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CONSULTING ENGINEERS D.P.C.

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

PROJECT: DAWES
PROJECT NO.: 18- 08
PROJECT LOCATION: SECTION 6, BLOCK 1, LOT 4
REVIEW DATE: 30 MAY 2018
MEETING DATE: 7 JUNE 2018
PROJECT REPRESENTATIVE: BROOKS & BROOKS

1. The Metes & Bounds Table for the proposed right of way should have the numerical numbers labeled along the right of way boundaries.
2. Permission from Central Hudson Gas & Electric Company should be received for the proposed right of way crossing the Central Hudson right of way.
3. Subsurface sanitary sewer disposal design should be prepared and submitted for the parcel in Orange County showing of proposed septic and reserves is not permitted in Orange County.
4. Mike Donnelly's comments on whether the deed plot for the lot to be developed is acceptable or if an actual field survey with metes and bounds for the lot lines is required.
5. The maps should identify Jurisdictional Emergency Services and comments from Jurisdictional Emergency Services should be received regarding right of way.
6. Topographic information along the right of way should be provided to assure that adequate grades exist for a single family residential driveway in compliance with applicable regulations.
7. Gerry Canfield's office should be consulted regarding 911 addressing of the parcel in the Town of Newburgh with access from the Town of Plattekill.
8. A proxy from the affected tax parcels in Ulster County should be received.

9. The area identified as Lester Clark Road should be identified as formerly and/or abandoned as appropriate.
10. The petition submitted under Item #4 identifies property access by 20 foot wide right of way while the map identifies proposed 25 foot right of way. This should be clarified.
11. Mike Donnelly's comments should be received regarding the need for a common driveway access and maintenance agreement along with the right of way as portions of the proposed right of way are shared with the parcels in Ulster County.

Respectfully submitted,

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

Patrick J. Hines
Principal

PJH/kbw

TOWN OF NEWBURGH PLANNING BOARD

APPLICATION PACKAGE

for

SUBDIVISIONS,

SITE PLANS,

LOT LINE CHANGES

And

SPECIAL EXCEPTION USE PERMITS

Procedures and Requirements

July 2013

**TOWN OF NEWBURGH PLANNING BOARD
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845) 564-7804
fax: (845) 564-7802
planningboard@hvc.rr.com**

JULY 2013

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 **FOURTEEN (14)** sets of **FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application, and **FIFTEEN (15)** sets of plans must be submitted if plans need to be submitted to the Town of Newburgh Traffic Consultant. This completed application must include a **LONG FORM OR FULL EAF** 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, 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 the 40% of the initial deposit, the applicant will be required to immediately make an additional deposit to the escrow account prior to any further review of the project application by the Planning Board.

Very truly yours,

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
308 Gardnertown Road
Newburgh, New York 12550**

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

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

Lot Line Revision & Open Development of lands of Craig S. and Gwen M. Dawes

2. Owner of Lands to be reviewed:

Name Craig S. & Gwen M. Dawes
Address P.O. Box 682
Wallkill, NY 12589
Phone 845-567-3244

3. Applicant Information (If different than owner):

Name _____
Address _____

Representative Brooks & Brooks, Land Surveyors, P.C.
Phone 845-691-7339
Fax 845-691-7166
Email pbrooks@bnbpc.biz

4. Subdivision/Site Plan prepared by:

Name Brooks & Brooks, Land Surveyor, PC
Address 11 Main Street
Highland, NY 12528
Phone/Fax 845-691-7339 / 845-691-7166

5. Location of lands to be reviewed:

Tax Parcel 6-1-4 with access over a right of way on adjacent lands of Henry J. Dawes
located off East Road in the Town of Plattekill

6. Zone AR Fire District Cronomer Valley
Acreage 21.8 +/- School District Marlboro

7. Tax Map: Section 6 Block 1 Lot 4

8. **Project Description and Purpose of Review:**

Number of existing lots 1 Number of proposed lots 1
Lot line change Addition of a twenty-five foot wide right of way to an existing
landlocked 21.8 + acre parcel of land off East Road
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) Easement and right of way as enclosed with application

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: Land Surveyor/Agent

Date: May 7, 2018

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

**Lot Line Revision & Open Development
of land of Craig s. and Gwen M. Dawes**

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. X Environmental Assessment Form As Required
2. X Proxy Statement
3. X Application Fees
4. X 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 application rejection.

1. X Name and address of applicant
2. X Name and address of owner (if different from applicant)
3. X Subdivision or Site Plan and Location
4. X Tax Map Data (Section-Block-Lot)
5. X 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. X 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. X Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8. X Date of plan preparation and/or plan revisions
9. X Scale the plan is drawn to (Max 1" = 100')
10. X North Arrow pointing generally up

11. X Surveyor's Certification
12. at final Surveyor's seal and signature
13. X Name of adjoining owners
14. X Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15. X Flood plain boundaries
16. TBD Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17. TBD Metes and bounds of all lots
18. X 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. X Show existing or proposed easements (note restrictions)
20. X Right-of-way width and Rights of Access and Utility Placement
21. N/A Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22. X Lot area (in sq. ft. for each lot less than 2 acres)
23. X Number of lots including residual lot
24. N/A Show any existing waterways
25. X A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26. X Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27. X Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28. X Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29. X Show topographical data with 2 or 5 ft. contours on initial submission

30. X Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. N/A 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
32. X Number of acres to be cleared or timber harvested
33. n/a Estimated or known cubic yards of material to be excavated and removed from the site
34. n/a Estimated or known cubic yards of fill required
35. n/a The amount of grading expected or known to be required to bring the site to readiness
36. n/a Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
-
-
37. n/a 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.
-
-
38. n/a 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: Pat J. Brooks
 Licensed Professional

Date: May 14, 2018

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.

Prepared May 7, 2018

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), 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.

Gwen M Dawes

APPLICANT'S NAME (printed)

Gwen M Dawes

APPLICANTS SIGNATURE

5/4/18

DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

FEE ACKNOWLEDGEMENT

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Craig S Davis
APPLICANT'S NAME (printed)

CS
APPLICANT'S SIGNATURE

5/4/18
DATE

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

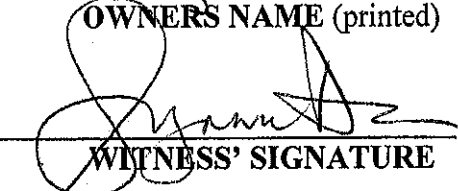
PROXY

**CRAIG S. DAWES, DEPOSES AND SAYS THAT HE RESIDES AT PO BOX 682,
IN THE COUNTY OF ULSTER AND STATE OF NEW YORK AND THAT HE IS
THE OWNER IN FEE OF TAX MAP SECTION 6, BLOCK 1, LOT 4
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
PLANNING BOARD AND BROOKS & BROOKS LAND SURVEYORS, P.C. IS
AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.**

DATED: 5/9/18


OWNERS SIGNATURE

Craig S Dawes
OWNERS NAME (printed)


WITNESS' SIGNATURE

**NAMES OF ADDITIONAL
REPRESENTATIVES**

Suzanne Demskie
WITNESS' NAME (printed)

PROXY

GWEN M. DAWES, DEPOSES AND SAYS THAT SHE RESIDES AT PO BOX 682, IN THE COUNTY OF ULSTER AND STATE OF NEW YORK AND THAT SHE IS THE OWNER IN FEE OF TAX MAP SECTION 6, BLOCK 1, LOT 4 WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH PLANNING BOARD AND BROOKS & BROOKS LAND SURVEYORS, P.C. IS AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 5/9/18

Gwen M. Dawes
OWNERS SIGNATURE

Gwen M. Dawes
OWNERS NAME (printed)

Suzanne Demskie
WITNESS' SIGNATURE

NAMES OF ADDITIONAL REPRESENTATIVES

Suzanne Demskie
WITNESS' NAME (printed)

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.

5/4/18
DATED

Craig S Dawes
APPLICANT'S NAME (printed)


APPLICANT'S SIGNATURE

**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:

 X 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.

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

 5/9/18
DATED

 Queen M. Dawes
INDIVIDUAL APPLICANT

CORPORATE OR PARTNERSHIP APPLICANT

BY: _____
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,
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 NAME, ADDRESS, RELATIONSHIP OR INTEREST
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 X PLANNING BOARD
_____ ZONING BOARD OF APPEALS
_____ ZONING ENFORCEMENT OFFICER
_____ BUILDING INSPECTOR
_____ OTHER

 5/9/18
DATED

 USD
INDIVIDUAL APPLICANT

CORPORATE OR PARTNERSHIP APPLICANT

BY: _____
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

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 applicant shall thereafter submit a duly executed, notarized affidavit of mailing 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.

Short Environmental Assessment Form

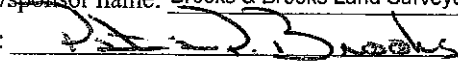
Part 1 - Project Information

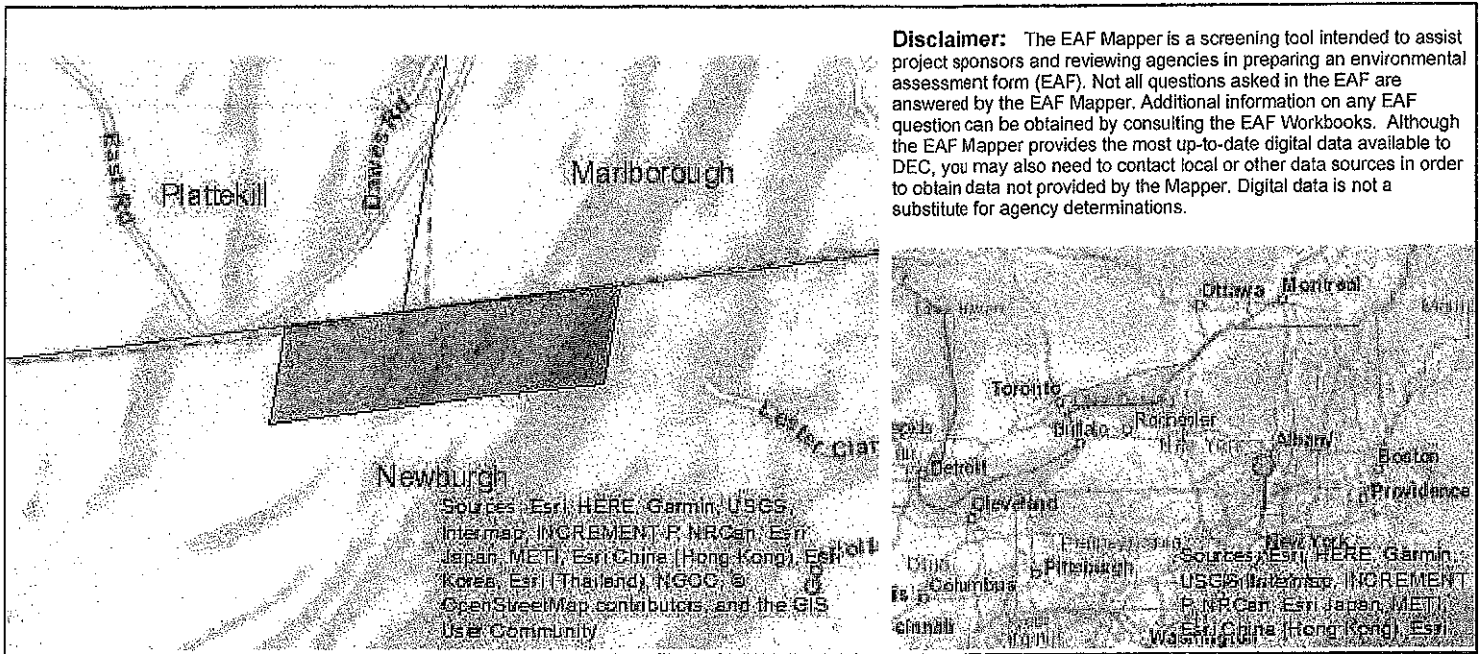
Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 - Project and Sponsor Information				
Name of Action or Project: Open Development of Lands of Craig & Gwen Dawes				
Project Location (describe, and attach a location map): Located off 490 East Road, in the Town of Newburgh adjacent to the southerly boundary of the Town of Plattekil				
Brief Description of Proposed Action: Lot Line Revision and Open Development application including the conveyance of a twenty-five foot right of way from East Road to the subject landlocked parcel to provide safe and adequate access required for the construction of a single family dwelling on a pre-existing non-conforming 21.8 acre parcel of land				
Name of Applicant or Sponsor: Brooks & Brooks Land Surveyors, P.C.		Telephone: 845-691-7339 E-Mail: pbrooks@bnbpc.biz		
Address: 11 Main Street				
City/PO: Highland		State: New York	Zip Code: 12528	
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input checked="" type="checkbox"/>	YES <input type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval: Town of Newburgh Town Board Open Development permit Town of Newburgh Planning Board Lot Line Revision for addition of right of way to parcel			NO <input type="checkbox"/>	YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		21.8 acres		
b. Total acreage to be physically disturbed?		.8+ acres		
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		21.8 acres		
4. Check all land uses that occur on, adjoining and near the proposed action. <input type="checkbox"/> Urban <input checked="" type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input checked="" type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input checked="" type="checkbox"/> Other (specify): <u>Utility transmission corridor</u> <input type="checkbox"/> Parkland				

