-management practices will be used to ensure the efficient provision of parking facilities while reducing the amount of impervious surfaces and resultant stormwater runoff.

Policy 20: Access to the publicly owned foreshore and to lands immediately adjacent to the foreshore or the water's edge that are publicly owned shall be provided and it shall be provided in a manner compatible with adjoining uses.

Policy 20A: Where redevelopment of city-owned waterfront property is undertaken, public waterfront walkways and open spaces will be incorporated into the new development; and

provision will be made to link such public areas in a network of public walkways and open spaces within the LWRP area.

Recreation Policies

Policy 21: Water-dependent and water enhanced recreation will be encouraged and facilitated, and will be given priority over non-water related uses along the coast.

Policy 21A: Encourage additional and improve existing waterfront access along the Hudson River and the Quassaick creek to help increase public enjoyment of the waterfront and the recreational usage of fish and wildlife habitats.

Policy 21B: Docking facilities for transient vessels, especially large passenger vessels, will be provided wherever possible in new development and at existing public launch and docking areas.

Policy 22: Development, when located adjacent to the shore, will provide for water-related recreation, as a multiple use, whenever such recreational use is appropriate in light of reasonably anticipated demand for such activities and the primary purpose of the development.

Policy 22A: Development along the waterfront in the Washington Street, lower Broadway, Newburgh Landing and Newburgh Yacht Club areas shall be encouraged to provide public access.

Historic and Scenic Resources Policies

Policy 23: Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the state, its communities, or the nation.

Policy 23A: No changes in any exterior architectural feature, including, but not limited to, construction, alteration, restoration, removal, demolition, or painting, shall be made to identified resources except as hereinafter provided.

Policy 24: Prevent impairment of scenic resources of statewide significance, as identified on the coastal area map.

Policy 25: Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

Policy 26: Conserve and protect agricultural lands in the state's coastal area. *(This State policy is not applicable to the City of Newburgh.)*

Policy 27: Decisions on the siting and construction of major energy facilities in the coastal area will be based on public energy needs, compatibility of such facilities with the environment, and the facility's need for a shorefront location.

Policy 28: Ice management practices shall not interfere with the production of hydroelectric power, damage significant fish and wildlife and their habitats, or increase shoreline erosion or flooding.

Policy 29: Encourage the development of energy resources on the outer continental shelf, in lake Erie and in other water bodies, and ensure the environmental safety of such activities. *(This State policy is not applicable to the City of Newburgh.)*

Water and Air Resources Policies

Policy 30: Municipal, industrial, and commercial discharge of pollutants, including but not limited to, toxic and hazardous substances, into coastal waters will conform to state and national water quality standards.

Policy 31: State coastal area policies and management objectives of approved local waterfront revitalization programs will be considered while reviewing coastal water classifications and while modifying water quality standards; however, those waters already overburdened with contaminants will be recognized as being a development constraint.

Policy 32: Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities. *(This State policy is not applicable to the City of Newburgh.)*

Policy 33: Best management practices will be used to ensure the control of stormwater runoff and combined sewer overflows draining into coastal waters.

Policy 34 discharge of waste materials into coastal waters from vessels subject to state jurisdiction will be limited so as to protect significant fish and wildlife habitats, recreational areas and water supply areas.

Policy 35: Dredging and filling in coastal waters and disposal of dredged material will be undertaken in a manner that meets existing state permit requirements, and protects significant

fish and wildlife habitats, scenic resources, natural protective features, important agricultural lands, and wetlands.

Policy 36: Activities related to the shipment and storage of petroleum and other hazardous materials will be conducted in a manner that will prevent or at least minimize spills into coastal waters; all practicable efforts will be undertaken to expedite the cleanup of such discharges; and restitution for damages will be required when these spills occur.

Policy 36A: Storage areas for petroleum and other hazardous materials will be bermed to prevent on-site spills from entering coastal waters. No more than 150 gallons of such materials shall be kept in temporary storage facilities at any one time.

Policy 37: Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

Policy 38: The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Policy 39: The transport, storage, treatment and disposal of solid wastes, particularly hazardous wastes, within coastal areas will be conducted in such a manner so as to protect groundwater and surface water supplies, significant fish and wildlife habitats, recreation areas, important agricultural land, and scenic resources.

Policy 39A: Dumping of solid and hazardous wastes in the coastal waters of the City of Newburgh is prohibited.

Policy 40: Effluent discharged from major steam electric generating and industrial facilities into coastal waters will not be unduly injurious to fish and wildlife and shall conform to state water quality standards.

Policy 41: Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Policy 42: Coastal management policies will be considered if the state reclassifies land areas pursuant to the prevention of significant deterioration regulations of the federal clean air act.

Policy 43: Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

Wetlands Policy

Policy 44: Preserve and protect tidal and freshwater wetlands and preserve the benefits derived from these areas.

Based on the LWRP policies, discussions with the CAC and City staff, site visits and input from the public, the LWRP Update proposes a set of site-specific and programmatic projects to be undertaken in order to implement the LWRP (Section IV). The projects are organized into three geographic planning areas (see Figures 3-6) as follows:

Sub-Area A – Southern/Quassaick Creek Area (Figure 3)

1. Quassaick Creek Preserve and Trail
2. Quassaick Creek Stream Restoration
3. Lake Street Complete Streets Study
4. Lakeside Plaza Redevelopment/Muchattoes Lake Access Easements

Sub-Area B – Inland Area (Figure 4)

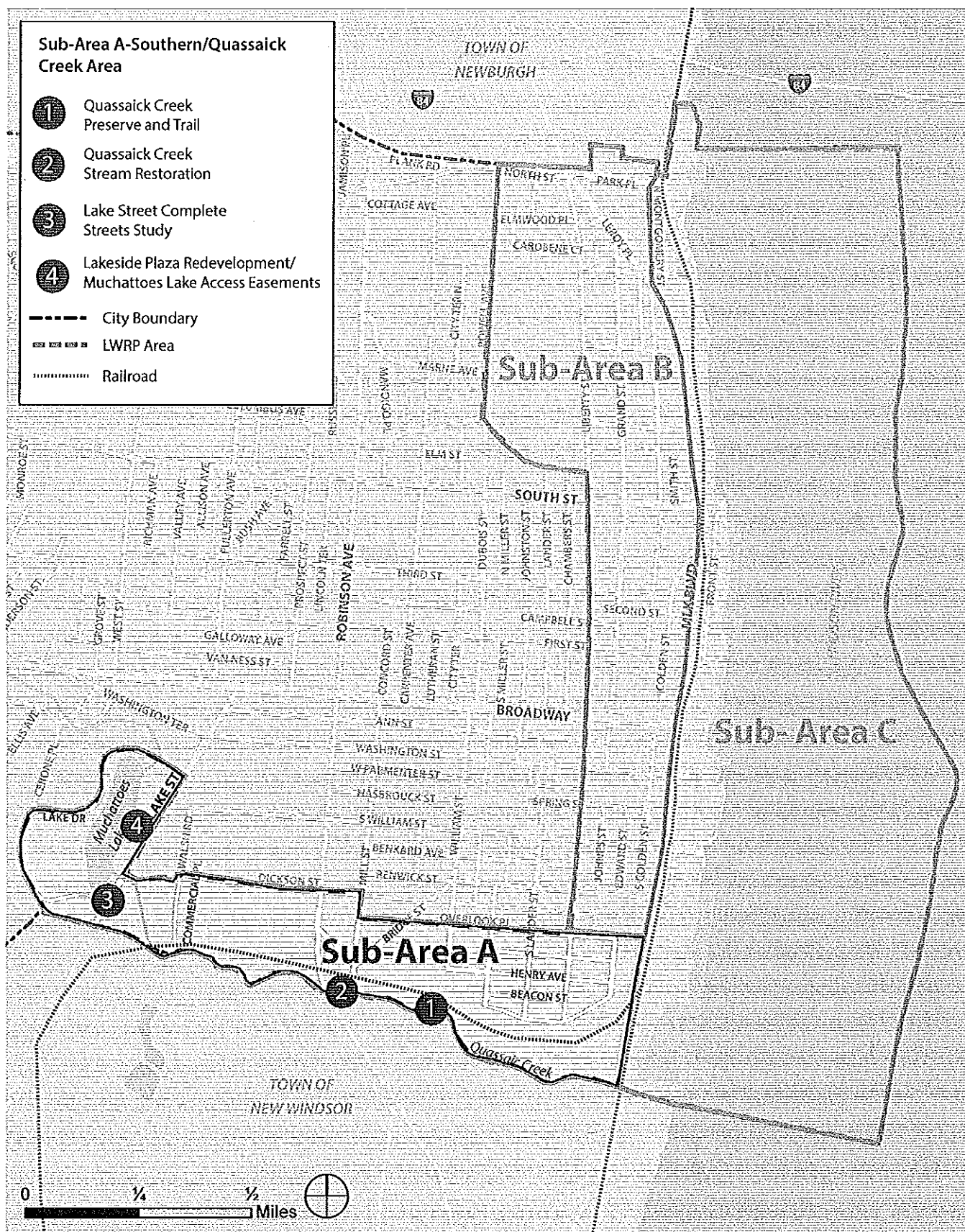
1. Broadway – Waterfront Link
2. Washington's Headquarters Tower of Victory Restoration
3. Liberty Street Streetscape Improvements
4. The Foundry at Washington Park and Surrounding Area

Sub-Area C – Waterfront Area (Figure 5)

1. Pier-Loun Condominium
2. Newburgh Yacht Club
3. Regal Bag Building Adaptive Reuse
4. South Street Park
5. Newburgh Landing Dock
6. Front Street Improvements
7. Hudson Riverfront Walkway
8. Former Consolidated Iron and Metal Redevelopment Area
9. Newburgh-Beacon Ferry Terminal Relocation
10. Gull Harbour
11. Newburgh Boat Launch Improvements
12. Water Pollution Control Plant
13. City Incinerator
14. Steel Ways, Inc.
15. Removal of Sunken Vessels and Debris and Assessment and Cleanup of Contaminated Properties
16. Shoreline Stabilization
17. Commercial Marina Facility Maintenance and Repair
18. Harbor Administration Ordinances
19. Facilities for Trailered and Hand Carried Vessels

