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CONSULTING ENGINEERS D.P.C.

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

PROJECT: LANDS OF WESTPORT MANAGEMENT
PROJECT NO.: 2015-12
PROJECT LOCATION: SECTION 47, BLOCK 1, LOT 70
REVIEW DATE: 15 JANUARY 2016
MEETING DATE: 21 JANUARY 2016
PROJECT REPRESENTATIVE: MERCURIO-NORTON-TAROLLI-MARSHALL

1. A drainage easement has been added to the outlet pipe of the proposed culvert under Gardnertown Road. Filing of the drainage easement should be a condition of approval.
2. Common driveway access and maintenance agreement should be approved by Mike Donnelly's office.
3. The Applicant's have provided a narrative description of the potential sewer connection for Lot 1 out to NYS Route 52. Topographic features, flood plains, a stream corridor and distance are technical issues which would have to be overcome to provide that connection. In addition the project is not located within the Sewer District. Based on the above the existing Subsurface Sanitary Sewer Disposal System is proposed to remain.

Respectfully submitted,

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

Patrick J. Hines
Principal

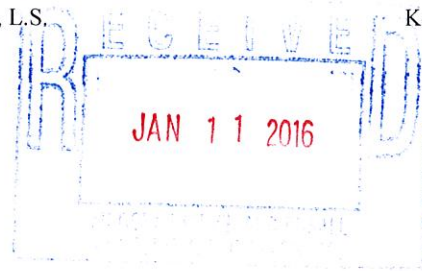
William G. Norton, L.S.
Alphonse Mercurio, L.S.

Lawrence J. Marshall, P.E.
John Tarolli, P.E., L.S.

Zachary A. Peters, P.E.
Kenneth W. Vriesema, L.S.

December 15, 2015

Planning Board
Town of Newburgh
308 Gardnertown Road
Newburgh, NY 12550



Re: Job No. 3882
Lands of Westport Management, LLC
Tax Map Parcel: 47-1-70
Town of Newburgh, Gardnertown Road
4-Lot Residential Subdivision
Town of Newburgh Project #2015-12

Dear Board Members:

Enclosed please find the following items in reference to the above-captioned project:

1. Twelve (12) copies of the revised Subdivision Plan
2. Twelve (12) copies of the Draft Common Driveway Agreement

The following comments are in response to a review by Patrick Hines of McGoey, Hauser, & Edsall Consulting Engineers dated November 30, 2015:

1. No response required.
2. Note 10 has been added on sheet 1 and a proposed drainage easement has been added for the outlet of the proposed culvert under Gardnertown Road.
3. A copy of the Draft Common Driveway Agreement prepared by the applicant's attorney has been included for review.
4. No response required.
5. No response required.

Development of an on-site sewage disposal system for the ±3.4 acres of the proposed Lot 1 located between Gardnertown Road and NYS Route 52 was addressed in our November 12, 2015 transmittal. While there is an existing public sewer main along the northeasterly side of NYS Route 52, a connection is impractical given site constraints in this area.

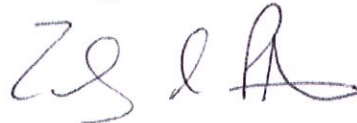
Due to the required setbacks in the R-1 zoning district and the locations of the Bushfield Creek and 100-year flood zone, the potentially buildable area is limited to a small portion of the northwesterly corner of the parcel. The elevation in this area is approximately ten (10) feet higher than the existing grade along NYS Route 52 and approximately fifteen (15) feet higher than the existing grade at in the stream. Due to the differences in elevation, as well as the requirement for four (4) feet of cover to prevent freezing, a sewer pump station would be

required to complete the connection. The pump station would need to be equipped with a grinder pump to dispel solids due to the non-continuous slope along the force main. The length of force main required to make the connection through the flood zone is approximately 150 feet. While a connection to the public sewer main may be feasible from a design stand point, there are a number of potential issues that make the development of a public sewer connection impractical at this time. Further, the parcel does not appear to be located within the sewer district. Connection to the main would require annexation into the district or special approval as an outside user.

We are scheduled to appear at the January 21, 2015 meeting for a Public Hearing.

If you have any questions or concerns, please feel free to contact me at (845) 744-3620 or by email at zpeters@mnt-pc.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Zachary A. Peters', written in a cursive style.

Zachary A. Peters, P.E.

ZP/zp
Enc.

cc: Westport Management, LLC
Patrick Hines (w/ all enc.)
Michael Donnelly, Esq. (w/ all enc.)

**DECLARATION
OF
EASEMENT
AND
MAINTENANCE
AGREEMENT**

WHEREAS, Westport Management, LLC, with business offices at 33 South Plank Road, Newburgh, New York 12550, is the owner of that certain premises in the Town of Newburgh, Orange County, New York, designated on the tax rolls of said Town of Newburgh as Section 47, Block 1, Lot 70, and

WHEREAS, there is a certain subdivision map entitled ` _____ , initially dated _____ , and last revised _____ , said map being duly filed in the Orange County Clerk's Office on _____ , as Map # _____ , and said map subdividing the above premises into four (4) lots. Lot 1 and Lot 4 share a common drive from each said Lot to and from Gardnertown Road as depicted and Lot 2 and Lot 3 also share a separate common drive from each said Lot to and from Gardnertown Road also as depicted.

WHEREAS, it is and will be in the best interests of all present and future owners of these four said vacant Lots to have an understanding and agreement concerning the mutual use of said common driveway area

applicable to each Lot and concerning the sharing of expenses and costs for the maintenance, improvement, and repair of same,

NOW, THEREFORE, by this document, the Declarant does hereby give, grant, and convey to the owner(s) of Lot 1, Lot 2, Lot 3 and Lot 4, on said Map # _____, an access and use easement and right-of-way over, under and through the common drive and common driveway area as shown on said map, for ingress and egress and the right to install and run utilities to and from each said Lot and Gardertown Road; the common drive and - driveway area for Lots 1 and 4 is described on Schedule A annexed hereto, and the common drive and driveway area for Lots 2 and 3 is described on Schedule B annexed hereto.

The owner(s) of Lot 1 and Lot 4 shall share in the expenses and costs for the maintenance, improvement, and repair of said common drive they use including the fair cost of allocable liability insurance coverage therefor, so as to maintain and keep said common drive safe and in good repair for normal vehicle and pedestrian traffic to and from each said Lot and Gardnertown Road.

The owner(s) of Lot 2 and Lot 3 shall share in the expenses and costs for the maintenance, improvement, and repair of said common drive they use including the fair cost of allocable liability insurance coverage therefor, so as to maintain and keep said common drive safe and in good repair for normal vehicle and pedestrian traffic to and from each said Lot

and Gardertown Road.

The sharing of the above costs as between the two Lot owners for each common drive are to be allocated and determined in the following manner:

The Lot owners share equally the above costs for their common drive but only for that part of the common drive that is used and traveled by both. To the extent that only one Lot owner uses and travels the remaining part of the common drive, then that Lot owner will be solely responsible for the above costs for that remaining part of said common drive only he/she uses.

A vote by a majority of voting lot owners herein shall control any decision making or communication needed, and as long as this Agreement affects only two lot owners for each shared drive both lot owners need to agree on any such decision-making relating to the common and shared drive.

The burden of the costs and sharing for the upkeep and maintenance of this access common drive for each Lot owner as set forth above shall be conditioned upon securing a building permit with respect to the Lot or the commencement of work and/or improvement(s) for or upon the Lot, whichever first occurs.

This Declaration and Agreement shall be recorded and shall be deemed a covenant running with the lands and Lots affected hereby, and shall inure to the benefit of, and shall be binding upon, the owner-declarant

herein and all its heirs, distributees, personal representatives, and successors in interest, including all future Lot owners.

WESTPORT MANAGEMENT, LLC
(Owner-Declarant)

BY: _____
HARRY LIPSTEIN, Sole Member

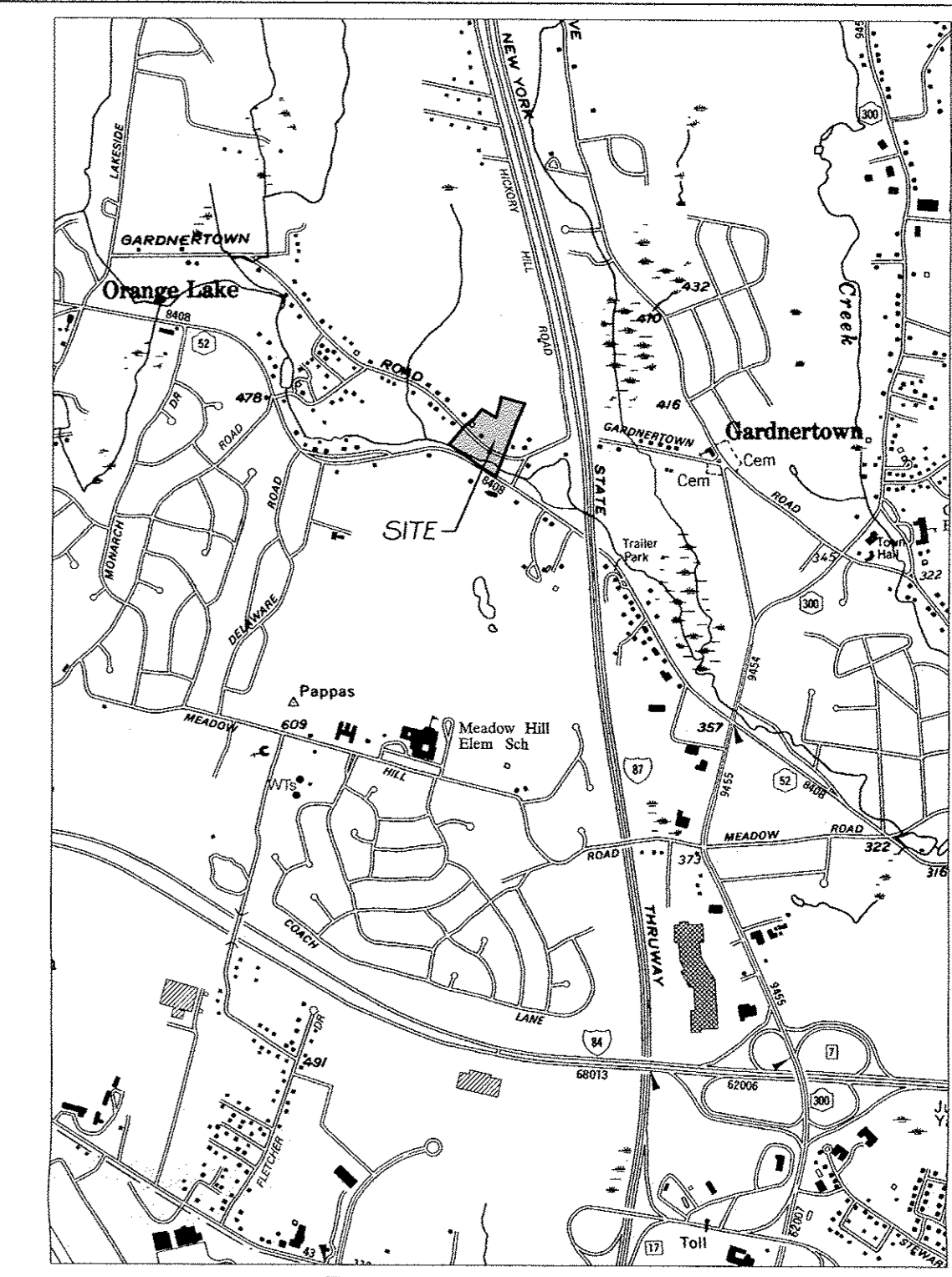
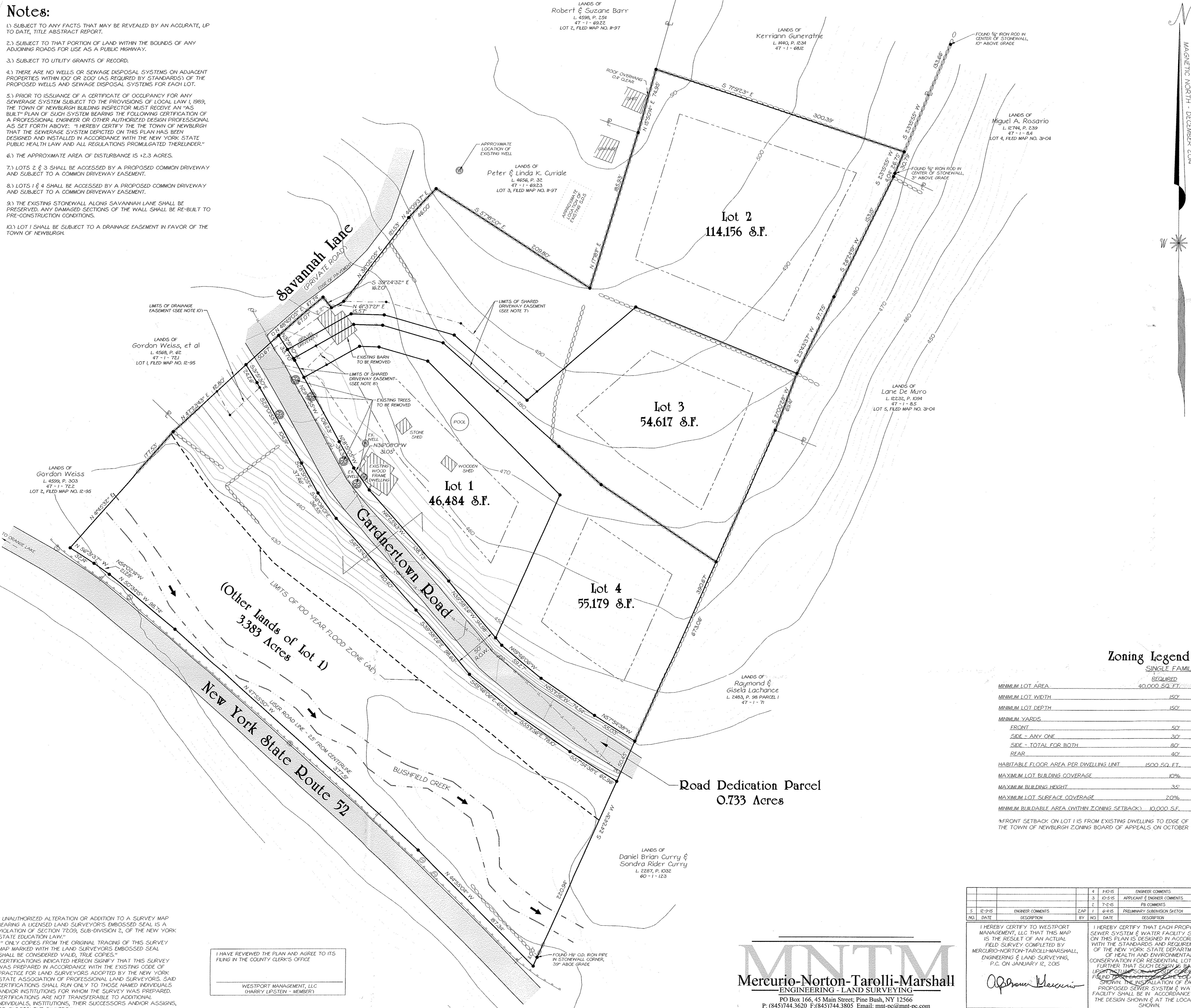
STATE OF NEW YORK, COUNTY OF ORANGE ss.:

On the _____, 2015, before me, the undersigned, a Notary Public in and for the State of New York, personally appeared **HARRY LIPSTEIN**, personally known to me or proved to me on the basis of satisfactory evidence to be the individuals whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their capacities, that by their signatures on the instrument, the individuals or the person on behalf of which the individuals acted, executed this instrument.

NOTARY PUBLIC

Notes:

- 1) SUBJECT TO ANY FACTS THAT MAY BE REVEALED BY AN ACCURATE, LIP TO DATE, TITLE ABSTRACT REPORT.
- 2) SUBJECT TO THAT PORTION OF LAND WITHIN THE BOUNDS OF ANY ADJOINING ROADS FOR USE AS A PUBLIC HIGHWAY.
- 3) SUBJECT TO UTILITY GRANTS OF RECORD.
- 4) THERE ARE NO WELLS OR SEWAGE DISPOSAL SYSTEMS ON ADJACENT PROPERTIES WITHIN 100' OR 200' (AS REQUIRED BY STANDARDS) OF THE PROPOSED WELLS AND SEWAGE DISPOSAL SYSTEMS FOR EACH LOT.
- 5) PRIOR TO ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR ANY SEWERAGE SYSTEM SUBJECT TO THE PROVISIONS OF LOCAL LAW 1 1989, THE TOWN OF NEWBURGH BUILDING INSPECTOR MUST RECEIVE AN "AS BUILT" PLAN OF SUCH SYSTEM BEARING THE FOLLOWING CERTIFICATION OF A PROFESSIONAL ENGINEER OR OTHER AUTHORIZED DESIGN PROFESSIONAL AS SET FORTH ABOVE: "I HEREBY CERTIFY THAT THE TOWN OF NEWBURGH THAT THE SEWERAGE SYSTEM DEPICTED ON THIS PLAN HAS BEEN DESIGNED AND INSTALLED IN ACCORDANCE WITH THE NEW YORK STATE PUBLIC HEALTH LAW AND ALL REGULATIONS PROMULGATED THEREUNDER."
- 6) THE APPROXIMATE AREA OF DISTURBANCE IS 12.3 ACRES.
- 7) LOTS 2 & 3 SHALL BE ACCESSED BY A PROPOSED COMMON DRIVEWAY AND SUBJECT TO A COMMON DRIVEWAY EASEMENT.
- 8) LOTS 1 & 4 SHALL BE ACCESSED BY A PROPOSED COMMON DRIVEWAY AND SUBJECT TO A COMMON DRIVEWAY EASEMENT.
- 9) THE EXISTING STONEWALL ALONG SAVANNAH LANE SHALL BE PRESERVED. ANY DAMAGED SECTIONS OF THE WALL SHALL BE RE-BUILT TO PRE-CONSTRUCTION CONDITIONS.
- 10) LOT 1 SHALL BE SUBJECT TO A DRAINAGE EASEMENT IN FAVOR OF THE TOWN OF NEWBURGH.



Location Map
SCALE: 1" = 2,000'

Legend

- PROPERTY LINE & CORNER
-
- UTILITY LINE AND POLE
- ADJOINER'S PROPERTY LINE
- UBER OF DEEDS, PAGE
- TAX MAP DESIGNATION
- STONE WALL
- WIRE FENCE
- WIRE FENCE
- WATERCOURSE
- SEWER MANHOLE
- 100 YEAR FLOOD ZONE
- EXISTING STRUCTURE
- EXISTING CONTOUR LINE
- ZONING MINIMUM SETBACK LINE
- APPROXIMATE LOCATION OF EXISTING TREE

Zoning Legend R-1
SINGLE FAMILY

	REQUIRED	LOT 1 46,484 SQ. FT.	LOT 2 114,156 SQ. FT.	LOT 3 54,617 SQ. FT.	LOT 4 55,179 SQ. FT.
MINIMUM LOT AREA	40,000 SQ. FT.				
MINIMUM LOT WIDTH	150'	337'	264'	248'	202'
MINIMUM LOT DEPTH	150'	151.7'	268'	85'	218'
MINIMUM YARDS:					
FRONT	50'	2' ±	63'	56'	135'
SIDE - ANY ONE	30'	12'	108'	62'	48'
SIDE - TOTAL FOR BOTH	80'	292'	135'	135'	138'
REAR	40'	83'	172'	132'	45'
HABITABLE FLOOR AREA PER DWELLING LIMIT	1500 SQ. FT.	21500 SQ. FT.	21500 SQ. FT.	21500 SQ. FT.	21500 SQ. FT.
MAXIMUM LOT BUILDING COVERAGE	10%	41%	15%	3.2%	3.4%
MAXIMUM BUILDING HEIGHT	35'	<35'	<35'	<35'	<35'
MAXIMUM LOT SURFACE COVERAGE	20%	8.8%	5.9%	12.9%	15.5%
MINIMUM BUILDABLE AREA (WITHIN ZONING SETBACK)	10,000 S.F.	11,092 S.F.	35,852 S.F.	20,553 S.F.	15,334 S.F.

*FRONT SETBACK ON LOT 1 IS FROM EXISTING DWELLING TO EDGE OF 50'-WIDE GARDNERTOWN ROAD RIGHT-OF-WAY. A VARIANCE WAS GRANTED BY THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS ON OCTOBER 22, 2015.

Total Area = 10.324 Acres

TOWN OF NEWBURGH PROJECT #2015-12

Survey Map & Subdivision Sketch Plan
for Lands of
Westport Management, LLC

RECORD OWNER: WESTPORT MANAGEMENT, LLC, 33 SOUTH PLANK ROAD, NEWBURGH, NY 12550

TAX MAP REFERENCE: SECTION 47, BLOCK 1, LOT 10

Situate in the Town of Newburgh

Orange County, New York State

Scale 1"=50' April 2015

ORIGINAL SURVEY COMPLETED: JANUARY 12, 2015

"UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S EMBOSSED SEAL IS A VIOLATION OF SECTION 7209, SUB-DIVISION 2, OF THE NEW YORK STATE EDUCATION LAW."
"ONLY COPIES FROM THE ORIGINAL TRACING OF THIS SURVEY MAP MARKED WITH THE LAND SURVEYOR'S EMBOSSED SEAL SHALL BE CONSIDERED VALID, TRUE COPIES."
"CERTIFICATIONS INDICATED HEREON SIGNIFY THAT THIS SURVEY WAS PREPARED IN ACCORDANCE WITH THE EXISTING CODE OF PRACTICE FOR LAND SURVEYORS ADOPTED BY THE NEW YORK STATE ASSOCIATION OF PROFESSIONAL LAND SURVEYORS. SAID CERTIFICATIONS SHALL RUN ONLY TO THOSE NAMED INDIVIDUALS AND/OR INSTITUTIONS FOR WHOM THE SURVEY WAS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS, OR SUBSEQUENT OWNERS."

I HAVE REVIEWED THE PLAN AND AGREE TO ITS FILING IN THE COUNTY CLERK'S OFFICE

WESTPORT MANAGEMENT, LLC
(HARRY LIPSTEIN - MEMBER)

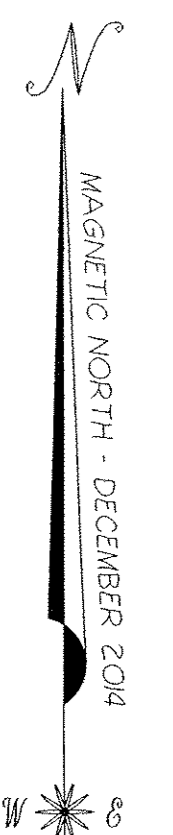
MNTM
Mercurio-Norton-Tarolli-Marshall
ENGINEERING - LAND SURVEYING
PO Box 166, 45 Main Street, Pine Bush, NY 12566
P: (845)744.3620 F: (845)744.3805 Email: mnt-pc@mnt-pc.com

NO.	DATE	DESCRIPTION	BY	NO.	DATE	DESCRIPTION	BY
4	11-0-15	ENGINEER COMMENTS	ZAP	4	11-0-15	ENGINEER COMMENTS	ZAP
3	10-9-15	APPLICANT ENGINEER COMMENTS	ZAP	2	7-2-15	PE COMMENTS	ZAP
2	7-2-15	PE COMMENTS	ZAP	1	6-4-15	PRELIMINARY SUBDIVISION SKETCH	ZAP
1	6-4-15	PRELIMINARY SUBDIVISION SKETCH	ZAP				

I HEREBY CERTIFY THAT THIS MAP IS THE RESULT OF AN ACTUAL FIELD SURVEY COMPLETED BY MERCURIO-NORTON-TAROLLI-MARSHALL, ENGINEERING & LAND SURVEYING, P.C. ON JANUARY 12, 2015

I HEREBY CERTIFY THAT EACH PROPOSED SEWER SYSTEM & WATER FACILITY SHOWN ON THIS PLAN IS DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE NEW YORK STATE DEPARTMENTS OF HEALTH AND ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS AND FURTHER THAT SUCH DESIGN IS BASED UPON ACTUAL FIELD SURVEY DATA. THE LOCATION SHOWN FOR EACH PROPOSED SEWER SYSTEM & WATER FACILITY SHALL BE IN ACCORDANCE WITH THE DESIGN SHOWN & AT THE LOCATION SHOWN.

ALPHONSE MERCURIO LS #049509 LAWRENCE MARSHALL PE #087107



LANDS OF
Robert & Suzanne Barr
L. 4598, P. 254
47-1-69.22
LOT 2, FILED MAP NO. 11-97

LANDS OF
Kerriann Guneratne
L. 1940, P. 1234
47-1-68.12

LANDS OF
Peter & Linda K. Curiale
L. 4656, P. 32
47-1-69.23
LOT 3, FILED MAP NO. 11-97

LANDS OF
Lane De Muvo
L. 1232, P. 1094
47-1-8.5
LOT 5, FILED MAP NO. 31-04

LANDS OF
Raymond &
Gisela Lachance
L. 2483, P. 98 PARCEL 1
47-1-71

Notes:

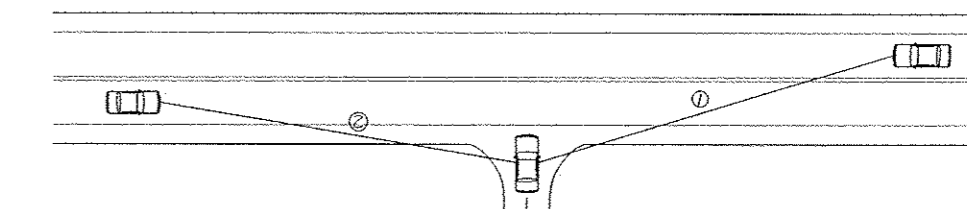
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Legend

- PROPERTY LINE & CORNER
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Driveway Sight Distance Table

GARDNERTOWN ROAD POSTED SPEED LIMIT: 30 MPH			
AASHTO MINIMUM SIGHT DISTANCE FOR POSTED SPEED: 200'			
LOCATION	SIGHT LINE	DISTANCE	NOTES
A	1	480'	LIMITED DUE TO HORIZONTAL CURVATURE IN GARDNERTOWN ROAD
	2	1305'	* CLEARING & GRADING AT EXISTING BUILDING REQUIRED
B	1	500'	LIMITED DUE TO HORIZONTAL CURVATURE IN GARDNERTOWN ROAD
	2	1300'	* CLEARING & GRADING AT EXISTING BUILDING REQUIRED
C	1	585'	LIMITED DUE TO HORIZONTAL CURVATURE IN GARDNERTOWN ROAD
	2	130'	LIMITED BY BUSHES & EMBANKMENT AT EXISTING DWELLINGS



Zoning Legend R-1

	SINGLE FAMILY				
	REQUIRED	LOT 1	LOT 2	LOT 3	LOT 4
MINIMUM LOT AREA	40,000 SQ. FT.	46,494 SQ. FT.	18,156 SQ. FT.	51,677 SQ. FT.	55,179 SQ. FT.
MINIMUM LOT WIDTH	150'	337'	264'	248'	202'
MINIMUM LOT DEPTH	150'	151.7'	268'	185'	218'
MINIMUM YARDS					
FRONT	50'	2' *	63'	56'	135'
SIDE - ANY ONE	30'	10'	108'	62'	48'
SIDE - TOTAL FOR BOTH	80'	232'	231'	135'	138'
REAR	40'	13'	172'	132'	45'
HABITABLE FLOOR AREA PER DWELLING UNIT	1500 SQ. FT.	71500 SQ. FT.	71500 SQ. FT.	71500 SQ. FT.	71500 SQ. FT.
MAXIMUM LOT BUILDING COVERAGE	10%	4.2%	1.5%	3.2%	3.4%
MAXIMUM BUILDING HEIGHT	35'	<35'	<35'	<35'	<35'
MAXIMUM LOT SURFACE COVERAGE	20%	8.8%	6.0%	14.5%	15.5%
MINIMUM BULDABLE AREA (WITHIN ZONING SETBACK)	10,000 S.F.	14,092 S.F.	35,852 S.F.	20,153 S.F.	15,394 S.F.

*FRONT SETBACK ON LOT 1 IS FROM EXISTING DWELLING TO EDGE OF 50'-WIDE GARDNERTOWN ROAD RIGHT-OF-WAY. A VARIANCE WAS GRANTED BY THE TOWN OF NEWBURGH ZONING BOARD OF APPEALS ON OCTOBER 22, 2015.

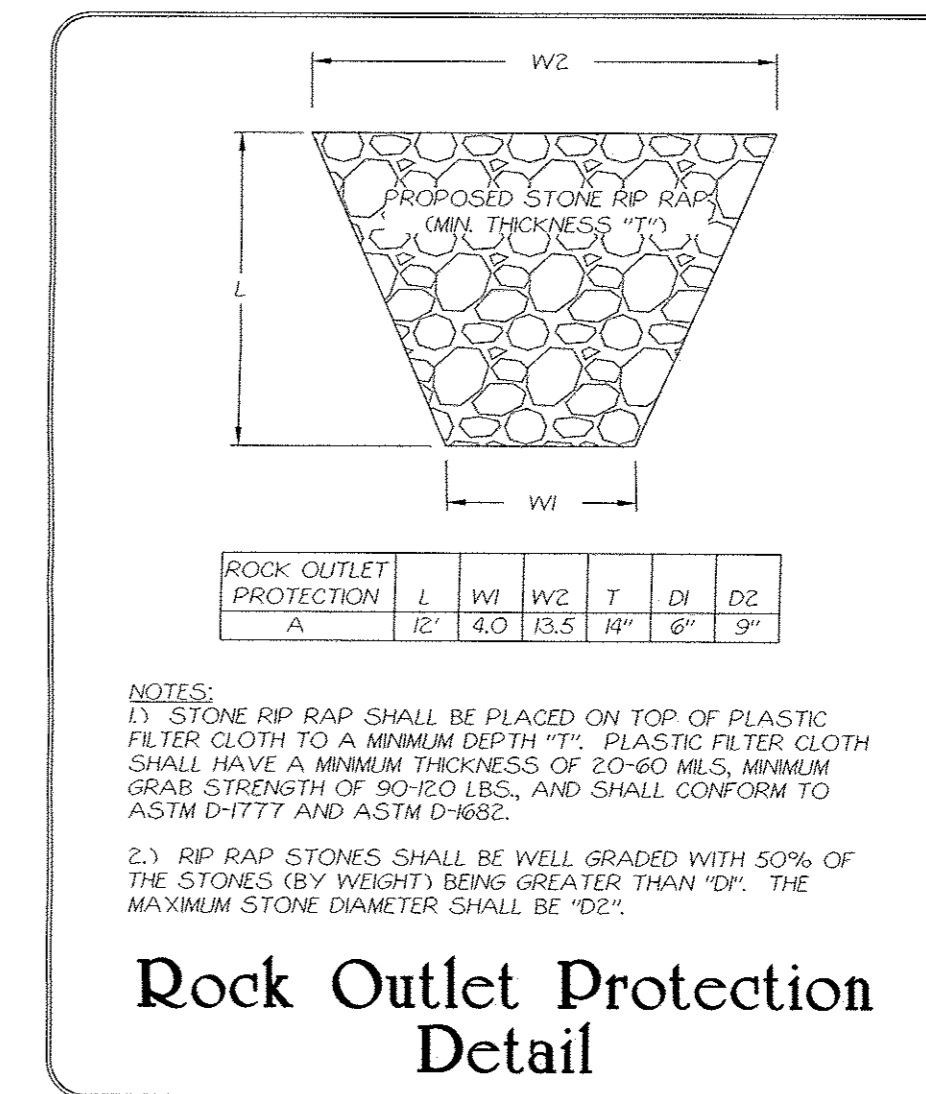
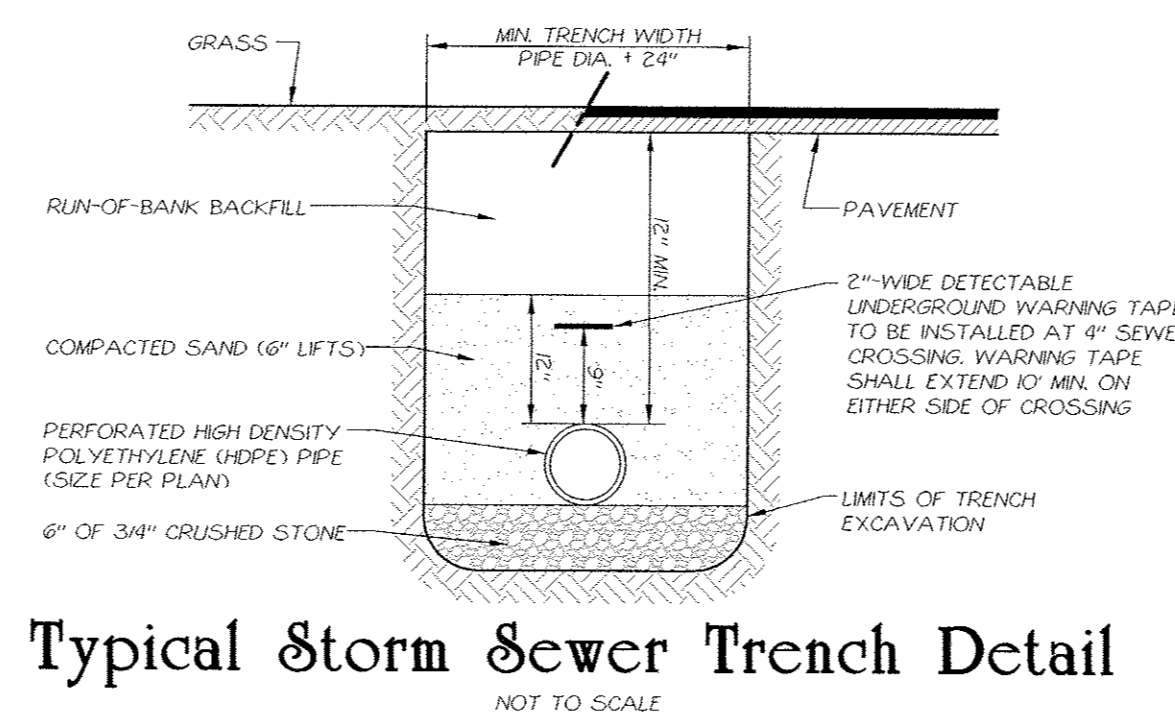
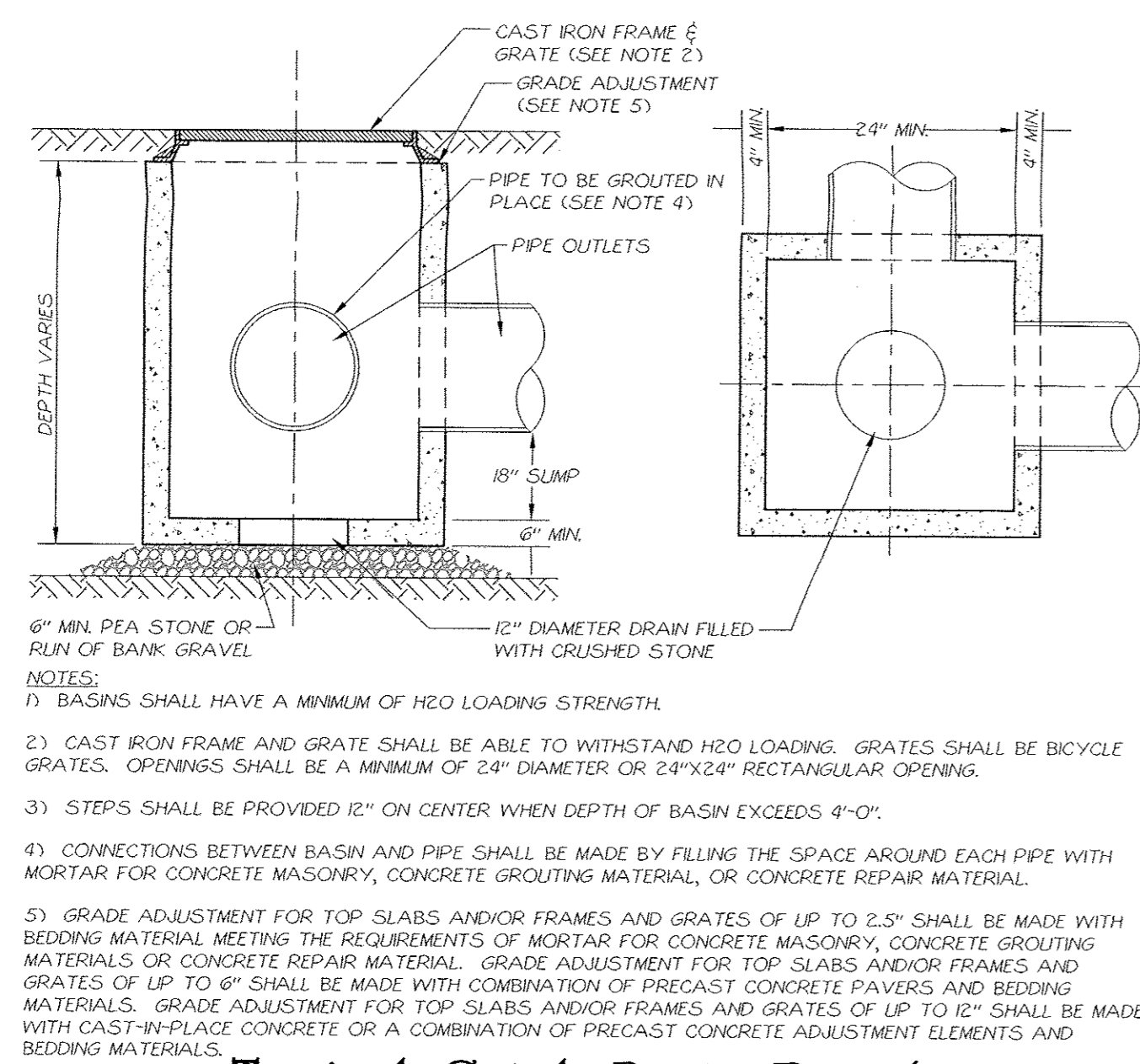
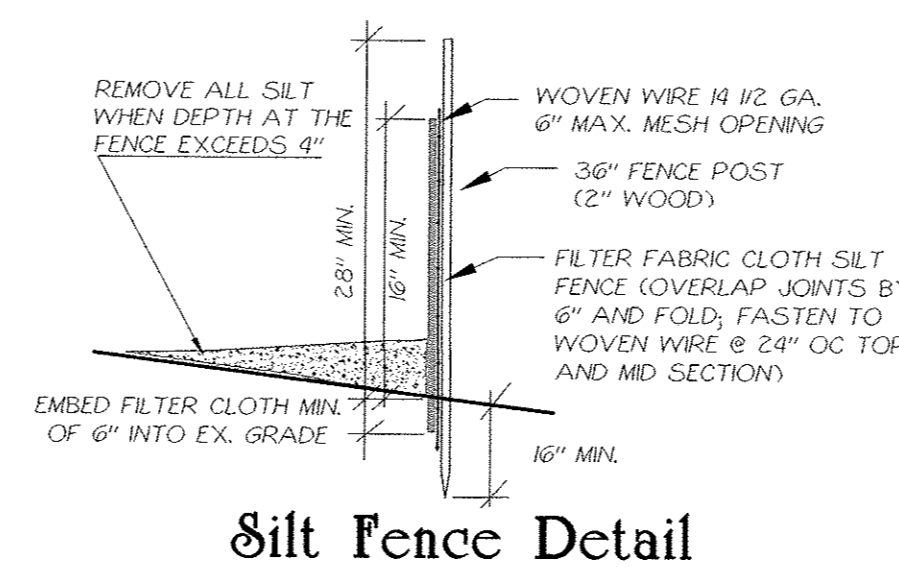
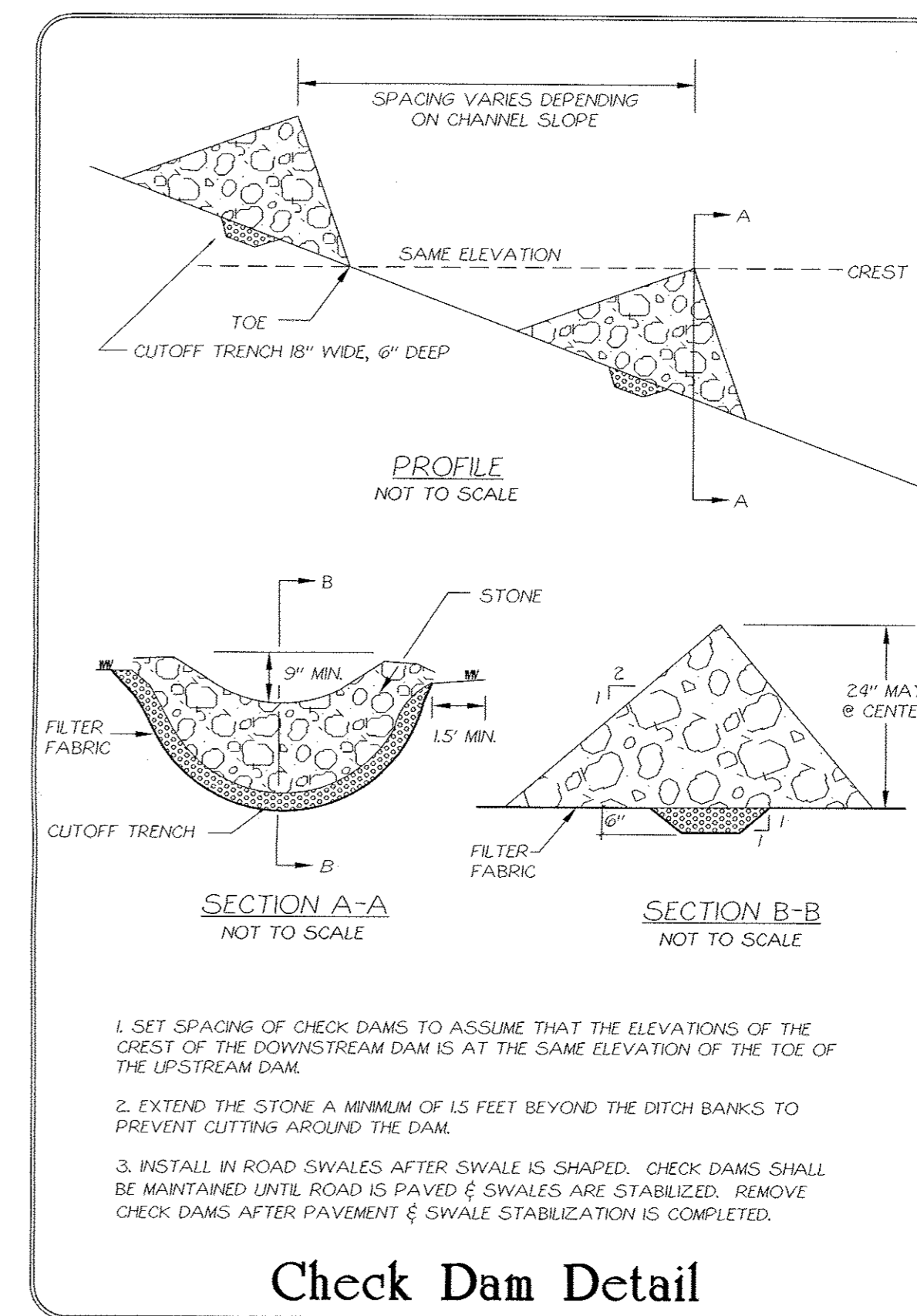
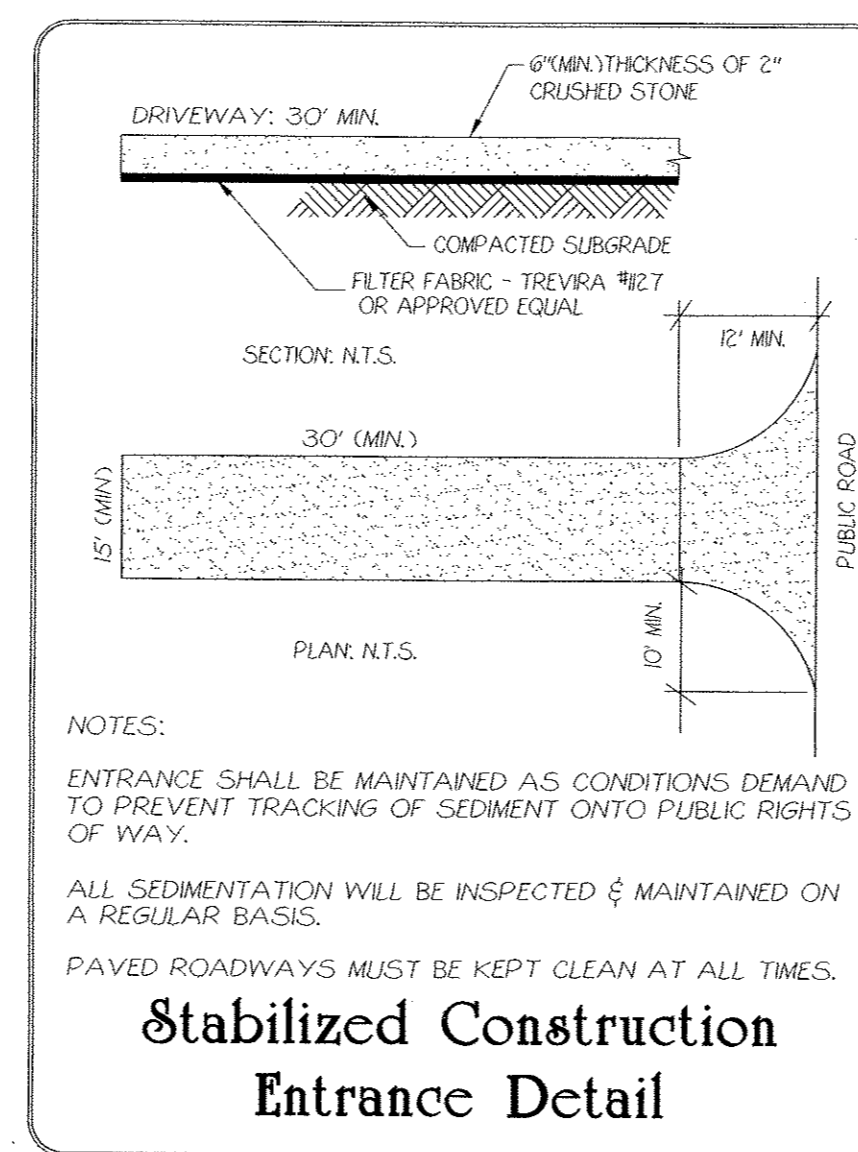
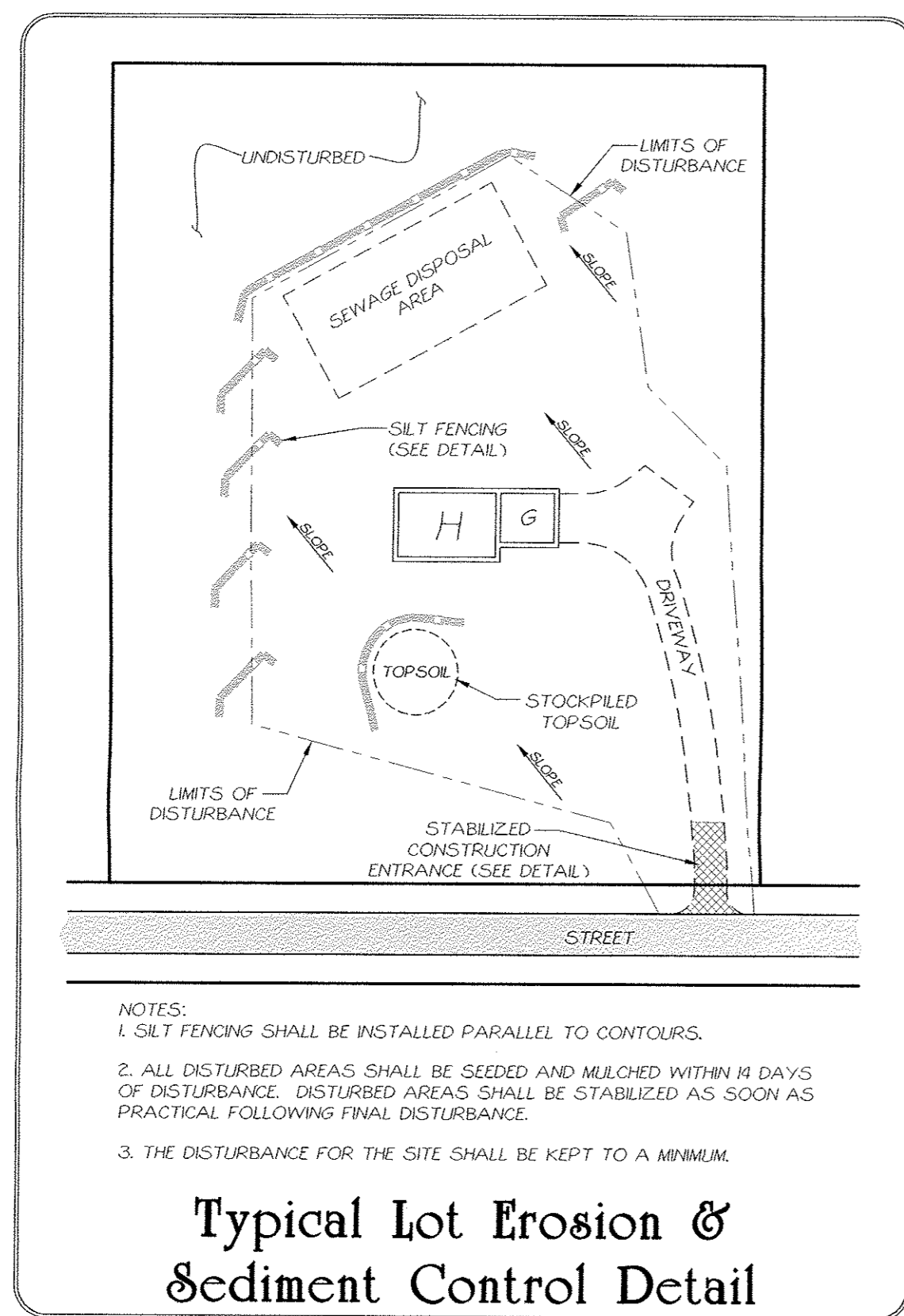
NO.	DATE	DESCRIPTION	BY
1	8-2-15	OWNER COMMENTS	ZAP
2	10-5-15	APPLICANT & ENGINEER COMMENTS	ZAP
3	11-2-15	ENGINEER COMMENTS	ZAP
4	11-2-15	PB COMMENTS	ZAP

I HEREBY CERTIFY THAT EACH PROPOSED SEWER SYSTEM & WATER FACILITY SHOWN ON THIS PLAN IS DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS OF THE NEW YORK STATE DEPARTMENTS OF HEALTH AND ENVIRONMENTAL CONSERVATION FOR RESIDENTIAL LOTS AND FURTHER THAT SUCH DESIGN IS BASED UPON ACTUAL SOIL AND SITE CONDITIONS FOUND ON EACH LOT. THE LOCATION OF PROPOSED WELLS, SEWER SYSTEM & WATER FACILITY SHALL BE IN ACCORDANCE WITH THE DESIGN SHOWN & AT THE LOCATION SHOWN.

TOWN OF NEWBURGH PROJECT #2015-12
Subdivision Detail Plan
for Lands of
Westport Management, LLC

RECORD OWNER: WESTPORT MANAGEMENT, LLC, 33 SOUTH PLANK ROAD, NEWBURGH, NY 12550
DEED REFERENCE: LIBER 13846, PAGE 88
TAX MAP REFERENCE: SECTION 47, BLOCK 1, LOT 70
Situate in the Town of Newburgh
Orange County, New York State
Scale 1"=40' April 2015

MNTM
Mercurio-Norton-Tarolli-Marshall
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 ENGINEERING - LAND SURVEYING
 PO Box 166, 45 Main Street, Pine Bush, NY 12566
 P: (845)744.3620 F: (845)744.3815 Email: mnt-pe@mnt-pc.com

NO.	DATE	DESCRIPTION	BY

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LAWRENCE MARSHALL PE #08707 DRAFTED BY: ZAP MAP CK: -

TOWN OF NEWBURGH PROJECT #2015-12

Detail Sheet
 for lands of
Westport Management, LLC

RECORD OWNER: WESTPORT MANAGEMENT, LLC, 33 SOUTH PLANK ROAD, NEWBURGH, NY 12550
 DEED REFERENCE: LIBER 13946, PAGE 88
 TAX MAP REFERENCE: SECTION 47, BLOCK 1, LOT 70

Situate in the Town of Newburgh
Orange County, New York State
 April 2015

PROJECT: 3882 SHEET 4 OF 4