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____ _____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE</p>		
<p>Applicant/sponsor name: <u>Brooks & Brooks Land Surveyors, P.C.</u></p>		<p>Date: <u>May 14, 2018</u></p>
<p>Signature: <u></u></p>		



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	No

PROJECT NARRATIVE

Owner/applicants Craig S. and Gwen M. Dawes propose construction of a single family dwelling on a pre-existing non-conforming 21.8 acre parcel of land located in the Town of Newburgh, with access from East Road in the Town of Plattekill. Access to the parcel was originally over Lester Clarke Road that extended from Frozen Ridge Road in the Town of Newburgh, through the Town of Marlborough and the Town of Plattekill, as shown on the tax map plot of the Line Revision and Open Development map submitted herewith. The roadway is no longer maintained as a public highway so Lot Line Revision application is made to include the conveyance of a twenty-five foot right of way (copy attached) from East Road to the subject landlocked parcel to provide safe and adequate access required for the construction of a single family. Application is concurrently made to the Town of Newburgh Town Board for an Open Development as a building permit for a residential structure can't be issued without the creation of an open development area.

S:\PROJECTS\7860\DOCUMENTS\ProjectNarrative.doc

A NY State Certified Women's Business Enterprise, a US Disadvantaged Business Enterprise
and a NY City Certified Women's Business Enterprise

Member:

National Society of Professional Surveyors -New York State Association of Professional Land Surveyors
American Planning Association-New York Planning Federation
NYS GIS Association

ACCESS EASEMENT AGREEMENT

THIS ACCESS EASEMENT AGREEMENT ("Agreement") dated as of May , 2018, is by and between Henry J. Dawes (referred to hereinafter as "Grantor") having an address at 505 East Road, Marlboro, New York 12542 and Craig S. Dawes and Gwen M. Dawes, having an address at PO Box 682, Wallkill, New York, 12589 (Grantee").

WITNESSETH:

WHEREAS, Grantor is the owner in fee of a certain parcels of land in the Town of Plattekill, Ulster County, New York, known as tax map number 108.3-5-15 and tax map number 108.3-5-24, and also as 505 East Road, Marlboro, New York 12542 ("Grantor's Land");

WHEREAS, Grantee is the owner in fee of a certain adjacent parcel of land in the Town of Newburgh, Orange County, New York, known as tax map number 6-1-4 and also as (no number) Lester Clark Road, Newburgh, New York 12550 ("Grantee's Land");

WHEREAS, the parties desire to create an easement over and across a certain portion of Grantor's Land, as particularly described on the attached Exhibit A (the "Easement Premises"), for access to and from Grantee's Land, and

NOW, THEREFORE, in consideration of ONE AND NO/100 DOLLARS (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Grantor grants to Grantee an exclusive easement and right-of-way for access, ingress, egress, and utilities to and from Grantee's Land in, on, over, upon, and across the Easement Premises to and from the road known as East Road.
2. The easement granted by this Agreement shall be perpetual in nature, shall in all respects run with the land, shall be binding on and inure to the benefit of Grantee, their distributees, successors, assigns and grantees, and is created for the benefit of, and shall be appurtenant to, Grantee's Land, and shall burden Grantor's Land.
3. Grantee and grantee's successors and assigns shall be responsible for the maintenance of the easement premises in a safe and passable condition.
4. This Agreement contains the entire agreement of the parties with respect to the subject matter hereof. This Agreement may not be changed or terminated nor may any of its provisions be waived orally, but only by an agreement signed by the party against whom enforcement of such change, termination, or waiver is sought.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be duly executed as of the day and year first above written.

GRANTOR:

Henry J. Dawes

GRANTEE:

Craig S. Dawes

Gwen M. Dawes

STATE OF NEW YORK)
) SS:
COUNTY OF)

On the day of May, 2018 before me, the undersigned, personally appeared Henry J. Dawes, 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 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

STATE OF NEW YORK)
) SS:
COUNTY OF)

On the day of May, 2018 before me, the undersigned, personally appeared Craig S. Dawes and Gwen M. Dawes, 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 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

Exhibit A

DESCRIPTION OF PROPOSED
25' WIDE RIGHT OF WAY
OVER LANDS OF HENRY J. DAWES

ALL THAT PARCEL OF LAND SITUATE in the Town of Plattekill, County of Ulster and State of New York being a right of way twenty-five feet in width extending from East Road in an easterly and southerly direction to lands of Craig S. and Gwen M. Dawes located in the Town of Newburgh, Orange County, New York as recorded in Deed Liber 14266 at page 1968, said right of way being more particularly bounded and described as follows:

BEGINNING at a point in a blacktop driveway on the easterly bounds of East Road at the most northwesterly corner of lands conveyed to Henry J. Dawes as recorded in Deed Liber 1349 at page 1086, and running thence along the northerly and easterly bounds of said lands of Henry J. Dawes, along the division line with lands conveyed to Gregory K. Dawes as recorded in Deed Liber 2899 at page 130, the following:
South 85°18'14" East 112.04 feet to a point, thence
South 49°11'24" East 28.30 feet to a point, thence
South 22°11'39" East 58.77 feet to a point, thence
South 05°08'54" East 23.96 feet to a point on the division line with lands conveyed to Henry J. Dawes as recorded in Deed Liber 3167 at page 162, thence along the division line with said lands
South 05°08'54" East 74.44 feet to a point, thence
South 08°01'28" West 31.31 feet to the southeast corner of said lands conveyed to Henry J. Dawes as recorded in Deed Liber 3167 at page 162, thence continuing through lands conveyed to Henry J. Dawes as recorded in aforementioned Deed Liber 1349 at page 130 the following:
South 08°01'28" West 6.41 feet to a point, thence
South 09°14'54" West 66.64 feet to a point, thence
South 05°45'19" West 35.28 feet to a point, thence
South 21°43'29" East 55.97 feet to a point, thence
South 01°38'28" East 40.11 feet to a point, thence
South 10°46'14" West 153.13 feet to a point on the division line between the Town of Plattekill and the Town of Newburgh, on the division line with lands conveyed to Craig S. and Gwen M. Dawes as recorded in Deed Liber 14266 at page 1968, thence along said division line,
South 84°10'57" West 26.09 feet to a point, thence through aforementioned lands conveyed to Henry J. Dawes as recorded in Deed Liber 3167 at page 162, and Deed Liber 1349 at page 1086, on a line twenty-five feet westerly of and parallel the easterly bounds of the herein described right of way as follows:
North 10°46'22" East 157.83 feet to a point, thence
North 01°38'28" West 32.99 feet to a point, thence
North 21°43'29" West 57.66 feet to a point, thence
North 05°45'19" East 44.29 feet to a point, thence

North 09°21'46" East 65.03 feet to a point, thence
North 08°01'28" East 34.54 feet to a point, thence
North 05°08'54" West 91.77 feet to a point, thence
North 22°11'39" West 49.02 feet to a point, thence
North 49°11'25" West 14.15 feet to a point, thence
North 85°18'14" West 116.82 feet to a point on the easterly bounds of aforesaid East Road, thence along the
easterly bounds of said East Road North 32°02'30" East 28.15 feet to the place of beginning.

Containing 0.39 Acres

Being a right of way for access, ingress, egress, and utilities to service said lands conveyed to Craig and
Gwen Dawes located in the Town of Newburgh.