Entire LWRP Area

1. Signs and Logo
2. Educational Program
3. Waterfront and Water Trails
4. Water Quality Improvements



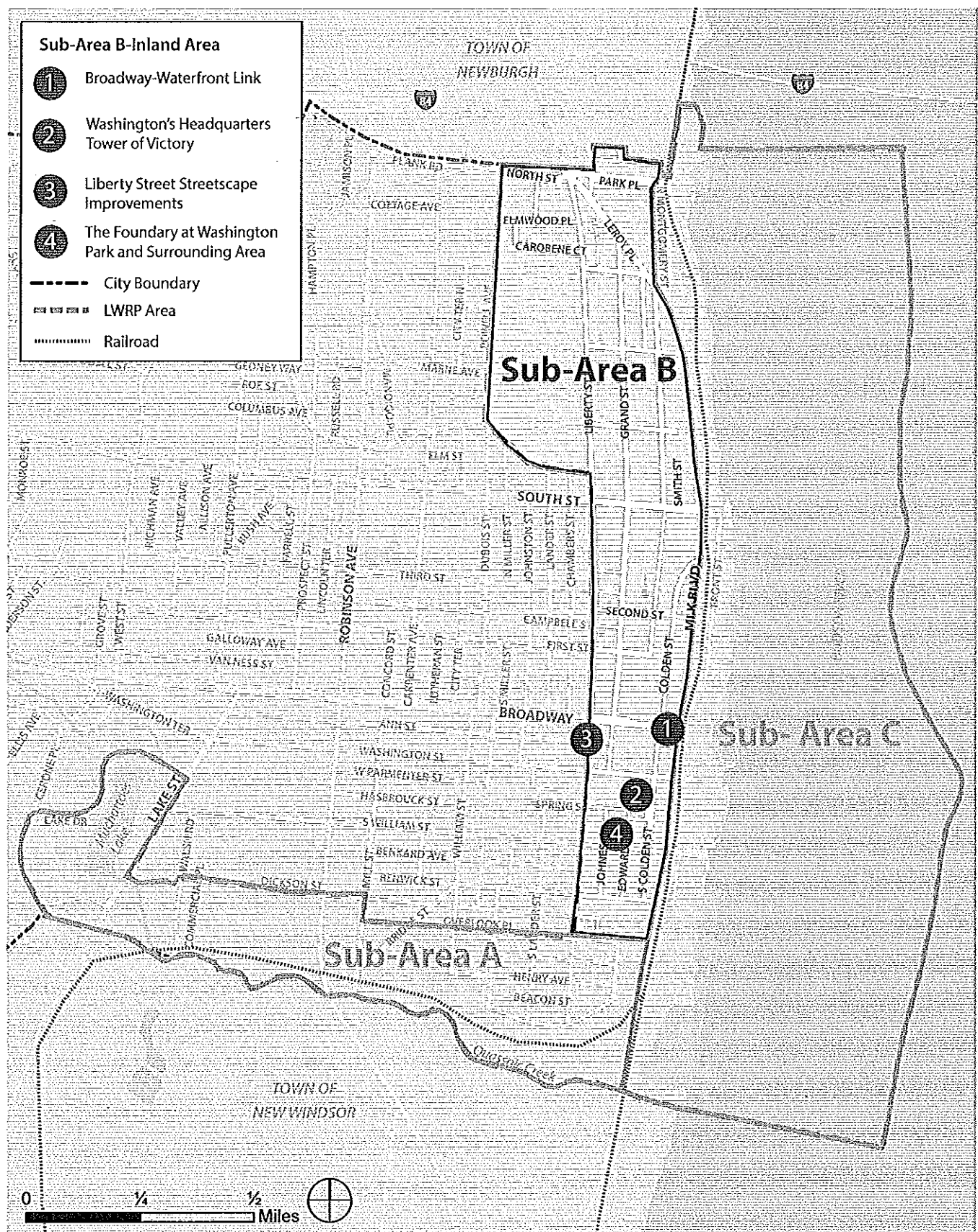


Figure 4: Proposed Projects: Sub-Area B

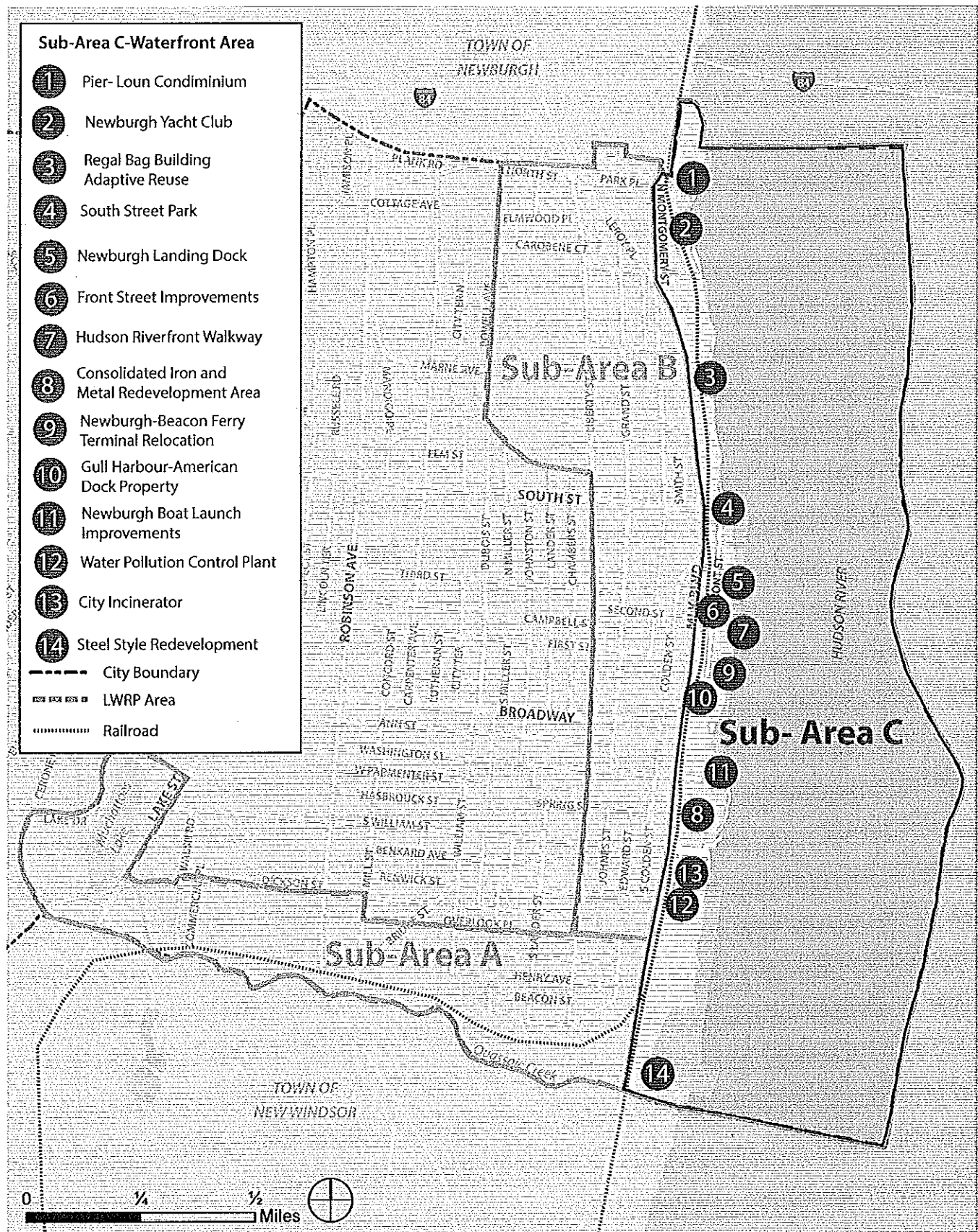


Figure 5: Proposed Projects: Sub-Area C

2.0 FULL ENVIRONMENTAL ASSESSMENT FORM – Part 1

Part 1 of this Full Environmental Assessment Form (EAF) evaluate the potential for environmental impacts to be created by the approval of the LWRP Update by the City of Newburgh City Council. This legislative action is generic in nature, not site-specific, and does not directly result in physical changes to the environment.

The form that follows is published by the New York State Department of Environmental Conservation, and portions are designed for site-specific actions rather than area-wide or generic proposals. As a result, consistent with the form's directions, these non-relevant sections (contained in Sections D and E of the EAF – Part 1) are not completed.

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

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

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

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

A. Project and Sponsor Information.

Name of Action or Project: City of Newburgh Local Waterfront Reitalization Program		
Project Location (describe, and attach a general location map): The LWRP area encompasses all lands, including waters, north of the City's municipal boundary with the Town of New Windsor and south of the Town of Newburgh to the north, extending into the Hudson River to the municipal boundary with the City of Beacon. The LWRP Area extends west along the Quassaick Creek and around Muchattos Lake, then back east along Lake Street to Dickson Street to Overlook Place, then north along Liberty Street to Powell Avenue (see Attached Figure 1: LWRP Boundary).		
Brief Description of Proposed Action (include purpose or need): The City of Newburgh City Council proposes to update the City's existing 2001 LWRP including revisions to the LWRP inventory and analysis, update of the LWRP Policies to reflect current conditions and regulations in the LWRP area, and updates to the list of implementing projects to reflect changed conditions and priorities since the 2001 LWRP was adopted. In addition, Harbor Management Plan elements have been fully incorporated into the LWRP to address harbor management related issues, opportunities, policies, and projects. No zoning changes or other Code revisions are needed to implement the LWRP. Please see attached EAF narrative for more information.		
Name of Applicant/Sponsor: City of Newburgh City Council	Telephone: (845) 569-7383	
	E-Mail: dglenn@cityofnewburgh-ny.gov	
Address: 83 Broadway		
City/PO: Newburgh	State: NY	Zip Code: 12550
Project Contact (if not same as sponsor; give name and title/role):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):	Telephone:	
	E-Mail:	
Address:		
City/PO:	State:	Zip Code:

B. Government Approvals

B. Government Approvals, Funding, or Sponsorship. ("Funding" includes grants, loans, tax relief, and any other forms of financial assistance.)		
Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Council, Town Board, ☐ Yes ☐ No or Village Board of Trustees	Adoption of LWRP	February 2017
b. City, Town or Village ☐ Yes ☐ No Planning Board or Commission		
c. City Council, Town or ☐ Yes ☐ No Village Zoning Board of Appeals		
d. Other local agencies ☐ Yes ☐ No	Notice to adjacent municipalities	February 2017
e. County agencies ☐ Yes ☐ No	Orange County Planning Department - Review and Recommendation	February 2017
f. Regional agencies ☐ Yes ☐ No		
g. State agencies ☐ Yes ☐ No	NYS Department of State approval	February 2017
h. Federal agencies ☐ Yes ☐ No	U.S. Office of Ocean and Coastal Resource Management - Concurrence	February 2017
i. Coastal Resources.		
i. Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway?		☐ Yes ☐ No
ii. Is the project site located in a community with an approved Local Waterfront Revitalization Program?		☐ Yes ☐ No
iii. Is the project site within a Coastal Erosion Hazard Area?		☐ Yes ☐ No

C. Planning and Zoning

C.1. Planning and zoning actions.	
Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed? ☐ Yes ☐ No	
- If Yes, complete sections C, F and G. - If No, proceed to question C.2 and complete all remaining sections and questions in Part 1	
C.2. Adopted land use plans.	
a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located? ☐ Yes ☐ No	
If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? ☐ Yes ☐ No	
b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?) ☐ Yes ☐ No	
If Yes, identify the plan(s): Remediation Sites: B00127 , Remediation Sites: E336075, Remediation Sites: 336031 , Remediation Sites: B00188 , Remediation Sites: 336042 , Remediation Sites: B00189 , Remediation Sites: 336055 , Remediation Sites: 546031	
c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan? ☐ Yes ☐ No	
If Yes, identify the plan(s):	

C.3. Zoning

- a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. ☐ Yes ☐ No
If Yes, what is the zoning classification(s) including any applicable overlay district?
CD - Commercial District; IND - Industrial; INS - Institutional; PK - Park; OS - Open Space; R-Low - Res Low-Density; R-M - Res Medium-Density; R-High - Res High-Density; BC - Broadway Corridor; DN - Downtown Neighborhood; PWD - Planned Waterfront District; WG - Waterfront Gateway; EEH - East End Historic Overlay District; NC - Neighborhood Commercial Overlay; WPO - Waterbody Protection Overlay
- b. Is the use permitted or allowed by a special or conditional use permit? ☐ Yes ☐ No
- c. Is a zoning change requested as part of the proposed action? ☐ Yes ☐ No
If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

- a. In what school district is the project site located? Newburgh Enlarged City School District
- b. What police or other public protection forces serve the project site?
City of Newburgh Police Department
- c. Which fire protection and emergency medical services serve the project site?
City of Newburgh Fire Department
- d. What parks serve the project site?
9/11 Memorial Park (Park Place); Audrey Carey Park (Liberty Street); Downing-Vaux Park (Broadway/Colden St.); Gidney Avenue Basketball Courts; Future South Street Park; Newburgh Boat Launch; Quassaick Creek Estuary Preserve & Trail; Tyrone Crabb Park (Grand/South St.); p Newburgh Landing/Unico Park; Ward Brothers Memorial Rowing Park; Xavier Lunan Park; and Washington's Headquarters

D. Project Details

~~D.1. Proposed and Potential Development~~

- ~~a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?
_____~~
- ~~b. a. Total acreage of the site of the proposed action? _____ acres
b. Total acreage to be physically disturbed? _____ acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? _____ acres~~
- ~~c. Is the proposed action an expansion of an existing project or use? ☐ Yes ☐ No
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____~~
- ~~d. Is the proposed action a subdivision, or does it include a subdivision? ☐ Yes ☐ No
If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types) _____
ii. Is a cluster/conservation layout proposed? ☐ Yes ☐ No
iii. Number of lots proposed? _____
iv. Minimum and maximum proposed lot sizes? Minimum _____ Maximum _____~~
- ~~e. Will proposed action be constructed in multiple phases? ☐ Yes ☐ No
i. If No, anticipated period of construction: _____ months
ii. If Yes:
• Total number of phases anticipated _____
• Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
• Anticipated completion date of final phase _____ month _____ year
• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

_____~~

f. Does the project include new residential uses? ☐ Yes ☐ No If Yes, show numbers of units proposed.				
	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)? ☐ Yes ☐ No If Yes,	
i. Total number of structures _____ ii. Dimensions (in feet) of largest proposed structure: _____ height; _____ width; and _____ length iii. Approximate extent of building space to be heated or cooled: _____ square feet	

