McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
MATTHEW J. SICKLER, P.E. (NY & PA)
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Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS

PROJECT:	**LAKESIDE SENIOR HOUSING**
PROJECT NO.:	**2016-19**
PROJECT LOCATION:	**SECTION 86, BLOCK 1, LOT 39.22 & 39.23**
REVIEW DATE:	**28 OCTOBER 2016**
MEETING DATE:	**3 NOVEMBER 2016**
PROJECT REPRESENTATIVE:	**MEDENBACH AND EGGERS**

1. Mike Donnelly's comments regarding access to the site via easement should be received. Project may have a Town Law 280A issue with regard to no roadway frontage.

2. A bulk table should be added to the plans identifying zoning compliance.

3. Height of the buildings should be identified on the plans with regard to the need for fire access roads at 26 width should buildings be higher than 30 feet.

4. City of Newburgh flow acceptance letter should be required.

5. Water main extension approval from Orange County Health Department will be required.

6. Bulk table identifying compliance with section 185-48 Senior Housing should be provided.

7. Maximum size of senior dwelling units is restricted under the Senior Housing code. One bedroom unit maximum size 700 square feet. Two bedroom unit maximum size 900 square feet.

8. Will project contain any recreational amenities on site? No area has been designated for such a use.

9. Plans should address landscaping of the large parking areas consistent with the Town of Newburgh's landscape requirements.

10. Gerry Canfield's comments regarding fire access to the structure should be received. Several of the structures are completely surrounded by parking.

11. The Applicant's representative are requested to evaluate the single dumpster enclosure. Distance to the dumpster enclosure seems excessive for several of the structures.

12. The Planning Board should discuss provisions for pedestrian access to Lakeside Road.

13. Future grading plans should address construction of the access road within the easement depicted. Extensive grading at the entrance to the site appears to be required.

14. The proposed access drive is shown at 20 feet wide. This appears to be narrow for the number of units to be accessing the drive. Ken Wersted and Gerry Canfield's comments regarding the width of the access drive should be received.

15. Plans should address restricted access to the proposed emergency access to the Ice Time parcel.

16. The senior use in the IB Zone requires a Planning Board recommendation to Town Board for establishment of the senior use within the zone.

Respectfully submitted,

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

_____
Patrick J. Hines
Principal

PJH/kbw

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):**
   Lakeside Senior Housing

2. **Owner of Lands to be reviewed:**
   Name 21 Lakeside Properties Inc..
   Address 6872 Rt. 209, PO Box 333
   Wawarsing, NY 12489
   Phone (845) 647-4800

3. **Applicant Information (If different than owner):**
   Name Lakeside Residential Newburgh LLC/o Jay Feinberg
   Address PO Box 191
   Kerhonkson, NY 12446
   Representative Barry Medenbach, PE
   Phone (845) 687-0047 x101
   Fax (845) 687-4783
   Email barry@mecels.com

4. **Subdivision/Site Plan prepared by:**
   Name Medenbach & Eggers PC
   Address 4305 US Rt. 209
   Stone Ridge, NY 12484
   Phone/Fax (845) 687-0047

5. **Location of lands to be reviewed:**
   Lakeside Rd, Newburgh

6. **Zone** IB **Fire District** Coldenham
   Acreage 19.6 AC **School District** Valley Central

7. **Tax Map: Section** 86 **Block** 1 **Lot** 39.22 & 39.23

8. Project Description and Purpose of Review:
   Number of existing lots 2 Number of proposed lots 1
   Lot line change COMBINE LOTS
   Site plan review SENIOR HOUSING (102 units)
   Clearing and grading _____
   Other _____

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

9. Easements or other restrictions on property:
   (Describe generally) 50 ft Right of Way to Lakeside Road and deeded Emergency Access thru Ice Time site.

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

Signature [signature] Title Member

Date: 10-17-16

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

Lakeside Senior Housing

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 application rejection.

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 100 ft. buffer zone 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 or 5 ft. contours on initial submission

30. ✓ Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number

31. ___ 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. ✓ Number of acres to be cleared or timber harvested

33. ____ Estimated or known cubic yards of material to be excavated and removed from the site

34. ____ Estimated or known cubic yards of fill required

35. ____ 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. ____ 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. ✓ 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: _____ PE
Licensed Professional

Date: 10-17-16

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 (insert date):

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.

Lakeside Residental Newburgh LLC
APPLICANT'S NAME (printed)

APPLICANTS SIGNATURE
Jay Feinberg

10/17/16
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

(OWNER) 21 Lakeside Properties ~~Ltd~~ Inc., DEPOSES AND SAYS THAT HE/SHE

RESIDES AT 6872 RT 209 Po Box 333 Wawarsing N.Y. 12489

IN THE COUNTY OF ULSTER

AND STATE OF NEW YORK

AND THAT HE/SHE IS THE OWNER IN FEE OF 86-1-39-220 AND

86-1-39-230

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH PLANNING BOARD AND Barry Medenbach PB AS AUTHORIZED TO REPRESENT THEM AT MEETINGS OF SAID BOARD.

DATED: October 13, 2016

Philip Coombe Jr. Pres.
OWNERS SIGNATURE

PHILIP COOMBE JR
OWNERS NAME (printed)

Catherine Bender
WITNESS' SIGNATURE

NAMES OF ADDITIONAL REPRESENTATIVES

Catherine Bender
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.

10/17/16
DATED

Lakeside Residential Newburgh LLC
APPLICANT'S NAME (printed)

Jay Leinberg Member
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:

✓ **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**

10/17/16
DATED

INDIVIDUAL APPLICANT

LAKESIDE RESIDENTIAL NEWBURGH, LLC
CORPORATE OR PARTNERSHIP APPLICANT

BY: [signature] Member
(Pres.) (Partner) (Vice-Pres.)
(Sec.) (Treas.)

NAME	STREET ADDRESS	TOWN, STATE	ZIP
Ana F. Lee-Cstoke	32 Pomarico Drive	Newburgh, NY	12550
Antonio Obo Hibbert, Pentecostal Penuel Taber	PO Box 10694	Newburgh, NY	12550
Chris Dewitt	87 Lakeside Road	Newburgh, NY	12550
David and Eileen Furguson	99 Lakeside Road	Newburgh, NY	12550
Doyle Prop LLC	5636 Horatio Street	Utica, NY	13502
Edwin and Nancy Burgos	22 Pomarico Drive	Newburgh, NY	12550
Ernest & Vanessa Tirado	89 Lakeside Road	Newburgh, NY	12550
Forest Crest Properties	26 Racquet Road, Ste 3	Newburgh, NY	12550
Freddy Mercado	95 Lakeside Drive	Newburgh, NY	12550
Jose Torres, Luz Vargas-Torres	97 Lakeside Drive	Newburgh, NY	12550
Kriti Diner-Restaurant	240 Route 17K	Newburgh, NY	12550
Michelle Visconti James & William Valleau	236 Forrest Road	Wallkill, NY	12589
Mid Hudson Civic Center	14 Civic Center Plaza	Poughkeepsie, NY	12601
William and Carol Davidowsky	100 Lakeside Road	Newburgh, NY	12550
Great palace Realty LLC	5 Lakeside Road	Newburgh NY	12550
Calogero Callari	47 Lakeside Road	Newburgh NY	12550
Betty Baldwin	16 Sheffield	Middletown NY	10940
Michael Sobtor	2 Overhill Lane	Warwick NY	10990
Eleanor Incampo	51 Lakeside Road	Newburgh NY	12550
Thomas Knieser	53 Lakeside Road	Newburgh NY	12550
Mary Fasciano	53 Lakeside Road	Newburgh NY	12550
Sussan Knieser	49 Lakeside Road	Newburgh NY	12550

Town file#
2016-19

October 17, 2016

Project Narrative for Lakeside Senior Housing

The project sponsors propose to construct a 102-unit Senior Housing Development within three 3-story buildings and developed in accordance with the Town of Newburgh Zoning Code, Section 185-48 "Senior Citizen Housing", age-restricted to 55 years or older. The 19.23 acre site is situate off Lakeside Road, behind the Four Points Sheraton Hotel ("Hotel") and is approximately 1,000 ft northeast of Rt. 17K and ½ mile west of Exit 6 on US Interstate 84. Access is via a 50 ft. wide Right of Way ("ROW") that is shared with the Hotel and runs in a northerly direction between the Hotel and a pond found on southeasterly portion of the Hotel parcel. The building site abuts the Ice Time skating rink parking lot where an emergency access agreement exists. The site contains a total of 9.25 acres of wetlands and wetland buffers, leaving a net 9.98 acres of upland area available for development. The wetlands will be preserved with a conservation restriction and no disturbance to the wetlands will be required for construction of the proposed facility.

Site improvements will consist of an extension of the access road along with water, sewer and electric utilities extending from Lakeside Road along the ROW. On-site construction will include new parking lots, site lighting, stormwater management, sewage pump station with backup generator, as well as landscaping and outside passive recreation areas.

PROPOSED

DEVELOPMENT PLAN

for

Lakeside Senior Housing

Situate: Lakeside Road
Town of Newburgh
Orange County, New York

Prepared for:

Lakeside Residential Newburgh, LLC

Prepared by:

Medenbach and Eggers
Civil Engineering and Land Surveying, PC
Stone Ridge, New York

Ph: 845-687-0047

October 14, 2016

Table of Contents

Figures

Under separate cover:

Appendix

I. General Description

The project sponsors propose to construct a 102-unit Senior Housing Development within three 3-story buildings and developed in accordance with the Town of Newburgh Zoning Code, Section 185-48 "Senior Citizen Housing", age-restricted to 55 years or older. The 19.23 acre site is situate off Lakeside Road, behind the Four Points Sheraton Hotel ("Hotel") and is approximately 1,000 ft northeast of Rt. 17K and ½ mile west of Exit 6 on US Interstate 84. Access is via a 50 ft. wide Right of Way ("ROW") that is shared with the Hotel and runs in a northerly direction between the Hotel and a pond found on southeasterly portion of the Hotel parcel. The building site abuts the Ice Time skating rink parking lot where an emergency access agreement exists. The site contains a total of 9.25 acres of wetlands and wetland buffers, leaving a net 9.98 acres of upland area available for development. The wetlands will be preserved with a conservation restriction and no disturbance to the wetlands will be required for construction of the proposed facility.

Site improvements will consist of an extension of the access road along with water, sewer and electric utilities extending from Lakeside Road along the ROW. On-site construction will include new parking lots, site lighting, stormwater management, sewage pump station with backup generator, as well as landscaping and outside passive recreation areas.

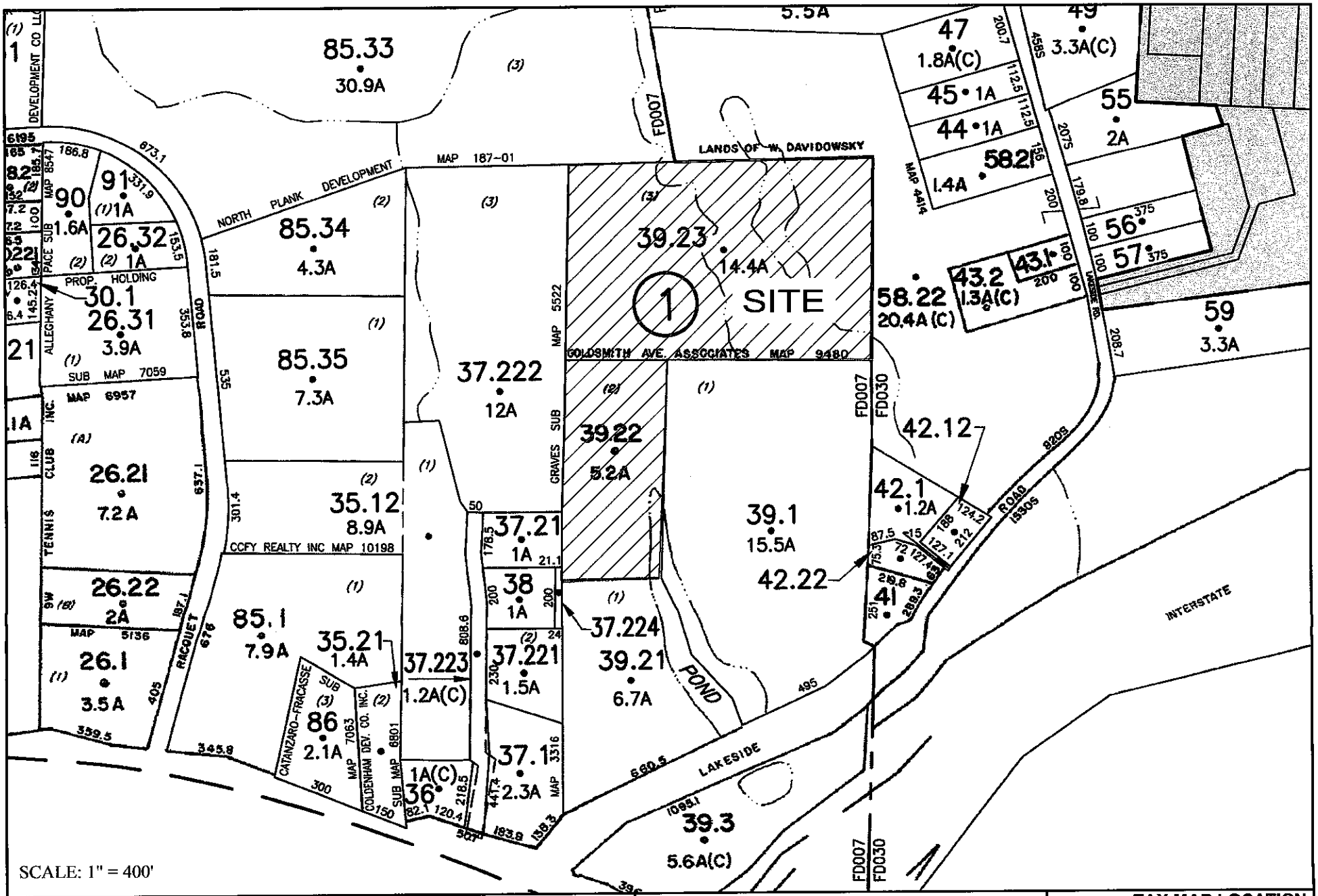
II. Tax Parcels

The subject property consists of two tax parcels within the Town of Newburgh. See Figure 1.

