

TOWN OF NEWBURGH PLANNING BOARD

APPLICATION PACKAGE

for

SUBDIVISIONS,

SITE PLANS,

LOT LINE CHANGES

And

SPECIAL EXCEPTION USE PERMITS

Procedures and Requirements

November 2024

**TOWN OF NEWBURGH PLANNING BOARD
21 HUDSON VALLEY PROFESSIONAL PLAZA
NEWBURGH, NEW YORK 12550
(845) 564-7804
planningboard@townofnewburgh.org**

NOVEMBER 2024

TO WHOM IT MAY CONCERN:

This package of information and forms is provided to assist the applicant in the preparation of a submission of a site plan, subdivision, lot line change or special exception use permit to the Town of Newburgh Planning Board. In most cases the application will be prepared initially by a licensed professional engineer, architect, surveyor or land planner. Since in almost every case such professional will be required for the process, they should be retained as early as possible.

Procedurally, the applicant should contact the Planning Board to discuss the potential project and obtain the necessary forms and regulations.

The Zoning and Subdivision Regulations of the Town of Newburgh require that the applicant must present plans to the Secretary of the Planning Board. When your application is complete, it will be placed on the next **AVAILABLE** agenda. Submittals must be handed in to the Planning Board Secretary at least 10 days prior to the next meeting, but the date of the appearance at a meeting will be determined by the next available time slot, not necessarily the next meeting. You will be notified of the date, time and place of your meeting.

A minimum of **ELEVEN (11)** sets of **FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application. A full application must also be submitted to the Planning Board Consultants, as well as an electronic copy of the submission. This completed application must include a **LONG FORM OR FULL EAF, filled out on the NYSDEC's interactive website** <https://dec.ny.gov/maps/interactive-maps>, for every project except lot line changes, 2 lot subdivisions under 3 acres or site plans impacting less than one acre, along with a **NARRATIVE** of the proposed project. The narrative should include the action being taken, the size of the parcel, what zone the parcel is in, the water and sewer information, any Zoning Board of Appeals relief needed, and whether the parcel is on a private or town road. Complex or unusual projects should be discussed in greater detail.

Following the first meeting before the Planning Board the applicant is required to send an Adjoiner Notice to property owners within 500 feet of the parcels in question (please see final page of the package for full instructions).

Upon initial review of a Short Form EAF, the Planning Board may require specific additional environmental information or the preparation of a Long Form. Long Form part 1 should be completed by the applicant. The Board will review and may modify Part 2 prior to making a decision on the SEQRA aspect of the project.

All fees for consulting and professional services that the Planning Board incurs during the review of the applications will be the responsibility of the applicant. An advance deposit for these fees will be required and will be placed in an escrow account with the Town. If the escrow account falls below 40% of the initial deposit, the Planning Board may, if recommended by the consulting engineer, planner or attorney, require that the applicant pay additional funds into the escrow account up to 75% of the initial deposit.

JOHN P. EWASUTYN, Chairman
Town of Newburgh Planning Board

**TOWN OF NEWBURGH
APPLICATION FOR
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board
21 Hudson Valley Professional Plaza
Newburgh, New York 12550**

DATE RECEIVED: _____ TOWN FILE NO: _____
(Application fee returnable with this application)

1. Title of Subdivision/Site Plan (Project name):

2. Owner of Lands to be reviewed:

Name _____
Address _____

Phone _____
Email _____

3. Applicant Information (If different than owner):

Name _____
Address _____

Representative _____
Phone _____
Email _____

4. Subdivision/Site Plan prepared by:

Name _____
Address _____

Phone _____
Email _____

5. Location of lands to be reviewed:

6. Zone _____ **Fire District** _____
Acreage _____ **School District** _____

7. Tax Map: Section _____ **Block** _____ **Lot** _____

8. Project Description and Purpose of Review:

Number of existing lots _____ Number of proposed lots _____

Lot line change _____

Site plan review _____

Clearing and grading _____

Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:

(Describe generally) _____

10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature: _____ Title _____

Print Name: _____

Date: _____

NOTE: If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

TOWN OF NEWBURGH PLANNING BOARD

PROJECT NAME: _____

CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN

I. The following items shall be submitted with a COMPLETED Planning Board Application Form.

1. ___ Environmental Assessment Form As Required
2. ___ Proxy Statement
3. ___ Application Fees
4. ___ Completed Checklist (Automatic rejection of application without checklist)

II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in rejection of the application.

