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

MEMORANDUM

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

FROM: MARK C. TAYLOR, ATTORNEY FOR THE TOWN

RE: 2025 COMPREHENSIVE PLAN UPDATE  
OUR FILE NOS. 800.1(B)( ) (2025); 800.

DATE: MAY 27, 2025

Enclosed please find the following draft resolution for the Town Board's consideration.

Resolution of Town Board of the Town of Newburgh Providing for SEQR Designation and Determination for Proposed Adoption of the Town of Newburgh Comprehensive Plan Update and Providing for Scoping.

Pursuant to the Resolution the Town Board will declare itself as the lead agency for the SEQR review, issue a Positive Declaration that the action may have a significant effect on the environment, determine that a Generic Environmental Impact Statement will be prepared and determine that scoping will be conducted and a draft scope prepared. The draft scope will be subject to involved agency and public review and input. Please note that the Lead Agency has the option of conducting a "scoping session" as one alternative means of public participation once a draft Scope has been finalized.

Also enclosed is a completed draft Part 3 of the Long Form Environmental Assessment Form for the Action which contains a Positive Declaration.

Should you have any questions or concerns, please do not hesitate to contact me.

MCT:kac  
Enclosure

cc: Lisa M. Vance Ayers, Town Clerk (via e-mail)  
Patrick Hines, Engineers' Representative (via e-mail)  
John P. Ewasutyn, Planning Board Chairman (via e-mail)  
Darrin J. Scalzo, Zoning Board of Appeals Chairman (via e-mail)  
Gerald Canfield, Code Compliance Supervisor (via e-mail)  
James P. Presutti, Commissioner of Parks, Recreation and Conservation (via e-mail)  
David B. Smith, Planning and Development Advisors (via e-mail)

At a meeting of the Town Board of the Town of Newburgh, held at the Town Hall, 1496 Route 300, in the Town of Newburgh, Orange County, New York on the \_\_\_th day of May, 2025 at 7:00 o'clock p.m.

PRESENT:

Gilbert J. Piaquadio, Supervisor

Paul I. Ruggiero, Councilman

Scott M. Manley, Councilman

Anthony R. LoBiondo, Councilman

James Politi, Councilman

RESOLUTION OF TOWN BOARD OF  
THE TOWN OF NEWBURGH  
PROVIDING FOR SEQR DESIGNATION  
AND DETERMINATION FOR  
PROPOSED TOWN OF NEWBURGH  
COMPREHENSIVE PLAN UPDATE  
AND PROVIDING FOR SCOPING

Councilman \_\_\_\_\_ presented the following resolution which was seconded by Councilman \_\_\_\_\_.

**WHEREAS**, the Town of Newburgh has initiated a Comprehensive Plan Update process so as to update and amend the Town's Comprehensive Plan Update adopted in October, 2005, as amended from time to time thereafter (the 2005 Comprehensive Plan Update), which reconstituted and amended the Town's Master Plan adopted in March, 1991; and

**WHEREAS**, the Town of Newburgh has heretofore caused an inventory and analysis of its resources to be prepared; and

**WHEREAS**, the Town Board has duly established and appointed a "Comprehensive Plan Update Committee" (the "Committee") whose membership included a member of the Town's Planning Board and a member of the Town's Zoning Board of Appeals; and

**WHEREAS**, the Committee has coordinated the preparation of the Comprehensive Plan Update to address particular areas of concern and conducted three public input sessions where members of the public were invited to participate and contribute to the planning process and included a link on the Town's Web-site that allows member of the public to submit written comments for consideration in order to assure full opportunity for citizen participation in the preparation of the proposed plan; and

**WHEREAS**, the Committee caused to be prepared and reviewed a draft Comprehensive Plan Update which includes proposed recommended planning and zoning action items, proposed rezonings, recommended Code enforcement textual clarifications, proposed transportation action items and proposed water, sewer and utility action items; and

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

**WHEREAS**, the Town Board has determined that the proposed adoption of the Comprehensive Plan Update should be reviewed as an action (the "Action") under Part 617 of

the General Regulations ("Part 617") adopted pursuant to Article 8 of the Environmental Conservation Law ("SEQR") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code; and

**WHEREAS**, the Town Board of the Town of Newburgh has caused a full Environmental Assessment Form (the "EAF") to be prepared for the proposed adoption of the Comprehensive Plan Update (the "Action"); and

**WHEREAS**, the Town Board proposes to undertake, fund and approve the Action and wishes to assume Lead Agency status in connection with the review of the Action pursuant to the State Environmental Quality Review Act; and

**WHEREAS**, the Town Board has determined that the following agencies identified by the EAF, using all due diligence, are involved or interested agencies for the Action:

Orange County Department of Planning

Town of Newburgh Planning Board

Town of Newburgh Comprehensive Plan Update Committee

Town of Newburgh Zoning Board of Appeals

New York State Department of Environmental Conservation; and

**WHEREAS**, the Town Board has caused the EAF to be delivered to all said agencies and notified them that a lead agency must be agreed upon within thirty (30) calendar days of the date of mailing and of the Town Board's intent to be the lead agency in a coordinated review of the Action; and

**WHEREAS**, the identified agencies have either agreed that the Town Board shall act as the Lead Agency for the Action or not responded within the thirty (30) calendar day time frame established under SEQR.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board pursuant to Article 8 of the Environmental Conservation Law ("SEQR"), Part 617 of the General Regulations adopted pursuant thereto ("Part 617") and Chapter 100 entitled "Environmental Quality Review" of the Town of Newburgh Municipal Code, hereby declares itself Lead Agency for this Type I Action for the purpose of conducting a coordinated review; and

**BE IT FURTHER RESOLVED**, that the Lead Agency hereby finds that the update of the Comprehensive Plan is one of the most significant land use actions to be undertaken by the Town of Newburgh, New York State Town Law §272-a providing that all town land use regulations must be in accordance with the Comprehensive Plan, said Comprehensive Plan Update will identify and address land use-related issues in the Town and will provide

recommendations for future growth and change, including a series of subsequent actions, such as amendments of the Town's Zoning Code, and an opportunity to integrate various efforts and programs throughout the Town; and

**BE IT FURTHER RESOLVED**, that the Town Board, as Lead Agency, hereby determines that said Action may have a significant effect on the environment by producing recommendations which when ultimately adopted may lead to substantial changes in the use or intensity of use of land including agricultural, open space or recreational resources, or in its capacity to support existing uses, and accordingly does issue the Positive Declaration annexed hereto and made a part hereof; and

**BE IT FURTHER RESOLVED**, that the Positive Declaration be filed and distributed and notice of the Positive Declaration published in the Environmental Notice Bulletin in accordance with the requirements of SEQR and Part 617.

**BE IT FURTHER RESOLVED**, that the Town Board, as Lead Agency, hereby determines that a Draft Generic Environmental Impact Statement ("DGEIS") shall be prepared for the Action as provided in §617.10(b) of Part 617; and

**BE IT FURTHER RESOLVED**, that the Town Board, as lead agency and project sponsor, hereby determines that scoping shall be conducted and a draft scope shall be prepared, provided to all the above agencies and others who have expressed interest in the Comprehensive Plan Update in writing, its availability noticed in the ENB and published on the Town's website, and that a period of twenty (20) days following the latter of notice or publication be provided for the public to review and provide written comments on the draft scope.

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

Paul Ruggiero, Councilman voting \_\_\_\_\_

Scott M. Manley, Councilman voting \_\_\_\_\_

Anthony R. LoBiondo, Councilman voting \_\_\_\_\_

James Politi, Councilman voting \_\_\_\_\_

Gilbert J. Piaquadio, Supervisor voting \_\_\_\_\_

The resolution was thereupon declared duly adopted.