- SBL 86-1-39.22: 5.18 acres
- SBL 86-1-39.23: 14.07 acres

III. Zoning

The site is within the Interchange Business District (IB) associated with the NYS Route 17K corridor. As per Town of Newburgh Code, Senior Citizen Housing developed in accordance with Section 185-48 of Town of Newburgh Code (see Appendix F) is permitted in this district by Special Use Permit from the Town Planning Board upon authorization from the Town Board. See Figure 2.



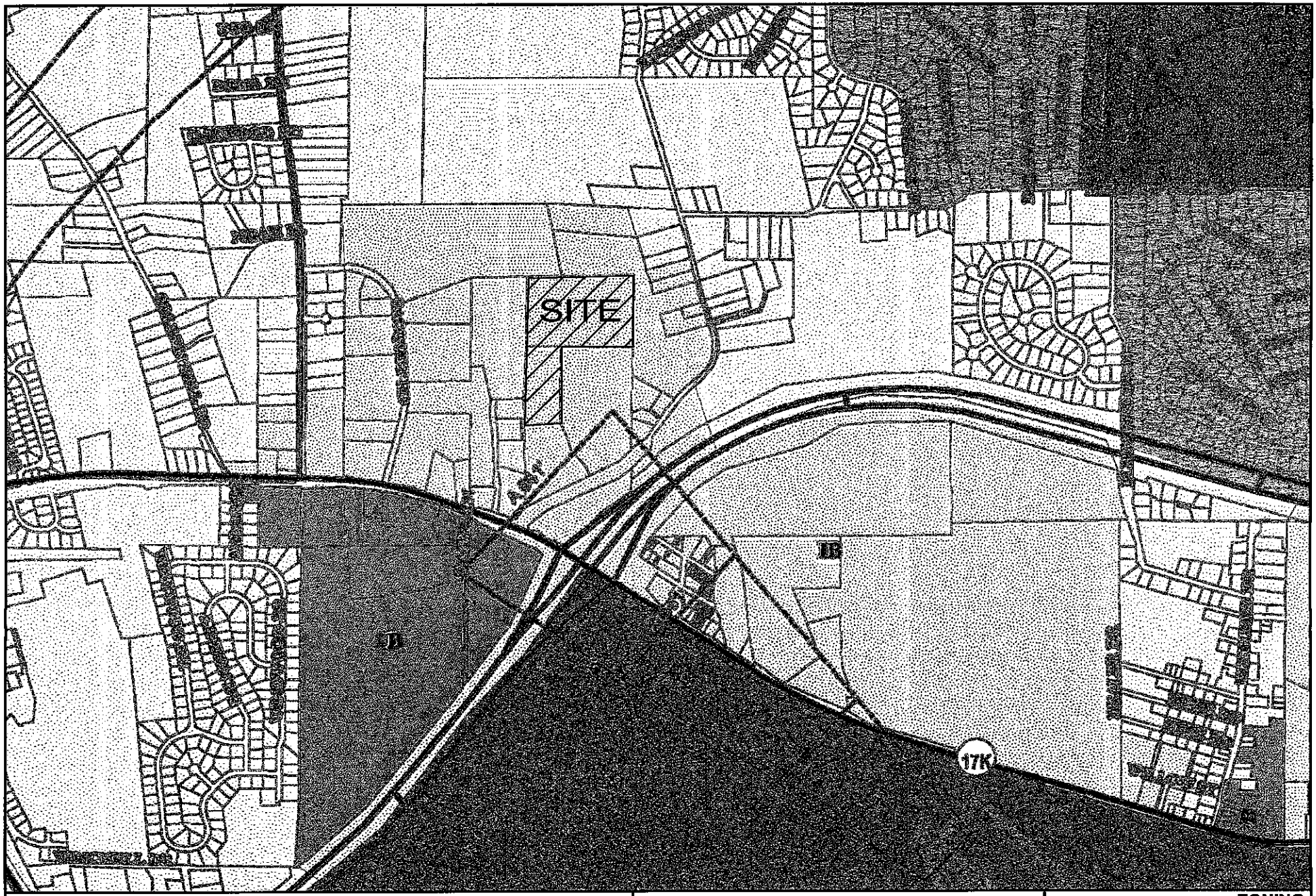
SOURCE: ORANGE COUNTY TAX MAP DEPARTMENT
TOWN OF NEWBURGH, SECTION NO. 86
TAX YEAR 2016

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
STONE RIDGE, NEW YORK (845) 687-0047
www.mecels.com

TAX MAP LOCATION
Lakeside Senior Housing

Fig. 1

June 23, 2016



SOURCE: ORANGE COUNTY PLANNING DEPARTMENT
TOWN OF NEWBURGH OFFICIAL ZONING MAP
2012

NOT TO SCALE

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
STONE RIDGE, NEW YORK (845) 687-0047
www.mecels.com

ZONING
Lakeside Senior Housing

Fig. 2

June 23, 2016

IV. Water and Sewer

The site is within the Town of Newburgh Water District and the Crossroads Sewer District. A 12" water main and a 4" sewer force main currently exists beneath Lakeside Road. The proposal will require an 800 ft. extension of both utilities along the access road to the development site. The proposed water system includes a 8" water main extension with hydrants. Proposed sewerage includes a pump station with backup generator. This pump station will be privately owned and maintained. Water and sewer usage is estimated to be 19,140 gpd based on 72 two bedroom units and 30 one bedroom units at 110 gpd per bedroom.

V. Drainage

The buildable upland portion of the site is divided into two primary drainage areas; one flowing southeasterly towards the pond along the entrance road while the other flows northeasterly towards the state wetlands located in the northeasterly portion of Lot 39.23.

A stormwater management plan is provided for collection and treatment of all runoff from buildings, parking lots and driveways before being discharged. The stormwater system will require a Stormwater Pollution & Prevention Plan (SWPPP) in accordance with current NYSDEC regulations regarding stormwater management.

VI. Soils and Slopes

The soils in the buildable portion of the site are predominantly Bath -Nassau silt with Nassau complex rock outcrop. Slopes vary from 4% to 15% and dip southerly and easterly towards the wetlands and pond. A small ridge with exposed bedrock is located in the northernmost portion of Lot 39.23 and runs in a north–south direction. The wetland areas are relatively flat and contain Catden muck. (See attached Soil Survey, Appendix E.) Test holes conducted on the buildable portion of the site indicate 4 and 5 ft of gravelly silt loam over a rippable shale.

VII. Access and Traffic

Site access is via an existing 50 ft. wide ROW as shown on Orange County Filed Map #9480, (recorded in the Orange County Clerk's Office on May 8, 1989) along with a Road Maintenance Agreement found in Liber 3301 of Deeds at Page 293. (See Appendix C). This ROW extends from Lakeside Road in a northerly direction and is currently used as the main entrance and driveway for the Four Points Sheraton Hotel and is paved up to the gravel parking lot located behind the hotel. The paved driveway will be extended to the proposed project site. The proposed utilities will be located beneath this drive, thus necessitating repaving of the existing drive. An alternate emergency access driveway connecting to the Ice Time parking area will be also be built. A break-away chain will be installed in order to prevent normal traffic from using this emergency drive. All traffic originating from the proposed senior housing will use Lakeside Road, with the majority of this traffic continuing on to the

intersection of Lakeside Road and NYS Route 17K. A traffic study is currently being prepared by Maser Consulting, P.A.

VIII. Wetlands

A portion of NYSDEC protected wetland NB-21 and attendant 100 ft. "adjacent area" is situated in the northeasterly portion of Lot 39.23 and occupies 7. 45 acres of the project site. This wetland was delineated by NYSDEC and certified on May 18, 2007 and recertified in May, 2016. No disturbance is proposed within this wetland or the 100 ft. area adjacent to the wetland will not require a permit from the NYSDEC. No disturbance is anticipated with the proposal.

An additional 1.8 acres of wetlands that meet the ACOE criteria exists along the southwesterly bounds of Lot 39.22 and is associated with the aforementioned pond extending along southeasterly bounds of the existing access drive. These wetlands, located by Ecological Solutions LLC in May, 2016, are under ACOE jurisdiction and do not have a protected adjacent area. The NYSDEC GIS database erroneously indicates that this ACOE wetland is connected to the aforementioned NYSDEC wetland. A site inspection by NYSDEC personnel confirmed that there is no physical connection between these two wetlands. This conclusion was verified by the NYSDEC in the initial 2007 delineation and subsequent 2016 recertification. All proposed construction and disturbance will avoid both wetlands and regulated adjacent areas. See Figure 3.

IX. Floodplain

The site contains two Flood Hazard Areas (FHA) as shown on the current Town of Newburgh FIRM map, Panel 138, Map #36071CO138E, dated Aug. 3, 2009. See Appendix G.

One FHA is indentified as Zone AE (elevation 490') and is associated with NYSDEC wetland NB-21 and is contained within the confines of the 100' adjacent area.

The second FHA is associated with the pond adjacent to the entrance driveway as Zone A with no floodwater elevation established. The proposed project will not affect either of the Flood Hazard Areas and the building sites are at a substantially higher elevation.

X. Archeological and Historical Resources

The NYS Office of Parks, Recreation and Historic Preservation (OPRHP) Cultural Resource Information System (CRIS) indicates that the site does not contain any archeological or historic sensitive areas. (See Appendix F.)

SOURCE: NEW YORK STATE GIS DATABASE

SCALE: 1" = 400'

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
STONE RIDGE, NEW YORK (845) 687-0047
www.mecels.com

WETLANDS & **ORTHOIMAGERY**
Lakeside Senior Housing

Fig. 3

June 23, 2016

XI. Endangered Species

The NYSDEC database indicates there is potential for rare animals and/or rare plants associated with woodlands and wetlands to exist on site. A detailed Habitat Suitability Assessment Report prepared by Ecological Solutions LLC in June, 2016 investigated the species listed by the NYSDEC and reviewed the US Fish and Wildlife Service Information for Planning and Conservation (IPaC) Trust Resources Report for this site. The study findings concluded that no impact is anticipated due to the site development provided that the conservation measures for protection of the Indiana and Northern Long-Eared Bat outlined in the report are followed. (See Appendix B) Conservation Measures are as follows:

- Implement tree clearing for site construction during timeframes when bats are not resident on the site October 1 – to March 31,
- Keeping potential foraging habitat corridors–habitats remain intact except for the impacted acres,
- Lighting on the site will use Planning Board approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities,
- Implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site,
- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent over-clearing of the site, and
- Stormwater pond/s and other watercourses onsite will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed.

XII. Building Design

Three building are proposed with a total of 102 units (72 two-bedroom units and 30 one-bedroom units). One-bedroom units will be 700 SF and two-bedroom units will be 900 SF. The first and second floors of buildings #1 and #2 will have first floor grade level access only. Elevators and stairs will be used for 3rd floor access. Building #3 will have grade level access from 1st and 2nd floor. The elevators will be located in the center lobbies and the staircases will be located at both ends of each building. The first floor will contain a utility space, a community room, exercise rooms and building #3 will have storage compartment for tenants. All at grade entrances will have a large covered porch with sitting areas.

XIII. Recreation

In addition to the exercise rooms and sitting areas located within the buildings, a gazebo will be constructed in a wooded open space area as well as a walking trail running along the wetlands. The site is adjacent to the Ice Time skating rink, currently owned and managed by the Mid Hudson Civil Center, and has spectator areas and scheduled senior skating time. A pedestrian connection between the facility and the skating rink will be coordinated.

XIV. Permits & Approvals

- Town of Newburgh Town Board- Authorization for Senior Citizen Housing in IB District as per Section 185-48 of Town of Newburgh Code
- Town of Newburgh Planning Board- Site Plan Approval and Special Use Permit
- Town of Newburgh Water and Sewer Connection Approval
- Orange County Planning Board Advisory Opinions
- Orange County Health Dept. for water main connection
- NYDEC – Authorization for coverage under SPDES for Storm Water Pollution Prevention

Federal Threatened and Endangered Species
Habitat Suitability Assessment Report

21 Lakeside Properties, Inc.
Lakeside Road
Town of Newburgh
Orange County, NY

June 17, 2016

Prepared by:

Michael Nowicki
Ecological Solutions, LLC
1248 Southford Road
Southbury, CT 06488
(203) 910-4716

1.0 INTRODUCTION

The Applicant is proposing a residential project that will include the construction of three 34-unit residential apartment buildings with associated road, parking, lawns, and drainage facilities on a 19.23 acres site located on Lakeside Road in the Town of Newburgh, New York (*Figure 1*). The total site disturbance is about 8 acres.

A Habitat Suitability Assessment was completed for five federally listed species as indicated by the US Fish and Wildlife Service (USFWS) website search including the dwarf wedgemussel (*Alasmidonta heterodon*), small whorled pogonia (*Isotria medeoloides*), Indiana bat (*Myotis sodalis*), Northern long-eared bat (*Myotis septentrionalis*), and bog turtle (*Glyptemys muhlenbergii*) as part of the environmental review for the project. A field assessment was conducted on June 16, 2016 to determine whether suitable habitat for these species is present on the site. Habitat cover types were also observed and are described below.

TABLE 1
COVER TYPES IDENTIFIED ON THE SITE

HABITAT COVER TYPES			
NO.	DESCRIPTION	COVERAGE (ACRES)	DISTURBANCE (ACRES)
1	Wetland	7.6	0
2	Pond	[1]	0
3	Mixed Upland Forest	11.63	8

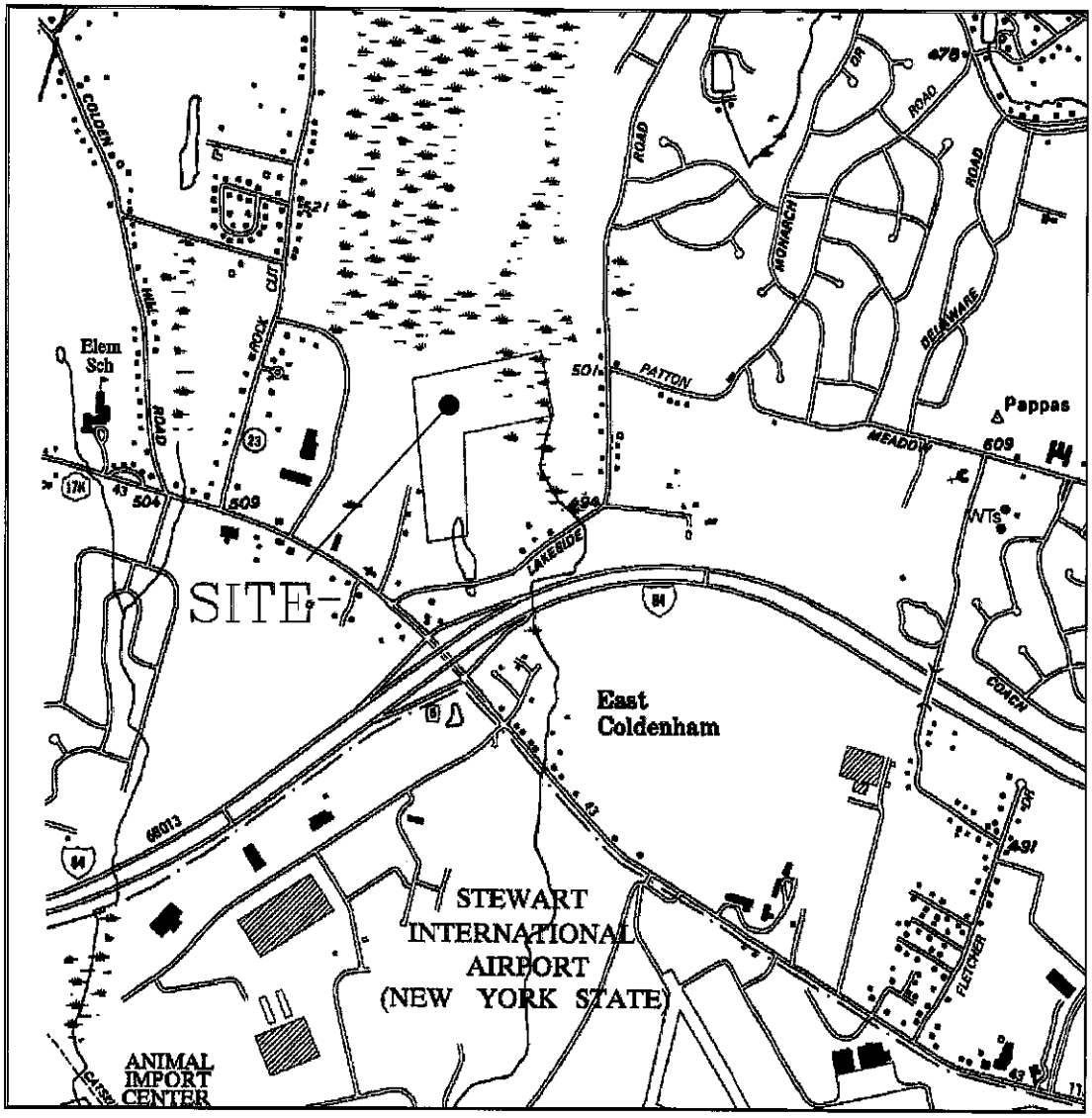
Detailed descriptions of each natural cover type are outlined below.

The wetland is generally a deciduous wooded swamp with sections of scrub/shrub wetland, wet meadow, open water, and tributary dominated by red maple, Acer rubrum, facultative, red-osier dogwood, Cornus stolonifera, facultative wet(+) and green ash, Fraxinus pennsylvanicum, as well as some skunk cabbage, Symlocarpus foetidus, tussock sedge, Carex stricta, and purple loosestrife Lythrum salicaria. This wetland contains Canandaigua silt loam soils.

Mixed Upland Forest – There is about 11.63 acres of mixed upland forest on the site that contain black cherry, Norway maple, white ash, crab apple, and understory species including stiff dogwood, hawthorn, and sumac. Approximately 8 acres will be removed for site development.

[1] Acreage included in wetland total.

Figure 1 Location Map



2.0 HABITAT SUITABILITY ASSESSMENT/CONCLUSION

2.1 Dwarf wedgemussel

The dwarf wedge mussel is a small freshwater mussel that rarely exceeds 1.5 inches (38 mm) in length. It is brown or yellowish-brown in color. Adult mussels are filter-feeders, feeding on algae and other small suspended particles. They spend most of their time buried almost completely in the bottom of streams and rivers. Typical habitat for this mussel includes running waters of all sizes, from small brooks to large rivers. Bottom substrates include silt, sand and gravel, which may be distributed in relatively small patches behind larger cobbles and boulders. The river velocity is usually slow to moderate. Dwarf wedge mussels appear to select or are at least tolerant of relatively low levels of calcium in the water.

Conclusion - There is no potential habitat for this species on the site since there are no suitable tributaries.

2.1 Small whorled pogonia

The small whorled pogonia is a member of the orchid family. It usually has a single grayish-green stem that grows about 10 inches tall when in flower and about 14 inches when bearing fruit. The plant is named for the whorl of five or six leaves near the top of the stem and beneath the flower. The leaves are grayish-green, somewhat oblong and 1 to 3.5 inches long. The single or paired greenish-yellow flowers are about 0.5 to 1 inch long and appear in May or June. The fruit, an upright ellipsoid capsule, appears later in the year. This orchid grows in older hardwood stands of beech, birch, maple, oak, and hickory that have an open understory. Sometimes it grows in stands of softwoods such as hemlock. It prefers acidic soils with a thick layer of dead leaves, often on slopes near small streams.

Conclusion - There is no potential habitat for this species on the site since there is no older forest on the site but rather young woods with a thick dense understory.

2.3 Indiana bats

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As

larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (*e.g.,* old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

Conclusion – The site contains about 11.63 acres of mixed upland forest on the site with species including white pine, oak, black cherry, black birch, ash, and maple. The trees are generally in the 5 to 10 inch dbh range with several larger trees. Approximately 8 acres of the wooded area will be impacted. The forested wetland contains smaller trees and will not be impacted. The Applicant will utilize the following conservation measures to avoid impacts to the Indiana bat:

- Implement tree clearing for site construction during timeframes when bats are not resident on the site October 1 – to March 31;
- Keeping potential foraging habitat corridors–habitats remain intact except for the impacted acres;
- Lighting on the site will use Planning Board approved light fixtures that have tops that direct light down to minimize light pollution and not interfere with potential bat foraging activities;
- Implementing soil conservation and dust control best management practices, such as watering dry disturbed soil areas to keep dust down, and using staked, recessed silt fence and anti-tracking pads to prevent erosion and sedimentation in surface waters on the site;
- Prior to clearing, the limits of proposed clearing will be clearly demarcated on the site with orange construction fencing (or similar) to prevent inadvertent overclearing of the site, and;
- Stormwater pond/s and other watercourses onsite will not be maintained with any chemicals that might adversely affect bats or insect populations on which they may feed.

2.4 Northern long-eared bat

Winter Habitat: Same as the Indiana bat northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.

Summer Habitat: During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

Feeding Habits: Northern long-eared bats emerge at dusk to fly through the understory of forested hillsides and ridges feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation. This bat also feeds by gleaning motionless insects from vegetation and water surfaces.

Conclusion - The northern long eared bat requires/occupies practically the same habitat niche as the Indiana bat. Impacts to habitat and mitigation would be consistent with the recommendations for the Indiana bat.

2.5 Bog turtle

According to the U.S. Fish and Wildlife Service, in the 2001 Bog Turtle (*Clemmys muhlenbergii*), Northern Population Recovery Plan. Hadley, Massachusetts. 103 pp. last revised on April 13, 2006 bog turtle habitat is recognized by three criteria:

1. **Suitable hydrology**. Bog turtle wetlands are typically spring-fed with shallow surface water or saturated soils present year-round, although in summer the wet area(s) may be restricted to near spring head(s). Typically these wetlands are interspersed with dry and wet pockets. There is often subsurface flow. In addition, shallow rivulets (less than 4 inches deep) or pseudo-rivulets are often present.

2. **Suitable soils**. Usually a bottom substrate of permanently saturated organic or mineral soils. These are often soft, mucky-like soils (this does not refer to a technical soil type); you will usually sink to your ankles (3-5 inches) or deeper in muck, although in degraded wetlands or summers of dry years this may be limited to areas near spring heads or drainage ditches. In some portions of the species' range, the soft substrate consists of scattered pockets of peat instead of muck.

3. **Suitable vegetation**. Dominant vegetation of low grasses and sedges (in emergent wetlands), often with a scrub-shrub wetland component. Common emergent vegetation includes, but is not limited to: tussock sedge (*Carex stricta*), soft rush (*Juncus effusus*), rice cut grass (*Leersia oryzoides*), sensitive fern (*Onoclea sensibilis*), tearthumbs (*Polygonum spp.*), jewelweeds (*Impatiens spp.*), arrowheads (*Saggitaria spp.*), skunk cabbage (*Symplocarpus foetidus*), panic grasses (*Panicum spp.*), other sedges (*Carex spp.*), spike rushes (*Eleocharis spp.*), grass-of-Parnassus (*Parnassia glauca*), shrubby cinquefoil (*Dasiphora fruticosa*), sweet-flag (*Acorus calamus*), and in disturbed sites, reed canary grass (*Phalaris arundinacea*) or purple loosestrife (*Lythrum salicaria*). Common scrub-shrub species include alder (*Alnus spp.*), red maple (*Acer rubrum*), willow (*Salix spp.*), tamarack (*Larix laricina*), and in disturbed sites, multiflora rose (*Rosa multiflora*). Some forested wetland habitats are suitable given hydrology, soils and/or historic land use. These forested wetlands include red maple, tamarack, and cedar swamps.

The wetlands on the site were surveyed and the wetland communities were assessed for the presence of habitat characteristics consistent with the bog turtle federal recovery plan (U.S. Fish and Wildlife Service, 2001): 1) soft, saturated organic and/or mineral soil; 2) hydrologic regime derived from perennial groundwater discharge; 3) plant community represented by a predominance of low-growing, native flora including sedges, rushes, grasses, forbs, mosses, and sometimes low shrubs; 4) tree canopy cover less than 50% allowing adequate sunlight to reach the ground, and 5)Fen indicator plants (calcicoles) including, shrubby cinquefoil (*Pentaphylloides floribunda*), grass-of-parnassus (*Parnassia glauca*), and tamarack (*Larix larcina*).

Conclusion - The wetland is a large single complex that is associated with small tributaries draining through the site. This surface flow ranges from high to low water and has inconsistent hydrology with the area previously identified as bog turtle habitat flooded. There are no groundwater seeps or upwellings that would indicate potential bog turtle habitat and soils are hard mineral soils although there are patches with mucky soil a few inches thick. No fen indicator species were observed in the wetlands. With the lack of suitable hydrology, continuously saturated soils, and only small patches of ideal vegetative structure it is concluded that no bog turtle habitat exists the site or immediately adjacent in the observable areas off the site.

In addition there is no impact proposed to this wetland segment or within 300 feet of this area. There will be no impact to this species so no mitigation is required.

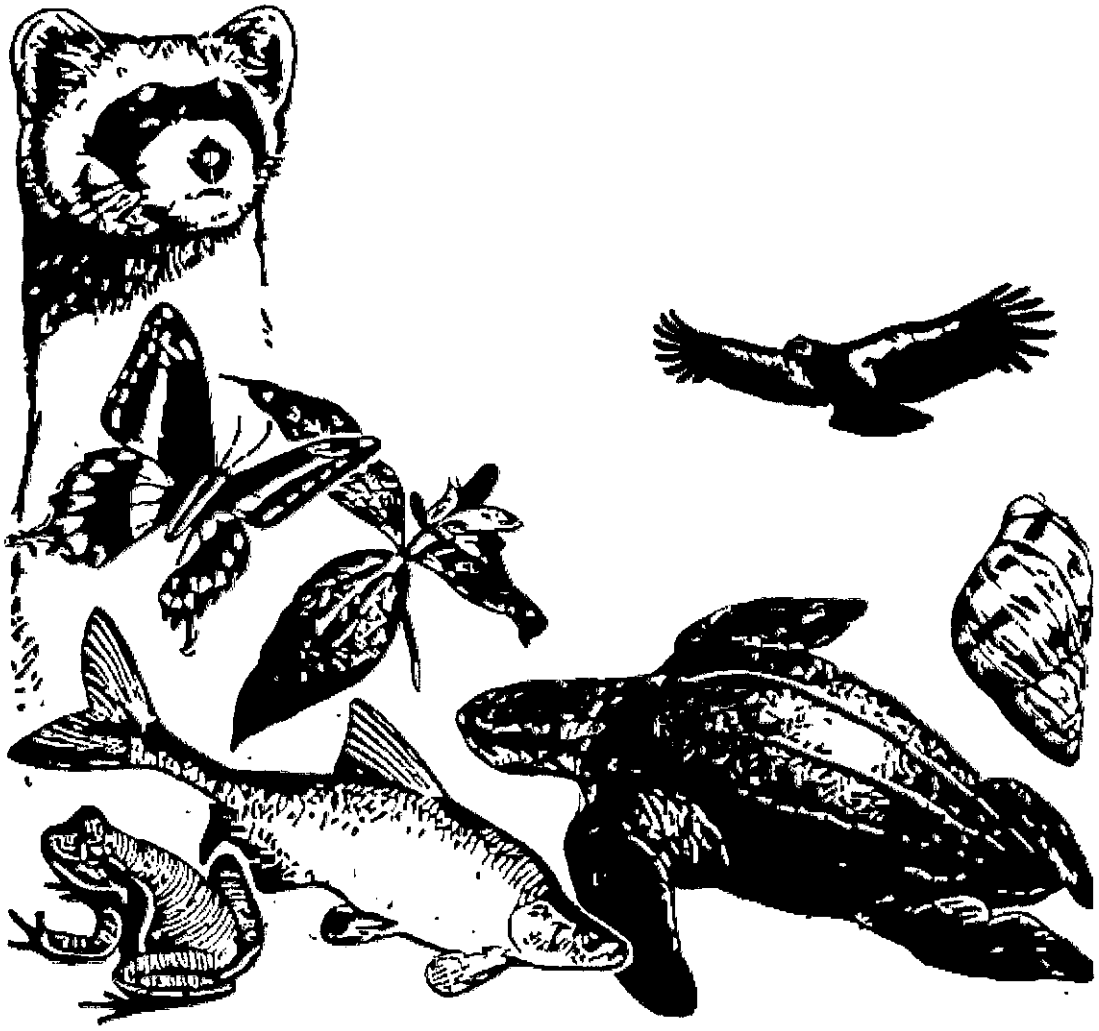
U.S. Fish & Wildlife Service

21 Lakeside Properties, Inc.

IPaC Trust Resources Report

Generated June 15, 2016 07:02 PM MDT, IPaC v3.0.7

This report is for informational purposes only and should not be used for planning or analyzing project level impacts. For project reviews that require U.S. Fish & Wildlife Service review or concurrence, please return to the IPaC website and request an official species list from the Regulatory Documents page.



IPaC - Information for Planning and Conservation (https://ecos.fws.gov/ipac/): A project planning tool to help streamline the U.S. Fish & Wildlife Service environmental review process.

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U.S. Fish & Wildlife Service

IPaC Trust Resources Report

NAME

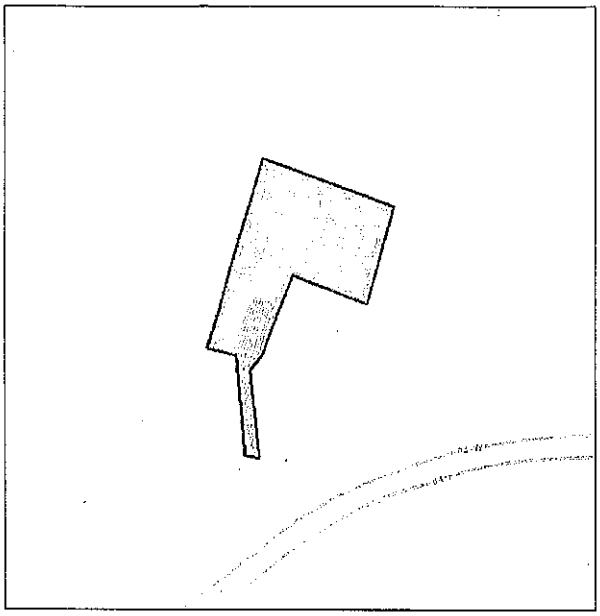
21 Lakeside Properties, Inc.

LOCATION

Orange County, New York

IPAC LINK

https://ecos.fws.gov/ipac/project/GXD66-QYNBJ-AIPOA-EHTQP-IMVYLE



U.S. Fish & Wildlife Service Contact Information

Trust resources in this location are managed by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9349
(607) 753-9334

Endangered Species

Proposed, candidate, threatened, and endangered species are managed by the Endangered Species Program of the U.S. Fish & Wildlife Service.

This USFWS trust resource report is for informational purposes only and should not be used for planning or analyzing project level impacts.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list from the Regulatory Documents section.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency.

A letter from the local office and a species list which fulfills this requirement can only be obtained by requesting an official species list either from the Regulatory Documents section in IPaC or from the local field office directly.

The list of species below are those that may occur or could potentially be affected by activities in this location:

Clams

Dwarf Wedgemussel Alasmidonta heterodon — Endangered

CRITICAL HABITAT
No critical habitat has been designated for this species.
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=F029

Flowering Plants

Small Whorled Pogonia Isotria medeoloides — Threatened

CRITICAL HABITAT
No critical habitat has been designated for this species.
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=Q1XL

Mammals

Indiana Bat Myotis sodalis — Endangered

CRITICAL HABITAT

No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A000

Northern Long-eared Bat Myotis septentrionalis — Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=A0JE

Reptiles

Bog (=muhlenberg) Turtle Clemmys muhlenbergii — Threatened

CRITICAL HABITAT

No critical habitat has been designated for this species.

http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=C048

Critical Habitats

There are no critical habitats in this location

Migratory Birds

Birds are protected by the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

Any activity that results in the take of migratory birds or eagles is prohibited unless authorized by the U.S. Fish & Wildlife Service.[1] There are no provisions for allowing the take of migratory birds that are unintentionally killed or injured.

Any person or organization who plans or conducts activities that may result in the take of migratory birds is responsible for complying with the appropriate regulations and implementing appropriate conservation measures.

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1. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

Additional information can be found using the following links:

- Birds of Conservation Concern
  http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php
- Conservation measures for birds
  http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php
- Year-round bird occurrence data
  http://www.birdscanada.org/birdmon/default/datasummaries.jsp

The following species of migratory birds could potentially be affected by activities in this location:

American Bittern Botaurus lentiginosus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F3

Bald Eagle Haliaeetus leucocephalus — Bird of conservation concern
Year-round
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B008

Black-billed Cuckoo Coccyzus erythropthalmus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HI

Blue-winged Warbler Vermivora pinus — Bird of conservation concern
Season: Breeding

Canada Warbler Wilsonia canadensis — Bird of conservation concern
Season: Breeding

Cerulean Warbler Dendroica cerulea — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B09I

Fox Sparrow Passerella iliaca — Bird of conservation concern
Season: Wintering

Golden-winged Warbler Vermivora chrysoptera — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0G4

Least Bittern Ixobrychus exilis
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B092

Louisiana Waterthrush Parkesia motacilla — Bird of conservation concern
Season: Breeding

Olive-sided Flycatcher Contopus cooperi — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0AN

Peregrine Falcon Falco peregrinus — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0FU

Pied-billed Grebe Podilymbus podiceps — Bird of conservation concern
Year-round

Prairie Warbler Dendroica discolor — Bird of conservation concern
Season: Breeding

Purple Sandpiper Calidris maritima — Bird of conservation concern
Season: Wintering

Red-headed Woodpecker Melanerpes erythrocephalus — Bird of conservation concern
Season: Breeding

Rusty Blackbird Euphagus carolinus — Bird of conservation concern
Season: Wintering

Short-eared Owl Asio flammeus — Bird of conservation concern
Season: Wintering
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HD

Upland Sandpiper Bartramia longicauda — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0HC

Willow Flycatcher Empidonax traillii — Bird of conservation concern
Season: Breeding
http://ecos.fws.gov/tess_public/profile/speciesProfile.action?spcode=B0F6

Wood Thrush Hylocichla mustelina — Bird of conservation concern
Season: Breeding

Worm Eating Warbler Helmitheros vermivorum — Bird of conservation concern

Season: Breeding

Wildlife refuges and fish hatcheries

There are no refuges or fish hatcheries in this location

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

DATA LIMITATIONS

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

DATA EXCLUSIONS

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

DATA PRECAUTIONS

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

This location overlaps all or part of the following wetlands:

Freshwater Forested/shrub Wetland

PFO1E

PSS1/EM1Fh

Freshwater Pond

PUBHh

A full description for each wetland code can be found at the National Wetlands Inventory website: http://107.20.228.18/decoders/wetlands.aspx

ROAD MAINTENANCE AGREEMENT AND CROSS EASEMENT AGREEMENT

AGREEMENT made this 7th day of May, 1990, among HERBERT MEADOW and PHILIP MEADOW, with offices located c/o Gate Enterprises, 580 Washington Street, Newtonville, Massachusetts (hereinafter "Meadow") and GREAT PALACE LIMITED PARTNERSHIP, with offices located at 7 Casperkill Drive, Poughkeepsie, New York.

WHEREAS, MEADOW is the owner of Lots 2 and 3 on a map entitled "Goldsmith Avenue Associates Minor Subdivision" filed in the Orange County Clerk's Office on May 8, 1989 as Map No. 9480 (hereinafter "the Map"), and

WHEREAS, GREAT PALACE LIMITED PARTNERSHIP is the owner of Lot No. 1 on the map, and

WHEREAS, parties are desirous of entering into an Agreement concerning maintenance and snow removal of the private road known as Pondview Drive as shown on the map.

NOW, THEREFORE, in consideration of the mutual promises hereinafter set forth, the parties to this Agreement covenant and agree as follows:

1. The cost of maintenance and snow removal relating to Pondview Drive will be born by the owners of Lots 2 and 3 as follows:

Lot 2	33 1/3%
Lot 3	66 2/3%

2. On the Tuesday following Labor Day Monday and every

year, as long as Pondview Drive shall remain a private road, the owners of Lot 2 and Lot 3 shown on the map shall meet and elect a private road manager who will be one of the lot owners. The private road manager will establish a budget for the coming year and will send out bills to the owners of Lots 2 and 3 for maintenance and snow removal for Pondview Drive based upon the above percentages. The owners of lots 2 and 3 agree to pay their appropriate share to the private road manager within ten (10) days of receipt of the bill. The private road manager shall be empowered to hire such persons as may be necessary to perform maintenance and snow plowing of Pondview Drive.

3. The parties agree that Philip Meadow shall be the road manager until his successor is agreed upon in accordance with the preceding paragraph.

4. The parties agree that the road manager shall not be liable for any acts or failure to act as road manager. Should any claim be made against the road manager arising out of his duties as road manager, the other lot owners will hold harmless and indemnify the road manager against any such claims.

5. In addition to the foregoing paragraph, each lot owner agrees to indemnify and hold the other lot owners harmless from any and all liability for injury and damage when such injury or damage shall result from, arise out of or be attributable to any maintenance or snow plowing conducted pursuant to this Agreement.

6. The owners of Lot 1 grant an easement to the owners of

Lots 2 and 3 for ingress and egress over Pondview Drive on Lot 1 to Lakeside Road. The owners of Lot 2 grant an easement to the owners of Lot 3 for ingress and egress over Pondview Drive on Lot 2 to Lot 1.

7. The provisions of paragraphs numbered 1 through 4 herein shall be suspended and not of any force or effect until such time as construction is commenced on either lot #2 or lot # 3. Prior to such time, the owners of Lot # 1 shall be solely responsible for snow removal and maintenance of that portion of Pondview Drive which is within the confines of Lot # 1 and the owners of Lots # 2 and # 3 shall be responsible for snow removal and maintenance of such portion of Pondview Drive which is within the confines of each such lot # 2 and # 3. At such time as construction of commenced on either Lot # 2 of Lot # 3, the owner of Lot # 1 shall have no further responsibility for snow removal and maintenance of Pondview Drive and the provisions of paragraphs 1-4 of this agreement shall be of full force and effect.

8. This agreement shall bind the signatories, their heirs, successors and assigns and until this agreement shall be amended or terminated by all of the lot owners on the map, or until Pondview Drive shall become a Town Road, whichever event shall first occur, this Agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals the day and year first above written.

PHILIP WEADOW

185-48 Senior Citizen Housing

Purpose. In order to provide a larger number of affordable housing opportunities for senior citizens in the Town and to provide adequate review and supervision of development by requiring both conceptual and specific plan approval under the rules for site plan review or the subdivision regulations, [1] the Town Board may authorize senior citizen housing projects based upon the standards and procedures spelled out below.

[1] *Editor's Note: See Art. IX, Site Plan Review, of this chapter and Ch. 163, Subdivision of Land, respectively.*

B. Gross density. The Town Board, upon the recommendation of the Planning Board, may authorize the Planning Board to modify those sections of this chapter relative to lot dimensions, building setbacks and density in the further subdivision or site plan of properties when necessary to comply with the provisions in this section.

(1) Senior citizen detached single-family dwelling units in the R-3 District may be allowed at a maximum density level of eight dwelling units per acre.

(2) Senior citizen multiple-dwelling units and senior assisted-care facilities in R-3, B and IB Districts may have the following density levels:
[Amended 9-23-1998 by L.L. No. 10-1998]

(a) For efficiency units and partial, assisted-care units: 14 units per acre.

(b) For one-bedroom units: 12 units per acre.

(c) For two-bedroom units: 10 units per acre.

(d) Units with more than two bedrooms or any combination of more than two rooms which are not a living room, bathroom, dining room or kitchen are not permitted.

(3) Maximum size of senior citizen dwelling units and partial, assisted-care units:
[Amended 9-23-1998 by L.L. No. 10-1998]

(a) Efficiency and partial, assisted-care units: 450 square feet.

(b) One-bedroom: 700 square feet.

(c) Two-bedroom: 900 square feet.

(4) In the R-3 District, if the Town Board allows an increase in density for a senior citizen housing development and the applicant proposes that the project consist of both senior-citizen multiple-dwelling units and non-senior-citizen multiple-dwelling units, then notwithstanding § **185-48B** above, the maximum density level shall be nine units per acre of usable area, and at least one of every three additional units shall be a senior-citizen housing unit as defined herein. Notwithstanding Subsection **B(3)** above, the maximum size of all such additional senior units shall be 1,000 square feet.
[Added 7-25-2011 by L.L. No. 5-2011; amended 12-28-2011 by L.L. No. 13-2011]

C. Housing described in this section shall exist or be designed and constructed for the needs of seniors and is subject to the management or other legal restrictions that require all units designated as senior citizen housing units to be occupied by persons 55 years of age or older. Notwithstanding the foregoing, adults under 55 years of age and children may reside in the units where:
[Amended 2-3-1997 by L.L. No. 2-1997; 7-18-2001 by L.L. No. 5-2001; 7-25-2011 by L.L. No. 5-2011]

(1) The adult is the spouse of a person 55 years of age or older;

(2) The adult's presence is essential for the physical care of a person 55 years of age or older;

(3) The minor children are residing with their parent, parents or legal guardians where their parent, parents or legal guardians are 55 years of age or older, and the minor children residing therein are under a physical or other disability and cannot care for themselves.

D. Assurances for senior citizen and affordable housing projects.

(1)

Legal assurances. Each application for a proposed senior citizen or affordable housing development shall be accompanied by appropriate undertakings, deed restrictions, easements and the like, in form and content satisfactory to the Town Attorney, as may be necessary to provide for and assure continued proper future maintenance and ownership responsibilities for all common areas, facilities and utilities within each stage of development or section thereof.

(2) Other assurances. The Planning Board may condition its recommendation of approval upon the applicant obtaining any other necessary approvals from the appropriate Town, county or state agencies having jurisdiction thereof.

(3) Performance bond. The applicant may be required to post a performance bond in an amount sufficient in the opinion of the Town Board and in favor of the Town in the form of a cash payment, surety bond or letter of credit to assure that all ancillary facilities, utilities and common areas shown on the proposed site plan are provided, together with provision for their future maintenance and care. Said performance bond shall be in form satisfactory to the Town Attorney and shall extend for a term of not less than five years after full completion as determined by the Town Board.

(4) The applicant shall provide assurances to the Planning Board of an adequate availability of public central water and central sewer services.

(5) The applicant proposing an affordable or senior citizen housing development shall assure the Town Board with the necessary market analysis and documentation to the satisfaction of the Town Board that there is an identifiable need for the project proposed.

§ 185-48.1 Travel centers.

[Added 7-15-1996 by L.L. No. 3-1996]

A. The travel center shall derive direct access from either an interstate highway or a commercial driveway entrance on a state highway.

B. In the event that access is derived from a state highway, the center line of the curb cut of the commercial driveway entrance to the travel center shall be separated by not more than 600 feet from the point of intersection of the center line of the state highway from which access is derived and the nearest interstate highway ramp.

C. In the event that access is derived from a state highway, the mainline traffic movements on such state highway between the interstate highway ramps and the travel center driveway entrance shall operate at level of service "D" or higher for the build condition and facility design year during the a.m. and p.m. peak hours.

D. Adequate parking shall be provided for the number and type of vehicles to be served by the travel center. The number of spaces provided and the distribution by type, e.g., automobiles and light trucks, buses and heavy/commercial trucks, including tractor trailers, shall be consistent with data submitted by the applicant both describing the range and extent of services intended and projected related parking demand. In no event, however, shall the number of parking spaces provided be less than the total required for the following components:

(1) One parking space per 100 square feet of business service or convenience sales area within the travel center.

(2) One parking space per two seats related to either a food court or individual food service establishments within the travel center.

(3) One parking space per motel room within the travel center.

(4) One parking space per two employees at peak operation of the travel center.

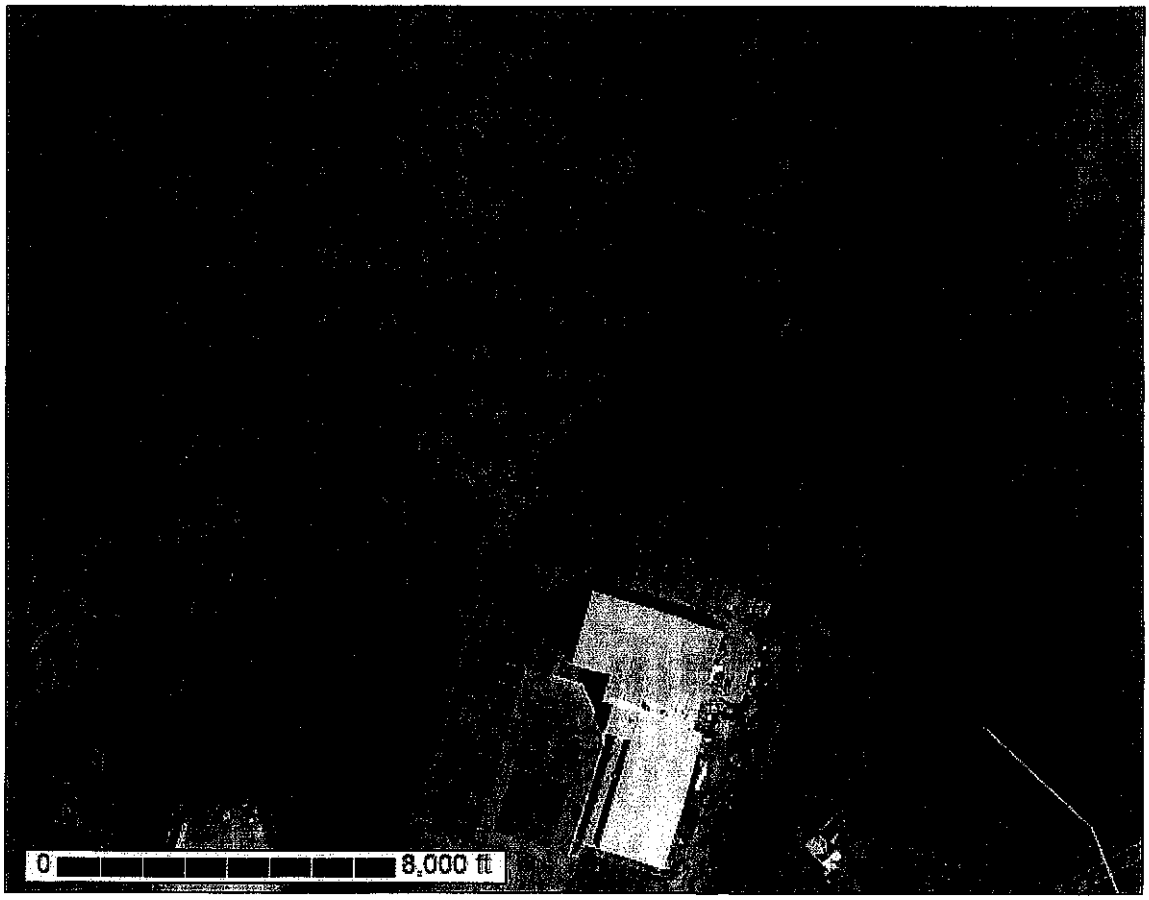
E. Adequate space shall be provided on the site plan for the maneuvering of all vehicles. To the extent practicable, the site plan shall separate on-site movements of vehicles and pedestrians and heavy trucks and passenger vehicles.

F. Consistent with data submitted by the applicant regarding anticipated fuel service operations, an adequate number of stacking spaces shall be provided at each gasoline or diesel fuel pump island so as not to interfere with other vehicular movements involving on-site circulation, parking or entry to or exit from the travel center.

United States Department of Agriculture
NRCS
Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Orange County, New York



January 28, 2016

Custom Soil Resource Report
Soil Map

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:15,800.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: http://websoilsurvey.nrcs.usda.gov
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Orange County, New York
Survey Area Data: Version 16, Sep 24, 2015

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Mar 26, 2011—Apr 16, 2012

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Orange County, New York (NY071)			
Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
AC	Alden extremely stony soils	2.7	14.0%
BnC	Bath-Nassau channery silt loams, 8 to 15 percent slopes	5.5	28.8%
Cd	Catden muck, drained, 0 to 2 percent slopes	3.4	17.7%
ESB	Erie extremely stony soils, gently sloping	3.0	15.4%
RSB	Rock outcrop-Nassau complex, undulating	3.4	17.7%
W	Water	1.2	6.4%
Totals for Area of Interest		**19.2**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

is on hillsides and valley sides of the mountainous uplands. The Hollis soil formed in a thin mantle of glacial till deposits overlying schist, gneiss, or granite. This very steep complex generally has an irregular surface because of the protruding blocks and ledges of exposed bedrock. The areas of Hollis soil are intermingled with Rock outcrop but are mainly on the lower slopes and on benches. The slope ranges from 35 to 60 percent. Areas are mostly long and narrow and 15 to 50 acres.

The complex is about 50 percent Rock outcrop, 40 percent Hollis loam, sandy loam, gravelly loam, or gravelly sandy loam, and 10 percent other soils. Areas of Rock outcrop and the Hollis soil occur in such an intricate pattern that they were not mapped separately. The Rock outcrop protrudes as exposed ledges and angular blocks of gneiss, schist, and granite rock.

Typically the Hollis soil has a thin organic leafmat over a dark brown gravelly loam surface layer 3 inches thick. The subsoil is strong brown gravelly loam 8 inches thick. Hard, gray granite is at a depth of 11 inches.

Included with this complex in mapping are areas of a very shallow soil and a moderately deep soil that are similar to the Hollis soil but have bedrock at depths of 1 to 10 inches and 20 to 40 inches respectively. Also included where depth to bedrock is more than 5 feet are some areas of well drained Charlton soils and well drained Paxton soils, which have a fragipan. In some areas the surface layer of the Hollis soil is severely eroded.

In the Hollis soil no free water is perched above the bedrock except in areas where the rock is poorly jointed. In these areas the perched water table moves laterally across the top of the rock for only a short period early in spring. Permeability is moderate or moderately rapid. Available water capacity is low or very low. Runoff is rapid to very rapid. Bedrock is at a depth of 10 to 20 inches. It restricts roots. A few plants are anchored to the Rock outcrop; the roots penetrate along fractures and crevices in the rock. Natural organic matter content is low. The surface layer and subsoil are 2 to 25 percent gravel fragments. In unlimed areas, the surface layer is very strongly acid to medium acid.

Most areas of this complex are forested. Plant cover is sparse in areas of exposed bedrock.

This complex of rock and soil is not suitable for crops. Rock outcrop, very steep slopes, and shallowness over bedrock prevent the use of equipment. Excessive droughtiness severely retards plant growth. Removing vegetation creates a very serious erosion hazard.

This map unit is generally not suited to pasture. Very steep slopes and the Rock outcrop prevent reseeding, fertilizing, and other use of equipment. Constructing fences is very difficult because of slope and shallowness over rock. Overgrazing creates a serious erosion hazard.

This complex is poorly suited to timber production. The Rock outcrop and the slope prevent equipment use. Droughtiness causes high seedling mortality and slow growth. The shallow root zone results in windthrow. Hand planting of seedlings is very difficult because of the slope. Forested areas commonly are sparsely populated with such species as sugar maple, northern red oak, and white pine.

This complex is not suited to urban uses or most recreation uses because of very steep slope, Rock outcrop, and shallowness over bedrock. Most areas are best left in natural plant cover to provide habitat for wildlife.

The capability subclass is VIIs.

RSB—Rock outcrop-Nassau complex, undulating. This complex consists of exposed bedrock and the shallow, somewhat excessively drained Nassau soil. It is on upland ridges, knolls, and hilltops that have irregular sloping topography. The Nassau soil formed in a thin mantle of glacial till deposits over shale or slate bedrock. This undulating or gently sloping complex has an irregular sloping surface because of the tilted and folded bedrock. The slope ranges from 3 to 8 percent. Areas are mostly oval and 20 to 60 acres. The complex is about 50 percent Rock outcrop, 35 percent Nassau shaly silt loam, shaly loam, and very shaly silt loam, and 15 percent other soils. Areas of Rock outcrop and the Nassau soil occur in such an intricate pattern that they were not mapped separately. The Rock outcrop protrudes as exposed ledges and angular beds of tilted and folded shale and slate bedrock.

Typically the Nassau soil has a dark grayish brown shaly silt loam surface layer 10 inches thick. The subsoil is yellowish brown very shaly silt loam 8 inches thick. Hard, black tilted shale is at a depth of 18 inches.

Included with this complex in mapping are small areas of a very shallow soil and a moderately deep soil that are similar to the Nassau soil but have bedrock at depths of 1 to 10 inches and 20 to 40 inches respectively. Also included are some interridge areas of well drained Bath soils where the depth to bedrock is more than 40 inches. A few spots of very poorly drained Alden soils in depressions and Palms muck in small deep depressions are identified by spot symbols on the soil map. In some areas the slope is 8 to 15 percent.

In the Nassau soil a seasonal high water table is seldom perched above the bedrock. Permeability is moderate. Available water capacity is low or very low. Runoff is medium on the Nassau soil and is rapid on the exposed shale bedrock. Bedrock underlies the Nassau soil at a depth of 10 to 20 inches. It restricts roots. A few plants are anchored to the Rock outcrop; the roots penetrate along fractures and crevices in the rock. Natural organic matter content is low. Shale fragments make up 15 to 40 percent of the surface layer, and the content increases in the subsoil. In unlimed areas, the surface layer is very strongly acid to strongly acid.

Most areas of this complex are either forested or idle. Some are pastured.

This complex of rock and soil is poorly suited to cultivated crops. Rock outcrop and shallowness over bed-

rock severely limit the use of modern equipment. Excessive droughtiness restricts plant growth.

In some areas this complex is suitable for pasture and limited hay production. Harvesting and reseeding hay with modern equipment are difficult because of Rock outcrop. Pastures are poor in quality because of droughtiness. Reseeding and applying lime and fertilizer are somewhat difficult because of the Rock outcrop. Proper stocking and rotation grazing help to prolong pasture seedings.

This complex is poorly suited to timber production. The Rock outcrop seriously limits equipment use. Droughtiness causes high seedling mortality and slow growth. The shallow root zone results in windthrow. Hand planting of seedlings is usually required. Forested areas commonly are sparsely populated with such species as sugar maple, northern red oak, and white pine.

This complex is poorly suited to most urban uses because of Rock outcrop, shallowness over bedrock, and droughtiness. Careful site selection is required for dwellings. Some areas can be used for campsites, picnic areas, and hiking trails. Small stones are bothersome for some uses. Many areas provide wooded habitat for wildlife.

The capability subclass is VIIs.

RSD—Rock outcrop-Nassau complex, hilly. This complex consists of exposed bedrock and the shallow, somewhat excessively drained Nassau soil. It is on upland hills, ridge sides, and valley sides that have irregular sloping topography. The Nassau soil formed in a thin mantle of glacial till deposits over shale or slate bedrock. This hilly to steep complex usually has an irregular sloping surface because of the tilted and folded bedrock. The slope ranges from 15 to 35 percent but is dominantly 15 to 25 percent. Areas are mostly long and narrow and 20 to 50 acres.

The complex is about 55 percent Rock outcrop, 35 percent Nassau shaly silt loam, shaly loam, or very shaly silt loam, and 10 percent other soils. Areas of Rock outcrop and the Nassau soil occur in such an intricate pattern that they were not mapped separately. The Rock outcrop protrudes as exposed ledges and angular beds of tilted and folded shale or slate bedrock.

Typically the Nassau soil has a surface layer of dark grayish brown shaly silt loam 10 inches thick. The subsoil is yellowish brown very shaly silt loam 8 inches thick. Hard, black tilted shale is at a depth of 18 inches.

Included with this complex in mapping are small areas of a very shallow soil and a moderately deep soil that are similar to the Nassau soil but have bedrock at depths of 1 to 10 inches and 20 to 40 inches respectively. Also included are spots of the well drained Bath soils where the depth to bedrock is more than 40 inches, a few areas that are severely eroded, and some areas where the slope is 8 to 15 percent.

In the Nassau soils a seasonal high water table is seldom perched above the bedrock. Permeability is moderate. Available water capacity is low or very low. Runoff is rapid on the Nassau soil and is very rapid on the Rock outcrop. Bedrock underlies the Nassau soil at a depth of 10 to 20 inches. It restricts roots. A few plants are anchored to outcrops of rock; the roots penetrate along fractures and crevices in the rock. Natural organic matter content is low. Shale fragments make up 15 to 40 percent of the surface layer, and the content increases in the subsoil. In unlimed areas, the surface layer is very strongly acid to strongly acid.

Most areas are either forested or idle. A very few areas are pastured.

This complex of rock and soil is not suitable for cultivated crops or for hay. Rock outcrop, shallowness over bedrock, and slope severely limit the use of modern equipment. Excessive droughtiness restricts plant growth. Erosion is a very serious hazard if the plant cover is removed.

In some areas this complex can be used for pasture. Pastures are poor in quality, however, because of droughtiness and the extreme difficulty in reseeding and applying lime and fertilizer. Proper stocking and rotation grazing help to prolong the growth of pasture grasses in dry summer months. Overgrazing results in serious erosion.

This complex is poorly suited to timber production. The Rock outcrop and the slope seriously limit equipment use. Droughtiness causes high seedling mortality and slow growth. The shallow root zone results in windthrow. Hand planting of seedlings is required. Forested areas commonly are sparsely populated with such species as sugar maple, northern red oak, and white pine.

This complex is not suited to most urban uses because of Rock outcrop, shallowness over bedrock, slope, and droughtiness. Some areas are suitable for recreation such as skiing and hiking. Naturally vegetated areas provide habitat for wildlife.

The capability subclass is VIIIs.

RSF—Rock outcrop-Nassau complex, very steep. This complex of exposed bedrock and the shallow, somewhat excessively drained Nassau soil is on hillsides, sides of ravines, and valley sides of the mountainous uplands. The Nassau soil formed in a thin mantle of glacial till deposits over shale or slate bedrock. This very steep complex has an irregular sloping surface because of the tilted and folded bedrock. The slope ranges from 35 to 45 percent. Areas are commonly long and narrow and 20 to 50 acres.

The complex is about 60 percent Rock outcrop, 30 percent Nassau shaly silt loam, shaly loam, or very shaly silt loam, and 10 percent other soils. Areas of Rock outcrop and the Nassau soil occur in such an intricate pattern that they were not mapped separately. The Rock outcrop protrudes as exposed ledges and angular beds of tilted and folded shale or slate bedrock.

Typically the Nassau soil has an 8 inch thick surface layer of dark grayish brown shaly silt loam. The subsoil is

generally not problems. Machine planting of seedlings early in spring can be somewhat difficult because of wetness and flooding.

This soil is poorly suited to most urban uses because of occasional flooding and seasonal wetness. Areas near urban centers often serve as natural open-space borders. Some areas are suitable for recreation uses such as picnic areas and paths and trails.

The capability subclass is IIw.

BnB—Bath-Nassau shaly silt loams, 3 to 8 percent slopes. This soil complex consists of deep, well drained soils and shallow, somewhat excessively drained soils that formed in glacial till deposits derived from shale and slate. These gently sloping soils are on hilltops and ridges in uplands. Because of the underlying folded and tilted bedrock the topography is often irregular and sloping in many directions. Areas are mostly long and oval and 5 to 30 acres.

This complex is about 50 percent Bath soil, 30 percent Nassau soil, and 20 percent other soils. Areas of Bath and Nassau soils occur in such an intricate pattern that they were not mapped separately.

Typically the Bath soil has a dark brown shaly silt loam surface layer 9 inches thick. The subsoil is 44 inches thick. The upper 17 inches is yellowish brown shaly silt loam; the middle 3 inches is mottled olive brown shaly silt loam; and the lower part is an olive brown very shaly silt loam fragipan. Dark gray shale bedrock is at a depth of 53 inches.

Typically the Nassau soil has a dark grayish brown shaly silt loam surface layer 10 inches thick. The subsoil is yellowish brown very shaly silt loam 9 inches thick. Hard dark gray shale bedrock is at a depth of 19 inches.

Included with this soil complex in mapping are small concave inter-ridge areas of somewhat poorly drained Erie soils. Moderately well drained Mardin soils are included in a few areas where depth to the fragipan is less than 26 inches. Also included are some large areas of a moderately deep soil similar to Nassau and a few severely eroded areas where bedrock is at or near the surface.

In the Bath soil a perched water table is above the fragipan for very brief periods early in spring. In the Nassau soil there is no seasonal high water table above the bedrock. Permeability in the Bath soil is moderate in the subsoil above the fragipan and is slow or very slow in the fragipan. In the Nassau soil permeability is moderate throughout. Runoff is slow to medium in both soils. Available water capacity is moderate in the Bath soil and low to very low in the Nassau soil. Depth to bedrock is 40 to 60 inches in the Bath soil, and 10 to 20 inches in the Nassau soil. Roots are restricted by the fragipan in the Bath soil and by bedrock in the Nassau soil. Natural organic matter content is low in both soils. The surface layer of both soils is 15 to 35 percent gravel fragments, dominantly shale. In unlimed areas, the surface layer is very strongly acid to medium acid in the Bath soil and very strongly acid or strongly acid in the Nassau soil.

Most areas are either farmed or idle. Some are forested.

The soils are suited to selected row crops, small grain, and hay. The droughtiness of the shallow Nassau soil, the high content of shale fragments, and the irregular topography are limitations for some cultivated crops. Erosion is a moderate hazard, particularly on long slopes. Minimum tillage, return of crop residue, cover crops, and cross-slope tillage where practical reduce the erosion hazard, maintain tilth, and improve the organic matter content. Increased organic matter content improves the available water capacity, thus reducing the hazard of midsummer droughtiness.

This soil complex is suited to pasture, but growth is often slow in midsummer in the Nassau soil because of droughtiness. Rotation grazing and lime and fertilizer are needed to maintain pasture seedings.

Suitability for timber production is good to fair in the Bath soil and poor in the Nassau soil. Woodlots commonly support such species as sugar maple and northern red oak. Equipment limitation and erosion hazard are generally not problems. Seedling mortality and windthrow are serious hazards on the Nassau soil because of droughtiness and the shallow root zone.

This soil complex varies in suitability for urban development. The Bath soil has a slowly or very slowly permeable fragipan at a depth of 26 to 40 inches and has bedrock at 40 to 60 inches. Bedrock at this depth is a limitation for deep excavations such as pipelines and basements for dwellings. Shallowness over bedrock in the Nassau soil is a severe limitation for most urban uses. Some areas provide suitable sites for dwellings without basements, but excessive grading should be avoided. Many areas are suitable for recreation uses such as campsites and picnic areas. Small stones on the surface are bothersome for some recreation uses.

The capability subclass is IIIe.

BnC—Bath-Nassau shaly silt loams, 8 to 15 percent slopes. This soil complex consists of deep, well drained soils and shallow, somewhat excessively drained soils that formed in glacial till deposits derived from shale and slate. These sloping soils are on hillsides and ridges in uplands. Because of the underlying folded and tilted bedrock the topography is often irregular and sloping in many directions. Areas are mostly oblong and 10 to 20 acres.

This complex is about 50 percent Bath soil, 30 percent Nassau soil, and 20 percent other soils. Areas of Bath and Nassau soils occur in such an intricate pattern that they were not mapped separately.

Typically the Bath soil has a dark brown shaly silt loam surface layer 9 inches thick. The subsoil is 42 inches thick. The upper 17 inches is yellowish brown shaly silt loam; the middle 3 inches is mottled, olive brown shaly silt loam; and the lower part is an olive brown very shaly silt loam fragipan. Dark gray shale bedrock is at a depth of 51 inches.

Typically the Nassau soil has a dark grayish brown shaly silt loam surface layer 9 inches thick. The subsoil is yellowish brown very shaly silt loam 8 inches thick. Hard, dark gray shale bedrock is at a depth of 17 inches.

Included with this soil complex in mapping are somewhat poorly drained Erie soils in small concave interridge areas and along drainageways. Moderately well drained Mardin soils are included in a few places where the depth to the fragipan is less than 26 inches. Also included are some areas of a moderately deep soil similar to the Nassau soil and some severely eroded areas where rock is exposed.

In the Bath soil a perched seasonal high water table moves laterally across the top of the fragipan for very brief periods early in spring. In the Nassau soil there is no seasonal high water table above the bedrock. Permeability in the Bath soil is moderate in the subsoil above the fragipan and slow or very slow in the pan. Permeability in the Nassau soil is moderate. Runoff is medium in both soils. Available water capacity is moderate in the Bath soil and low to very low in the Nassau soil. Depth to bedrock is 40 to 60 inches in the Bath soil and 10 to 20 inches in the Nassau soil. Roots are restricted by the fragipan in the Bath soil and by bedrock in the Nassau soil. Natural organic matter content is low in both soils. The surface layer of both soils is 15 to 35 percent gravel fragments, commonly shale. In unlimed areas, the surface layer is very strongly acid to medium acid in the Bath soil and very strongly acid or strongly acid in the Nassau soil.

Most areas of this complex are farmed, idle, or forested.

The soils in this complex can be used for some cultivated crops but are better suited to hay crops. Erosion is a serious hazard, particularly where slopes are long or are left bare of plant cover. Gravel fragments, mainly shale, limit tillage, and droughtiness is a problem in areas of shallow Nassau soil. Included areas of Rock outcrop limit the use of equipment. Minimum tillage, return of crop residue, cover crops, sod crops in the cropping system, and cross-slope tillage reduce the erosion hazard, conserve moisture, improve organic matter content, and promote tilth.

Early pasture produces fair yields in most years if it is reseeded regularly and adequately fertilized and limed. Droughtiness in midsummer reduces yields, particularly on the Nassau soil. Rotation grazing and proper stocking are needed to maintain desirable pasture plants.

Suitability for timber production is good to fair on the Bath soil and poor on the Nassau soil. Woodlots commonly are such species as sugar maple and northern red oak. Erosion hazard and equipment limitations are generally not problems. Seedling mortality and windthrow are serious hazards on the Nassau soil because of droughtiness and the shallow root zone. Logging trails across the slope prevent gullying or erosion along trails.

This soil complex is poorly suited to most urban uses because of slope, the shallowness over bedrock in the Nassau soil, and the slow or very slow permeability in the fragipan of the Bath soil. Depth to bedrock is a limitation for deep excavations, such as pipelines and basements, in the Bath soil. Some areas provide homesites, but careful selection is important. Excessive grading is to be avoided. Many areas are suitable for recreation uses such as paths and trails and picnic areas.

The capability subclass is IVe.

Ca—Canandaigua silt loam. This deep, nearly level, poorly drained and very poorly drained soil formed in glacial lake deposits dominated by clay, silt, and very fine sand. It occupies small depressions in uplands and broad flat lowland plains. The slope is mostly less than 2 percent, but in spots it is 3 percent. Areas are mainly oval and 5 to 50 acres.

Typically the surface layer is very dark gray silt loam 8 inches thick. The subsoil is 27 inches thick. The upper part is mottled very dark gray silt loam 12 inches thick. The lower part is mottled grayish brown silty clay loam 15 inches thick. The substratum from 35 to 60 inches is dark brown fine sand that is mottled in the upper part.

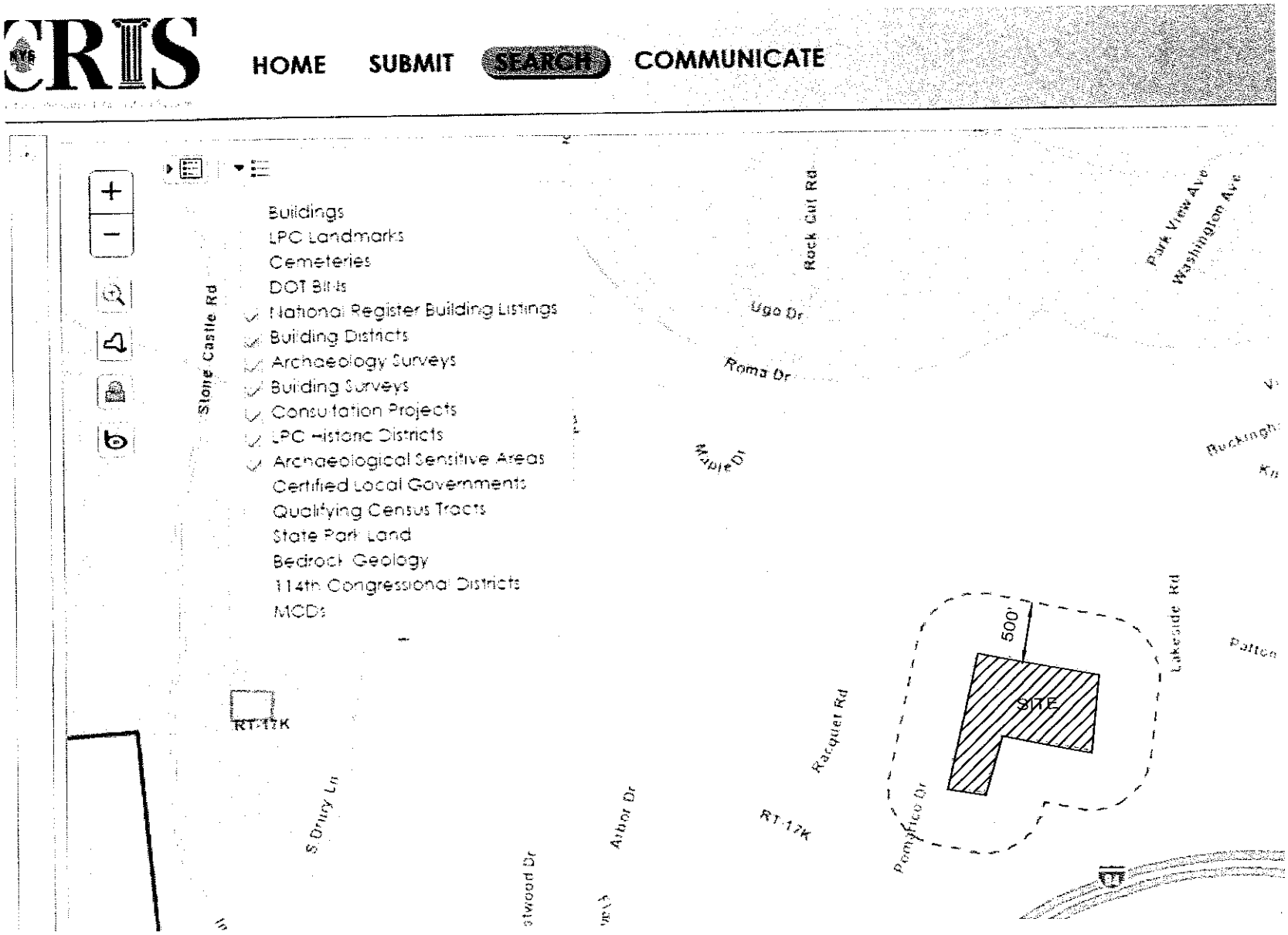
Included with this soil in mapping are spots of the somewhat poorly drained to poorly drained Raynham soils on slightly higher benches and small areas of very poorly drained gravelly Halsey soils near outwash terraces. Also included are small areas where the surface layer is mucky and a few spots of poorly drained and very poorly drained Madalin soils, which have a high clay content in the subsoil.

The water table in this Canandaigua soil is at or near the surface for prolonged periods. Some areas are ponded for brief periods in spring. Permeability is moderate or moderately slow in the surface layer and subsoil and moderately rapid in the substratum. Runoff is very slow, and available water capacity is high. Unless the soil is drained, roots are mostly confined to the upper 8 to 16 inches. Natural organic matter content is high. The upper part of the soil is generally gravel free but is as much as 3 percent rock fragments in some areas. The surface layer in unlimed areas is strongly acid to neutral.

Most areas are idle and support only the trees and shrubs that tolerate wetness. A few drained areas are farmed intensively, and some areas are pastured.

Unless drained, this soil is too wet for cultivated crops. If adequately drained, it can be farmed intensively to many crops, including vegetables. Drainage outlets are often difficult to establish because of the low position on the landscape. If outlets are available, a combination of open ditch and subsurface drains is generally effective. Minimum tillage, return of crop residue to the soil, cover crops, and tillage at the proper moisture content help to maintain a high organic matter content and promote good tilth. Some undrained areas provide sites for ponds, which can be used for irrigating adjacent better drained soils.

Partly drained areas can be productive pastureland. Grazing in wet periods compacts the soil and destroys desirable grasses.

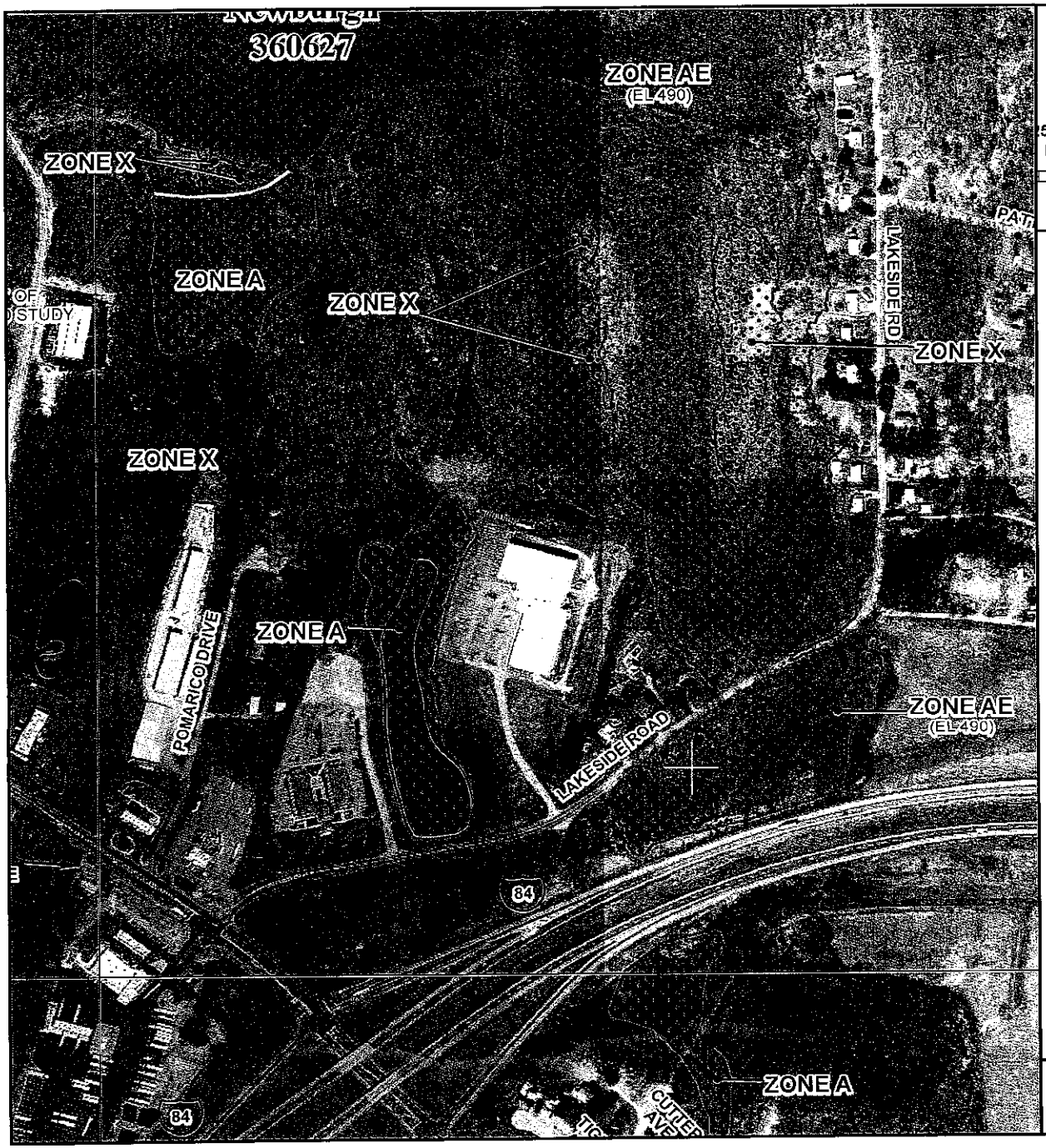


NOT TO SCALE

SOURCE: New York State Office of Parks, Recreation and Historic Preservation Cultural Resource Information System

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
STONE RIDGE, NEW YORK (845) 687-0047
www.mecels.com

Archaeological & Cultural Resource Search
Lakeside Senior Housing
June 23, 2016



MAP SCALE 1" = 500'

250 0 500 1000

FEET

METER

NFIP

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0138E

FIRM

FLOOD INSURANCE RATE MAP

for ORANGE COUNTY, NEW YORK
(ALL JURISDICTIONS)

CONTAINS:

COMMUNITY	NUMBER
NEW WINDSOR, TOWN OF	360628
NEWBURGH, TOWN OF	360627

PANEL 138 OF 630
MAP SUFFIX: E
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

Notice to User: The Map Number shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

MAP NUMBER
36071C0138E

EFFECTIVE DATE
AUGUST 3, 2009

Federal Emergency Management Agency

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:
LAKESIDE SENIOR HOUSING

Project Location (describe, and attach a location map):
LAKESIDE DR, NEWBURGH, NY

Brief Description of Proposed Action:
PROPOSED SITE PLAN AND SPECIAL USE PERMIT TO CONSTRUCT 3 STRUCTURES CONTAINING 102 TOTAL UNITS OF SENIOR HOUSING ON A VACANT 19.23 AC SITE IN ACCORDANCE WITH TOWN ZONING SECTION 185-48 "SENIOR CITIZEN HOUSING"

Name of Applicant or Sponsor:	Telephone: (845) 687-0047
LAKESIDE RESIDENTIAL NEWBURGH LLC	E-Mail: BARRY@MECELS.COM (AGENT)

Address:
4305 US RT. 209

City/PO:	State:	Zip Code:
STONE RIDGE	NY	12484

	NO	YES
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.	☑	☐
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: T/O NEWBURGH PLANNING BOARD SITE PLAN AND SPECIAL USE PERMIT APPROVAL T/O NEWBURGH BUILDING PERMIT / TOWN BOARD AUTHORIZATION FOR SENIOR HOUSING	☐	☑

3.a. Total acreage of the site of the proposed action? 19.23 acres
b. Total acreage to be physically disturbed? 6 acres
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 19.23 acres

4. Check all land uses that occur on, adjoining and near the proposed action.
☑ Urban ☑ Rural (non-agriculture) ☑ Industrial ☑ Commercial ☑ Residential (suburban)
☑ Forest ☐ Agriculture ☑ Aquatic ☐ Other (specify): _____
☐ Parkland

	NO	YES	N/A
5. Is the proposed action,			
a. A permitted use under the zoning regulations?	☐	☑	☐
b. Consistent with the adopted comprehensive plan?	☐	☑	☐

	NO	YES
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	☐	☑

	NO	YES
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		
If Yes, identify: _____	☑	☐

	NO	YES
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	☑	☐
b. Are public transportation service(s) available at or near the site of the proposed action?	☑	☐
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	☑	☐

	NO	YES
9. Does the proposed action meet or exceed the state energy code requirements?		
If the proposed action will exceed requirements, describe design features and technologies: _____	☐	☑

	NO	YES
10. Will the proposed action connect to an existing public/private water supply?		
If No, describe method for providing potable water: _____	☐	☑

	NO	YES
11. Will the proposed action connect to existing wastewater utilities?		
If No, describe method for providing wastewater treatment: _____	☐	☑

	NO	YES
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	☑	☐
b. Is the proposed action located in an archeological sensitive area?	☑	☐

	NO	YES
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	☐	☑
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?	☑	☐
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____		

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:

☑ Shoreline ☑ Forest ☐ Agricultural/grasslands ☐ Early mid-successional

☑ Wetland ☐ Urban ☐ Suburban

	NO	YES
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	☐	☑

	NO	YES
16. Is the project site located in the 100 year flood plain?	☐	☑

	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?		
If Yes,		
a. Will storm water discharges flow to adjacent properties? ☑ NO ☐ YES	☐	☑
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)?		
If Yes, briefly describe: ☐ NO ☑ YES		
CULVERTS WILL DIRECT STORMWATER DISCHARGES INTO PROPOSED WATER QUALITY BASINS		

	NO	YES
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: PROPOSED WATER QUALITY BASIN FOR STORM WATER TREATMENT	☐	☑
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:	☑	☐
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: 84 LAKESIDE DR: F&T DARRIGO, DEC SITE CODE 336002 LAKESIDE RD: SCOTT FARM, DEC SITE CODE 336057	☐	☑

