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

PROJECT: SUBDIVISION LANDS OF BERETTA
PROJECT NO.: 17-21
PROJECT LOCATION: SECTION 8, BLOCK 1, LOT 38.2
REVIEW DATE: 30 OCTOBER 2017
MEETING DATE: 02 NOVEMBER 2017
PROJECT REPRESENTATIVE: MASER CONSULTING- JUSTIN DATES

1. Project has received variance from the Zoning Board of Appeals. Copy of the variance minutes have been provided, and a note at the bottom of the bulk tables identifying date of zoning variance grant has been included on the plans.
2. Subsurface sanitary sewer disposal systems have been depicted on the plans.
3. Project requires a public hearing for subdivision for the Planning Board.

Respectfully submitted,

***McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.***

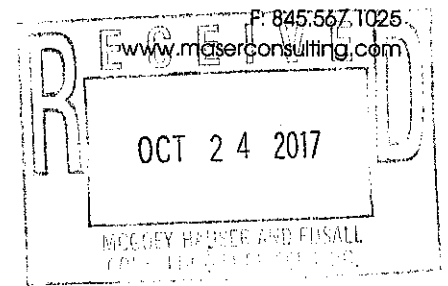
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October 24, 2017

VIA HAND DELIVERY

Mr. John P. Ewasutyn, Planning Board Chairman
Town of Newburgh Planning Board
308 Gardnertown Road
Newburgh, NY 12550

Re: Beretta Subdivision – 60 Old Post Road
Town of Newburgh, Orange County, New York
MC Project No. 17001138A

Dear Chairman Ewasutyn:

This letter is in response to the comment letter from McGoey, Hauser and Edsall Consulting Engineers dated July 28, 2017; the comments have been repeated here for clarity.

Comment 1: The project involves a sub division of an existing lot which contains two single family residences. The project proposes to subdivide off each of the single family residences, one with access to River Road the other with existing access to Old Post Road.

Response 1: Comment noted.

Comment 2: The location of sub surface sanitary sewer disposal systems should be depicted on the plans.

Response 2: Areas of the exiting septic system for each dwelling are shown on the plan as requested.

Comment 3: The project will require numerous variances as the resulting lots will not meet the minimum lot area required in the AR zone.

The following variances will be required for Lot 1:

- Minimum lot size 40,000 sq. ft. required, where 28,495 sq. ft. proposed, requires 11,505 sq. ft. variance
- Lot width 150 ft. required, where 95.79 ft. proposed, requires 54.21 variance.
- One side yard: 30 ft. required where 3.68 ft. requires 26.32 ft. variance
- Both side yards 80ft. required, 40.35 ft. provided, requires 39.65 ft. variance.



The following variances will be required for Lot 2:

- Lot area 40,000 sq. ft. required, where 27,954 ft. is proposed, requires 12,046 sq. ft. variance
- Front yard: 50 ft. required, where 2.05 ft. is provided, requires 47.95 ft. variance
- Side Yard setback for accessory use: 5 ft. required, 0.84 provided, requires 4.16 ft. variance

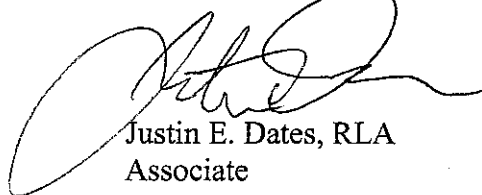
Response 3: The project received all the above listed area variances from the Zoning Board of Appeals (ZBA) at its September 28, 2017 meeting. Attached please find the meeting minutes from the ZBA meeting.

Comment 4: Should project be successful in obtaining required variances, an adjoiners notice must be filed 10 days prior to returning to the Planning Board.

Response 4: The adjoiners notice was provided by the Planning Board Engineer, Mr. Pat Hines, and has been mailed out as required.

Very truly yours,

MASER CONSULTING P.A.



Justin E. Dates, RLA
Associate

JED/pa
Enclosure

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JO ANN BERETTA

know.

MR. LEVIN: Can you make that to
scale?

MR. TAYLOR: Yeah. Okay. Sure.

(Time noted: 8:29 p.m.)

* * *

JO ANN BERETTA

60 Old Post Road

Section 8; Block 1; Lot 38.2

AR Zone

7:40 p.m.

