



**TOWN OF NEWBURGH  
PLANNING BOARD  
TECHNICAL REVIEW COMMENTS**

**PROJECT NAME:** JPJR HOLDINGS, LLC  
**PROJECT NO.:** 11-19  
**PROJECT LOCATION:** SECTION 75, BLOCK 1, LOT 36.2  
**REVIEW DATE:** 27 MARCH 2025  
**MEETING DATE:** 3 APRIL 2025  
**PROJECT REPRESENTATIVE:** HUDSON LAND DESIGN

1. The subject project received conditional final approval in 2018. This was a re-approval of the project that had received approval on 5 December 2013. Copy of the 2018 approval resolution is attached for the Boards use.
2. The Town of Newburgh adopted a Tree Preservation Ordinance since the previous approvals . Compliance with the Tree Preservation Ordinance must be documented. A tree survey of the parcel and calculations on removal of the trees in compliance with the Tree Preservation Ordinance must be documented.
3. NYSDEC adopted a new Stormwater Management Ordinance. The project must comply with the new ordinance. Updated Stormwater Pollution Prevention Plan in compliance with new permit is required. Coverage under the NYSDEC 2025 Permit is required.
4. Changes to the NYSDEC wetland regulations have occurred since the project's previous approval. The project site is located in an "urban area" any wetlands within the project may be under the jurisdiction of NYSDEC. Submission of the plans for DEC wetland screening should be required.
5. Common Driveway Access and Maintenance Agreements were required for several of the lots.
6. Status of the projects City of Newburgh flow acceptance letter should be addressed on the date of the original approvals.
7. Security for stormwater improvements will be required. It is noted the original approval identified that all stormwater improvements must be in place prior to construction of any residence.

**NEW YORK OFFICE**

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

**PENNSYLVANIA OFFICE**

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

Respectfully submitted,

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

A handwritten signature in blue ink, appearing to read "Patrick J. Hines".

Patrick J. Hines  
Principal

PJH/kmm

A handwritten signature in blue ink, appearing to read "Michael W. Weeks".

Michael W. Weeks, P.E.  
Principal

**RESOLUTION OF APPROVAL**  
**PRELIMINARY AND FINAL SUBDIVISION**  
*REAPPROVAL*  
**FOR**  
**ROCKWOOD DRIVE SUBDIVISION [JPJR HOLDINGS, LLC]**  
*PROJECT # 2011-19*

---

**Nature of Application**

Rockwood Drive Subdivision [JPJR Holdings, LLC] has applied for Subdivision approval allowing it to create 11 new Parcels of land on a ±8.8 acre tract. Earlier approval of this subdivision lapsed and the application is to reapprove what was approved before.

**Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 75-1-36.2 and is commonly referred to as the Rockwood Drive Subdivision.

**Zoning District**

The property affected by this resolution is located in the R-3 zoning district of the Town of Newburgh.

**Plans**

The Subdivision Plat materials being considered consist of the following:

1. Completed application form and Environmental Assessment Form.
2. Plans prepared for Rockwood Drive Subdivision [JPJR Holdings, LLC] as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Hudson Land Design	Cover Sheet	September 5, 2013
Hudson Land Design	Existing Conditions Plan	September 5, 2013
Hudson Land Design	Subdivision Plat	September 5, 2013
Hudson Land Design	Grading & Utility Plan	November 15, 2013
Hudson Land Design	Erosion & Sediment Control Plan	September 5, 2013
Hudson Land Design	Erosion & Sediment Control Details	September 5, 2013
Hudson Land Design	Stormwater Details	September 5, 2013
Hudson Land Design	Water & Sewer Details	September 5, 2013

## **History**

### ***Date of Application***

The original application was filed with the Planning Board on September 8, 2011 and approved on December 5, 2013. No extensions of that approval were sought and the approval therefore lapsed. This application for reapproval was filed with the planning board on July 26, 2018.

### ***Public Hearing***

A public hearing on this application was held on September 19, 2013 and on August 16, 2018.

### ***SEQRA***

#### **Type of Action:**

This matter constitutes an unlisted action under the State Environmental

Quality Review Act.

Lead Agency:

The Town of Newburgh Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on May 2, 2013.

Declaration of Significance:

A negative declaration was issued on August 15, 2013.

**GML 239 Referral**

Supermajority Report

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has recommended that the planning board consider an alternative layout that "takes into account the parent parcel constraints and the existing neighborhood." These recommendations have been issued on a *binding* basis. The Planning Board has reviewed that report and recommendation and makes the following determination in regard thereto:

- The planning board, fully familiar with the surrounding neighborhood, rejects the finding of the planning department that the proposed layout is inconsistent with the surrounding neighborhood. The size of the lots proposed is fully consistent with the surrounding neighborhood and fully compliant with the town's subdivision regulations.
- The planning board further determines that the subdivision layout appropriately takes into account the parent parcel constraints.

**Findings**

The Planning Board has determined that approval of this subdivision will substantially serve the public convenience, safety and welfare in that the land to be subdivided is of such character that it can be used safely for building purpos-

es without danger to health or peril from fire, flood or other menace. Further, the arrangement, location and width of streets, their relation to the topography of the land, water supply, sewage disposal, drainage, lot sizes and arrangement, the possible future development of adjoining land as yet un-subdivided are all appropriate and consistent with the requirements of the master plan, the official map, Article I of the Town of Newburgh Subdivision Regulations and applicable zoning regulations, subject to compliance in full with conditions hereinafter imposed.