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage? ☐ Yes ☐ No If Yes,	
i. Purpose of the impoundment: _____ ii. If a water impoundment, the principal source of the water: ☐ Ground water ☐ Surface water streams ☐ Other specify: _____ iii. If other than water, identify the type of impounded/contained liquids and their source. _____ iv. Approximate size of the proposed impoundment. Volume: _____ million gallons; surface area: _____ acres v. Dimensions of the proposed dam or impounding structure: _____ height; _____ length vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete): _____	

D.2. Project Operations

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both? ☐ Yes ☐ No (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite) If Yes:	
i. What is the purpose of the excavation or dredging? _____ ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site? • Volume (specify tons or cubic yards): _____ • Over what duration of time? _____ iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them. _____ _____ iv. Will there be onsite dewatering or processing of excavated materials? ☐ Yes ☐ No If yes, describe. _____ _____ v. What is the total area to be dredged or excavated? _____ acres vi. What is the maximum area to be worked at any one time? _____ acres vii. What would be the maximum depth of excavation or dredging? _____ feet viii. Will the excavation require blasting? ☐ Yes ☐ No ix. Summarize site reclamation goals and plan: _____ _____ _____	

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area? ☐ Yes ☐ No If Yes:	
i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): _____ _____	

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

• Do existing sewer lines serve the project site? _____ • Will line extension within an existing district be necessary to serve the project? _____ If Yes: • Describe extensions or capacity expansions proposed to serve this project: _____	☐ Yes ☐ No ☐ Yes ☐ No
iv. Will a new wastewater (sewage) treatment district be formed to serve the project site? _____	
If Yes: • Applicant(sponsor for new district): _____ • Date application submitted or anticipated: _____ • What is the receiving water for the wastewater discharge? _____	
v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge, or describe subsurface disposal plans): _____	
vi. Describe any plans or designs to capture, recycle or reuse liquid waste: _____	
e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? _____	
If Yes: i. How much impervious surface will the project create in relation to total size of project parcel? _____ Square feet or _____ acres (impervious surface) _____ Square feet or _____ acres (parcel size) ii. Describe types of new point sources. _____	
iii. Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)? _____	
• If to surface waters, identify receiving water bodies or wetlands: _____ • Will stormwater runoff flow to adjacent properties? _____	
iv. Does proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater? _____	
f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations? _____	
If Yes, identify: i. Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles) _____ ii. Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers) _____ iii. Stationary sources during operations (e.g., process emissions, large boilers, electric generation) _____	
g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit? _____	
If Yes: i. Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year) _____ ii. In addition to emissions as calculated in the application, the project will generate: • _____ Tons/year (short tons) of Carbon Dioxide (CO₂) • _____ Tons/year (short tons) of Nitrous Oxide (N₂O) • _____ Tons/year (short tons) of Perfluorocarbons (PFCs) • _____ Tons/year (short tons) of Sulfur Hexafluoride (SF₆) • _____ Tons/year (short tons) of Carbon Dioxide equivalent of Hydrofluorocarbons (HFCs) • _____ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)	

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? ☐ Yes ☐ No			
If Yes: i. Estimate methane generation in tons/year (metric): _____ ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____			
i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? ☐ Yes ☐ No If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____			
j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? ☐ Yes ☐ No If Yes: i. When is the peak traffic expected (Check all that apply): ☐ Morning ☐ Evening ☐ Weekend ☐ Randomly between hours of _____ to _____. ii. For commercial activities only, projected number of semi-trailer truck trips/day: _____ iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____ iv. Does the proposed action include any shared use parking? ☐ Yes ☐ No v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____ vi. Are public/private transportation service(s) or facilities available within ½ mile of the proposed site? ☐ Yes ☐ No vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? ☐ Yes ☐ No viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? ☐ Yes ☐ No			
k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? ☐ Yes ☐ No If Yes: i. Estimate annual electricity demand during operation of the proposed action: _____ ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): _____ iii. Will the proposed action require a new, or an upgrade to, an existing substation? ☐ Yes ☐ No			
l. Hours of operation. Answer all items which apply. <table style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;"> i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> <td style="width: 50%; vertical-align: top;"> ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____ </td> </tr> </table>		i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____
i. During Construction: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____	ii. During Operations: • Monday - Friday: _____ • Saturday: _____ • Sunday: _____ • Holidays: _____		

m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both? ☐ Yes ☐ No If yes: i. Provide details including sources, time of day and duration: _____	
ii. Will proposed action remove existing natural barriers that could act as a noise barrier or screen? ☐ Yes ☐ No Describe: _____	
n. Will the proposed action have outdoor lighting? ☐ Yes ☐ No If yes: i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures: _____	
ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen? ☐ Yes ☐ No Describe: _____	
o. Does the proposed action have the potential to produce odors for more than one hour per day? ☐ Yes ☐ No If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: _____	
p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage? ☐ Yes ☐ No If Yes: i. Product(s) to be stored _____ ii. Volume(s) _____ per unit time _____ (e.g., month, year) iii. Generally describe proposed storage facilities: _____	
q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation? ☐ Yes ☐ No If Yes: i. Describe proposed treatment(s): _____	
ii. Will the proposed action use Integrated Pest Management Practices? ☐ Yes ☐ No	
r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)? ☐ Yes ☐ No If Yes: i. Describe any solid waste(s) to be generated during construction or operation of the facility: • Construction: _____ tons per _____ (unit of time) • Operation : _____ tons per _____ (unit of time) ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste: • Construction: _____ • Operation: _____ iii. Proposed disposal methods/facilities for solid waste generated on-site: • Construction: _____ • Operation: _____	

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

If Yes:

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

ii. Anticipated rate of disposal/processing:

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

iii. If landfill, anticipated site life: _____ years

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

If Yes:

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

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

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

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

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

If Yes: provide name and location of facility: _____

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

E. Site and Setting of Proposed Action

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

a. Existing land uses.

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

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

☐ Forest ☐ Agriculture ☐ Aquatic ☐ Other (specify): _____

ii. If mix of uses, generally describe: _____

b. Land uses and covertypes on the project site.

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

c. Is the project site presently used by members of the community for public recreation? ☐ Yes ☐ No If Yes: explain: _____	
d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site? ☐ Yes ☐ No If Yes, i. Identify Facilities: _____ _____	
e. Does the project site contain an existing dam? ☐ Yes ☐ No If Yes: i. Dimensions of the dam and impoundment: • Dam height: _____ feet • Dam length: _____ feet • Surface area: _____ acres • Volume impounded: _____ gallons OR acre-feet ii. Dam's existing hazard classification: _____ iii. Provide date and summarize results of last inspection: _____ _____	
f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility? ☐ Yes ☐ No If Yes: i. Has the facility been formally closed? ☐ Yes ☐ No • If yes, cite sources/documentation: _____ ii. Describe the location of the project site relative to the boundaries of the solid waste management facility: _____ _____ iii. Describe any development constraints due to the prior solid waste activities: _____ _____	
g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste? ☐ Yes ☐ No If Yes: i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred: _____ _____	
h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site? ☐ Yes ☐ No If Yes: i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply: ☐ Yes ☐ No ☐ Yes – Spills Incidents database ☒ Yes – Environmental Site Remediation database ☐ Neither database Provide DEC ID number(s): _____ Provide DEC ID number(s): B00127 , E336075, 336031 ... ii. If site has been subject of RCRA corrective activities, describe control measures: _____ _____ iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database? ☐ Yes ☐ No If yes, provide DEC ID number(s): 336036 , C336086, B00127 , 336077, E336075, 3... iv. If yes to (i), (ii) or (iii) above, describe current status of site(s): _____ _____	

v. Is the project site subject to an institutional control limiting property uses? ☐ Yes ☐ No	
• If yes, DEC site ID number: _____ • Describe the type of institutional control (e.g., deed restriction or easement): _____ • Describe any use limitations: _____ • Describe any engineering controls: _____ • Will the project affect the institutional or engineering controls in place? ☐ Yes ☐ No • Explain: _____	
E.2. Natural Resources On or Near Project Site	
a. What is the average depth to bedrock on the project site? _____ feet	
b. Are there bedrock outcroppings on the project site? ☐ Yes ☐ No	
If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %	
c. Predominant soil type(s) present on project site: _____ %	
_____ %	
_____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet	
e. Drainage status of project site soils: ☐ Well Drained: _____ % of site	
☐ Moderately Well Drained: _____ % of site	
☐ Poorly Drained: _____ % of site	
f. Approximate proportion of proposed action site with slopes: ☐ 0-10%: _____ % of site	
☐ 10-15%: _____ % of site	
☐ 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? ☐ Yes ☐ No	
If Yes, describe: _____	
h. Surface water features.	
i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? ☐ Yes ☐ No	
ii. Do any wetlands or other waterbodies adjoin the project site? ☐ Yes ☐ No	
If Yes to either i or ii, continue. If No, skip to E.2.i.	
iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? ☐ Yes ☐ No	
iv. For each identified regulated wetland and waterbody on the project site, provide the following information:	
• Streams: Name <u>862-204, 862-210</u> Classification <u>C</u> • Lakes or Ponds: Name _____ Classification _____ • Wetlands: Name <u>Federal Waters, Federal Waters, Federal Waters,...</u> Approximate Size _____ • Wetland No. (if regulated by DEC) _____	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? ☐ Yes ☐ No	
If yes, name of impaired water body/bodies and basis for listing as impaired: _____	
Name - Pollutants - Uses: Hudson River (Class B) - Priority Organics - Fish Consumption	
i. Is the project site in a designated Floodway? ☐ Yes ☐ No	
j. Is the project site in the 100 year Floodplain? ☐ Yes ☐ No	
k. Is the project site in the 500 year Floodplain? ☐ Yes ☐ No	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? ☐ Yes ☐ No	
If Yes:	
i. Name of aquifer: <u>Principal Aquifer</u>	

m. Identify the predominant wildlife species that occupy or use the project site: _____ _____ _____	
n. Does the project site contain a designated significant natural community? ☐ Yes ☐ No If Yes: i. Describe the habitat/community (composition, function, and basis for designation): _____ _____ ii. Source(s) of description or evaluation: _____ iii. Extent of community/habitat: • Currently: _____ acres • Following completion of project as proposed: _____ acres • Gain or loss (indicate + or -): _____ acres	
o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? ☐ Yes ☐ No	
p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? ☐ Yes ☐ No	
q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? ☐ Yes ☐ No If yes, give a brief description of how the proposed action may affect that use: _____ _____	
E.3. Designated Public Resources On or Near Project Site	
a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? ☐ Yes ☐ No If Yes, provide county plus district name/number: _____	
b. Are agricultural lands consisting of highly productive soils present? ☐ Yes ☐ No i. If Yes: acreage(s) on project site? _____ ii. Source(s) of soil rating(s): _____	
c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? ☐ Yes ☐ No If Yes: i. Nature of the natural landmark: ☐ Biological Community ☐ Geological Feature ii. Provide brief description of landmark, including values behind designation and approximate size/extent: _____ _____ _____	
d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? ☐ Yes ☐ No If Yes: i. CEA name: _____ ii. Basis for designation: _____ iii. Designating agency and date: _____	

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on, or has been nominated by the NYS Board of Historic Preservation for inclusion on, the State or National Register of Historic Places?	☐ Yes ☐ No
If Yes: i. Nature of historic/archaeological resource: ☐ Archaeological Site ☐ Historic Building or District ii. Name: Washington's Headquarters, Walsh-Havemeyer House, East End Historic District, Dutch Reformed Church, Crawford, David,... iii. Brief description of attributes on which listing is based: _____	
f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory?	☐ Yes ☐ No
g. Have additional archaeological or historic site(s) or resources been identified on the project site?	☐ Yes ☐ No
If Yes: i. Describe possible resource(s): _____ ii. Basis for identification: _____	
h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource?	☐ Yes ☐ No
If Yes: i. Identify resource: _____ ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____ iii. Distance between project and resource: _____ miles.	
i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666?	☐ Yes ☐ No
If Yes: i. Identify the name of the river and its designation: _____ ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? ☐ Yes ☐ No	