1. ___ Name and address of applicant
2. ___ Name and address of owner (if different from applicant)
3. ___ Subdivision or Site Plan and Location
4. ___ Tax Map Data (Section-Block-Lot)
5. ___ Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6. ___ Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7. ___ Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. ___ Date of plan preparation and/or plan revisions
9. ___ Scale the plan is drawn to (Max 1" = 100')
10. ___ North Arrow pointing generally up

11. **Surveyor's Certification**
12. **Surveyor's seal and signature**
13. **Name of adjoining owners**
14. **Wetlands and buffer zones with an appropriate note regarding D.E.C. or A.C.O.E. requirements**
15. **Flood plain boundaries**
16. **Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989**
17. **Metes and bounds of all lots**
18. **Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street**
19. **Show existing or proposed easements (note restrictions)**
20. **Right-of-way width and Rights of Access and Utility Placement**
21. **Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)**
22. **Lot area (in sq. ft. for each lot less than 2 acres)**
23. **Number of lots including residual lot**
24. **Show any existing waterways**
25. **A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable**
26. **Applicable note pertaining to owners review and concurrence with plat together with owner's signature**
27. **Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.**
28. **Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided**
29. **Show topographical data with 2 ft. contours on initial submission**

- 30. ____ **Compliance with the Tree Preservation Ordinance Code Section**
- 31. ____ **Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number**
- 32. ____ **If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed**
- 33. ____ **Number of acres to be cleared or timber harvested**
- 34. ____ **Estimated or known cubic yards of material to be excavated and removed from the site**
- 35. ____ **Estimated or known cubic yards of fill required**
- 36. ____ **The amount of grading expected or known to be required to bring the site to readiness**
- 37. ____ **Type and amount of site preparation which falls within the buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.**

- 38. ____ **Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.**

- 39. ____ **List of property owners within 500 feet of all parcels to be developed (see attached statement).**

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

**By: _____
Licensed Professional -Signature**

Print Name: _____

Date: _____

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Date Prepared: _____

STATEMENT TO APPLICANTS

RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW

The Town of Newburgh Clearing and Grading Control Law Chapter 83 requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law.

Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan, SWPPP, and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

**TOWN OF NEWBURGH
APPLICATION FOR CLEARING AND GRADING**

Name of applicant: _____

Name of owner on premises: _____

Address of owner: _____

Telephone number of owner: _____

Telephone number of applicant: _____

State whether applicant is owner, lessee, agent, architect, engineer or contractor:

Location of land on which proposed work will be done: _____

Section: _____ **Block:** _____ **Lot:** _____ **Sub. Div.:** _____

Zoning District of Property: _____ **Size of Lot:** _____

Area of lot to be cleared or graded: _____

Proposed completion of date: _____

EAF: Time of year limitations exist for Threatened and Endangered Species-

Identify Species & dates if applicable:

Name of contractor/agent, if different than owner: _____

Address: _____

Telephone number: _____

Date of Planning Board Approval: _____ (if required)

I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.

Signature of owner: _____ **Date:** _____

Signature of applicant (if different than owner): _____

TOWN ACTION:

Examined: _____ **20** _____

Approved: _____ **20** _____

Disapproved: _____ **20** _____

FEE LAW SUMMARY

PENDING APPLICATIONS

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

SEVERABILITY

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

EFFECTIVE DATE:

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

FEE ACKNOWLEDGEMENT

The Town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal, landscape consultant, traffic consultant), public hearing and site inspection.

Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Town of Newburgh Code Chapter 104-2. Planning, Zoning and Building fees, Section E(2)(e) states: If the escrow account falls below 40% of the initial deposit, the Planning Board may, if recommended by the consulting engineer, planner or attorney, require that the applicant pay additional funds into the escrow account up to 75% of the initial deposit.