CHAIRMAN MANLEY: The next item before
the Board this evening is the application of
Jo Ann Beretta, 60 Old Post Road in Newburgh,
requesting area variances for lot number 1,
the minimum lot area, the minimum lot width,
minimum one side yard setback and minimum
combined side yard setbacks; and for lot
number 2, the minimum lot area, minimum front
yard setback for the dwelling and minimum
side yard setback for the accessory building
on a proposed two-lot subdivision with two

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JO ANN BERETTA

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existing single-family dwellings before the
Planning Board.

The applicant sent out 15 letters.
All the mailings, publications and postings
are in order.

Good evening.

MR. DATES: Good evening.

CHAIRMAN MANLEY: Could you just
state your name and address for the record?

MR. DATES: Justin Dates from Maser
Consulting. I'm presenting the project.

CHAIRMAN MANLEY: Why don't you just
brief the Board on exactly what it is the
applicant is in need of for the variance.

MR. DATES: Sure. The application
before you is a product of a two-lot subdivision.
The current lot is 1.43 acres in size. On the
north end it has frontage on Old Post Road and on
the south end it has frontage on River Road.
There are currently two dwellings on the single
lot. The red outline shows the one in proximity
of Old Post and then this is the dwelling in
proximity to River Road.

The applicant is looking to subdivide

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the parcel and create two lots. That incurred
variances I'll present to you now. Lot 1 is on
the top, lot 2 is on the bottom. So lot 1, we're
currently in the AR Zone of the Town. The
minimum lot area in the AR Zone is 40,000 square
feet. By subdividing the parcel, lot 1 would
have 28,495 square feet or about .65 acres. Also
by location of the existing house and the
adjacent porch on the eastern side of the house,
we would need variances for the single side yard
and both side yards. On the east side of the
house there's a porch which back in 1998 it was a
slab on grade. In 1998 they got a building
permit to enclose that and create this porch.
That is now within -- it's 3.68 feet from the
edge of that porch to the property line. Single
side yard setback in this zone, minimum is 30
feet. We would require a variance there of 26.32
feet. Also based on the zoning, both side yards
combined equal a minimum of 80 feet. So with the
existing location of the house to the western
property line and that setback from the porch to
the eastern property line, we are only at 40.35
feet, so we would need a variance of 39.65 feet.

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Then by creating the lot and where the existing home is, lot width -- minimum lot width in this zone is 150 feet. By dimensions of the existing lot we have 95.79 feet, so a 54.21 foot variance on that.

Then moving on to lot 2, which is on the bottom of the page, this also would require a variance from the minimum lot area. This lot is 27,954 feet where 40,000 square feet is required. It also has a front yard variance. The current lot essentially reads to the center line of each of the roads. We also have to provide a 25-foot right-of-way proposed dedication to the Town for those two roads. So in both instances, obviously that brings the front property lines closer to the house. In this instance, on River Road for lot 2, after we take away that 25 foot setback we are just over 2 feet from the front yard. In this zone front yard is 50 feet, we have 2.05 so we need a 47.95 foot variance. Then the last variance on lot 2 is on the western side of the lot there's a small accessory building there. Currently it's .84 feet off the property line. This southwest corner. Minimum setback there is

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5 feet, so we need a 4.16 foot variance for that structure as well.

Before getting into this project the applicant -- it's neighbor along the entire east side is Central Hudson. They did reach out to Central Hudson to see if they would be willing to sell some property to them so that they could boost lot area, boost setbacks and things of that nature. I provided a letter to the Board that shows that Central Hudson was not willing to sell the property. They did try to see if they could help reduce or eliminate some of these variances in that sense.

Also from a lot area standpoint, the adjacent lots to the west -- there's about five, six residential lots to the west. They vary from about .33 acres to about .46 acres. As I presented, our proposed lots are .64 and .65, so almost double some of these adjacent residential lots.

I think that summarizes the project. If you have any questions.

MR. LEVIN: When were the homes on each lot built?

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JO ANN BERETTA

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MR. DATES: I'm sorry?

MR. LEVIN: When were the homes built on each lot?

MR. DATES: It seems around 1900.

MR. DONOVAN: You don't propose any physical changes at all?