F. Additional Information

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

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

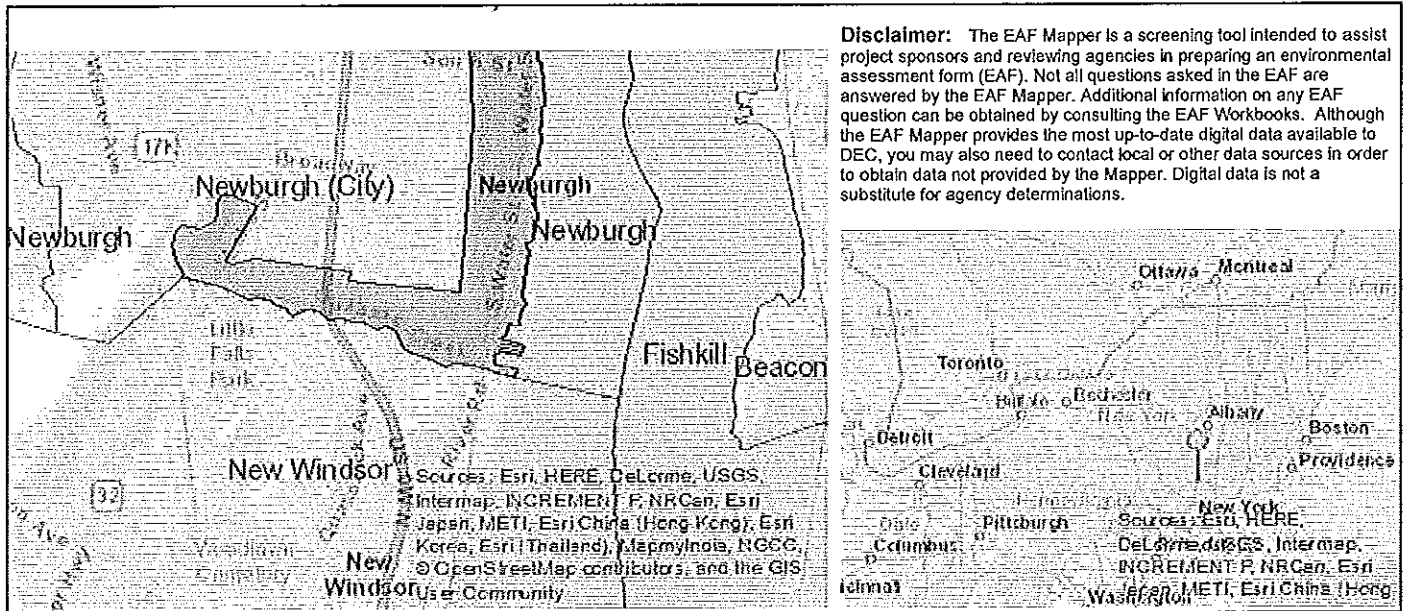
G. Verification

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

Applicant/Sponsor Name Sarah K. Yackel Date January 12, 2017

Signature *Sarah K. Yackel* Title Principal

PRINT FORM



B.1.i [Coastal or Waterfront Area]	Yes
B.1.ii [Local Waterfront Revitalization Area]	Yes
C.2.b. [Special Planning District]	Yes - Digital mapping data are not available for all Special Planning Districts. Refer to EAF Workbook.
C.2.b. [Special Planning District - Name]	Remediation Sites: B00127 , Remediation Sites: E336075, Remediation Sites: 336031 , Remediation Sites: B00188 , Remediation Sites: 336042 , Remediation Sites: B00189 , Remediation Sites: 336055 , Remediation Sites: 546031
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Yes - Digital mapping data for Spills Incidents are not available for this location. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Yes
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Yes
E.1.h.i [DEC Spills or Remediation Site - DEC ID Number]	B00127 , E336075, 336031 , B00188 , 336042 , B00189 , 336055 , 546031
E.1.h.iii [Within 2,000' of DEC Remediation Site]	Yes
E.1.h.iii [Within 2,000' of DEC Remediation Site - DEC ID]	336036 , C336086, B00127 , 336077, E336075, 336031 , B00188 , 336042 , B00189 , 336055 , 546031
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-204, 862-210

E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	Yes
E.2.h.v [Impaired Water Bodies - Name and Basis for Listing]	Name - Pollutants - Uses: Hudson River (Class B) – Priority Organics – Fish Consumption
E.2.i. [Floodway]	Yes
E.2.j. [100 Year Floodplain]	Yes
E.2.k. [500 Year Floodplain]	Yes
E.2.l. [Aquifers]	Yes
E.2.l. [Aquifer Names]	Principal Aquifer
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National Register of Historic Places]	Yes - Digital mapping data for archaeological site boundaries are not available. Refer to EAF Workbook.
E.3.e.ii [National Register of Historic Places - Name]	Washington's Headquarters, Walsh-Havemeyer House, East End Historic District, Dutch Reformed Church, Crawford, David, House, Old Town Cemetery and Palatine Church Site, US Post Office--Newburgh
E.3.f. [Archeological Sites]	Yes
E.3.i. [Designated River Corridor]	No

SEQR
Lead Agency Determination
Newburgh Local Waterfront Revitalization Program (LWRP)

MEMO TO: ALL INVOLVED AGENCIES

FROM: City of Newburgh City Council
83 Broadway
Newburgh, NY 12550

MAILING DATE: January 24, 2017

PROJECT TITLE: Newburgh Local Waterfront Revitalization Program (LWRP)

PROJECT

LOCATION: The LWRP area encompasses all lands, including waters, north of the City's municipal boundary with the Town of New Windsor and south of the Town of Newburgh to the north, extending into the Hudson River to the municipal boundary with the City of Beacon. The LWRP Area extends west along the Quassaick Creek and around Muchattoes Lake, then back east along Lake Street to Dickson Street to Overlook Place, then north along Liberty Street to Powell Avenue

SEQR TYPE: Type I Action

PROJECT

DESCRIPTION: Pursuant to the New York State Environmental Quality Review Act (SEQR) this Environmental Assessment Form (EAF) – Part 1 evaluates the potential impacts that could result from the following action by the City of Newburgh City Council, Newburgh, New York: Adoption of an updated Local Waterfront Revitalization Program (LWRP). The action consists solely of the adoption of the LWRP and therefore will not result in any direct construction or development.

The proposed LWRP includes an expansion of the LWRP area to include Muchattoes Lake and the land area immediately adjacent to it, including the Lake Street Apartments and Lake Street Plaza (Section I). The LWRP also includes a complete update of Section II of the document, the inventory and analysis. This section describes existing conditions for a range of topics, including, land and water-side uses, natural features and infrastructure. The section also includes a discussion of potential planning issues. Section III of the LWRP, Policies, has been updated to reflect current conditions and priorities, as well as to streamline and clarify the intent of the policies. Based on the LWRP policies, discussions with the LWRP Working Group and City staff, site visits and input from the public, the LWRP proposes a set of site-specific and programmatic projects to be undertaken in order to

implement the LWRP. See attached EAF narrative for additional details. This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

Newburgh Local Waterfront Revitalization Program

If no written objections are received within 30 days of the above date of this notice, the City of Newburgh City Council will assume the role of Lead Agency. Attached is Part I of the Full Environmental Assessment Form for this action.

CONTACT PERSON: Deirdre Glenn, Director of Planning and Development
City of Newburgh City Council
83 Broadway
Newburgh, NY 12550
1- (845) 569-7383

Involved and Interested Agencies:

Orange County Department of Planning
124 Main St, Goshen, NY 10924
ATTN: David E. Church, Planning Commissioner
(845) 291-4000

New York State Department of State, Division of Coastal Resources
New York, Local Waterfront Revitalization Office
99 Washington Avenue, Suite 1010
Albany, NY 12231
ATTN: Jaime Ethier, Coastal Resource Specialist
(518) 474-6000

RESOLUTION NO.: 20 - 2017

OF

JANUARY 23, 2017

**A RESOLUTION AUTHORIZING THE AMENDMENT
OF A GRANTEE ON A DEED FOR REAL PROPERTY KNOWN
AS 8 LARTER AVENUE (SECTION 26, BLOCK 3, LOT 25)**

WHEREAS, by Resolution No.: 332-2016, the City Council authorized the sale of the premises located at 8 Larter Avenue, being more accurately described as Section 26, Block 3, Lot 25 on the official tax map of the City of Newburgh to Eugenio Nevarez; and

WHEREAS, Mr. Nevarez, by his attorney, has requested that his niece Eunize Nevarez be added to the deed as a joint tenant with right of survivorship; and

WHEREAS, this Council has determined that authorizing the amendment to the grantee would be in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that the City Manager be and he is hereby authorized and directed to execute and deliver a quitclaim deed to Eugenio Nevarez and Eunize Nevarez, upon receipt of the purchase price by money order, good certified or bank check for the purchase of real property known as 8 Larter Street, being more accurately described as Section 26, Block 3, Lot 25.

RESOLUTION NO.: 21 -2017

OF

JANUARY 23, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE
SATISFACTIONS OF JUDGMENT FOR PROPERTY AT 17 DUBOIS STREET**

WHEREAS, Orange Equities II, LLC owned the property known as 17 Dubois Street in the City of Newburgh (29 – 6 – 4) (“Property”) until October 17, 2013; and

WHEREAS, the City of Newburgh filed and recorded seven (7) Judgments against Orange Equities II, LLC and the Property totaling \$3,250.00; and

WHEREAS, the City of Newburgh acquired title to the Property from Orange Equities II, LLC in the Matter of the Foreclosure of Tax Liens Pursuant to Article 11, Title 3 of the Real Property Tax Law by the City of Newburgh for the Year 2011 and under Real Property Tax Law Section 1136, and upon the execution of the tax deed by the City of Newburgh on October 17, 2013, the City’s judgments were extinguished; and

WHEREAS, City of Newburgh conveyed the Property to the Newburgh Community Land Bank (“NCLB”) by deed dated December 14, 2015 as authorized by Resolution No. 187-2014 of July 14, 2014; and

WHEREAS, the NCLB is preparing to convey the Property to Dubois Street Associates, which has requested that the City issue instruments in recordable form documenting the discharge of the Judgments; and

WHEREAS, this Council has determined that executing instruments of discharge in the form of a Satisfaction of Judgment, a copy of which is annexed hereto, is in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Satisfaction of Judgment for the seven (7) Judgments in favor of the City of Newburgh against Orange Equities II, LLC.

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20100078862, Book 8094, Page 1541 for \$250.00

Dated: January ___, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20110010676, Book 8101, Page 177 for \$1,000.00;

Dated: January __, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20110035521, Book 8104, Page 372 for \$250.00;

Dated: January ___, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:

On the _____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20110035522, Book 8104, Page 373 for \$250.00;

Dated: January __, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20120019849, Book 8116, Page 1881 for \$250.00

Dated: January __, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20120027866, Book 8117, Page 1397 for \$250.00

Dated: January __, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
)
COUNTY OF ORANGE) ss.:

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

SATISFACTION OF JUDGMENT

KNOW ALL MEN BY THESE PRESENTS, THAT

The City of Newburgh, a municipal corporation with a principal place of business at 83 Broadway, Newburgh, New York 12550;

Does hereby certify that the following Judgment against Orange Equities II, LLC, which has not been further assigned of record, is of no further force and effect, and does hereby consent that the same be discharged of record:

1. Instrument 20120069552, Book 8122, Page 1186 for \$1,000.00

Dated: January __, 2017

CITY OF NEWBURGH

By: Michael G. Ciaravino, City Manager
Per Resolution No.: ____-2017

STATE OF NEW YORK)
) ss.:
COUNTY OF ORANGE)

On the ____ day of January, 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or person upon behalf of which the individual acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

RESOLUTION NO.: ²²_____ - 2017

OF

JANUARY 23, 2017

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A
RELEASE OF RESTRICTIVE COVENANT AND AGREEMENTS IN CONNECTION
WITH A RIGHT OF RE-ENTRY AND REVERTER HELD BY THE CITY OF
NEWBURGH FOR TWELVE (12) PARCELS OF REAL PROPERTY LOCATED ON
SOUTH MILLER, LANDER, FIRST, JOHNSTON AND DUBOIS STREETS**