Project : \_\_\_\_\_

Date : \_\_\_\_\_

**Full Environmental Assessment Form**  
**Part 3 - Evaluation of the Magnitude and Importance of Project Impacts**  
**and**  
**Determination of Significance**

Part 3 provides the reasons in support of the determination of significance. The lead agency must complete Part 3 for every question in Part 2 where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.

Based on the analysis in Part 3, the lead agency must decide whether to require an environmental impact statement to further assess the proposed action or whether available information is sufficient for the lead agency to conclude that the proposed action will not have a significant adverse environmental impact. By completing the certification on the next page, the lead agency can complete its determination of significance.

**Reasons Supporting This Determination:**

To complete this section:

- Identify the impact based on the Part 2 responses and describe its magnitude. Magnitude considers factors such as severity, size or extent of an impact.
- Assess the importance of the impact. Importance relates to the geographic scope, duration, probability of the impact occurring, number of people affected by the impact and any additional environmental consequences if the impact were to occur.
- The assessment should take into consideration any design element or project changes.
- Repeat this process for each Part 2 question where the impact has been identified as potentially moderate to large or where there is a need to explain why a particular element of the proposed action will not, or may, result in a significant adverse environmental impact.
- Provide the reason(s) why the impact may, or will not, result in a significant adverse environmental impact
- For Conditional Negative Declarations identify the specific condition(s) imposed that will modify the proposed action so that no significant adverse environmental impacts will result.
- Attach additional sheets, as needed.

The action may have a significant effect on the environment by producing recommendations which when ultimately adopted may lead to substantial changes in the use or intensity of use of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. By its very nature as an update, the proposed action will not be consistent with the currently adopted Town of Newburgh Comprehensive Plan and may have a moderate to large consistency impact.

**Determination of Significance - Type 1 and Unlisted Actions**

SEQR Status: ☒ Type 1 ☐ Unlisted

Identify portions of EAF completed for this Project: ☒ Part 1 ☐ Part 2 ☐ Part 3

Upon review of the information recorded on this EAF, as noted, plus this additional support information

and considering both the magnitude and importance of each identified potential impact, it is the conclusion of the \_\_\_\_\_ as lead agency that:

☐ A. This project will result in no significant adverse impacts on the environment, and, therefore, an environmental impact statement need not be prepared. Accordingly, this negative declaration is issued.

☐ B. Although this project could have a significant adverse impact on the environment, that impact will be avoided or substantially mitigated because of the following conditions which will be required by the lead agency:

There will, therefore, be no significant adverse impacts from the project as conditioned, and, therefore, this conditioned negative declaration is issued. A conditioned negative declaration may be used only for UNLISTED actions (see 6 NYCRR 617.7(d)).

☒ C. This Project may result in one or more significant adverse impacts on the environment, and an environmental impact statement must be prepared to further assess the impact(s) and possible mitigation and to explore alternatives to avoid or reduce those impacts. Accordingly, this positive declaration is issued.

Name of Action: Town of Newburgh Comprehensive Plan Update

Name of Lead Agency: Town of Newburgh Town Board

Name of Responsible Officer in Lead Agency: Gilbert J. Piaquadio

Title of Responsible Officer: Supervisor

Signature of Responsible Officer in Lead Agency:

Date: 5/ /2025

Signature of Preparer (if different from Responsible Officer)

Date:

**For Further Information:**

Contact Person: Gilbert J. Piaquadio, Supervisor

Address: 1496 Route 300, Newburgh New York 12440

Telephone Number: 845-564-4552

E-mail: supervisor@townofnewburgh.org

**For Type 1 Actions and Conditioned Negative Declarations, a copy of this Notice is sent to:**

Chief Executive Officer of the political subdivision in which the action will be principally located (e.g., Town / City / Village of)

Other involved agencies (if any)

Applicant (if any)

Environmental Notice Bulletin: <http://www.dec.ny.gov/enb/enb.html>

**PRINT FULL FORM**