I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE

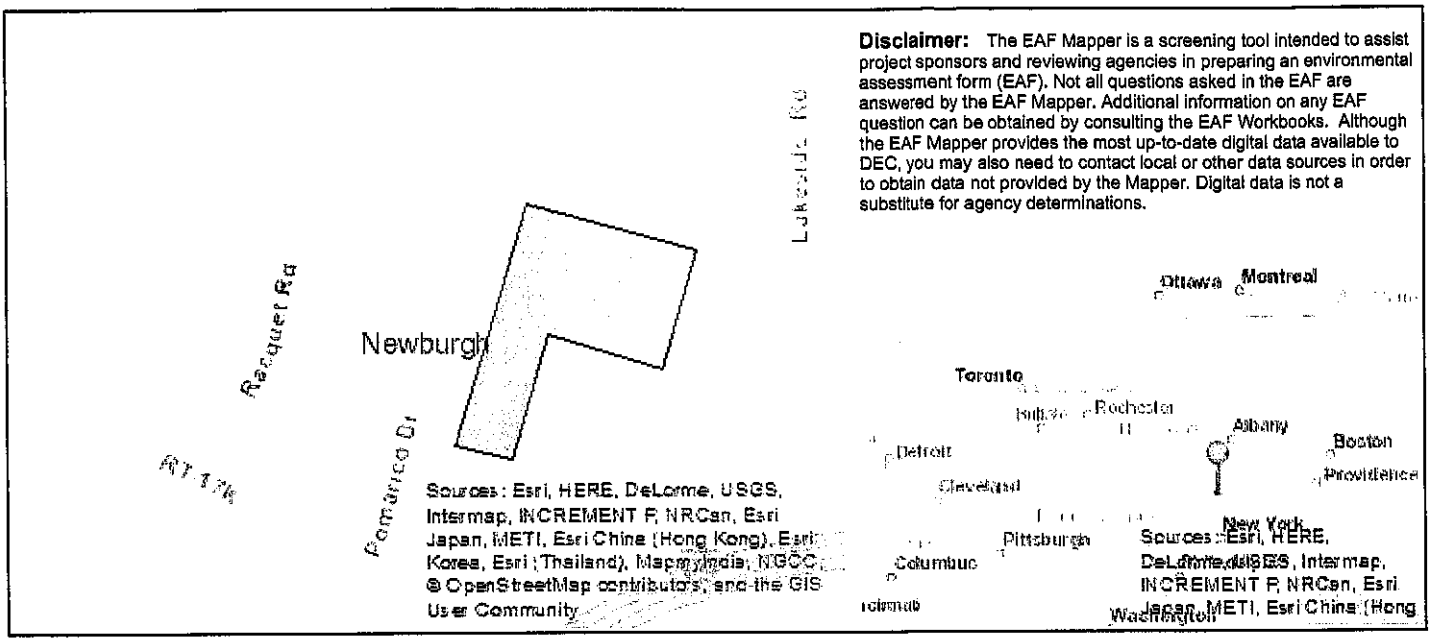
Applicant/sponsor name: BARRY MEDENBACH, P.E. Date: 10/17/2016

Signature: Barry Medenbach PE Agent

PRINT FORM

EAF Mapper Summary Report

Thursday, October 13, 2016 11:22 AM



Disclaimer: The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.

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]	Yes
Part 1 / Question 16 [100 Year Flood Plain]	Yes
Part 1 / Question 20 [Remediation Site]	Yes

LOT 39.22
5.16 AC

LOT 39.23
14.07 AC

WIRE FENCE

BUILDING #1 (36 UNITS)
(24–2 BDR, 12–1 BDR)
FF= 506.50'

BUILDING #2 (36 UNITS)
(24–2 BDR, 12–1 BDR)
FF= 509.00'

BUILDING #3 (30 UNITS)
(24–2 BDR, 6–1 BDR)
67 Parking Stalls
FF= 504.00'
SF= 514.00'

10' X 30' DUMPSTER ENCLOSURE

PROPOSED BIORETENTION

INLET INV=501.50'

SWALE

CATCH BASIN TG = 504.50' INV = 501.50'

CATCH BASIN TG = 504.00' INV = 502.50'

CATCH BASIN TG = 505.50' INV = 503.00'

CATCH BASIN TG = 507.50' INV = 503.50'

CATCH BASIN TG = 505.50' INV = 502.50'

CATCH BASIN TG = 505.50' INV = 502.50'

CATCH BASIN TG = 507.50' INV = 504.00'

CATCH BASIN TG = 510.00' INV = 504.00'

CATCH BASIN TG = 510.40' INV = 504.00'

CATCH BASIN TG = 504.00' INV = 501.00'

CATCH BASIN TG = 506.00' INV = 502.00'

CATCH BASIN TG = 503.00' INV = 500.00'

HYDRANT

PROP 6" PVC SEWER CONC INV =502.00'

PROP 6" PVC SEWER CONC INV =504.00'

PROP 8" PVC SEWER CONC INV =500.00'

OUTLET INV=500.25'

OUTLET INV=501.75'

OUTLET INV=502.40'

OUTLET INV=502.50'

OUTLET INV=500.00'

170' 6" PVC SEWER @ 1%

90' 6" PVC SEWER @ 1%

340' 8" PVC SEWER @ 1/2%

PROPOSED DUPLEX PUMP STATION AND VALVE CHAMBER GROUND = 507.00'

PROPOSED WQB

PROPOSED WQB

G = 500.00'

G = 500.00'

HP 506.25'

HP 509.00'

HP 513.00'

HP PER FILED MAP NO. 6053

ACOE WETLANDS
AREA = ±1.8 AC

APPROXIMATE LIMIT OF 100 YEAR FLOOD PLAIN AS SHOWN ON FILED MAP NO. 9480

PROPOSED EMERGENCY ACCESS ROAD

DETENTION BASIN

ICE TIME

ADJACENT AREA

100.0'

NEW YORK STATE
FRESHWATER WETLAND NO. NB–21
AREA = ±5.8AC
FHA W.E.= 490 FT

LEGEND

- DECK & PORCH
- DRIVEWAY & ROAD–ASPHALT
- DRIVEWAY & ROAD–GRAVEL
- FENCE–WIRE
- FENCE–WOOD
- GUARDRAIL
- STONEWALL
- STREAM & POND
- UTILITY LINE & POLE
- PROPERTY LINE
- ADJACENT PROPERTY LINE
- RIGHT OF WAY
- CONTOUR–MAJOR–EXISTING
- CONTOUR–MINOR–EXISTING
- PROPOSED WATER LINE W/HYDRANT
- PROPOSED SEWER LINE W/CLEANOUT]
- PROPOSED CULVERT
- = WETLANDS AND PROPOSED CONSERVATION AREAS
- SENIOR HOUSING (PROPOSED)

SITE PLAN

FOR

LAKESIDE SENIOR HOUSING

SITUATE - LAKESIDE ROAD
TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK

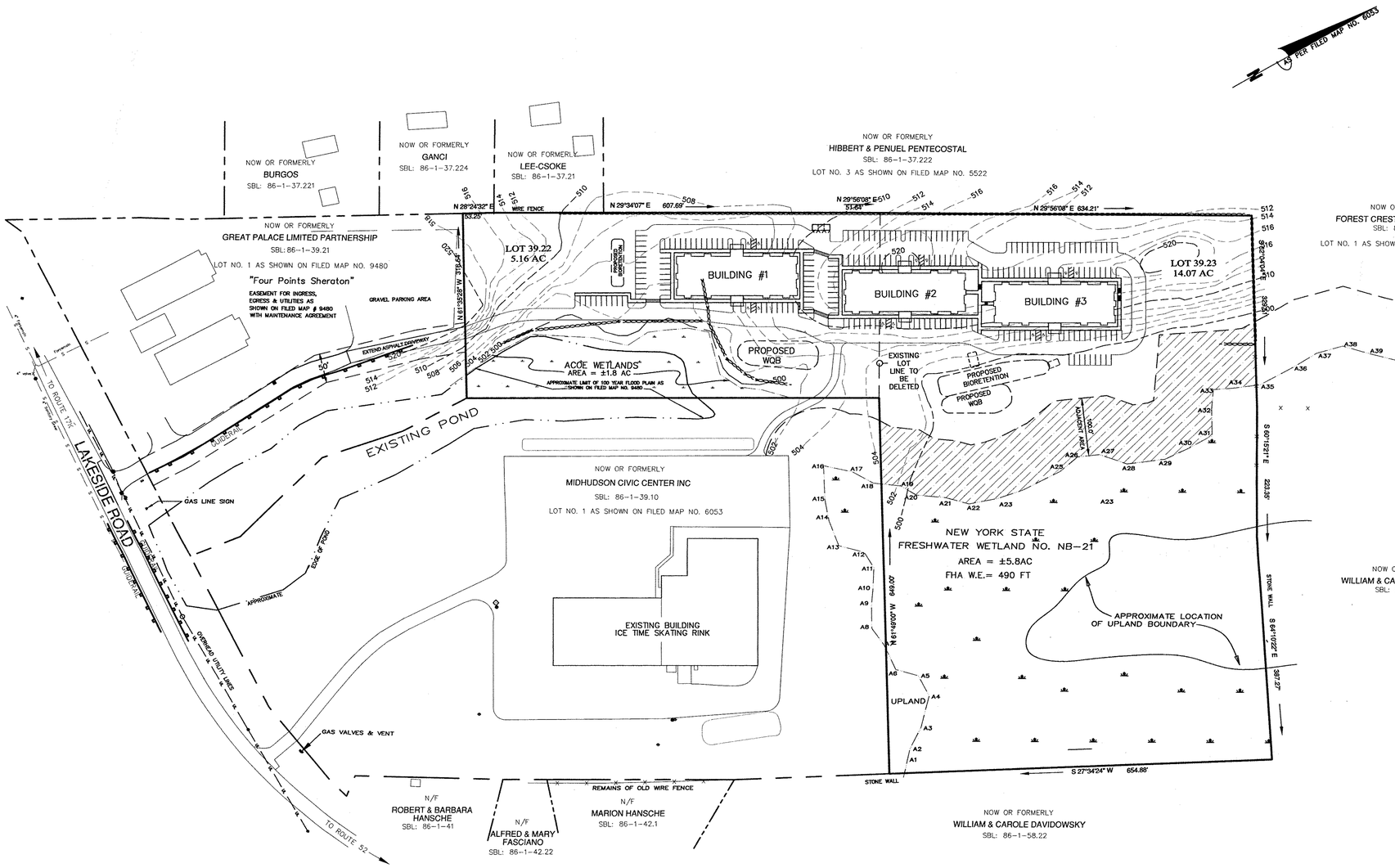
OCTOBER 17, 2016

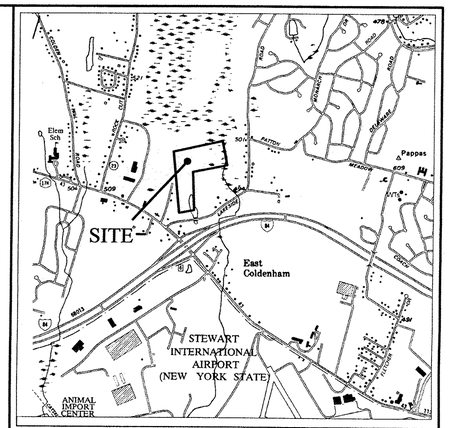
40 20 0 40 80 120

Scale: 1" = 40'

MEDENBACH & EGGERS
CIVIL ENGINEERING & LAND SURVEYING, P.C.
STONE RIDGE, NEW YORK (845) 687-0047

BARRY MEDENBACH, P.E.
NEW YORK LIC. NO. 60142





LOCATION MAP
SCALE: 1" = 2,000'

ZONING REQUIREMENTS
FOR TOWN OF NEWBURGH
ZONE 1B DISTRICT
SENIOR CITIZEN HOUSING
(30) 1-Bdrm & (72) 2-Bdrm Units Total

	REQUIRED	PROVIDED
Total Lot Area	5 AC	19.23 AC
NYS Wetlands	-	5.80 AC
ACOE Wetlands		1.80 AC
100 Ft. Buffer		1.65 AC
Net Upland Area Available for Development		9.98 AC

Senior Citizen housing permitted as per §185-48:
(30) 1 Bdrm Units @12 units per AC = 2.5 AC req.
(72) 2 Bdrm Units @10 units per AC = 7.2 AC req.

Total acreage required for 102 units = 9.7 AC

Parking Requirement: 2 spaces per unit:
102 units proposed = 204 spaces required

CURRENT OWNER
21 LAKESIDE PROPERTIES INC
C/O PHIL COOMBE
PO Box 333
Wawarsing, NY 12489

CONTRACT PURCHASER/DEVELOPER
LAKESIDE RESIDENTIAL NEWBURGH LLC
C/O JAY FEINBERG
PO Box 191
Kerhonkson NY 12446

SBL	LOT AREA
86-1-39.22	± 5.16 AC
86-1-39.23	± 14.07 AC
	TOTAL AREA = ± 19.23 AC

MAP REVISION DATES

DATE	REVISION	BY

CONCEPT PLAN
FOR
LAKESIDE SENIOR HOUSING

SITUATE - LAKESIDE ROAD
TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK

OCTOBER 17, 2016

100 0 100 200 300

Scale: 1" = 100'

MEDENBACH & EGGERS
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STONE RIDGE, NEW YORK (845) 687-0047

BARRY MEDENBACH, P.E.
NEW YORK LIC. NO. 60142

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NYSDEC FRESHWATER WETLAND BOUNDARY VALIDATION

The freshwater wetland boundary as represented on these plans accurately depicts the limits of Freshwater Wetland ____NB-21_____ as delineated by ___DOUG GAUGLER_____ on ___5-18-2007__

DEC Staff:___BRIAN DRUMM____5/19/2016____Surveyor/Engineer:___WILLIAM EGGERS, LS___

Date Valid:_5/19/2016__ Expiration Date:___5/19/2021___ SEAL

Wetland boundary delineations as validated by the New York State Department of Environmental Conservation remain valid for five (5) years **unless** existing exempt activities, area hydrology, or land use practices change (e.g., agricultural to residential). **After five (5) years the boundary must be revalidated by DEC staff.** Revalidation may include a new delineation and survey of the wetland boundary.

Any proposed construction, grading, filling, excavating, clearing or other regulated activity in the freshwater wetland or within 100 feet of the wetland boundary as depicted on this plan requires a permit from the NYS Department of Environmental Conservation under Article 24 of the Environmental Conservation Law (Freshwater Wetlands Act) prior to commencement of work.

MAP REFERENCES:

- "Survey Map Showing Lands of Ice Time, Inc." March 28, 1996, prepared by Medenbach & Eggers Land Surveying & Civil Engineering, PC.
- "Wetland Delineation Map for 21 Lakeside Properties", April 29, 2016, prepared by Medenbach & Eggers land Surveying & Civil Engineering, PC.