MR. DATES: That's correct. This would be a boundary change. There are no changes to any of the homes or --

MR. DONOVAN: But for the bulk area, the lot size, every other condition is existing?

MR. DATES: That's correct.

MR. DONOVAN: If I drove down the street, if the variances were denied, it would look just the same as it looks now?

MR. DATES: That's correct.

MR. DONOVAN: There is no change. This whole thing is necessitated by the fact of the two-lot subdivision?

MR. DATES: Yes. And it would also -- it's only permitted one dwelling per lot. We've got a situation.

MR. SCALZO: Justin, any idea on proposed lot 2 which one of the wells is the

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active well?

MR. DATES: So it actually has a --
let's see. Lot 2 has a septic and has a service
-- water service.

MR. SCALZO: Okay.

MR. DATES: Lot 1 is septic and well.
That well right here.

MR. SCALZO: There's a second one
behind the house as well.

MR. DATES: It's not material to the --

MR. SCALZO: I do have one other, or
something else. You had mentioned as far as the
right-of-way dedication to the Town being 25 feet
off the center line of the road. Just looking at
also again proposed lot 2, it almost appears as
though your lot dedication could shift forward.
If you're looking -- it almost appears as though
the lot corner falls at the edge of pavement and
then you're giving the Town another 27.30 feet.
Is that dimension actually required if you're
only going 25 off the center?

MR. DATES: You're talking about this
corner?

MR. SCALZO: Yes.

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JO ANN BERETTA

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MR. DATES: When we took the reading it was our understanding from the deed it's to the center line.

MR. SCALZO: I understand.

MR. DATES: We took it right from that. Although it's not actually the center line of road, it was --

MR. SCALZO: You have a metes and bounds that work for you so that's what determined it. I'm good now.

MR. DATES: Okay. It closely -- if you look at both on the north and south, they closely mimic what's going on with the Central Hudson lot. That dedication appears to have happened sometime in the past.

MR. SCALZO: There are three gas markers on the east side of your property lines. Are there any associated easements with those?

MR. DATES: On our property? As far as --

MR. SCALZO: Sometimes they have a prescribed width. Is there any --

MR. DATES: From our survey due diligence, it did not come up on our property.

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JO ANN BERETTA

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MR. SCALZO: Thank you.

MR. LEVIN: Can I ask Mr. Donovan a question?

MR. DONOVAN: It depends.

MR. LEVIN: What would happen here if we did nothing?

MR. DONOVAN: It would look just the way it looks now. There would be only one lot instead of two.

MR. LEVIN: They would be able to function --

MR. DONOVAN: They have been for a hundred years. You have two houses on one lot.

MR. LEVIN: Right.

CHAIRMAN MANLEY: At any time were they two lots at one time?

MR. DATES: Not that I'm aware of.

CHAIRMAN MANLEY: So there were always two separate houses on one parcel of property?

MR. DATES: It's been this as long as this applicant has owned it. He bought it in 1938. Sine they owned the property since 1938 it's been like this.

MR. DONOVAN: I don't have any further

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JO ANN BERETTA

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questions.

MR. CANFIELD: Jim, just one question. Procedurally I think it's for Dave. I don't know if you have discussed this but on lot 1 there's an encroachment of the gravel driveway. It goes over -- splashes over a little bit to lot 8-1-37. I believe that there is no obligation for any enforcement or any action taken other than just an acknowledgement. Is that correct?

MR. DONOVAN: Yeah, that's correct. I didn't look at it that carefully, and of course I didn't bring my glasses. So we have -- there's no impairment on access, right? Your driveway just encroaches onto the neighbor's?

MR. DATES: Yeah. The northwest corner is on the adjacent.

MR. DONOVAN: I think just for clarification purposes, any approval this Board gives is not an approval of the existence of that gravel driveway. To the extent there's any issue at all -- it's been there since 1938, perhaps there's not. To the extent there's any issue, this Board doesn't sanction what's going on. That issue remains as a private issue, not

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JO ANN BERETTA

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subject to review of this Board.

CHAIRMAN MANLEY: At this point are there any further questions from the Board regarding this application?

(No response.)

CHAIRMAN MANLEY: I might add that the application does not require County referral.

At this point I'll open up the questions to anybody in the public that's here regarding this application. If there is, please step forward.

(No response.)

CHAIRMAN MANLEY: Hearing none, I'll go back to the Board one last time. If there's nothing further from the Board, I would ask the Board for a motion to close the public hearing.

MR. SCALZO: I'll make a motion to close the public hearing.

MR. LEVIN: I'll second.

CHAIRMAN MANLEY: Motion from Mr. Scalzo. The second is going to be Mr. Levin. Roll call vote. Darrell Bell?

MR. BELL: Yes.

CHAIRMAN MANLEY: Richard Levin?

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JO ANN BERETTA

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MR. LEVIN: Yes.

CHAIRMAN MANLEY: Michael Maher is absent. John Masten?

MR. MASTEN: Yes.

CHAIRMAN MANLEY: John McKelvey?

MR. MCKELVEY: Yes.

CHAIRMAN MANLEY: Darrin Scalzo?

MR. SCALZO: Yes.

CHAIRMAN MANLEY: And myself yes. The public hearing is now closed.

MR. DATES: Thank you.

(Time noted: 7:54 p.m.)

(Resumption for decision: 8:29 p.m.)

CHAIRMAN MANLEY: The next application this evening for the Board to consider is the application of Jo Ann Beretta, 60 Old Post Road in Newburgh, seeking area variances for lot number 1, the minimum lot area, the minimum lot width, minimum one side yard setback and minimum combined site yard setback; and for lot 2, the minimum lot area, minimum front yard setback for the dwelling and minimum side yard setback for the accessory building on a proposed two-lot subdivision with two existing single-family

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JO ANN BERETTA

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dwellings before the Planning Board. Type 2
 action under SEQRA.

Going through the criteria set forth in
 the law for an area variance, the first thing
 that the Board needs to consider is whether the
 benefit can be achieved by other means feasible
 to the applicant. Does the Board feel that
 there's any way that the applicant could benefit
 from doing this any other way that's feasible?

MR. SCALZO: I don't think so.

MR. McKELVEY: They couldn't get any
 land from Central Hudson.

MR. DATES: Justin Dates with Maser. I
 just wanted to make one clarification on the
 information regarding the structures. The
 structure on lot 2 was circa 1900. The structure
 on lot 1 was about 1964 construction date. I
 just wanted to clarify that from my presentation
 to the Board previously.

CHAIRMAN MANLEY: Okay. So we have
 one --

MR. DATES: Lot 2 is circa 1900, lot 1
 is 1964.

CHAIRMAN MANLEY: So let the record

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JO ANN BERETTA

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reflect that the applicant in their testimony is correcting lot number 1 to be circa 1964 and lot number 2 1900.

MR. DATES: Correct.

CHAIRMAN MANLEY: Thank you.

MR. DATES: Thank you.

CHAIRMAN MANLEY: With this information, continuing along with our area variance criteria, does the Board feel that granting of this variance would result in any undesirable change in the neighborhood character or detriment to nearby properties?

MR. BELL: No.

MR. MASTEN: No.

MR. MCKELVEY: No.

MR. LEVIN: No.

MR. SCALZO: No.

CHAIRMAN MANLEY: The Board feels it's been pre-existing? It's been there for --

MR. MASTEN: Over fifty years.

CHAIRMAN MANLEY: Obviously no complaints from the neighbors.

The next is whether or not this request is substantial in nature.

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JO ANN BERETTA

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MR. LEVIN: I don't believe so. It's the circumstances that they're under.

CHAIRMAN MANLEY: Some of the variances are fairly close to the property lines, but again those are now lines created based on the subdivision.

MR. SCALZO: As our wise Counsel pointed out, if you drove down the street without this being approved it would look exactly the same.

CHAIRMAN MANLEY: The only thing that may occur in the future would be if they do -- whoever buys the homes or if they sell them may require variances in the future based on anything that they should do in the future. We can't predict what will happen in the future.

MR. DONOVAN: And that would be the case now --

CHAIRMAN MANLEY: Correct.

MR. DONOVAN: -- with the added variance of there's two houses on one lot. So they need relief from that. That's being reduced. You can look at it that way.

Is that wise enough, Darrin?

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JO ANN BERETTA

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MR. SCALZO: I didn't hear the AC kick on, Dave.

CHAIRMAN MANLEY: Whether or not the request will have any adverse physical or environmental affects.

MR. MASTEN: I don't believe so.

MR. BELL: No.

MR. MASTEN: No.

MR. MCKELVEY: No.

MR. LEVIN: No.

MR. SCALZO: No.

CHAIRMAN MANLEY: Finally, whether the alleged difficulty is self-created. It is something that's relevant but not determinative.

Having that information before the Board, does the Board wish to make a motion?

MR. LEVIN: I'll make a motion for approval.

MR. MASTEN: I'll second it.

CHAIRMAN MANLEY: We have a motion to approve from Mr. Levin. We have a second from Mr. Masten. Roll call vote. Darrell Bell?

MR. BELL: Yes.

CHAIRMAN MANLEY: Richard Levin?

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JO ANN BERETTA

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MR. LEVIN: Yes.

CHAIRMAN MANLEY: Michael Maher is
absent. John Masten?

MR. MASTEN: Yes.

CHAIRMAN MANLEY: John McKelvey?

MR. MCKELVEY: Yes.

CHAIRMAN MANLEY: Darrin Scalzo?

MR. SCALZO: Yes.

CHAIRMAN MANLEY: Myself yes. The
motion is carried and the variance is granted.

(Time noted: 8:34 p.m.)

* * *

DEAN MULLINGS

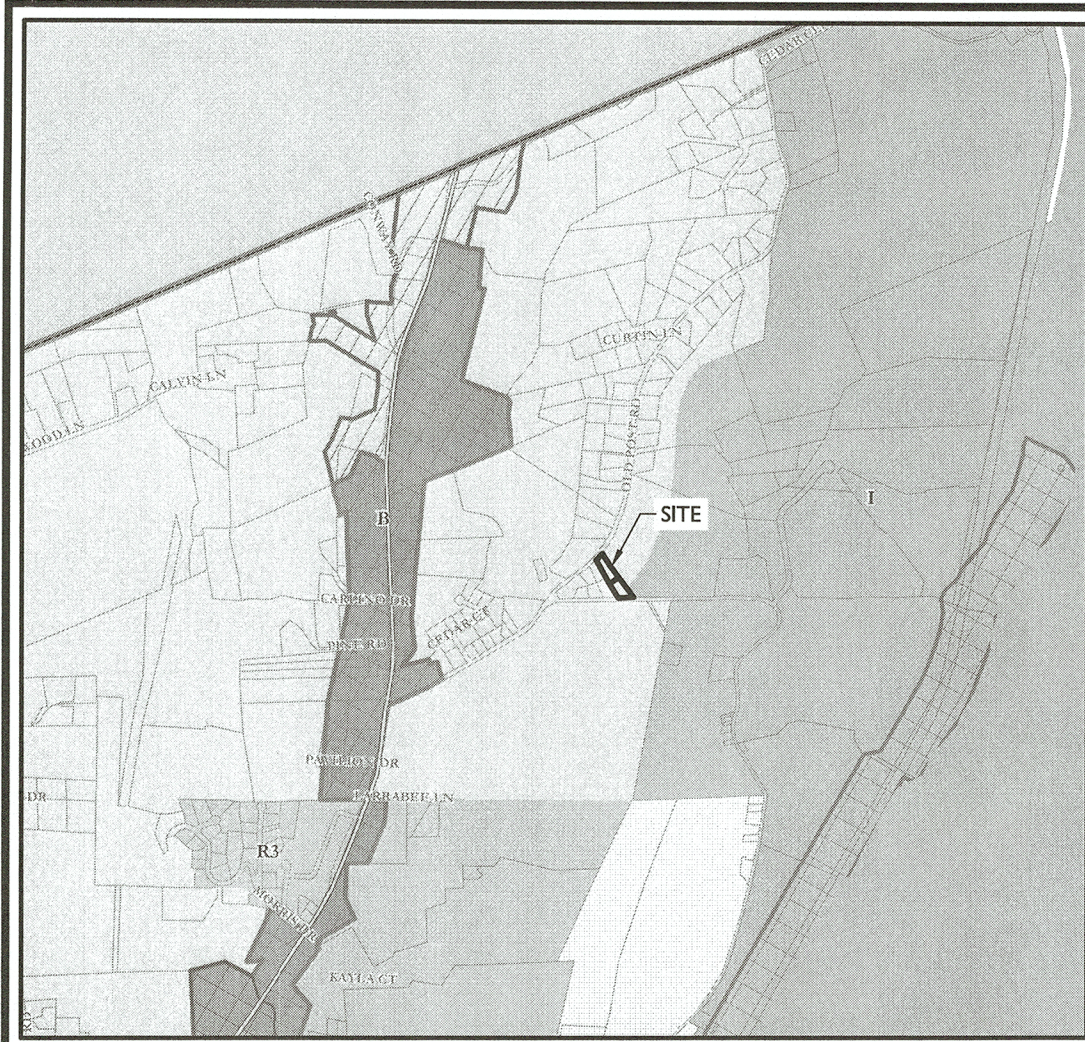
1671 Route 300

Section 16; Block 5; Lot 2

R-2 Zone

7:54 p.m.

CHAIRMAN MANLEY: The next application
before the Board this evening is the application
of Dean Mullings, 1671 Route 300, Newburgh,
seeking an area variance for 185-38 C(2), the lot



VICINITY MAP
SCALE: 1"=2000'

OWNER/APPLICANT:

JOANN E. BERETTA
40 OLD POST RD
NEWBURGH, NY 12550

TAX LOT:

8-1-38.2
462,494 SQ. FT.
±1.43 ACRES

ZONING REQUIREMENTS:

EXISTING ZONES: AR (AGRICULTURAL RESIDENCE) DISTRICT
I (INDUSTRIAL BUSINESS) DISTRICT

AR ZONE
PERMITTED USE: SINGLE-FAMILY DWELLING (2 EXISTING DWELLINGS)

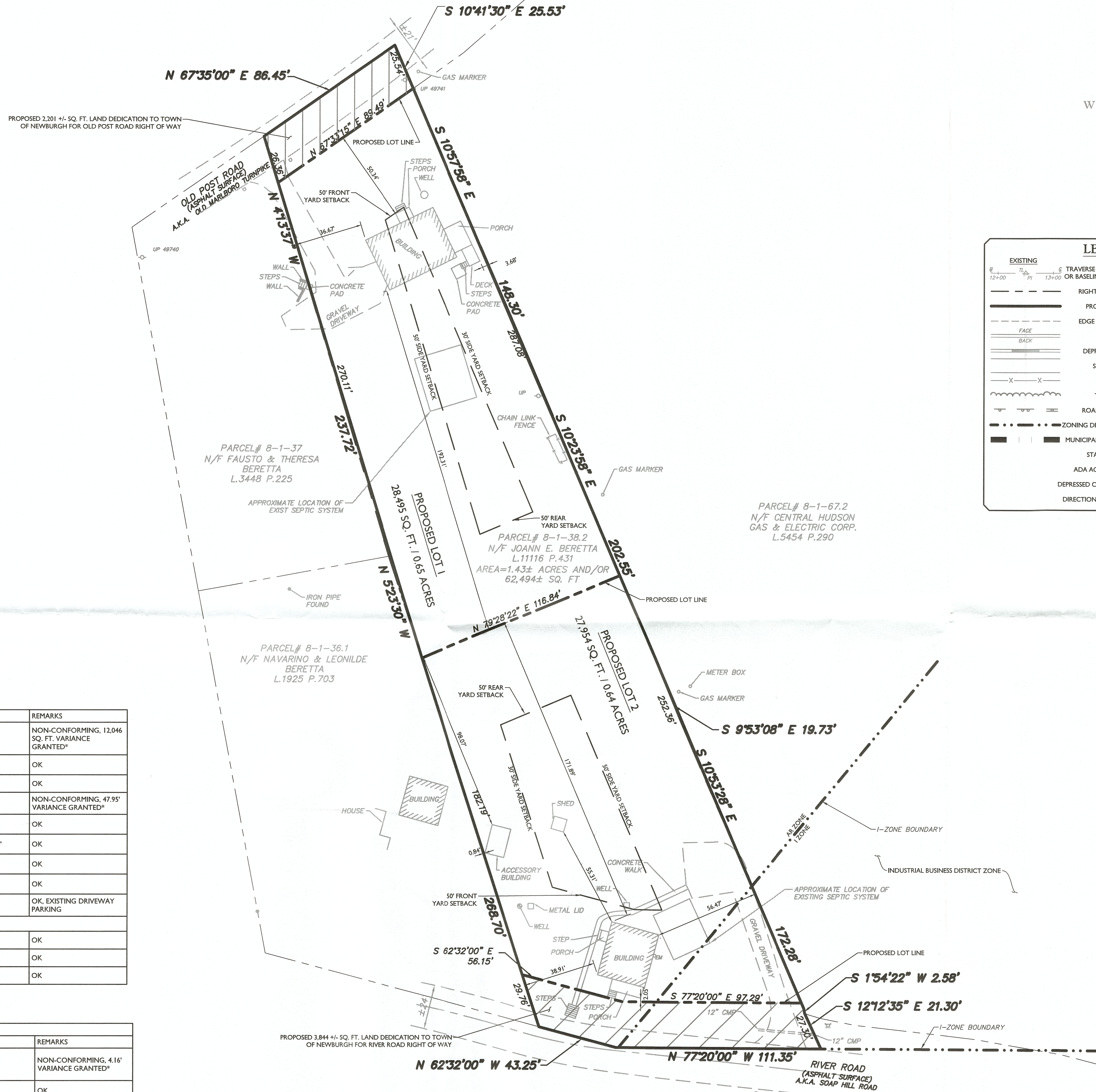
I ZONE
USE: NO EXISTING OR PROPOSED USE WITHIN THIS ZONE

BULK REQUIREMENTS REFERENCED BELOW ARE FOR THE AR ZONING DISTRICT FOR 'SINGLE-FAMILY DWELLINGS' USE

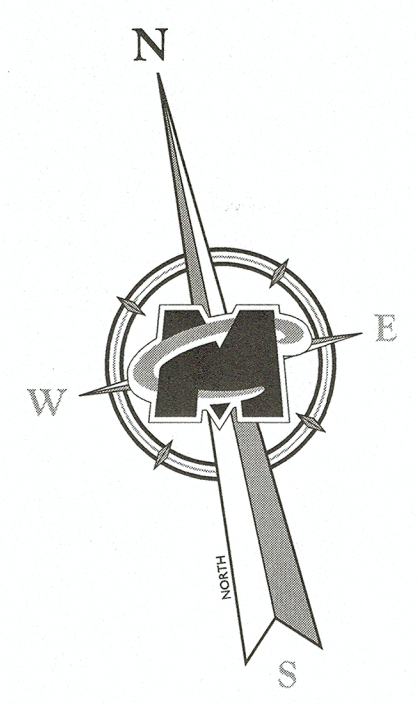
MINIMUM	REQUIRED	PROPOSED LOT 1	REMARKS	PROPOSED LOT 2	REMARKS
LOT AREA	40,000 SQ. FT.	28,495 SQ. FT.	NON-CONFORMING, 11,505 SQ. FT. VARIANCE GRANTED*	27,954 SQ. FT.	NON-CONFORMING, 12,046 SQ. FT. VARIANCE GRANTED*
LOT WIDTH	150'	95.79'	NON-CONFORMING, 54.21' VARIANCE GRANTED*	153.31'	OK
LOT DEPTH	150'	282.97'	OK	219.59'	OK
FRONT YARD	50'	50.34'	OK	2.05'	NON-CONFORMING, 47.95' VARIANCE GRANTED*
ONE SIDE YARD	30'	3.68'	NON-CONFORMING, 26.32' VARIANCE GRANTED*	38.91'	OK
BOTH SIDE YARDS	80'	3.68' + 36.67' = 40.35'	NON-CONFORMING, 39.65' VARIANCE GRANTED*	38.91' + 56.47' = 95.38'	OK
REAR YARD	50'	192.31'	OK	171.89'	OK
HABITABLE FLOOR AREA	900 SQ. FT.	±1,223 SQ. FT.	OK	±1,338 SQ. FT.	OK
PARKING SPACES	2 PER DWELLING UNIT	DRIVEWAY + GARAGE >2	OK, EXISTING DRIVEWAY PARKING	DRIVEWAY >2	OK, EXISTING DRIVEWAY PARKING
MAXIMUM					
LOT BUILDING COVERAGE	10%	5.2% (1,481 SQ. FT.)	OK	3.2% (893 SQ. FT.)	OK
LOT SURFACE COVERAGE	20%	10.9% (3,102 SQ. FT.)	OK	10.4% (2,915 SQ. FT.)	OK
BUILDING HEIGHT	35'	1 STORY < 35'	OK	2 STORIES < 35'	OK

ACCESSORY USES	MINIMUM	REQUIRED	PROPOSED LOT 1	REMARKS	PROPOSED LOT 2	REMARKS
SIDE SETBACK	5'	5'	N/A	N/A	0.84'	NON-CONFORMING, 4.16' VARIANCE GRANTED*
REAR SETBACK	5'	5'	N/A	N/A	98.07'	OK
MAIN BLDG SEPARATION	10'	10'	N/A	N/A	55.31'	OK
MAXIMUM						
ACCESSORY HEIGHT	15'	15'	N/A	N/A	< 15'	OK
TOTAL ACCESSORY AREA	1000 SQ. FT. OR VALUE "M" FROM FORMULA IN §183-15, WHICHEVER IS LOWER: LOT 1 VALUE "M" = N/A LOT 2 VALUE "M" = 515 SQ. FT.	1000 SQ. FT. OR VALUE "M" FROM FORMULA IN §183-15, WHICHEVER IS LOWER: LOT 1 VALUE "M" = N/A LOT 2 VALUE "M" = 515 SQ. FT.	N/A	N/A	197 SQ. FT.	OK

* - AREA VARIANCE GRANTED AT SEPTEMBER 28, 2017 ZONING BOARD OF APPEALS MEETING.



- NOTES:**
- BOUNDARY INFORMATION SHOWN HEREON REFERENCED FROM A MAP ENTITLED "BOUNDARY SURVEY" BY MASER CONSULTING P.A. DATED JUNE 05, 2017.
 - THE PROPERTY IS NOT WITHIN ANY ONE-HUNDRED-YEAR FLOOD PLAIN AS PER FLOOD INSURANCE RATE MAP, NO. 36071 C0133E.
 - THE PROPERTY IS NOT WITHIN ANY WETLANDS OR WETLAND BUFFERS AS PER NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION ENVIRONMENTAL MAPPER.
 - SCHOOL DISTRICT: MARLBORO
 - FIRE DEPARTMENT: MIDDLEHOPE FIRE



LEGEND

EXISTING	PROPOSED
TRaverse line, center line or baseline (label as such)	12+00 13+00
RIGHT OF WAY LINE	
PROPERTY LINE	
EDGE OF PAVEMENT	
CURB	FACE BACK
DEPRESSED CURB	
SIDEWALK	
FENCES	X X
TREELINE	
ROADWAY SIGNS	
ZONING DISTRICT BOUNDARY	
MUNICIPAL BOUNDARY LINE	
STALL COUNT	10
ADA ACCESSIBLE STALL	WC
DEPRESSED CURB AND ADA RAMP	HC
DIRECTION OF TRAFFIC FLOW	→

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ALL STATES REQUIRE NOTIFICATION OF EXISTING UTILITIES BEFORE ANY PERSON PREPARES TO DIG. CALL BEFORE YOU DIG.
FOR STATE SPECIFIC DIRECT PHONE NUMBERS VISIT: WWW.CALL811.COM

REV	DATE	DESCRIPTION
1	10/23/17	PRE-ZONING BOARD OF APPEALS VARIANCE APPROVAL

KNOWLEDGIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL, SIGNATURE AND EXPIRATION DATE, IS UNLAWFUL UNDER SECTION 2209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.

MARK R. DELOR
NEW YORK LICENSED
LAND SURVEYOR - LICENSE NUMBER: 050478

SUBDIVISION FOR JOANN E. BERETTA

SECTION 8
BLOCK 1
LOT 38.2

TOWN OF NEWBURGH
ORANGE COUNTY
NEW YORK STATE

MASER CONSULTING P.A.
NEW WINDSOR OFFICE
555 Hudson Valley Avenue
Suite 101
New Windsor, NY 12553
Phone: 845.564.4495
Fax: 845.567.1025

SCALE	DATE	DRAWN BY	CHECKED BY
AS SHOWN	07/20/17	CDR	JED

SHEET NUMBER: 17001138A C-CPPT
SHEET TITLE: SUBDIVISION PLAT
1 of 1