WHEREAS, the City Council of the City of Newburgh (the "City") previously authorized the preparation of deeds conveying title to ten (10) parcels of real property located at 19 South Miller Street (30 – 1 – 20), 21 South Miller Street (30 – 1 – 19), 29 Lander Street (30 – 4 – 31), 185 First Street formerly known as 177 First Street (30 – 2 – 4), 39 Johnston Street (30 – 2 – 11), 183 First Street formerly known as 175 First Street (30 – 2 – 5) and 187 First Street formerly known as 179 First Street (30 – 2 – 3) (collectively the "RUPCO Parcels") as well as 46 Dubois Street (30 – 1 – 47); 48 Dubois Street (30 – 1 – 48); 12 South Miller (30 – 2 – 33); 20 Dubois Street (30 - 1 – 38); and 43 Dubois Street (29 - 5 - 14) (collectively the "DSA Parcels"); which parcels were to be rehabilitated and brought into complete compliance with all then current State, County and City building, housing, plumbing electrical, fire prevention, life safety, health statutes, codes, rules and regulations; and

WHEREAS, over the course of several motions by the City of Newburgh, the City recovered title to the RUPCO Parcels and the Dubois Associates Parcels by way Foreclosure of Tax Liens Pursuant to Article 11, Title 3 of the Real Property Tax Law; and

WHEREAS, by Resolution No. 229-2012 of December 10, 2012, Resolution No. 46-2014 of March 10, 2014 and Resolution No. 187-2014 of July 14, 2014, the City Council authorized the conveyance of the Parcels to the Newburgh Community Land Bank ("NCLB"); and

WHEREAS, by Resolution No. 229-2012 of December 10, 2012, Resolution No. 51 of March 23, 2015 and Resolution No. 70-2015 of April 13, 2015, the City Council authorized the conveyance of the DSA Parcels to the NCLB; and

WHEREAS, the conveyance of the RUPCO Parcels included reference to certain previously recorded rights of re-entry and reverter to the benefit of the City, which rights the NCLB has requested the City cancel so as to provide clear title to the RUPCO Parcels for re-development by RUPCO, Inc. and its affiliate Johnson & Miller Limited Partnership (collectively, "RUPCO"); and

WHEREAS, the conveyance of the DSA Parcels included reference to certain previously recorded rights of re-entry and reverter to the benefit of the City, which rights the NCLB has requested the City cancel so as to provide clear title to Dubois Street Associates for re-development by Dubois Street Associates ("DSA"); and

WHEREAS, this Council has determined that executing an instrument to cancel the restrictive covenant and agreements in the form of a Cancellation of Restrictive Covenant and Agreement, a copy of which is annexed hereto, is in the best interests of the City of Newburgh for the redevelopment of the RUPCO Parcels by RUPCO; and

WHEREAS, this Council has determined that executing an instrument to cancel the restrictive covenant and agreements in the form of a Cancellation of Restrictive Covenant and Agreement, a copy of which is annexed hereto, is in the best interests of the City of Newburgh for the redevelopment of the DSA Parcels by Dubois Street Associates;

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Newburgh, New York, that the City Manager be and he is hereby authorized to execute the attached Cancellation of Restrictive Covenant and Agreement for the RUPCO Parcels and the DSA Parcels.

CANCELLATION OF RESTRICTIVE COVENANTS AND AGREEMENTS

WHEREAS the City of Newburgh, a municipal corporation organized and existing under the laws of the State of New York having its principal office at City Hall, 83 Broadway, Newburgh, New York 12250 did convey by multiple deeds certain real property (identified below) to the Newburgh Community Land Bank, Inc., a not-for-profit organization having an address at P.O. Box 152, Newburgh, New York 12250 which deeds contain certain restrictive covenants and agreements:

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 1 Lot 20 (known as 19 S. Miller Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-1 hereto attached (hereinafter "Parcel 1") the City of Newburgh did convey Parcel 1 to the Newburgh Community Land Bank, Inc., by deed dated April 28, 2014 and recorded May 1, 2014 in the Orange County Clerk's Office in Liber 13745 Page 1186 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 6149 Page 348;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 1 Lot 19 (known as 21 S. Miller Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-2 hereto attached (hereinafter "Parcel 2") the City of Newburgh did convey Parcel 1 to the Newburgh Community Land Bank, Inc., by deed dated April 28, 2014 and recorded May 1, 2014 in the Orange County Clerk's Office in Liber 13745 Page 1186 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 11245 Page 1827;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 4 Lot 31 (known as 29 Lander Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-3 hereto attached (hereinafter "Parcel 3") the City of Newburgh did convey Parcel 3 to the Newburgh Community Land Bank, Inc., by deed dated June 28, 2013 and recorded July 10, 2013 in the Orange County Clerk's Office in Liber 13601 Page 1296 which deed was:

“SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh”

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 4727 Page 30; and

the right of re-entry and reverter for the City of Newburgh found at Liber 11006 Page 1318;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 2 Lot 4 (known as 185 First Street City of Newburgh, N.Y., f/k/a 177 First Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-4 hereto attached (hereinafter "Parcel 4") the City of Newburgh did convey Parcel 4 to the Newburgh Community Land Bank, Inc., by deed dated June 28, 2013 and recorded July 10, 2013 in the Orange County Clerk's Office in Liber 13601 Page 1296 which deed was:

“SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh”

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 5647 Page 155;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 2 Lot 11 (known as 39 Johnston Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-5 hereto attached (hereinafter "Parcel 5") the City of Newburgh did convey Parcel 5 to the Newburgh Community Land Bank, Inc., by deed dated November 25, 2014 and recorded December 4, 2014 in the Orange County Clerk's Office in Liber 13823 Page 1986 which deed was:

“SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh”

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 2305 Page 608;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 2 Lot 3 (known as 187 First Street City of Newburgh, N.Y. f/k/a 179 First Street City of Newburgh, N.Y.) and is more particularly described in Schedule

A-6 hereto attached (hereinafter "Parcel 6") the City of Newburgh did convey Parcel 6 to the Newburgh Community Land Bank, Inc., by deed dated June 28, 2013 and recorded July 10, 2013 in the Orange County Clerk's Office in Liber 13601 Page 1296 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 5647 Page 155; and the right of re-entry and reverter for the City of Newburgh found at Liber 2300 Page 158

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 2 Lot 5 (known as 183 First Street City of Newburgh, N.Y. f/k/a 175 First Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-7 hereto attached (hereinafter "Parcel 7") the City of Newburgh did convey Parcel 7 to the Newburgh Community Land Bank, Inc., by deed dated June 28, 2013 and recorded July 10, 2013 in the Orange County Clerk's Office in Liber 13601 Page 1296 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 2496 Page 310; and

the right of re-entry and reverter for the City of Newburgh found at Liber 12429 Page 1881;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 1 Lot 47 (known as 46 Dubois Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-8 hereto attached (hereinafter "Parcel 8") the City of Newburgh did convey Parcel 8 to the Newburgh Community Land Bank, Inc., by deed dated May 15, 2015 and recorded May 20, 2015 in the Orange County Clerk's Office in Liber 13896 Page 1175 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 12539 Page 1596; and

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon

erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 1 Lot 48 (known as 48 Dubois Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-9 hereto attached (hereinafter "Parcel 9") the City of Newburgh did convey Parcel 9 to the Newburgh Community Land Bank, Inc., by deed dated May 15, 2015 and recorded May 20, 2015 in the Orange County Clerk's Office in Liber 13896 Page 1175 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 2179 Page 1052; and

the right of re-entry and reverter for the City of Newburgh found at Liber 12539 Page 1611;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 2 Lot 33 (known as 12 South Miller City of Newburgh, N.Y.) and is more particularly described in Schedule A-10 hereto attached (hereinafter "Parcel 10") the City of Newburgh did convey Parcel 10 to the Newburgh Community Land Bank, Inc., by deed dated April 28, 2014 and recorded May 1, 2014 in the Orange County Clerk's Office in Liber 13745 Page 1186 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 12012 Page 1655;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 30, Block 1 Lot 38 (known as 20 Dubois Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-11 hereto attached (hereinafter "Parcel 11") the City of Newburgh did convey Parcel 11 to the Newburgh Community Land Bank, Inc., by deed dated December 14, 2015 and recorded December 24, 2015 in the Orange County Clerk's Office in Liber 13987 Page 1635 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 12359 Page 1621;

As to that certain plot, piece or parcels of land, with the buildings and improvements thereon erected, situate, lying and being in the City of Newburgh, County of Orange, and State of New York, designated as Tax Parcel Section 29, Block 5 Lot 14 (known as 43 Dubois Street City of Newburgh, N.Y.) and is more particularly described in Schedule A-12 hereto attached (hereinafter "Parcel 12" and collectively with Parcel 1, Parcel 2, Parcel 3, Parcel 4, Parcel 5, Parcel 6, Parcel 7, Parcel 8, Parcel 9, Parcel 10 and Parcel 11 the "Demised Premises") the City of Newburgh did convey Parcel 12 to the Newburgh Community Land Bank, Inc., by deed dated December 14, 2015 and recorded December 24, 2015 in the Orange County Clerk's Office in Liber 13987 Page 1635 which deed was:

"SUBJECT TO all easements, covenants and restrictions of record and not of record existing in the favor of The City of Newburgh prior to the vesting of title to the described premises in The City of Newburgh"

which accordingly included the right of re-entry and reverter for the City of Newburgh found at Liber 12539 Page 1606;

Now, therefore in consideration of the premises and the sum of ten dollars (\$10.00) and other valuable consideration, receipt of which is hereby acknowledged, the City of Newburgh hereby cancels the restrictive covenant as against the Demised Premises. The restrictive covenant on the Demised Premises shall be void and of no force and effect.

Address of Demised Premises:

Tax Parcel Section 30, Block 1 Lot 20
19 S. Miller Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 1, Lot 19
21 S. Miller Street, City of Newburgh

Tax Parcel Section 30, Block 4 Lot 31
29 Lander Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 2 Lot 4
185 First Street City of Newburgh, N.Y. (f/k/a 177 First Street City of Newburgh, N.Y.)

Tax Parcel Section 30, Block 2 Lot 11
39 Johnston Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 2 Lot 3 (f/k/a 179 First Street City of Newburgh, N.Y.)
187 First Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 2 Lot 5
183 First Street City of Newburgh, N.Y. (f/k/a 175 First Street City of Newburgh, N.Y.)

Tax Parcel Section 30, Block 1 Lot 47
46 Dubois Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 1, Lot 48
48 Dubois Street City of Newburgh, N.Y.

Tax Parcel Section 30, Block 2, Lot 33
12 South Miller City of Newburgh, N.Y.

Tax Parcel Section 30, Block 1, Lot 38
20 Dubois Street City of Newburgh, N.Y.

Tax Parcel Section 29, Block 5, Lot 14
43 Dubois Street City of Newburgh, N.Y.

[SIGNATURE PAGE TO CANCELLATION OF RESTRICTIVE COVENANTS AND
AGREEMENTS]

WHEREFORE, the parties hereto have executed this agreement this day of ,
2017.

Name: Michael G. Ciaravino, City Manager
Per Resolution No. - 2017

STATE OF NEW YORK }
COUNTY OF ORANGE }

On the day of in the year 2017, before me, the undersigned, personally
appeared MICHAEL G. CIARAVINO, personally known to me or proved to me on the basis of
satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument
and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by
his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the
individual(s) acted, executed the instrument.

Notary Public

RECORD & RETURN TO:

Harris Beach PLLC
445 Hamilton Avenue
Suite 1206
White Plains, New York 10601
Attn: David Rothman, Esq.