Petition in the Matter of
The Application of CRAIG S. & GWEN M. DAWES
For Creation of an Open Development Area
Pursuant to Town Law Section 280-a(4)

Town of Newburgh Tax Parcel Section 6 Block 1 Lot 4
County of Orange, State of New York

Application of CRAIG S. and GWEN M. DAWES for creation of an open development area pursuant to Town Law Section 280-a(4) is hereby made to the Supervisor and Town Board, Town of Newburgh, New York.

CRAIG S. and GWEN M. DAWES, respectfully allege as follows:

1. Petitioners are the owner of certain real property located in the Town of Newburgh, County of Orange, and State of New York. Said land is known and designated upon tax map of the Town of Newburgh as Section 6, Block 1, Lot 4. Petitioners became the owner of said lands by virtue of a deed from Richard J. Smith dated the 28th day of July, 2017 and recorded in the Orange County Clerk's Office in Liber 14266 at page 1968.
3. The petitioners' proposal is set forth on a map prepared by Brooks & Brooks Land Surveyors, P.C., Patricia P. Brooks, L.S. dated December 19, 2017 and consisting of one sheet entitled "Map of Proposed Open Development of Lands of Craig S. & Gwen M. Dawes" A copy of map is annexed hereto as Exhibit "A."
4. As can be seen on Exhibit "A," the petitioners' property is accessed by a twenty foot wide right of way. A sixteen foot wide gravel driveway has been constructed within said Right of Way to provide safe and adequate access to a proposed single family dwelling. Application has been made to Central Hudson Gas & Electric Corporation for an easement to cross the Transmission Corridor.

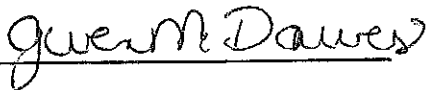
5. The petitioners make the request for creation of the open development area, because, absent creation of an open development area, issuance of a building permit for a residential structure on Tax Lot #4 is prohibited.

WHEREFORE, the petitioners prays that the Town Board of the Town of Newburgh take such steps and such actions as may be necessary to grant relief sought in this petition.

Dated: May 3, 2018

CRAIG S. DAWES
PETITIONER


Signature


Signature

GWEN M. DAWES
PETITIONER

5/4/18
Date

5/4/18
Date

State Of New York }
Country Of Ulster } SS:

On the 4th day of May in the year 2018 before me, the undersigned, a Notary Public in and for said State, personally appeared

Craig S. Dawes; Gwen M. Dawes, 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, 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.

SUZANNE DEMSKIE
Notary Public, State of New York
Reg. No. 01DE6240448
Qualified in Ulster County
Commission Expires May 02, 2019


Notary Public

PROXY

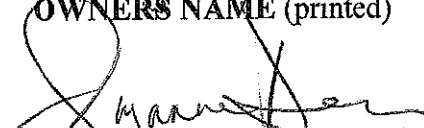
CRAIG S. DAWES, DEPOSES AND SAYS THAT HE RESIDES AT PO BOX 682,
IN THE COUNTY OF ULSTER AND STATE OF NEW YORK AND THAT HE IS
THE OWNER IN FEE OF TAX MAP SECTION 6, BLOCK 1, LOT 4
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
TOWN BOARD AND BROOKS & BROOKS LAND SURVEYORS, P.C. IS
AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 5/1/18


OWNERS SIGNATURE

NAMES OF ADDITIONAL
REPRESENTATIVES

Craig S Dawes
OWNERS NAME (printed)


WITNESS' SIGNATURE

Suzanne Demskie
WITNESS' NAME (printed)

PROXY

GWEN M. DAWES, DEPOSES AND SAYS THAT SHE RESIDES AT PO BOX
682, IN THE COUNTY OF ULSTER AND STATE OF NEW YORK AND THAT
SHE IS THE OWNER IN FEE OF TAX MAP SECTION 6, BLOCK 1, LOT 4
WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING
APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH
TOWN BOARD AND BROOKS & BROOKS LAND SURVEYORS, P.C. IS
AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: 5/9/18

Gwen M. Dawes
OWNERS SIGNATURE

Gwen M. Dawes
OWNERS NAME (printed)

Suzanne Demskie
WITNESS' SIGNATURE

NAMES OF ADDITIONAL
REPRESENTATIVES

Suzanne Demskie
WITNESS' NAME (printed)