### **Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the preliminary and final subdivision application of Rockwood Drive Subdivision [JPJR Holdings, LLC] as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plat upon satisfaction of those conditions below noted to be conditions precedent to such signing.

### **Conditions to be Satisfied Before Final Approval**

1. The plans shall not be signed until receipt of a letter from the Planning Board Engineer certifying that the plans have been modified in accordance with his memo of December 3, 2013.
2. This approval is conditioned upon the Town Board creating a drainage district and upon acceptance of dedication of the retention/detention ponds and drainage structures proposed to be offered for dedication to the Town.<sup>1</sup> The applicant shall appear before the town board and request delivery of a report to the planning board expressing its willingness and comments on the concept of creating such district. The plat will not be signed or

---

<sup>1</sup> Several easements across the areas to be offered for dedication to the town are shown on the plans. The applicant will specifically need to resolve with the town board whether it is willing to accept dedication under these circumstances.

released for filing, however, until such district is created. In the event the Town is unwilling to accept such facilities for dedication, an alternative mechanism, satisfactory to the Planning Board, providing for future maintenance of those facilities shall be proposed.

3. This approval is subject to review and approval of the driveway locations by the Town of Newburgh Highway Superintendent in substantially the same location and configuration as shown on the plans.
4. The applicant shall deliver to the Town drainage easements authorizing the conveyance of storm water from Lots 7 and 8 in order that it may drain freely to the storm water management facility.. The easement shall run to the Town, shall be in form suitable for recording and shall be satisfactory to the Town Attorney. The easement shall authorize the Town to enter onto the burdened property in order to repair and maintain the drainage-way.
5. Construction of all storm water improvements identified on the plans (including storm water management facilities and the drainage swale along Rockwood Drive) must be completed before any driveways are built and before any building permits for a habitable structure are issued.
6. Clearing limit areas shall be clearly marked in the field (with protective fencing) before commencement of any site work. The areas so marked shall provide sufficient area to protect the root systems of the trees to be protected. If these limits are violated, the developer or lot owner shall be required to provide additional or replacement landscaping of equivalent basal area.

7. Common Driveway Easement and Maintenance Agreements, satisfactory to the Planning Board Attorney, must be submitted and approved before the plans are signed. Those instruments (3) must be recorded as a condition of this approval.
8. The proposed houses shown on the plat depict construction at or very near the edge of the allowable building envelope for these lots. Therefore, the possibility of mis-location of a foundation in the field resulting in nonconformity is extremely high. In order to minimize this possibility the applicant has agreed that a survey of the proposed foundation stakes in the field shall be conducted and a copy delivered to the building department before any excavation or pouring of concrete is conducted. This offer is hereby made a specific condition of this approval.
9. This subdivision contains more than ten lots and requires architectural review board approval. However, the applicant has no specific housing designs in mind at this time. Section 185-59 (E) of the Code of Ordinances of the Town of Newburgh provides, in such cases, that ARB-review may be deferred until building permit application, and that the Building Department is empowered, at that time, to refer any building permit application to the Planning Board for ARB approval if the specific proposal for that lot does not meet the requirements and the specific criteria of §185-59 (E). Therefore, no building permit shall be issued for any lot not meeting the requirements and the specific criteria of §185-59 (E) of the Code.

Storm water Improvement Security & Inspection Fee

10. Prior to the signing of plans or issuance of a building permit, the applicant shall deliver a performance security to the Town



Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the applicant will faithfully cause to be constructed and completed the required public storm water improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the applicant.

#### Offers of Dedication

11. Before signing of the final plat, the applicant shall deliver appropriate offer(s) of dedication, in duplicate, executed and acknowledged by the owner of the property affected, in form suitable for filing in the Orange County Clerk's Office and the Town Clerk's Office for all such lands as are shown on the plans to be so offered. The offer shall include a metes and bounds description of said parcel(s). The documents shall be in form suitable for recording and shall be satisfactory to the Town Attorney.

#### Bayswater Findings

12. The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town [as calculated from projected population growth to

which this subdivision will contribute], that parklands should be created as a condition of approval of this subdivision. However, because parks of size adequate to meet the Town's requirements cannot be properly located on the subdivision plat, the Planning Board, pursuant to Section 163-20 (F) of the Subdivision Regulations of the Town of Newburgh, and Section 277 (4) of the Town Law of the State of New York, requires that the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Newburgh, a fee of \$2,000 for each new lot created in this subdivision, bringing the total due to \$20,000 (see Chapter 104, *Fees* [§104-2 (A)(9)]). Said sum shall be paid to the Town in full before the plans are signed.

### **General Conditions**

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The final plat shall not be signed until proof, satisfactory to the Chair, has been presented showing that all such fees have been paid and escrow deposits made.

A FAILURE to comply with the general conditions immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor   6     Against   0     Abstain          Absent   1  

Dated: August 16, 2018

---

JOHN P. EWASUTYN, CHAIRPERSON  
TOWN OF NEWBURGH PLANNING BOARD

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

I, JOHN P. EWASUTYN, Chairman of the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution maintained in the office of the Town of Newburgh Planning Board, said resulting from a vote having been taken by the Planning Board at a meeting of said Board held on August 16, 2018.

JOHN P. EWASUTYN, CHAIRPERSON  
TOWN OF NEWBURGH PLANNING BOARD

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on \_\_\_\_\_.

ANDREW J. ZARUTSKIE, CLERK  
TOWN OF NEWBURGH

O:\MHD\LAND-USE\Resolutions\Rockwood Drive Subdivision Reapproval Resolution.docx

N-11.19