RESOLUTION NO.: ²³_____ - 2017

OF

JANUARY 23, 2017

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWBURGH, NEW YORK,
REQUESTING THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL
CONSERVATION AS CO-LEAD AGENCY REQUIRE SUBMISSION AND
IMPLEMENTATION OF AN ENHANCED PUBLIC PARTICIPATION PLAN UNDER
CP-29 PRIOR TO THE COMMENCEMENT OF SCOPING UNDER SEQRA
FOR THE CITY OF NEWBURGH AND ALL OTHER POTENTIAL ENVIRONMENTAL
JUSTICE AREA COMMUNITIES IDENTIFIED AS POTENTIALLY AFFECTED BY
THE PILGRIM PIPELINE PROJECT

WHEREAS, by Resolution No. 27-2015 of February 9, 2015, the City of Newburgh unanimously objected and opposed the proposed Pilgrim Pipeline project; called upon the New York State Thruway Authority to reject use of its right-of-way for the purpose of transporting oil or gas by pipeline; and further called upon the New York State Department of Transportation to deny an exception to its Accommodation Plan for said purpose; and urged Governor Cuomo and the State Legislature to oppose construction of the Pilgrim Pipeline in New York State; and

WHEREAS, the Pilgrim Pipeline Project will be considered a State Environmental Quality Review Act (SEQRA) Type 1 action under 6 NYCRR Part 617; and

WHEREAS, the City of Newburgh is one of 29 municipalities in the State of New York identified as "Involved" agencies for purposes of SEQRA for the Pilgrim Pipeline Project, which gives the City of Newburgh the opportunity to outline impacts and gather information in the scoping process of the Pilgrim Pipeline Project; and,

WHEREAS, the dramatic increase in the amount of crude oil transported on the railroad that transects our City has the potential for a profound and detrimental effect upon our environment and the health and safety of our residents; and

WHEREAS, the addition of a crude oil pipeline through a portion of our City will only exacerbate the effects and risks; and

WHEREAS, within the City of Newburgh there is one potential Environmental Justice Area(s) according to the New York State Department of Environmental Conservation ("NYS DEC") and beside the threat to the health and safety to all residents of the City of Newburgh, including the Environmental Justice areas there are two drinking water reservoirs whose watersheds are in direct proximity to the proposed Pilgrim Pipeline that supplies all residents in the Environmental Justice area and in the City of Newburgh with drinking water; and

WHEREAS, the NYS DEC's Environmental Justice ("EJ") Policy (Commissioner Policy-29) is designed to ensure that minority and low-income communities, like ours, play a meaningful role in NYS DEC's permit review processes and the NYS DEC's application of SEQRA as early as possible and CP-29 recognizes that our community has been disproportionately affected by adverse environmental impacts, identifies the City of Newburgh as a potential environmental justice area and also requires that any applicant for a major project must "submit a written public participation plan as part of its complete application"; and

WHEREAS, it is our intention to engage the citizens of the City of Newburgh, NY in the Pilgrim Pipeline's SEQRA scoping and review process; and

WHEREAS, in anticipation of the soon-to-begin SEQRA scoping process for Pilgrim Pipeline, it would appear that unless there is an enhanced public participation plan approved and in place before the release of the draft scope, it will be difficult to engender meaningful and timely EJ community engagement during the 60-day period between release of the draft and completion of the final scope; a key information gathering time, and waiting to implement a public participation plan during or after scoping will largely nullify the most effective aspiration of CP-29, which is to involve an EJ community as early as possible in the review process; and

WHEREAS, according to Commissioner Policy CP-29, to ensure meaningful and effective public participation, the policy requires applicants for permits covered by the policy to actively seek public participation throughout the permit review process and applicants, such as Pilgrim Pipeline, are encouraged to consider implementing the public participation plan components *prior to application submission*. (emphasis added); and

WHEREAS, according to Commissioner Policy CP-29, the public participation plan must, at a minimum, (1) identify stakeholders, including nearby residents, local elected officials, community-based organizations and community residents; (2) provide for distribution and posting of written information on the proposed action and permit review process; and (3) provide for public information meetings to keep the public informed about the proposed action and permit;

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Newburgh, New York requests the New York State Department of Environmental Conservation to postpone releasing the draft scope until Pilgrim Pipeline has implemented an approved public participation plan under Commissioner Policy CP-29 for the City of Newburgh and for all other EJ communities affected by Pilgrim Pipeline; and

BE IT FURTHER RESOLVED, that the City Clerk of the City of Newburgh, New York forward copies of this resolution to Basil Seggos, Commissioner New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1750 and Bill Finch, Acting Executive Director New York State Thruway Authority, 200 Southern Boulevard, P.O. Box 189, Albany, NY 12201-189.

RESOLUTION NO.: 24 - 2017

OF

JANUARY 23, 2017

**RESOLUTION SCHEDULING A PUBLIC HEARING FOR FEBRUARY 13, 2017
TO HEAR PUBLIC COMMENT CONCERNING AN ORDINANCE AMENDING
CHAPTER 240 ENTITLED "RENTAL PROPERTIES" ADDRESSING RENTAL
LICENSE INSPECTION REQUIREMENTS, AN ORDINANCE ADDING TENANT
RESPONSIBILITY AND AN ORDINANCE AMENDING CHAPTER 163 ENTITLED
"FEES" OF THE CODE OF THE CITY OF NEWBURGH**

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that there is hereby scheduled a public hearing to receive comments concerning an ordinance amending Chapter 240 Entitled "Rental Properties" addressing Rental License inspection requirements, an ordinance adding Tenant Responsibility and an ordinance amending Chapter 163 Entitled "Fees" of the Code of the City of Newburgh; and that such public hearing be and hereby is duly set for the next regular meeting of the Council to be held at 7:00 p.m. on the 13th day of February, 2017, in the 3rd Floor Council Chambers, 83 Broadway, City Hall, Newburgh, New York.

ORDINANCE NO.: ____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 240, Rental Properties be and is hereby amended to read as follows:

SECTION 1. Article I. Rental License

§ 240-1. Findings and purpose.

The City Council has determined that there exists in the City of Newburgh a significant number of non-owner-occupied rental units. Non-owner occupants are less able to maintain daily oversight of their properties to ensure compliance with applicable laws, rules, and regulations. The City Council finds that the registration of rental properties is intended to and will ensure the protection of persons and property in all existing rental structures and on all premises required to be registered under this chapter. Further, the registration of rental properties will ensure that rental property owners adhere to applicable code provisions governing the use and maintenance of rental properties, including provisions limiting the maximum occupancy for which a rental property can be certified. It is the purpose of this chapter to protect the health, safety, and welfare of the residents of the City of Newburgh, as well as to protect the City's housing stock from deterioration by establishing a program for registering and identifying residential rental properties and for determining the responsibilities of owners of residential rental properties.

§ 240-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

AGENT – Any person who has charge, care, or control of a building, or part thereof, in which rental dwelling units or rooming units are let.

BUILDING – A combination of materials, whether portable or fixed, having a roof to form a structure affording shelter for persons, animals, or property.

DWELLING – A building used in whole or part for residential uses.

~~Strikethrough~~ denotes deletions

Underlining denotes additions

DWELLING UNIT – Any room or contiguous group of rooms within a building and forming a single, habitable living space for one family.

MUNICIPAL OFFICER – The Fire Chief, Director of the Code Compliance Bureau, and the Building Inspector or such official within that department as may be designated by the Director in writing.

OWNER – Any individual or individuals, partnership, or corporation or any similar type of business organization, whether for profit or otherwise, in whose name title to a building stands, including a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, agent, or any other person, firm, or corporation directly or indirectly in control of the property. Each, any, and all such persons shall have a joint and severable obligation for compliance with the provisions of this chapter.

OWNER-OCCUPIED DWELLING – A dwelling occupied by an individual owner or by members of his or her family on a nonrental basis. For the purposes of this chapter, "owner-occupied" shall not include any building owned by a partnership, corporation, or any similar type of business organization, including but not limited to a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or agent.

RENTAL PROPERTY – All buildings that contain a dwelling unit or a rooming unit that is rented, leased, let, or hired out to be occupied for residential or mixed use (commercial-residential) and are not owner-occupied.

ROOMING UNIT – Any furnished room for rent within a building and forming a single sleeping space.

TENANT – A person in possession or control of a dwelling, dwelling unit or a rooming unit under a written lease or oral agreement for the payment of money.

§ 240-3. Rental License Process.

- A. Effective June 1, 2013, the owner of any rental property as defined herein shall, within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later; or within 10 days of receipt of notice by the municipality, submit a rental license application for such rental property with the municipal officer on forms provided for that purpose by the municipal officer along with any fees required by Chapter 163. Failure to receive notice by the municipality shall not constitute grounds for failing to register the property.
- B. Each rental property having a separate section block and lot number shall be registered separately.
- C. The license rental application shall include the information required under § 240-4, as well as any additional information that the municipal officer may reasonably require.
- D. It shall be unlawful for any owner to offer any unit for rent or to rent any dwelling unit or to allow any dwelling unit to be occupied without having first received a rental license

pursuant to this chapter as required herein within the time prescribed for such registration. Failure to receive notice of the rental license deadline will not excuse failure to receive a rental license for a rental property. It is the responsibility of the owner to fulfill the requirements of this chapter.

- E. No ~~application for an~~ initial rental license or a rental license renewal shall be issued until the municipal officer has ~~conducted an inspection as described in § 240-6 and~~ determined that the property is in compliance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code and any applicable fire prevention code. Such determination shall be based on an inspection as described in § 240-6, provided that if the owner does not consent to such inspection and no inspection has been performed pursuant to search warrant, the owner shall, in the alternative, submit a certification by a licensed professional engineer that the subject property is in compliance with said codes, in which case such certification shall be reviewed by the municipal official to determine compliance ~~all life, health, and safety violations or discrepancies have been corrected.~~
- F. If the rental license application is incomplete or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.
- G. The rental license shall remain valid for one year from the date of issue. The owner shall be required to renew the rental license annually and shall pay a fee in the amount prescribed in Chapter 163.
- H. The municipal officer may establish for purposes of efficient administration that all rental licenses shall be renewed by a single date in each year. The municipal officer shall establish this date in which case the initial rental license fee shall be pro-rated for applications received less than 10 months prior to that date.
- I. The completed rental license application shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the City against the owner or owners of the building.

§ 240-4. Rental License Application.

- A. A rental license application shall be made by the owner of rental units or the owner's legally constituted agent on a form approved and supplied by the City of Newburgh Office of Code Compliance. This form shall be known as a "rental property statement" and shall be signed by the owner under oath. The statement shall include:
 - 1. The name(s), residence and business addresses, e-mail addresses, telephone numbers, and birth date(s) of the principal officers if the applicant is an individual, partnership, or firm, or the names, residence and business addresses, e-mail addresses, telephone numbers, and birth dates of the principal officers if the applicant is an association or corporation. Where more than one natural person has an ownership interest, the required information shall be included for each owner.
 - 2. If the owner is not a natural person, the employer identification number of the owner.
 - 3. The name, street address, e-mail address, and telephone number of a natural person 21 years of age or older, designated by the owner or owners as the authorized agent

for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code. The agent for service of process must maintain offices or reside in the State of New York.

4. The name, street address, e-mail address, and telephone numbers of the firm or individual responsible for maintaining the property. The individual or a representative of the firm responsible for maintaining the property must maintain offices within 45 miles of the City and shall be available by telephone or in person on a 24-hour-per-day, seven-day-per-week basis.
 5. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.
 6. A description of the premises, including street address, section block and lot, and type of building.
 7. Number of dwelling units within the dwelling.
 8. Description of procedure through which tenant inquiries and complaints are to be processed.
 9. Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
 10. The number of tenants.
 11. If the owner does not consent to an inspection pursuant to § 240-6 and no inspection is performed pursuant to a search warrant, a certification by a licensed professional engineer that the property is in compliance.
 12. Any other information as requested by the City.
- B. The owner shall notify the municipal officer within 10 days of any change in the rental license information by filing an amended rental property statement on a form provided by the municipal officer for such purpose. Depending on the nature of changes, the City may require consent to a new property inspection. Notice of transfer of ownership shall be as described in § 240-8.

§ 240-5. License Fees; exemptions.

- A. License fees as set forth in Chapter 163 of this Code shall be due 90 days prior to the license expiration date; in the cases of a new unlicensed dwelling, a change in a previously filed rental license application, or a new license that is required due to a change in ownership as set forth in § 240-8 below, rental license fees shall be due at the time of application.
- B. Owner-occupied dwellings containing not more than two rental units are exempt from the filing fees set forth in Chapter 163 of this Code but still must submit a rental license application as described in § 240-3 and § 240-4 above.
- C. A delinquency penalty of 5% of the rental license fee for each day of operation without a valid rental license shall be charged operators of rental properties. Once issued, a rental license is nontransferable, and the rental licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension, application withdrawal, an incomplete application or process, or application cancellation, the fee is nonrefundable.
- D. All inspection fees are set in Chapter 163. If the inspection is being performed as part of the rental licensing process, fees must be paid prior to the time of rental license issuance or renewal for the property.

- E. If any fee or any portion is not paid within 60 days after billing, the Comptroller may certify the unpaid cost against the property, and the unpaid cost shall be added to and collected with the subsequent City tax levy and shall bear interest and be enforced as provided by law for City taxes.
- F. All funds collected from rental license fees under this section shall be deposited in a dedicated trust fund to be used exclusively for municipal activities with respect to vacant and problem properties in the municipality, including but not limited to inspection, nuisance abatement, securing and boarding, maintaining property information systems, general code enforcement activities, and reasonable administrative and legal costs associated with any of the foregoing.

§ 240-6. Inspection.

- A. During regular business hours or in an emergency, the municipal officer or his representative or any duly authorized City representative, upon the showing of proper credentials and in the discharge of his duties, may enter any building or rental unit within a building upon consent of the owner or with a duly executed search warrant, to make an inspection to determine whether there is any violation of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code.
- B. At the request of the municipal officer, the Corporation Counsel is authorized to make application to the City Court of the City of Newburgh or any other court of competent jurisdiction for the issuance of a search warrant to be executed by a police officer in order to conduct an inspection of any premises believed to be subject to this chapter. The municipal officer may seek a search warrant whenever the owner, managing agent, or occupant fails to allow inspections of any dwelling unit contained in the rental property where there is a reasonable cause to believe that there is a violation of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code ~~this chapter, the New York Uniformed Fire Prevention Building Code Act, or of any code of the City of Newburgh or any applicable fire code.~~
- C. The presence or existence of any of the following shall create a rebuttable presumption that a dwelling unit is rented:
 - 1. The property is occupied by someone other than the owner, and the owner of the property represents in writing or otherwise, to any person or establishment, business, institution or government agency, that he resides at an address other than the rental property.
 - 2. Persons living in the premises represent that they pay rent to the owner of the premises.
 - 3. Utilities, cable, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner.
 - 4. Testimony by a witness that it is common knowledge in the community that a person other than the record owner resides in the premises.
 - 5. There is more than one mailbox at the premises.
 - 6. There is more than one gas meter at the premises.
 - 7. There is more than one utility meter at the premises.

8. There are separate entrances for segregated parts of the dwelling.
 9. There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms.
 10. There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof.
 11. The inability of any occupant or person in possession thereof to have unimpeded and/or lawful access to all or part of the dwelling unit.
 12. Two or more kitchens each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator.
- D. Nothing in this section, except for provisions containing emergency inspections, shall be deemed to authorize the municipal officer or representative to conduct an inspection of any premises subject to this chapter without the consent of the owner or without a warrant duly issued by an appropriate court.
- E. Nothing in this section shall prevent the entry into a building or dwelling unit by the municipal officer without the consent of the owner or a search warrant in response to an emergency.

§ 240-7. Conformance to Laws.

No rental license shall be issued or renewed unless the rental property and its premises conform to the Code of Ordinances of Newburgh and the laws of the State of New York.

§ 240-8. License not Transferable.

No rental license shall be transferable to another person or to another rental property. Every person holding a rental license shall give notice in writing to the municipal officer within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental property. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental property.

§ 240-9. Required Postings.

- A. Every licensee of a rental property with more than four units shall conspicuously post the current rental license certificate in the main entryway or other conspicuous location. For rental properties of four or fewer units, the licensee must provide a copy of the rental license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.
- B. The City's trash and refuse policies and procedures and alternate-side street parking regulations shall be conspicuously posted in the main entryway or other conspicuous location. For rental properties with only one dwelling unit or with no common entryway, the owner must provide a copy of these policies, procedures, and regulations with the tenant's copy of the executed lease agreement.

§ 240-10. Occupancy Register Required.

- A. Every owner of a licensed rental property shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:
1. Dwelling unit address.
 2. Number of bedrooms in dwelling unit and the maximum number of occupants.
 3. Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
 4. Dates renters occupied and vacated dwelling units.
 5. A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
 6. A similar chronological list of all corrections made in response to such requests and complaints.
- B. Such register shall be made available for viewing or copying by the municipal officer at all reasonable times.
- C. The property owner may request a pre-rental inspection of a unit prior to placing tenants and obtain a certificate of compliance stating that the apartment is compliance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code applicable city and state property maintenance codes. The cost of this inspection shall be included with license fee.

§ 240-11. Rules and Regulations.

The municipal officer may issue rules and regulations for the administration of the provisions of this ordinance.

§ 240-12. Enforcement.

- A. The City of Newburgh shall have a choice of enforcing this chapter as provided in § 1-12 of the Code of Ordinances of the City of Newburgh by seeking civil penalties or by instituting a criminal proceeding or may choose to do both.
- B. A designated managing agent of an owner may be served with a notice of violation, order to remedy, an appearance ticket, or other service of process, whether criminal or civil, pursuant to and subject to the provisions of law as if actually served upon the owner.
- C. No owner who designates a managing agent pursuant to the provisions of this chapter may assert the defense of lack of notice or lack of in personam jurisdiction based solely upon the service of process on his designated agent.
- D. Any owner who fails to register a rental property under the provisions of this ordinance shall be deemed to consent to receive, by posting at the building, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.
- E. The municipal official may revoke a rental license or approval issued under the provisions of this chapter upon application of the Corporation Counsel for any of the following reasons:
1. Any false statement or misrepresentation as to a material fact in the application, plans or specifications on which the building permit was based;

2. The rental license was issued in error and should not have been issued in accordance with applicable law;
 3. Failure to maintain the necessary requirements as outlined in this chapter, or occurrence of unlawful activities at or about the premises;
 4. Fighting or violent, tumultuous or threatening behavior by any occupant of the premises;
 5. Unreasonable noise from the premises on a regular basis;
 6. Repeated calls to the police for disturbances and/or disputes at the premises;
 7. Obstruction of vehicular or pedestrian traffic due to vehicles from or at the premises;
 8. Hazardous or physically offensive conditions created by an act of an occupant or owner of the premises; or
 9. Existing violations on the premises of the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code or any applicable fire prevention code.
- F. Such revocation shall take place after notice to the applicant and opportunity for the applicant to be heard by the municipal officer.
- G. No fees, as provided in Chapter 163, shall be refunded after the revocation of a rental license.

§ 240-13. Penalties for offenses.

- A. If the City of Newburgh chooses to enforce this chapter through a criminal proceeding, any person who violates or fails to comply with any provisions of this ordinance or of the rules and regulations issued hereunder or who violates or fails to comply with any order made thereunder shall be fined up to \$500 and/or 30 days in jail.
- B. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects. Each day that prohibited conditions exist shall constitute a separate offense and so subject the owner to an additional fine of up to \$500 and/or additional jail sentences of up to 30 days in jail.
- H. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- I. For purposes of this section, failure to file a rental property statement within 60 days of the effective date of this chapter or within 30 days after assuming ownership of the rental property, whichever is later, or within 10 days of receipt of notice by the municipality; failure to provide correct information on the rental property statement; and failure to comply with the provisions of §240-3, 4, 5, 9, and 10 of this Chapter or such matters as may be established by the rules and regulations of the municipal officer shall be deemed to be violations of this ordinance.

§ 240-14 Effective Date.

This ordinance shall become effective upon publication as provided by law.

§ 240-15 Severability.

If any of the provisions of this chapter shall be held invalid, the remainder shall remain valid and enforceable as provided by law.

SECTION 2. This ordinance shall take effect on _____, 2017.

DRAFT

ORDINANCE NO.: _____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 240, ENTITLED "RENTAL PROPERTIES" OF THE CODE OF ORDINANCES OF THE CITY OF NEWBURGH TO ENACT ARTICLE II ENTITLED "TENANT RESPONSIBILITIES"

BE IT ORDAINED, by the Council of the City of Newburgh, New York that Chapter 240, Rental Properties be and is hereby amended to enact Article II, Tenant Responsibilities to read as follows:

SECTION 1: Article II. Tenant Responsibility for Maintenance of Rental Property

§ 240-16. General requirements.

Tenants of rental property shall maintain the rented premises in conformance with the following standards. Tenants shall only be responsible for conditions that he or she actually caused.

§ 240-17. Common, public or open areas.

- A. Steps, walks, driveways, parking spaces and similar paved areas shall be maintained to afford safe and convenient passage. Structural repairs are the responsibility of the property owner.
- B. Yards, courts and vacant lots shall be kept clean and free of hazards.
- C. Open fires shall not be permitted, unless authorized and approved pursuant to the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code and any applicable fire prevention code and in conformity with state air pollution control regulations.

§ 240-18. Buildings and structures.

- A. Floors, walls, including windows and doors, ceilings and other interior surfaces within the rental property shall be maintained in clean and sanitary condition in accordance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code so as not to attract insect, vermin and rodent harborage and infestation.
- B. Extension cords. Electrical extension cords shall be used only in conformance with the Code of the City of Newburgh, the New York State Uniform Fire Prevention and Building Code, the New York State Property Maintenance Code. If extension cords must be used, they must not cross any pathways, or be placed under carpets or rugs. They also should not be a tripping hazard.

C. Electrical.

1. Tenants who are not licensed electricians shall not do any electrical work and shall not permit third parties who are not licensed electricians to do such electrical work. Tampering with any electrical wiring in any way is prohibited.
 2. Electrical light fixtures and other heat-generating appliances shall not be covered with fabric or other combustible material.
- D. External decorative lighting, including but not limited to holiday lighting, shall not be hung by tacks or nails in such a manner as to create a fire hazard.
- E. Excessive amounts of loose fabric when used as a wall or ceiling covering is a fire hazard and is not permitted.
- F. Tenants may not store or place anything in such a way that it might block or prevent the use of a means of exiting from a room, rooming unit, dwelling unit, or building. Items should not be stored by tenants in unfinished areas of buildings (cellars, attics, etc.), which could contribute to combustion in a fire or block access by emergency personnel. (i.e., mattresses, old boxes, lumber, clothes, etc.).
- G. Tenants shall not store combustible or flammable liquids in their dwelling unit or rooming unit, or in accessory buildings, except in sealed, approved containers.
- H. Flammable and combustible liquids shall not be stored in hallways, exits, stairways or areas normally used for the safe passage of people.
- I. Unfinished areas of buildings, such as cellars or attics, shall not be used for any activities whatsoever other than for utility purposes.
- J. Rugs or carpet shall not be installed in such a way as to obstruct the smooth opening or closing of any doors.
- K. Cooking and refrigeration appliances, kitchens, and bathrooms must be kept in a clean and sanitary condition so as not to attract insect, vermin and rodent harborage and infestation.
- L. Food garbage shall not be stored on premises in such a way or for such a period of time so as to become a health hazard.

§ 240-19. Infestation and harborages.

Grounds, buildings and structures shall be maintained free of insect, vermin and rodent harborage and infestation. The accumulation and/or storage of materials that may provide harborage or serve as food for rodents or other vermin in a site accessible to such rodents or vermin is prohibited.

§ 240-20. Garbage and refuse.

- A. Adequate sanitary facilities and methods shall be used for the collection, storage, handling and disposal of garbage and refuse within rental property. Storage containers within rental property shall be of an approved flame-resistant material.
- B. The accumulation or storage of garbage or refuse in public halls or stairways shall be prohibited.
- C. Tenants should not place loose bags of garbage and or recyclables outside the building or in a garage area and shall comply with the waste collection regulations as prescribed by Chapter 183 of the City Code of Ordinances.

- D. Tenants shall not store or leave interior furniture outdoors except for disposal in accordance with Chapter 183 of the City Code of Ordinances and applicable rules and regulations of the Department of Public Works.

§ 240-21. Junk.

- A. Refrigerators, and similar equipment with locking mechanisms, shall not be discarded, abandoned or stored on premises accessible to children, without first removing the locking devices or the hinges of the doors.
- B. Junked vehicles, equipment and materials shall not be stored in common, shared and/or open areas of premises.

§ 240-22. Domestic animals and pets.

Domestic animals and pets shall be kept in an appropriate manner in accordance with Chapter 150 of the City Code of Ordinances. Any tenant having ownership, custody or control of a dog or other domesticated companion or working animal shall be responsible for promptly picking up, collecting and disposing of any and all waste products of such animal in a sanitary manner.

§ 240-23. Smoke detectors; carbon monoxide detectors; fire extinguishers; sprinkler systems.

- A. Smoke detectors and carbon monoxide detectors shall not be removed, damaged or disabled in any way. Smoke and carbon monoxide detectors shall not be disabled by the tenant(s).
- B. The detectors shall not be disconnected from a power source or rendered inoperable in any way. Tenants shall not remove batteries in smoke detectors or carbon monoxide detectors located in a rental property.
- C. It shall be the duty of the tenant(s) of any rental property to keep and maintain such detectors located within their dwelling unit, or sleeping room, in good repair and operable condition and to notify the property owner to replace any and all devices which are stolen, removed, missing or rendered inoperable during their tenancy of such dwelling unit with an identical device or an equivalent device, as approved by the owner.
- D. Fire extinguishers shall not be used for any purpose other than that for which they were designed.
- E. Tampering with sprinkler systems in any way and hanging items from sprinkler systems and sprinkler equipment is prohibited.

§ 240-24. Exits; hardware for doors.

- A. Prohibited locking devices. No hasp, lock, padlock, bar, chain or other device, which is openable only from the exterior, shall be installed by a tenant(s) on any door, which is used or intended to be used, as a means of egress.
- B. Locking devices required.
 - 1. It is the responsibility of all property owners to ensure that exit doors from dwelling units, and doors from bedrooms, sleeping rooms or lodging units which are located within dwelling units, rooming or boarding houses, in which three or more unrelated individuals reside, shall be equipped with a locking device which is securable by means of a key from the outside and which is provided, on the inside, with a simple type of releasing device, such as a knob, handle or panic bar, the method of operation of which is obvious, even in darkness. No tenant shall remove and/or disable said locking devices.
 - 2. It is the responsibility of all property owners to ensure that all openable windows located within 10 feet, measured vertically, or within six feet, measured horizontally, of ground level, or of exterior balconies, porches, stairs, fire escapes, railings, roof surfaces or any other accessible structure, shall be equipped with sash locks designed to be openable from the inside only. Sash locks shall be easily openable without the use of keys and be maintained in good repair. No tenant shall remove and/or disable said sash locks.
- C. Self-closing doors shall not be blocked in the open position, and automatic doors shall not be removed.
- D. Tampering with exit lights and exit signs is prohibited. If exit lights are out or malfunctioning, the property owner must be notified.

§ 240-25. Violations and enforcement.

- A. Whenever the municipal officer finds that there has been a violation of these standards, the municipal officer shall issue a notice of violation to the person or persons responsible. The order shall:
 - 1. Be in writing.
 - 2. Identify the premises.(3)
 - 3. Specify the violation and remedial action to be taken.
 - 4. Provide a reasonable time limit for compliance.
 - 5. State the time within which an appeal may be taken.
 - 6. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, include, in the order, a statement that if the violation is not remedied within the time limit specified in the order, the City may remedy the violation in accordance with Chapter 126 and Chapter 226 of the City Code of Ordinances.
- B. A notice of violation and order may be served as follows:
 - 1. By personal service upon the tenant(s).
 - 2. By posting a copy thereof on the door of the tenant(s) premises, or if access thereto is denied, by posting a copy thereof on the outside door of the building and mailing a copy to the tenant(s) in a postpaid wrapper addressed to the tenant(s).
- C. In case the tenant(s) shall fail, neglect or refuse to remove, eliminate or abate the violation, or in the case that the owner, lessor or agent fails to cause the tenant(s) to remove the violation within the time specified, the municipal officer shall forward the

notice of violation to the Corporation Counsel who shall prosecute same as provided herein.

- D. If the violation constitutes a public nuisance or renders the premises dangerous or unsafe, and the violation order has been served, but the violation has not been remedied within the time limit specified in such violation order, the City may remedy the violation in accordance with Chapter 126 and Chapter 226 of the City Code of Ordinances.

§ 240-26. Penalties for offenses.

Failure to comply with a violation order, within the time limit stated therein, shall constitute an offense. A person convicted of an offense shall be punished by a fine not to exceed \$250 or a term of imprisonment not to exceed 15 days or both. Each day that a violation continues shall be deemed a separate offense and so subject the occupant to an additional penalty as provided above.

§ 240-27. Violations constitute substantial obligation of tenancy.

Unless otherwise provided for by state or federal law or the provisions of a lease, the compliance with the provisions of this chapter shall constitute a substantial obligation of every residential tenancy and the violation thereof shall be grounds for termination of the tenancy.

SECTION 2. This ordinance shall take effect on _____, 2017.

ORDINANCE NO.: _____ - 2017

OF

_____, 2017

AN ORDINANCE AMENDING CHAPTER 163 ENTITLED "FEES"
OF THE CODE OF THE CITY OF NEWBURGH

BE IT ORDAINED by the City Council of the City of Newburgh that:

Section 1. Chapter 163 entitled "Fees" of the Code of the City of Newburgh be and hereby is amended as follows:

Code Section	Type of Fee	Amount
Chapter 240, Rental Properties		
§ 240-3	Rental License Application and Renewal	

A non-refundable annual permit application fee shall be paid, upon filing an application for a rental license or for a renewal rental license in accordance with the following schedule of rental dwelling units per structure:

Type of Dwelling	Fee
One dwelling unit	\$150.00
Two dwelling units	\$250.00
Three dwelling units	\$350.00
Four dwelling units	\$450.00
Five to ten dwelling units	\$750.00
11 to 50 dwelling units	\$1,500.00
51 to 100 dwelling units	\$2,000.00
101 to 200 dwelling units	\$2,500.00
Over 200 dwelling units	\$5,000.00

Number of Dwelling Units	Fee per unit
1 to 2 dwelling units	\$95.00 per unit
3 to 5 dwelling units	\$80.00 per unit
6 to 9 dwelling units	\$66.50 per unit
10 to 11 dwelling units	\$62.00 per unit
12 to 14 dwelling units	\$55.00 per unit
15 to 20 dwelling units	\$50.00 per unit
21 or more dwelling units	\$39.50 per unit

Underlining denotes additions
~~Strikethrough~~ denotes deletions

Section 2. This ordinance shall take effect on _____, 2017.

DRAFT

Underlining denotes additions
~~Strikethrough~~ denotes deletions

RESOLUTION NO.: ²⁵_____-2017

OF

JANUARY 23, 2017

**A RESOLUTION AMENDING RESOLUTION 306-2016 TO CLARIFY THE SALARY OF
THE DEPUTY POLICE CHIEF IN THE 2017 PERSONNEL ANALYSIS BOOK**

WHEREAS, by Resolution No. 306-2016 of November 14, 2016, the City Council of the City of Newburgh amended Resolution No. 274-2016 of October 14, 2016 and the Personnel Analysis Book for 2016 to add a full-time Deputy Police Chief position in the Police Department at Grade 8, Step 6 for the period October 15, 2016 to December 31, 2016; and

WHEREAS, it is necessary to clarify the salary for the position of full-time Deputy Police Chief in the Police Department at Grade 8 Step 6 in the 2017 Personnel Analysis Book; and

WHEREAS, the City Council has determined that the a full-time Deputy Police Chief position in the Police Department will promote continuity in leadership and efficiency within the Department; the same being in the best interests of the City of Newburgh;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York that Resolution No. 274-2016 of October 14, 2016 and Resolution No. 306-2016 of November 14, 2016 and the Personnel Analysis Book for 2017 be and are hereby amended to continue to fund a full-time Deputy Police Chief position in the Police Department at Grade 8, Step 6 until a full-time Police Chief is appointed.

RESOLUTION NO.: 26 - 2017

OF

JANUARY 23, 2017

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PAYMENT
OF CLAIM WITH PRESTIGE BUILDING COMPANY IN THE AMOUNT OF \$3,800.00

WHEREAS, Prestige Building Company brought a claim against the City of Newburgh;
and

WHEREAS, the parties have reached an agreement for the payment of the claim in the
amount of Three Thousand Eight Hundred and 00/100 Dollars (\$3,800.00) in exchange for a
release to resolve all claims among them; and

WHEREAS, this Council has determined it to be in the best interests of the City of
Newburgh to settle the matter for the amount agreed to by the parties;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh,
New York, that the City Manager is hereby authorized to settle the claim of Prestige Building
Company in the total amount of Three Thousand Eight Hundred and 00/100 Dollars (\$3,800.00)
and that the City Manager be and he hereby is authorized to execute documents as the
Corporation Counsel may require to effectuate the settlement as herein described.

RESOLUTION NO.: 27 -2017

OF

JANUARY 23, 2017

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE OF
2 COURTNEY AVENUE, SECTION 48, BLOCK 3, LOT 16

WHEREAS, the City of Newburgh has commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2014-8858; and

WHEREAS, Paul Kahn, the owner of the property, has advised that he would like to pay the delinquent taxes by entering into an installment payment agreement; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter by collecting the delinquent taxes if all such taxes, interest and penalties are remitted to the City of Newburgh in the form of an installment payment agreement;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Director of Finance and Enforcing Officer be and she is hereby authorized to withdraw the liens on the property located at 2 Courtney Avenue, Section 48, Block 3, Lot 16, in the City of Newburgh, from the List of Delinquent Taxes upon the owner remitting to the City of Newburgh the required down payment in the amount of Twenty Six Thousand Two Hundred Eleven And 82/100 (\$26,211.82) Dollars and duly entering into an installment payment agreement for the full payment of all taxes, interest and penalties for delinquent taxes on or before February 28, 2017; and thereafter satisfying said installment payment agreement in full.

RESOLUTION NO.: 28 - 2017

OF

JANUARY 23, 2017

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE IN REM TAX FORECLOSURE
OF LIENS FOR THE YEAR 2014 RELATIVE TO
260 GIDNEY AVENUE (SECTION 7, BLOCK 1, LOT 48.12)

WHEREAS, The City of Newburgh commenced a proceeding for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2014-8858; and

WHEREAS, the property owner, by their attorney, has advised the City that they are prepared to settle such action; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter without the need for litigation;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Director of Finance and Enforcing Officer be and she is hereby authorized to withdraw the liens on the property located at 260 Gidney Avenue (Section 7, Block 1, Lot 48.12), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Four Thousand Four Hundred One And 48/100 (\$4,401.48) Dollars is paid in full by certified or bank check on or before January 31, 2017, or provided that the sum of Four Thousand Five Hundred Eight And 81/100 (\$4,508.81) Dollars is paid in full by certified or bank check on or before February 28, 2017, representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open water, sewer and sanitation charges.

RESOLUTION NO.: 29-2017

OF

JANUARY 23, 2017

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE OF
LIENS FOR THE YEAR 2014 RELATIVE TO
15 SPRING STREET, SECTION 39, BLOCK 5, LOT 9

WHEREAS, the City of Newburgh has commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2014-8858; and

WHEREAS, Carlos Bermudez, as Power of Attorney for property owner Gladys Rodriguez, has advised that he would like to pay the delinquent taxes by entering into an installment payment agreement; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter by collecting the delinquent taxes if all such taxes, interest and penalties are remitted to the City of Newburgh in the form of an installment payment agreement;

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of Newburgh, New York, that the Director of Finance and Enforcing Officer be and she is hereby authorized to withdraw the liens on the property located at 15 Spring Street (Section 39, Block 5, Lot 9), in the City of Newburgh, from the List of Delinquent Taxes, provided that the sum of Two Thousand Nine Hundred Ninety-Four And 47/100 (\$2,994.47) Dollars is paid in full by certified or bank check on or before January 31, 2017, or provided that the sum of Three Thousand One Hundred Sixty-Two And 39/100 (\$3,162.39) Dollars is paid in full by certified or bank check on or before February 28, 2017, representing all past due tax liens, together with all interest and penalties accruing thereon, together with all currently due taxes and charges, including but not limited to all open water, sewer and sanitation charges.

RESOLUTION NO.: 30-2017

OF

JANUARY 23, 2017.

A RESOLUTION AUTHORIZING THE SETTLEMENT OF
LITIGATION REGARDING THE TAX FORECLOSURE OF
LIENS FOR THE YEAR 2014 RELATIVE TO
16 WILLIAM STREET, SECTION 35, BLOCK 3, LOT 14

WHEREAS, the City of Newburgh has commenced proceedings for the foreclosure of certain tax liens, such action being designated as Orange County Index Number 2014-8858; and

WHEREAS, Jose Vera, on behalf of property owner Newburgh Property Realty, has advised that he would like to pay the delinquent taxes by entering into an installment payment agreement; and

WHEREAS, this Council has determined that it would be in the best interests of the City of Newburgh and its further development to settle this matter by collecting the delinquent taxes if all such taxes, interest and penalties are remitted to the City of Newburgh in the form of an installment payment agreement;

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Director of Finance and Enforcing Officer be and she is hereby authorized to withdraw the liens on the property located at 16 William Street, Section 35, Block 3, Lot 14, in the City of Newburgh, from the List of Delinquent Taxes upon the owner remitting to the City of Newburgh the required down payment in the amount of One Thousand Six Hundred Five And 50/100 (\$1,605.50) Dollars and duly entering into an installment payment agreement for the full payment of all taxes, interest and penalties for delinquent taxes on or before January 31, 2017; and thereafter satisfying said installment payment agreement in full.