APPLICANT'S SIGNATURE

APPLICANT'S NAME-- PRINTED

DATE

PROXY

(OWNER) _____, DEPOSES AND SAYS THAT HE/SHE
RESIDES AT _____
IN THE COUNTY OF _____
AND STATE OF _____

AND THAT HE/SHE IS THE OWNER IN FEE OF:

Address: _____

Section _____ Block _____ Lot _____

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING

APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH

PLANNING BOARD AND _____ IS AUTHORIZED

TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: _____

OWNERS SIGNATURE

OWNERS NAME (printed)

WITNESS' SIGNATURE

NAMES OF ADDITIONAL
REPRESENTATIVES

WITNESS' NAME (printed)

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

On the _____ day of _____ 202__, before me, the undersigned,
a Notary Public in and for said State, personally appeared, _____,
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 the person upon behalf of which the individual acted, executed the instrument.

NOTARY PUBLIC

PLANNING BOARD DISCLAIMER STATEMENT
TO APPLICANTS

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

DATED

APPLICANT'S SIGNATURE

APPLICANT'S NAME - PRINTED

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

_____ **NONE**

_____ **NAME, ADDRESS, RELATIONSHIP OR INTEREST**
(financial or otherwise)

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

_____ **TOWN BOARD**
_____ **PLANNING BOARD**
_____ **ZONING BOARD OF APPEALS**
_____ **ZONING ENFORCEMENT OFFICER**
_____ **BUILDING INSPECTOR**
_____ **OTHER**

_____ **DATED**

_____ **INDIVIDUAL APPLICANT**

CORPORATE OR PARTNERSHIP APPLICANT

BY: _____

TITLE: _____

PRINT: _____

AGRICULTURAL NOTE

(Required to be placed on all plans where property lies within 500 feet of land in active agricultural production or operation)

Property adjacent to lots () is in active agricultural operation and production and residents must be aware that such property is protected by New York State “Right to Farm Laws” as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season land and crops may be sprayed from the ground or by air, manure may be applied, and periodic noise may occur from machinery operation at various times throughout the day. Residents should be aware of this action by the adjacent property owners.

() Specific lots adjacent to the active farming area which are impacted shall be inserted in this space.

AGRICULTURAL DATA STATEMENT

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

Name and address of the applicant: _____

Description of the proposed project: _____

Location of the proposed project: _____

Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property: _____

A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.

APPLICANT'S SIGNATURE

APPLICANT'S NAME - PRINTED

DATE

ARCHITECTURAL REVIEW

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. All signs are subject to architectural review as part of any Site Plan approval. Signage plans including size, height, color, logos and location must be included in the ARB Submission. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

ARCHITECTURAL REVIEW FORM
TOWN OF NEWBURGH PLANNING BOARD

DATE: _____

NAME OF PROJECT: _____

The applicant is to submit in writing the following items prior to signing of the site plans.

EXTERIOR FINISH (skin of the building):

Type (steel, wood, block, split block, etc.)

COLOR OF THE EXTERIOR OF BUILDING:

ACCENT TRIM:

Location: _____

Color: _____

Type (material): _____

PARAPET (all roof top mechanicals are to be screened on all four sides):

ROOF:

Type (gabled, flat, etc.): _____

Material (shingles, metal, tar & sand, etc.): _____

Color: _____

WINDOWS/SHUTTERS:

Color (also trim if different): _____

Type: _____

DOORS:

Color: _____

Type (if different than standard door entrée): _____

SIGN:

Color: _____

Material: _____

Square footage of signage of site: _____

Height: _____

Name and Title (owner, agent, builder, superintendent of job, etc.)- Printed

Applicant's Signature

LIST OF ADJACENT PROPERTY OWNERS

Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. **The list of property owners shall be provided to the applicant from the Planning Board, through the Town Assessor's office.**

The mailings shall be prepared and delivered to the Town Hall for physical mailing by designated town personnel. Town personnel will provide an affidavit of mailing which must be delivered to the Planning Board.

Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification.