

**PB# 01-64**

**Highview Estates  
(Sub.)**

**56-1-19.15**

TOWN OF NEW WINDSOR  
PLANNING BOARD  
APPROVED COPY

DATE: 12-15-03

(TOWN OF NEW WINDSOR)

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C

P.B. # 01-64

**OFFER OF DEDICATION**

THIS AGREEMENT made and dated the 28<sup>th</sup> of *May*, 2003, between HIGHVIEW ESTATES OF ORANGE COUNTY, INC., a domestic corporation with its principal address at P.O. Box 286, Salisbury Mills, New York 12577, hereinafter "Subdivider"; and TOWN OF NEW WINDSOR, a municipal corporation having its offices at 555 Union Avenue, New Windsor, New York 12553, hereinafter referred to as "Town";

## WITNESSETH:

That in consideration of the sum of TEN (\$10.00) DOLLARS, lawful money of the United States, and other good and valuable consideration to it in hand paid by the Town and as a condition of the approval by the Planning Board of said Town of the following subdivision map of the Subdivider filed or to be filed in the Orange County Clerk's Office:

"6 Lot Subdivision, Highview Estates of Orange County, Inc."

1. The Subdivider hereby irrevocably offers to the Town, or any successor municipality, a dedication of the streets or highways laid out upon said subdivision map as approved by said Planning Board, the metes and bounds description of which is annexed hereto as Exhibit "A".
2. The Subdivider hereby irrevocably offers to said Town of any successor municipality, the grant of easement or easements for the purpose of maintaining, repairing, and replacing all storm, sewer and drainage

pipes, culverts or ways as shown on said maps, the metes and bounds description of which are annexed hereto to as Schedule "B".

3. The Subdivider, its successors and assigns, will at any time and from time to time, upon ten days notice, given by the Town or its successor municipality, execute a proper conveyance or conveyances by Bargain and Sale deed with covenants against grantor's acts by metes and bounds description, in proper statutory form for recording so as to convey in fee simple the land within said streets or highways together with any easements required hereunder. The Subdivider further agrees to grant an easement required hereunder. The Subdivider further agrees to grant an easement of a temporary turnaround on any street as required by the Town.

4. The Subdivider hereby waives any claim for damages in the event the Town, or its successor municipality, shall lay out, by condemnation or otherwise, any street or highway over the lands hereby offered for highway purposes.

5. The Subdivider covenants that it is seized of said premises in fee simple and has good right to convey the same.

6. At the time of such acceptance by the Town, title to such lands shall be good and marketable and free from all liens and encumbrances except existing rights of public utility companies and the rights of others to use said streets for public highway purposes and proof thereof, the Subdivider agrees to furnish at its expense such searches of title or title policy and surveys as may reasonably be required by said Town or its successor municipality.

7. The Subdivider agrees to obtain good and valid releases of all owners, mortgagees, lienors and others required to consent to such dedication at its expense, subject to approval of the Town Attorney.

IN WITNESS WHEREOF, the Subdivider has caused its corporate seal to hereunto affixed and presents to be signed by duly authorized officer the day and year first above written.

HIGHVIEW ESTATES OF ORANGE COUNTY, INC.

By: [Signature]

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

On the 28<sup>th</sup> day of MAY in the year 2003, before me, the undersigned, a notary public in and for said State, personally appeared Edward Brian personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

Ann Marie Bateman  
Notary Public

Ann Marie Bateman  
Notary Public #4618398  
Orange County, State of NY  
Commission Expires 4-30-2006

*Daniel P. Yanosh*

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320  
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.  
Kevin J. Wild, L.L.S.

Tel: 845-361-4700  
Fax: 845-361-4722

LANDS OF HIGHVIEW ESTATES  
PROPOSED TOWN ROAD

ALL THAT CERTAIN PIECE OR PARCEL OF LAND SITUATE IN THE TOWN OF NEW WINDSOR, COUNTY OF ORANGE, STATE OF NEW YORK, BEING PROPOSED ROAD AS SHOWN ON A MAP ENTITLED "SUBDIVISION PLANS, 6 SUBDIVISION - LANDS OF HIGHVIEW ESTATES" TO BE FILED IN THE ORANGE COUNTY CLERK'S OFFICE AND BEING MORE ACCURATELY BOUNDED AND DESCRIBED AS FOLLOWS;

BEGINNING at a point along the Westerly side of Toleman Road, said point also being the Southeasterly corner of lands now or formerly Haas, Liber 4838, Page 146, and runs thence along Toleman Road, South  $10^{\circ}55'05''$  West, 127.53 feet, thence along lands now or formerly Irizarry, Liber 4838, Page 73, the following 2 courses and distances:

1. North  $82^{\circ}44'56''$  West, 197.10 feet,

2. North  $76^{\circ}41'31''$  West, 159.81 feet, thence along lot #1 of the above mentioned subdivision map, North  $81^{\circ}48'05''$  West, 220.62 feet, thence along lot # 2 of the above mentioned subdivision map the following 3 courses and distances:

1. North  $81^{\circ}48'05''$  West, 54.15 feet,

2. on a curve to the left, said curve having a radius of 25.00 feet and an arc length of 26.39 feet,

3. On a curve to the right, said curve having a radius of 60.00 feet and an arc length of 94.12 feet, thence along lot #3 of the above mentioned subdivision map on a curve to the right, said curve having a radius of 60.00 feet and an arc length of 82.38 feet, thence along lot # 4 of the above mentioned subdivision map the following 2 courses and distances:

1. on a curve to the right, said curve having a radius of 60.00 feet and an arc length of 121.50 feet,

2. on a curve to the left, said curve having a radius of 25.00 feet and an arc length of 26.11 feet, thence along lot #5 and lot #6 of the above mentioned subdivision map, South  $82^{\circ}26'52''$  West, 307.87 feet, thence along said lands of Haas, South  $78^{\circ}21'08''$  East, 349.44 feet to the point or place of beginning containing 2.015 acres of land more or less as surveyed by Daniel P. Yanosh, L.L.S.

October 23, 2002  
D92-084R

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/16/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
PERFORMANCE BND

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/15/0302	PERF BOND (REDUCED AMT.)	CHG	75326.00		
12/15/2003	REC. CK #037136723-4	PAID		75326.00	
		TOTAL:	75326.00	75326.00	0.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/16/2003

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE: STATUS [Open, Withd]  
A [Disap, Appr]

FOR PROJECT NUMBER: 1-64  
NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
12/15/2003	PLANS STAMPED . POSTED BOND - PLANS STAMPED	APPROVED APPROVED
10/23/2002	P.B. APPEARANCE . NEED 911 NUMBERS ON PLAN - MARK HAS DESCRIPTION OF ROAD - NO . SIDEWALKS NEEDED PER PLANNING BOARD - COST ESTIMATE HAS BEEN . SUBMITTED	APPR COND
09/25/2002	P.B. APPEARANCE . TO OBTAIN WAIVER FROM TOWN BOARD FOR SIDEWALKS - ADDRESS . MARKS COMMENTS AND RETURN TO WORK SHOP	TO RETURN
03/13/2002	P.B. APPEARANCE-PUBLIC HEAR . APPLICANT TO REQUEST A WAIVER FROM TOWN BOARD FOR SIDEWALKS . COMMENTS FROM PUBLIC: DRAINAGE - CURTAIN DRAINS (TO BE . CORRECTED FOR MCPARTLAND AND HAAS - MANY COMMENTS OF FAILED . SEPTICS FROM PREVIOUS SUBDIVISION - SCHEDULE A SITE VISIT . AND NOTIFY MRS. IRIZARRY 496-3412 (WK 623-0090)	SCHED SITE VISIT
01/23/2002	P.B. APPEARANCE . CONTACT FI FOR STREET NAME - ADDRESS MARK'S COMMENTS	LA: SCHED PH
12/12/2001	P.B. APPEARANCE . ADDRESS MARK'S COMMENTS OF 12/12/01	REVISE & RET
12/05/2001	WORK SESSION	SUBMIT
10/03/2001	WORK SESSION	RET TO WS

*Daniel P. Yanosh*

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320

Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.  
Kevin J. Wild, L.L.S.

Tel: 845-361-4700

Fax: 845-361-4722

*P.B. # 01-64*

REVISED PUBLIC IMPROVEMENTS  
PROPOSED PAUL COURT  
PARK ROAD CONSTRUCTION  
T/O NEW WINDSOR

<u>ROADWAY IMPROVEMENTS</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QUANTITY</u>	<u>TOTAL</u>
Roadway Subbase (12" course)	SY	\$6.75	3400	\$ 22,950.00
Asphalt Pavement (1.5 top)	SY	\$3.75	3130	\$ 11,738.00
Asphalt Pavement (3.5" thick)	SY	\$8.75	3130	\$ 27,388.00
Roadway ROW Top Soil & Seeding	SY	\$2.00	5000	\$ 10,000.00
Concrete monument	EA	\$125.00	9	\$ 1,125.00
Roadway As-built	LS	\$2,000.00	1	\$ 2,000.00
Sign (Traffic Control)	EA	\$125.00	1	\$ 125.00
<u>TOTAL AMOUNT DUE:</u>				\$ 75,326.00

*OK*  


HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

OFFICIAL CHECK

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK



**M&T Bank**

Manufacturers and Traders Trust Company  
BUFFALO, N.Y. 14240

037136723-4

23-97/1020

Edward Biagini

REMITTER

DATE December 15, 2003



PAY TO THE ORDER OF **\*\* Town Of New Windsor \*\*** \$ **\*\* 75,326.00 \*\***

The Sum of 75,326.00 DOLLARS AND 00 CENTS

TWO AUTHORIZED SIGNATURES REQUIRED FOR AMOUNTS \$10,000.00 & OVER

DRAWER: M & T BANK  
Issued by Integrated Payment Systems Inc., Englewood, Colorado  
Bank One, NA, Denver, Colorado

*Pamela Costanzo* MP  
AUTHORIZED SIGNATURE  
*Claudia Gol...* MP  
AUTHORIZED SIGNATURE

⑈ 34 253 2⑈ ⑆ 10 2000979⑆ 68000371367234⑈

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/16/2003

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LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	12/06/2001	EAF SUBMITTED	12/06/2001	WITH APPLIC
ORIG	12/06/2001	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	12/06/2001	LEAD AGENCY DECLARED	01/23/2002	TOOK LA
ORIG	12/06/2001	DECLARATION (POS/NEG)	09/25/2002	DECL NEG DEC
ORIG	12/06/2001	SCHEDULE PUBLIC HEARING	01/23/2002	SCHED PH
ORIG	12/06/2001	PUBLIC HEARING HELD	03/13/2002	HELD & CLOSED PH
ORIG	12/06/2001	WAIVE PUBLIC HEARING	/ /	
ORIG	12/06/2001	AGRICULTURAL NOTICES	/ /	
ORIG	12/06/2001	BUILDING DEPT REFER NUMBER	/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/16/2003

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LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

	DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
REV4	10/18/2002	MUNICIPAL HIGHWAY . NEED TO REVIEW IN MORE DETAIL WITH TOWN ENGINEER	10/22/2002	CONCEPT APPR
REV4	10/18/2002	MUNICIPAL WATER	/ /	
REV4	10/18/2002	MUNICIPAL SEWER	/ /	
REV4	10/18/2002	MUNICIPAL FIRE	10/18/2002	APPROVED
REV4	10/18/2002	NYS DOT	/ /	
REV3	09/06/2002	MUNICIPAL HIGHWAY . NEED MORE DETAIL REVIEW WITH TOWN ENGINEER	10/22/2002	CONCEPT APPR
REV3	09/06/2002	MUNICIPAL WATER	09/25/2002	NO TOWN WATER
REV3	09/06/2002	MUNICIPAL SEWER	10/18/2002	SUPERSEDED BY REV4
REV3	09/06/2002	MUNICIPAL FIRE . NEED NAME FOR PROPOSED TOWN ROAD . THE CLEARANCE ABOVE THE DRIVEWAYS SHALL BE FOURTEEN (14) . FEET IN ORDER TO PROVIDE ACCESS FOR MOVING VANS, FIRE . APPARATUS, ETC.	09/06/2002	APPROVE COND
REV3	09/06/2002	NYS DOT	10/18/2002	SUPERSEDED BY REV4
REV2	02/21/2002	MUNICIPAL HIGHWAY	09/06/2002	SUPERSEDED BY REV3
REV2	02/21/2002	MUNICIPAL WATER	02/28/2002	APPROVED
REV2	02/21/2002	MUNICIPAL SEWER	09/06/2002	SUPERSEDED BY REV3
REV2	02/21/2002	MUNICIPAL FIRE . NEED NAME OF PROPOSED STREET - DEVELOPER TO CONTACT FIRE . INSPECTOR WITH NAME OF STREET	02/26/2002	APPROVED
REV2	02/21/2002	NYS DOT	09/06/2002	SUPERSEDED BY REV3
REV1	01/18/2002	MUNICIPAL HIGHWAY . NO APPROVAL UNTIL DRAINAGE PLAN IS SUBMITTED. ENTRANCES TO . LOTS 3 & 4 SHOULD BE MOVED CLOSER TOGETHER TO AID IN SNOW . PLOWING. RURAL ST. CROSSING SECTION IS DISAPPROVED USE	01/23/2002	TABLED

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/16/2003

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LISTING OF PLANNING BOARD AGENCY APPROVALS

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

DATE-SENT	AGENCY-----	DATE-RECD	RESPONSE-----
	. FIGURE 3 STANDARD RURAL ROAD & CURBS.		
REV1	01/18/2002 MUNICIPAL WATER	01/24/2002	APPROVED
REV1	01/18/2002 MUNICIPAL SEWER	02/21/2002	SUPERSEDED BY REV2
REV1	01/18/2002 MUNICIPAL FIRE	01/22/2002	APPROVED
	. PLEASE CONTACT FIRE INSPECTOR FOR PROPOSED STREET NAME		
REV1	01/18/2002 NYS DOT	02/21/2002	SUPERSEDED BY REV2
ORIG	12/06/2001 MUNICIPAL HIGHWAY	12/10/2001	DISAPPROVE
	. NO DRAINAGE PLAN SUBMITTED - ROAD SPECIFICATION DOES NOT		
	. MEET TOWN REQUIREMENTS - CUL-DE-SAC MUST MEET TOWN SPECS		
ORIG	12/06/2001 MUNICIPAL WATER	12/10/2001	APPROVED
ORIG	12/06/2001 MUNICIPAL SEWER	01/18/2002	SUPERSEDED BY REV1
ORIG	12/06/2001 MUNICIPAL FIRE	12/10/2001	APPROVED
ORIG	12/06/2001 NYS DOT	01/18/2002	SUPERSEDED BY REV1



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

November 5, 2002

Daniel P. Yanosh NYS LS  
P.O. Box 320  
Circleville, NY 10919

SUBJECT: PLANNING BOARD FILE #01-64  
HIGHVIEW ESTATES - 6-LOT SUBDIVISION  
TOLEMAN ROAD

Dear Dan:

Please find attached printouts of fees due for subject project. Please contact your client, the applicant, and ask that payment be submitted in separate checks, payable to the Town of New Windsor, as follows:

Check #1 - Amount over Escrow	\$ 1,429.30 ✓
Check #2 - 5 Lot Recreation Fee @ \$1,500.00 ea.	\$ 7,500.00 ✓
Check #3 - Subdivision Approval Fee	\$ 380.00 ✓
Check #4 - 4% of Cost Est. - Inspection Fee	\$ 7,889.00 ✓

Also due prior to the stamping and signing of the plans is a Performance Bond to be posted in the amount of \$197,218.00.

Upon receipt of these checks and posting of the Performance Bond, I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason, Secretary To The  
NEW WINDSOR PLANNING BOARD

MLM

cc: Mark J. Edsall, P.E.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	--AMT-PAID	--BAL-DUE
12/06/2001	REC. CK. #6475	PAID		750.00	
12/12/2001	P.B. ATTY. FEE	CHG	35.00		
12/12/2001	P.B. MINUTES	CHG	13.50		
01/23/2002	P.B. ATTY. FEE	CHG	35.00		
01/23/2002	P.B. MINUTES	CHG	22.50		
03/13/2002	P.B. MINUTES	CHG	144.00		
03/13/2002	P.B. ATTY. FEE	CHG	35.00		
09/25/2002	P.B. ATTY. FEE	CHG	35.00		
09/25/2002	P.B. MINUTES	CHG	13.50		
10/23/2002	P.B. ATTY. FEE	CHG	35.00		
10/23/2002	P.B. MINUTES	CHG	22.50		
11/05/2002	P.B. ENGINEER FEE	CHG	1788.30		
		TOTAL:	2179.30	750.00	1429.30

Check #1

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 1-64  
NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	5 LOT REC. FEE	CHG	7500.00		
		TOTAL:	7500.00	0.00	7500.00

*check #2*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	SUB. APPROVAL FEE	CHG	380.00		
		TOTAL:	380.00	0.00	380.00

*check #3*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 1-64  
NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	4% OF COST EST 197,218.00	CHG	7889.00		
		TOTAL:	7889.00	0.00	7889.00

*check #4*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 11/05/2002

PAGE: 1

LISTING OF PLANNING BOARD FEES  
PERFORMANCE BND

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	PERF BOND	CHG	197218.00		
		TOTAL:	197218.00	0.00	197218.00



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: mheny@mhepc.com

Writer's e-mail address:  
mje@mhepc.com

5 November 2002

Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Att: SUPERVISOR GEORGE J. MEYERS and TOWN BOARD MEMBERS

SUBJECT: HIGHVIEW (PARK ROAD CONSTRUCTION) MAJOR SUBDIVISION  
RECOMMENDATION OF PUBLIC IMPROVEMENT BOND AMOUNT  
PLANNING BOARD APPLICATION NO. 01-64

Dear Supervisor Meyers and Town Board Members:

The Town Planning Board recently granted conditional final subdivision approval to the subject project. A requirement of the approval is establishing a Public Improvement Bond for the work on the project proposed for dedication to the Town.

Attached hereto please find a corrected copy of the bond estimate. It is our recommendation that the Town Board establish a Public Improvement Performance Security amount of \$197,218 for the project. The applicant will be required to make payment for inspection fees in an amount of \$7889 at the time the plans are release.

Please do not hesitate to contact me if you have any questions regarding the above.

Very truly yours,  
McGOEY HAUSER & EDSALL  
CONSULTING ENGINEERS, P.C.

Mark J. Edsall, P.E.  
Engineer for the Town

Cc: Phil Crotty, Esq., Town Attorney  
Myra Mason, P.B. Secretary

NW01-64-BondLetter110502.doc

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

# Daniel P. Yanosh

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320

Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.

Kevin J. Wild, L.L.S.

Tel: 845-361-4700

Fax: 845-361-4722

PUBLIC IMPROVEMENTS  
PROPOSED ACCESS ROAD  
PARK ROAD CONSTRUCTION

# 01-64

<u>ROADWAY IMPROVEMENTS</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QUANTITY</u>	<u>TOTAL</u>
Erosion Control	ACRE			\$ 2,000.00 ✓
Roadway Subbase (12" course)	SY	\$6.75	3400	\$ 22,950.00 ✓
Asphalt Pavement (1.5 top)	SY	\$3.75	3130	\$ 11,738.00 ✓
Asphalt Pavement (3.5" thick)	SY	\$8.75	3130	\$ 27,388.00 ✓
Roadway ROW Top Soil & Seeding	SY	\$5.00	<del>1800</del> 10,000	<del>\$ 9,000.00</del> 9000
Concrete monument	EA	\$125.00	9	\$ 1,125.00 ✓
Roadway As-built	LS	\$2,000.00	1	\$ 2,000.00 ✓
Street Sign (Traffic Control)	EA	\$125.00	2	\$ 250.00 ✓
Street ID Sing	EA	\$150.00	1	\$ 150.00 ✓
Concrete Curbing	LF	\$17.00	1540	\$ 26,180.00 ✓
Tack Coat	SY	0.40	3130	1252
<u>DRAINAGE IMPROVEMENTS</u>				
Catch Basin	EA	\$1,300.00	8	\$ 10,400.00 ✓
Stormwater Pipe (HDPE - 15")	LF	\$30.00	726	\$ 21,780.00 ✓
Stormwater Pipe (HDPE - 24")	LF	\$40.00	60	\$ 2,400.00 ✓
End Section (HDPE)	EA	\$500.00	1	\$ 500.00 ✓
Rip Rap Drainage Channel	LF	\$6.00	50	\$ 300.00 ✓
Non-lined Drainage Channel	LF	\$4.00	100	\$ 400.00 ✓
Perforated Pipe/ Stone Underdrain (behind curbs & at sta 3+81 L+R)	LF	\$7.50	<del>450</del> 1450	<del>\$ 3,375.00</del> 10,875
			<u>TOTAL</u>	
			<u>AMOUNT DUE :</u>	\$ 152,541.00

Slope Stabilization	SY	\$0.75	1200 =	900
Roadway Excavation	CY	#4	11,100 =	44,400
Streetlight	EA	1500	1 =	1500

\$ 197,218

# 7889 insp. fee

JB meeting  
11-6-02

(20) Cym

**MOTION- AUTHORIZATION TO ESTABLISH A PUBLIC IMPROVEMENT BOND-  
HIGHVIEW (PARK ROAD CONSTRUCTION) MAJOR SUBDIVISION**

Motion by Council Biasotti seconded by Council Weyant that the Town Board of the Town of New Windsor establish a Public Improvement Bond for Highview (Park Road Construction) Major Subdivision in the amount of \$197,218.00 plus an inspection fee of \$7,889.00 representing 4% of the public improvement bond amount as per the recommendation of McGoey, Hauser and Edsall Consulting Engineers, P.C., under the date November 5, 2002.

ROLL CALL: All Ayes

MOTION CARRIED: 5-0

*[Faint, mostly illegible text from a document, possibly a resolution or meeting minutes.]*

1/21/03

MYRA

I HAVEN'T RECEIVED THIS  
YET — WOULD YOU PLEASE  
CALL THEM AND LET ME  
KNOW WHEN I CAN EXPECT  
IT —

THANKS !!

Jary

1/22/03

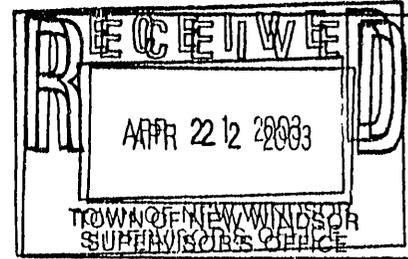
Have copies to Bob B.  
said he would take care of it.

**PREVIOUS  
DOCUMENT  
IN POOR  
ORIGINAL  
CONDITION**

## Mangan, Patrick

---

**From:** airizarry@hvc.rr.com  
**Sent:** Tuesday, April 22, 2003 12:58 AM  
**To:** webmaster@town.new-windsor.ny.us  
**Subject:** Ecomplaint Form



Contact\_FullName=Mr. & Mrs. Irizarry  
Contact\_StreetAddress=237 Toleman Road  
Contact\_Address2=  
Contact\_City=Washingtonville  
Contact\_State=New York  
Contact\_ZipCode=10992  
Contact\_WorkPhone=845-623-0090  
Contact\_HomePhone=845-496-3412 Contact\_Email=airizarry@hvc.rr.com

complaint=Edward & Robert Biagini are building a new road by the proposed name of Paul Court which is adjacent to my property. I have constantly complained to the Highway Department regarding the road drainage ditch between Paul Court and my driveway. Since the beginning of the road construction, we have suffered mud slids that have clogged the drainage hose underneath our driveway and has caused water to puddle on our driveway which compromised the base of our driveway. We had to stand in two inches of dirt everytime we went to get our mail. Have had an ice patch and/or puddles of water/mud at the base of our driveway all fall and winter long. We have complained about having a fence put up along my property line since we now have a 40+ foot drop down to the base of this new road. Now that Mr. Biagini has cleared the drainage ditch, our mailbox is about to fall over. And after causing Mr. Biagini to put up the fence this past Thursday, April 4/17/02 - today he had a tree removed (the last one I might add) that was on OUR property and in doing so he left the fence broken where the tree was with a hugh stump sticking out of the ground. If he removes this stump he will cause more damage to our property. We have spent a lot of money to manicure our lawn. The roots of this tree are huge and if it is pulled up we will have a gapping hole in the ground. We are EXTREMELY upset that he cut the tree down without our consent or permission. We would like to know who gave him authorization to cut it down. It was the only tree we had left on our property line. He has removed all the other trees because they were purportedly on his property. What are the regulations regarding construction of roads? Isn't there supposed to be some sort of "buffer zone" so that his construction does not interfere with our quality of life. We are quite disgusted by his behavior and we hope that town will cause him to be fined for his disregard of the property lines. We have participated in all of the town public hearings vehemently complaining of Mr. Biagini's slapshod workmanship, we complain to Mr. Kroll in the highway department but now Mr. Biagini has crossed the line. Mr. Kroll has been very helpful to us thus far. We do not want Biagini or his workers trespassing on our property. He had no right to take down the tree that he did today. We are fed up with the lack of supervision from town officials. We are tired of "policing" Mr. Biagini's work. We even had to report him because he was burning without a permit. As a matter of fact Mr. Meyers' son at the New Windsor P.D. was the one who issued the fine to Mr. Biagini. We are tired of our rights being infringed upon by Mr. Biagini. This family has the worse reputation in Orange County for building and this town still allows this family to continue doing whatever they want to do. I would like to see Mr. Biagini fined and would hope that the town will have him replace the trees that he has caused to be removed. In addition we would like to speak with someone directly regarding our rights concerning this roadway as we are taxpayers and I believe that Mr. Biagini's is not the only person with "constitutional rights" (the famous excuse from the planning board whenever they can't answer a question directly). You can verify this information with Mr. Kroll. Thus far he has been the only person helping us and we appreciate his concern and efforts. Please contact us immediately. We look forward to hearing from your office. Very truly yours,  
Annette S. Irizarry violator-FullName=Edward & Robert Biagini violator-  
\_StreetAddress=Paul Court - new road off of Toleman Road violator-\_Address2  
=Washingtonville, NY 10992 violator-\_WorkPhone= violator-\_HomePhone= SUBMIT=Submit Form

**Town of New Windsor**  
555 Union Avenue  
New Windsor, NY 12553  
(845) 563-4611

**RECEIPT**  
**#309-2003**

04/02/2003

All Mine Of Orange, Inc. #01-64

Received \$ 380.00 for Planning Board Fees, on 04/02/2003. Thank you for  
stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/02/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 1-64  
NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	4% OF COST EST 197,218.00	CHG	7889.00		
04/02/2003	REC. CK. #4167	PAID		7889.00	
		TOTAL:	7889.00	7889.00	0.00

*Pl*  
*4/2/03*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/02/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	5 LOT REC. FEE	CHG	7500.00		
04/02/2003	REC. CK. #4165	PAID		7500.00	
		TOTAL:	7500.00	7500.00	0.00

*Handwritten:*  
↓  
4/2/03

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/02/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829  
APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/06/2001	REC. CK. #6475	PAID		750.00	
12/12/2001	P.B. ATTY. FEE	CHG	35.00		
12/12/2001	P.B. MINUTES	CHG	13.50		
01/23/2002	P.B. ATTY. FEE	CHG	35.00		
01/23/2002	P.B. MINUTES	CHG	22.50		
03/13/2002	P.B. MINUTES	CHG	144.00		
03/13/2002	P.B. ATTY. FEE	CHG	35.00		
09/25/2002	P.B. ATTY. FEE	CHG	35.00		
09/25/2002	P.B. MINUTES	CHG	13.50		
10/23/2002	P.B. ATTY. FEE	CHG	35.00		
10/23/2002	P.B. MINUTES	CHG	22.50		
11/05/2002	P.B. ENGINEER FEE	CHG	1788.30		
04/02/2003	REC. CK. #4164	PAID		1429.30	
		TOTAL:	2179.30	2179.30	0.00

*Pls*  
4/2/03

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 04/02/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
11/05/2002	SUB. APPROVAL FEE	CHG	380.00		
04/02/2003	REC. CK. #4166	PAID		380.00	
		TOTAL:	380.00	380.00	0.00



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. MCGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

**MAIN OFFICE**  
33 Airport Center Drive  
Suite 202  
New Windsor, New York 12553

(845) 567-3100  
fax: (845) 567-3232  
e-mail: mheny@mhepc.com

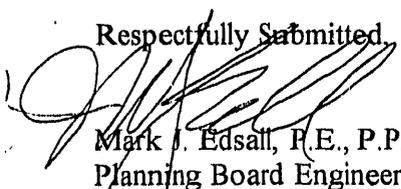
Writer's e-mail address:  
mje@mhepc.com

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 01-64  
**DATE:** 25 SEPTEMBER 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 21.2+  
ACRE PARCEL INTO SIX (6) SINGLE-FAMILY RESIDENTIAL LOTS.  
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 DECEMBER  
2001, 23 JANUARY 2002 AND 13 MARCH 2002 PLANNING BOARD  
MEETINGS.

1. The property is located in the R-1 zoning district of the Town. The lots comply with the zoning requirements and the bulk table appears acceptable.
2. It is my understanding that the Town Board granted a waiver for sidewalks for this road. This should be verified.
3. Some minor corrections/outstanding items are:
  - The Belgian block curb detail on the plan needs correction. I have provided the applicant's surveyor with a copy of the Town detail.
  - The street name and 911 numbering has still not been done.
  - The Public Improvement Bond Estimate must be approved by the Town Board.
  - Submittal of descriptions and Offers of Dedication
  - The side slopes of the road cut must be planted with crown vetch.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NW01-64-23Oct02.doc  
MJE/st

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •  
• 540 Broadway • Monticello, New York 12701 • 845-794-3391 •

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Daniel Yanosh appeared before the board for this proposal.

MR. PETRO: Highview Estates subdivision, bring us up to date, Mr. Yanosh.

MR. YANOSH: We were here last month, we had some technical items to take care of. I met with Mark a couple weeks ago and took care of the majority of them. Couple of the comments Belgian block curve, he faxed me over one tonight, I had to change that, I know that all I have to do is put the numbers on the plan for 911 numbering system, the number, the bond estimate is okay just has to be approved by the Town Board.

MR. EDSALL: I have to finish review and I will forward to the Town Board.

MR. YANOSH: I did give Mark tonight a copy of the description for the road dedication and just the detail for the crown vetch on the town slopes and we addressed everything that needed to be done.

MR. EDSALL: For the 911, you need to pick the road name so just coordinate that with Bob Rogers.

MR. ARGENIO: What's the proper detail for the Belgian block?

MR. EDSALL: He can show you, there's no Belgian block detail in the town spec, but the highway superintendent and the former superintendent both accepted Belgian block curbs. We have generated a detail in cooperation with the town and Dan wasn't aware of it. I was supposed to get it to him. I never did so I shared it with him today. I'm sure you folks who deal with this stuff all the time will think it's just a wonderful detail. Actually, it works.

MR. LANDER: It's normal operating procedure.

MR. EDSALL: Yeah.

MR. PETRO: Why are we discussing it if you're not sure if you're putting them in, Dan?

MR. YANOSH: Curbs are one thing, sidewalk is another.

MR. EDSALL: One of the things that isn't on the detail but is a requirement is that there's I think a 5 percent of the amount of block used on the entire road is stockpiled, there's spare block in case people move their driveways or plow damages the Belgian block so when you order the Belgian block, get some extra pallets.

MR. PETRO: How about 4 percent, would that work?

MR. EDSALL: No, you'd run out. It's got to be under lock and key.

MR. PETRO: Let me ask you this, Dan or Bob, how are you taking care of the water from going onto this property? We were up there and he was, I know he has a swale that you already built behind his house at one time looks like there's a lot of water that not only coming from your property but the woods behind there, here's Toleman, and you go up, this is the one right here and he's getting water all the time.

MR. YANOSH: We did put a curtain drain from the corner over here to tie into the catch basin out there.

MR. EDSALL: Look at sheet 2 on the left, Dan, I asked Dan to show those two curtain drains that we spoke about in the field.

MR. PETRO: I see it, that's going towards Toleman, how about behind the lot?

MR. YANOSH: This goes right along from here to here.

MR. PETRO: How about up this way to keep it from going down there, how is the topo going this way?

MR. BABCOCK: Jim, it's coming towards Toleman, he's picking it up and dumping it out to the new road.

MR. EDSALL: What he did was, Jim, move the catch basins up to give a receiving point then ran the curtain drains out.

MR. PETRO: How did you make out with the road? I know there's trees buried under the road, did he remove a lot of the road?

MR. BOB BIAGINI: Road's just about all in.

MR. PETRO: Mark, you test all that anyway, right, or you're not sure?

MR. EDSALL: I wasn't aware they're doing any work since they're not supposed to by Town Law, since they don't have approval, but I'm sure once we know about it, we'll go out and do inspections.

MR. PETRO: How are you going to actually do it, borings?

MR. EDSALL: Before there's any item brought in, they'll be approved for the road. If we see any soft spots, they'll have to dig them out, also, if we see any evidence of improper material, it will have to come out.

MR. PETRO: Did you get that Volkswagon bus out of there?

MR. BABCOCK: Didn't you ask for approval from the planning board?

MR. YANOSH: Yeah, but we had a house here to begin with, too, a driveway.

MR. PETRO: Mark, where are we with this? There's really nothing left other than--

MR. YANOSH: We had a negative dec last month.

MR. EDSALL: Negative dec's taken care of.

MS. MASON: Took lead agency.

MR. EDSALL: You have to decide on the sidewalks and the other issue just for the record is that the highway superintendent wanted to review this with me, we didn't have an opportunity to go over it until this morning and I went over all the details with him that Dan had revised and his indication was that since everything meets the Town Law, he's comfortable with it. The only addition he had, Dan, was crown vetch which I added here.

MR. YANOSH: Sure.

MR. PETRO: Let's discuss the sidewalks. Anybody have a comment?

MR. LANDER: What kind of grade on the road, 10%?

MR. YANOSH: Yes.

MR. ARGENIO: I was just discussing that with Mr. Bresnan and I suggested that not to make a bad precedent right off the bat, the houses are so colossally far away from the road in this instance, I just don't see where anybody would be using the sidewalk here, initially, the slope of the road going down to Toleman Road, it's steep and it would be--

MR. PETRO: We just said the same thing.

MR. ARGENIO: It would be substantial additional excavation, the sidewalks will never be used. While I do agree with Mr. Lander and your comment earlier, Jim, about being predisposed to have sidewalks, I don't think that this particular site fits that bill.

MR. BRESNAN: I agree.

MR. PETRO: You have to look at every application and use common sense.

MR. ARGENIO: I agree with your statement that we should be predisposed to having sidewalks, but I just don't think it fits the bill.

MR. KARNAVEZOS: No. Matter of fact, I was going to

say the same thing to Jerry was that I was saying their driveways are, some of them look like they're close to 70, 80 yards of driveway there, who's going to, kids aren't going to walk to the bus down that far.

MR. PETRO: We're going to let the plan stand as is without the sidewalks. If there's a major problem with the Town Board until the law is changed but once the plan is stamped that's it and you'll be done with it. So it will stand the way it is. Mr. Yanosh, you have a couple subject-to's here, the street name and 911 numbering, public improvement bond estimate, the detail needs correction, submittal of descriptions and offers of dedication.

MR. EDSALL: Just got 'em.

MR. PETRO: Everything else we have fire approval, we have highway approval, highway does say that he wants to go over a little more detail with the town engineer but is conceptually approved. So unless it's a major problem, we would consider that approval. I'm sure Mr. Biagini would accommodate Mr. Kroll if he asked him to do something. Motion for final approval and we're going to just let the, all the bullet items stay as subject-to's that I have already just go over.

MR. BRESNAN: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Highview Estates major subdivision on Toleman Road west side. Is there any further discussion from the board members? If not, roll call.

ROLL CALL

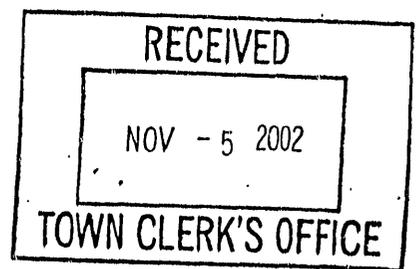
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE

cc: P/B

# TOWN OF NEW WINDSOR



TOWN CLERK'S OFFICE  
555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4611  
Fax: (845) 563-4670



## REQUEST FOR PUBLIC RECORDS

(Please specify or describe item (s) requested)

Planning Board Map - Section 56  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date Records Requested: 11/5/02

Name: Annette S. IRIZARRY

Address: 237 Toteman Rd, Washingtonville, NY 10992

Phone: (845) 496-3412

Representing: myself

**Documents may not be taken from this office.**

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 1- 64

FOR WORK DONE PRIOR TO: 11/05/2002

										-----DOLLARS-----			
TASK-NO	REC	DATE	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	BILLED	BALANCE		
1-64	181779	09/05/01	TIME	MJE	WS HIGHVIEW	85.00	0.40	34.00					
1-64	184207	10/03/01	TIME	MJE	WS BIAGINI SUB	85.00	0.40	34.00					
1-64	189056	12/05/01	TIME	MJE	WS HIGHVIEW EST TOLEMAN	85.00	0.40	34.00					
1-64	189092	12/12/01	TIME	MJE	MC HIGHVIEW	85.00	0.50	42.50					
									-----				
									144.50				
1-64	190691	12/31/01			BILL 02-202 1/17/02							-144.50	
												-----	
												-144.50	
1-64	192120	01/23/02	TIME	MJE	MC HIGHVIEW SUB	88.00	0.40	35.20					
1-64	192125	01/23/02	TIME	MJE	MC HWYVW W/KROLL	88.00	0.30	26.40					
1-64	197716	03/06/02	TIME	MJE	WS HIGHVIEW SUB	88.00	0.40	35.20					
1-64	201659	03/12/02	TIME	MJE	MC HIGHVIEW SUB	88.00	0.80	70.40					
1-64	201665	03/13/02	TIME	MJE	MC HIGHVIEW SUB W/KROLL	88.00	0.30	26.40					
1-64	201780	03/25/02	TIME	MJE	FI HIGHVIEW	88.00	1.50	132.00					
									-----				
									325.60				
1-64	198905	03/21/02			BILL 02-454 3/21/02							-96.80	
												-----	
												-96.80	
1-64	207504	05/30/02	TIME	JJR	MC HWYVIEW EST	65.00	2.00	130.00					
									-----				
									130.00				
1-64	205725	05/15/02			BILL 02-594							-228.80	
1-64	210070	06/19/02			BILL 02-706							-130.00	
												-----	
												-358.80	
1-64	213435	07/18/02	TIME	JJR	MC HGHVW EST PERC WITNE	65.00	8.00	520.00					
1-64	217174	08/12/02	TIME	JJR	MC HWVW EST PERC TEST	65.00	5.00	325.00					
									-----				
									845.00				
1-64	214973	08/01/02			BILL 02-897							-520.00	
												-----	
												-520.00	
1-64	222288	09/25/02	TIME	MJE	MC HIGHVIEW	88.00	0.50	44.00					
									-----				
									44.00				

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 1- 64

FOR WORK DONE PRIOR TO: 11/05/2002

										-----DOLLARS-----		
TASK-NO	REC	--DATE--	TRAN	EMPL	ACT	DESCRIPTION-----	RATE	HRS.	TIME	EXP.	BILLED	BALANCE
.....												
1-64	219553	09/05/02				BILL 02-1063					-325.00	
											-----	
											-325.00	
1-64	223299	10/02/02	TIME	MJE	WS	HIGHVIEW SUB	88.00	0.40	35.20			
1-64	225773	10/22/02	TIME	MJE	MC	TC/KROLL RE HIGHVIEW	88.00	0.40	35.20			
1-64	225787	10/23/02	TIME	MJE	MC	TC/KROLL RE HIGHVIEW	88.00	0.40	35.20			
1-64	225790	10/23/02	TIME	MJE	MC	HIGHVIEW REVIEW	88.00	0.60	52.80			
1-64	225897	10/23/02	TIME	MJE	MM	Highview Cond App1	88.00	0.10	8.80			
1-64	226606	10/30/02	TIME	MJE	MC	Highview Plan Rev	88.00	0.50	44.00			
									-----			
									211.20			
1-64	225712	10/24/02				BILL 02-1231					-79.20	
											-----	
											-79.20	
1-64	226604	11/05/02	TIME	MJE	MC	Bond Est & Letter	88.00	0.50	44.00			
1-64	226605	11/05/02	TIME	MJE	MC	Ded Descript & Lttr	88.00	0.50	44.00			
									=====	=====	=====	=====
TASK TOTAL									1788.30	0.00	-1524.30	264.00
.....												
									=====	=====	=====	=====
GRAND TOTAL									1788.30	0.00	-1524.30	264.00

RESULTS OF P. MEETING OF: October 8, 2002

PROJECT: Highway Estates Sub. P.B.# 01-64

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_  
2. TAKE LEAD AGENCY: Y\_\_ N\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_  
CARRIED: YES\_\_ NO\_\_

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_  
CARRIED: YES\_\_ NO\_\_

WAIVE PUBLIC HEARING: M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M)\_\_\_ S)\_\_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M) B S) A VOTE: A 5 N 0 APPROVED CONDITIONALLY: 10/23/02

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<i>Sidewalks to be determined by Planning Board</i>
<i>Need 911 #'s on plan</i>
<i>Description for Road-Mark has</i>
<i>No sidewalks needed</i>

REGULAR ITEMS:

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 21.2 acre parcel into six single family residential lots. Is this one we walked?

MR. EDSALL: Yes.

MR. PETRO: All the water was going into the neighbors. Is this the one that had the road made out of tree stumps? You took care of that. How about the incline going up?

MR. EDSALL: Six inches of mulch over it.

MR. YANOSH: I didn't read Mark's comments yet, but we, you took a site walk visit, we did do a joint inspection on all the lots, did a perc test with a representative from his office on the site and public hearing was closed last month.

MR. EDSALL: March.

MR. YANOSH: Yeah, March, I think we were here for public hearing and you have seen this two or three times already. Mark's got some more comments.

MR. EDSALL: Nothing important, minor stuff.

MR. PETRO: What do you want to get accomplished here tonight? Why are you here?

MR. YANOSH: Final approval.

MR. PETRO: Did you see applicant's request waiver of Town Board for sidewalks, what happened with the sidewalks?

MR. YANOSH: Still waiting, I guess the attorney hasn't sent that in yet, that's the Town Board, there's no

sidewalks out there on any subdivision up and down the street, so I don't think we'll have any problem with it.

MR. LANDER: Somebody's got to be the first.

MR. PETRO: Let me address the owner of the property again, there's 7 items from our engineer and some of the items have four or five items, sub-items.

MR. YANOSH: Curb detail, street sign standards.

MR. PETRO: I suggest he take this, go over it, work it out with Mark Edsall and come back. There's just too many items.

MR. EDSALL: Comment 2 are things that we mentioned in March that are still open, 3 I added just on some review of some new information we got.

MR. YANOSH: I thought the water quality issues were something we were looking at with the drainage coming down, I thought it was okay when you did the site visit.

MR. EDSALL: I don't recall if you looked at the treatment occurring in the ditch, if that's the case, I don't know whether or not it met the DEC standards with the length of the ditch or you have to put something in the ditch, I just don't know, I had that down as an open issue.

MR. YANOSH: I wasn't too sure what that was about.

MR. PETRO: Take the comments, use that as a worksheet, take care of it, I will put you on in two weeks, the next agenda. Also, get a letter from the waiver from the sidewalks, I'm not going to approve it, I don't think we're opposed to it because of the nature of it but you have to have it and but there's the comments to review. Okay? Thank you.

MR. EDSALL: One thing that we can possibly get out of the way so that it's done under 7 SEQRA, I don't have a record of us having a negative dec here. Myra, is that

correct?

MS. MASON: No, they didn't.

MR. EDSALL: Looking at this list, they're all, although there's a number of them, all minor corrections, I believe we can get that out of the way tonight.

MR. PETRO: Motion for negative dec.

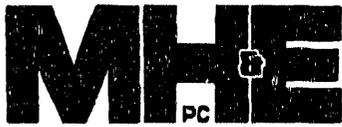
MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for Highview Estates major subdivision on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. KARNAVEZOS	AYE
MR. LANDER	AYE
MR. PETRO	AYE



**McGOEY, HAUSER and EDSALL  
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*Writer's E-mail Address:*  
mje@mhepc.com

**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 01-64  
**DATE:** 25 SEPTEMBER 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 21.2+ ACRE PARCEL INTO SIX (6) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 DECEMBER 2001, 23 JANUARY 2002 AND 13 MARCH 2002 PLANNING BOARD MEETINGS.

1. The property is located in the R-1 zoning district of the Town. The lots have been revised to meet the new bulk requirements, and the bulk table expanded to provide “required” values. The table has been revised to acknowledge the new 80,000 s.f. required lot area.
2. I have reviewed this resubmittal, and note that the following items are still wrong (they were previously noted in my March comments):
  - a. The roadway cross-section does not conform to the Town code. The reference to ROB Gravel or Crusher Runs is unacceptable. Subbase is defined in the Town’s Street Specifications. (this correction is also needed on the curb detail).
  - b. Water quality issues must be evaluated and addressed. Please submit design report.
  - c. Previously, at a previous subdivision review, concern was regarding groundwater direction and redirection. The applicant agreed to provide curtain drains along the rear of the adjoining lots, and tie same to the Town Road stormwater system. This is not on the plan.
  - d. Sidewalks are not shown. I am not aware of any waiver being granted by the Town Board.

3. The following corrections are also needed:
  - a. The curb detail should note "Class A 4000 psi concrete per Town requirements".
  - b. The street stop sign installation must match typical Town standards.
  - c. The storm sewer detail notes must be revised to delete references to backfill material, which does not conform to Town road specifications (notwithstanding note 5).
4. I performed a preliminary review of the sanitary system configurations and have the following questions:
  - a. The slope in the sanitary area of lot #2 exceeds 15%. Specialized design in conformance with Appendix 75-A should be provided.
  - b. It should be verified that this application is not subject to OCDOH review.
5. An approval from the Highway Superintendent is required. I am not aware of the results of his review.
6. The street name and 911 numbering still is pending. The applicant was to coordinate with the Fire Inspector. This should be added to the plan as soon as available.
7. As a reminder, the following must be completed, in the future, before any approvals can be considered:
  - Completion of SEQRA
  - Submittal of a Public Improvement Bond Estimate
  - Submittal of descriptions and Offers of Dedication

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

*Daniel P. Yanosh*

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320

Circleville, N.Y. 10919

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Kevin J. Wild, L.L.S.

Tel: 845-361-4700  
Fax: 845-361-4722

October 7, 2002

Mark J. Edsall, P.E.  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: Highview Estates  
Toleman Road (West side)

Project number: 01-64

Dear Mr. Edsall:

Enclosed please find prints of the 6 lot subdivision on Toleman Road for Highview Estates that have been revised as per your comment letter dated September 25, 2002.

1. No comment needed.
2.
  - a) The roadway cross-section now shows a 12" foundation course subbase of N.Y.S. D.O.T. item #4. The curb detail has also been revised accordingly.
  - b) A Rip Rap Detail has been included on Sheet 2. This is shown on Sheet 2 in the area of the outlet of the proposed 24" Drainage Pipe across Toleman Road. This will provide for first flush of the proposed drainage.
  - c) Curtain drains have been added along the property lines of Lots 1 and 6, adjoining the previously approved subdivision lots. These will be tied into the proposed drainage structures.
  - d) A waiver has been requested from the Town Board to eliminate the need for sidewalks.
3.
  - a) The curb detail now shows Class "A" 4000 psi concrete
  - b) The Stop Sign installation now matches the town specifications.
  - c) The storm water trench detail has been revised to conform with town specifications.
4.
  - a) The septic design for lot # 2 has been revised to a shallow trench system which will allow

for fill material to be added to reduce the slope to under 15%.

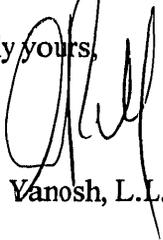
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Highview Estates, Toleman Road

- b) Approval from the Orange County Health Department is not required since the total number of lots under 5 acres is less than 5.
5. Plans have been sent to the Highway Superintendent for his review and approval.
  6. The street has been named Paul Drive and the 911 numbering is in the process of being obtained.
  - 7
    - A negative declaration in the SEQRA process was granted by The Planning Board..
    - The Public Improvement Bond Estate is submitted with these plans.
    - The descriptions and Offers of Dedication are currently being worked on, and will be sent to the Town Planning Board Attorney for his review.

If you have any questions please call my office at any time.

Very truly yours,



Daniel P. Vanosh, L.L.S.

L92-084

RESULTS OF P.B. MEETING OF: September 25, 2002

PROJECT: Highbury Estates

P.B.# 01-64

LEAD AGENCY:

1. AUTHORIZE COORD LETTER: Y\_\_ N\_\_  
2. TAKE LEAD AGENCY: Y\_\_ N\_\_

M) \_\_ S) \_\_ VOTE: A\_\_ N\_\_  
CARRIED: YES\_\_ NO\_\_

NEGATIVE DEC:

M) A S) B VOTE: A 5 N 0  
CARRIED: YES  NO\_\_

WAIVE PUBLIC HEARING: M) \_\_ S) \_\_ VOTE: A\_\_ N\_\_ WAIVED: Y\_\_ N\_\_

SCHEDULE P.H. Y\_\_ N\_\_

SEND TO O.C. PLANNING: Y\_\_

SEND TO DEPT. OF TRANSPORTATION: Y\_\_

REFER TO Z.B.A.: M) \_\_ S) \_\_ VOTE: A\_\_ N\_\_

RETURN TO WORK SHOP: YES\_\_ NO\_\_

APPROVAL:

M) \_\_ S) \_\_ VOTE: A\_\_ N\_\_ APPROVED: \_\_\_\_\_

M) \_\_ S) \_\_ VOTE: A\_\_ N\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y\_\_ N\_\_

DISCUSSION/APPROVAL CONDITIONS:

<i>To obtain waiver from T.B. for sidewalks</i>
<i>Address Mark's comments and return to W.S.</i>



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

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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
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1. The property is located in the R-1 zoning district of the Town. The lots have been revised to meet the new bulk requirements, and the bulk table expanded to provide “required” values. The table has been revised to acknowledge the new 80,000 s.f. required lot area.
2. I have reviewed this resubmittal, and note that the following items are still wrong (they were previously noted in my March comments):
  - a. The roadway cross-section does not conform to the Town code. The reference to ROB Gravel or Crusher Runs is unacceptable. Subbase is defined in the Town’s Street Specifications. (this correction is also needed on the curb detail).
  - b. Water quality issues must be evaluated and addressed. Please submit design report.
  - c. Previously, at a previous subdivision review, concern was regarding groundwater direction and redirection. The applicant agreed to provide curtain drains along the rear of the adjoining lots, and tie same to the Town Road stormwater system. This is not on the plan.
  - d. Sidewalks are not shown. I am not aware of any waiver being granted by the Town Board.

3. The following corrections are also needed:
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  - b. The street stop sign installation must match typical Town standards.
  - c. The storm sewer detail notes must be revised to delete references to backfill material, which does not conform to Town road specifications (notwithstanding note 5).
4. I performed a preliminary review of the sanitary system configurations and have the following questions:
  - a. The slope in the sanitary area of lot #2 exceeds 15%. Specialized design in conformance with Appendix 75-A should be provided.
  - b. It should be verified that this application is not subject to OCDOH review.
5. An approval from the Highway Superintendent is required. I am not aware of the results of his review.
6. The street name and 911 numbering still is pending. The applicant was to coordinate with the Fire Inspector. This should be added to the plan as soon as available.
7. As a reminder, the following must be completed, in the future, before any approvals can be considered:
  - Completion of SEQRA
  - Submittal of a Public Improvement Bond Estimate
  - Submittal of descriptions and Offers of Dedication

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NW01-64-25 Sept02.doc  
MJE/st

*Daniel P. Yanosh*

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August 27, 2002

Mark J. Edsall, P.E.  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: Highview Estates  
Toleman Road (West side)  
Project number: 01-64

Dear Mr. Edsall:

Enclosed please find prints of the 6 lot subdivision on Toleman Road for Highview Estates that have been revised as per your comment letter dated August 27, 2002.

1. The required area has been changed to be 80,000 s.f.
2.
  - A) The reference to ROB Gravel or Crusher Runs has been deleted and the town street specifications have been added.
  - B.) Catch basin details have been revised to coordinate with grate selection.
  - C.)The water quality has been evaluated and addressed.
  - D.) The drainage system has been extended up to the cul-de-sac, and two additional basins have been provided at the "throat" of the cul-de-sac.
  - E.) The typical driveway details of the Highway Department has been added.
  - F.) A waiver from the Town Board have been requested.
3. The sanitary disposal systems have been designed. A joint site inspection was done by your office to verify the septic design.

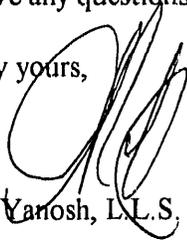
Page 2

Highview Estates, Toleman Road

4. The street name and 911 numbering is in the process of being obtained
5.
  - Completion of SEQRA is going to be done by The Planning Board.
  - The Public Improvement Bond Estate is being worked on.
  - The descriptions and Offers of Dedication are currently being worked on.

If you have any questions please call my office at any time.

Very truly yours,



Daniel P. Varosh, L.L.S.

L92-084



# Man arrested for dumping building debris

By HEATHER YAKIN  
Staff Writer

MONTGOMERY – Village police made their first arrest yesterday in the investigation into illegal dumping of construction debris at the Rolling Meadows development.

04/22/99 08:50 AM

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An employee of the developer who built many of the homes in the neighborhood just off Route 211 near the Orange County Airport was charged with prohibited dumping, a misdemeanor.

The man charged, Donald M. Rock, 45, of Mountainville, works for developer Edward Biagini, the developer who police say buried more than 100 tons of construction debris in the back yards of the homes at Rolling Meadows in the Village of Montgomery.

Police say they also got a complaint from the Montgomery Elementary School, which abuts the development, saying debris was also bulldozed onto their property.

Officials from the state Department of Environmental Conservation were in Montgomery Tuesday, and will return today to discuss the case with police. Police say charges are pending against Biagini.

So far, police and village Department of Public Works employees have dug up hundreds of cubic yards of plywood, insulation, oil bottles, vinyl siding and compound buckets from the lawns of the Rolling Meadows development.

As of yesterday, 235 cubic yards, weighing 137 tons, had been hauled to a landfill, and two more huge, open construction debris bins were waiting to be hauled away.

Police say the buried wood is a major concern because in a few years, as it decays, sink holes could develop.

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3/13/02

*Submitted at Public Hearing for Highview Estates  
by Mrs. Drizarry*



## More uncovered debris has development in the dumps

By BETH KALET

Staff Writer

04/17/99 09:49 AM

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MONTGOMERY – Empty paint cans, pine planks, sheets of particle board, insulation, drywall and strips of vinyl siding.

That's just some of what village crews unearthed yesterday from grass-covered dumpsites hidden beneath the back yards of new suburban homes in the Rolling Meadows development. It was the second day of digging.

Village Police Chief Jack Byrnes said developer Edward Biagini faces criminal charges for the illegal dumping, which carry a potential of heavy fines and jail time, police said.

Biagini insisted yesterday that it was his subcontractors who dug holes and buried construction debris in the yards out of "laziness." He said he provided dumpsters at the site, but "obviously some of them were lazy." But 20 feet below ground in a back yard on Wavey Willow Lane, police found Biagini's personal garbage.

They said someone also brought debris in from other sites and buried it beneath the yards at Rolling Meadows. Some 39 addresses have been identified as likely dump sites, according to Byrnes. About 60 homes have been built there and the development is not yet complete.

Byrnes said it might take until Monday to decide exactly how broad the charges will be, but the violation is criminal.

Although Biagini accepted no blame for the acts, he said he would take responsibility for clearing up the property. "So if I have to go out there with a vacuum and clean up the place, I will."

Biagini was speaking from his Washingtonville office, while in Montgomery, two backhoes repeatedly bit into the earth, uncovering dumptruck loads of debris. By afternoon yesterday, more than 90 cubic yards of material had been found.

Biagini had been cited by the Department of Environmental Conservation several weeks ago when his crews were seen bulldozing debris underground at the site. That trash was dug up and properly disposed of, but the incident led to this week's investigative digging.

On Thursday night, police dug up some 40 cubic yards of construction debris within several hours, Byrnes said.

Yesterday morning Joanna O'Connor stood at her back yard window watching as the digging resumed.

"It's really a disgrace," she said. "How greedy can you get?"

State law requires that construction debris be properly disposed. Trash haulers charge about \$60 to \$100 a ton, to remove such materials, enforcement officials said. Some towns permit burning of "clean" debris, like wood, but not Montgomery.

O'Connor and her neighbors are worried that sinkholes could develop as the debris shifts or degrades in the dumpsite locations. She and most of her neighbors moved to Montgomery from parts of New York City, she

said, for the country atmosphere.

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# Builder has to show cards for suit MONTGOMERY: A Montgomery developer accused of illegal dumping is due back in court Sept. 29.

09/03/99 09:17 AM

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**By Christopher Mele**  
**The Times Herald-Record**  
**cmele@th-record.com**

**A developer who claims Montgomery village officials abused their power is having to back up his claims in pre-trial testimony.**

**The developer, Ed Biagini, hit the village and police in June with a notice of claim, the first step in filing a lawsuit.**

**The claim spelled out a litany of charges: unequal enforcement of the law, intentional infliction of emotional distress and violations of the Racketeer Influenced and Corrupt Organizations Act.**

**The village requested a so-called 50-h hearing, one of which was held last month. Under General Municipal Law, a municipality has the right to question the person who is suing under oath to learn details of the claim.**

**The premise behind such a hearing is to determine whether the municipality can take some steps to head off the formal filing of a lawsuit. Village Mayor Steve Brescia said he believed Biagini's charges are "totally without merit."**

**Village police charged Biagini and an employee of his Highview Estate company in April with burying construction and demolition debris at the Rolling Hills housing development in violation of state law.**

**The state Attorney General's Office is prosecuting the case. The next court date is**

**Sept. 29.**

**In a separate but related development, the village's former building inspector, Dean Stickles, is waiting for a grand jury to review records-tampering and official misconduct charges filed against him in May.**

**The charges stemmed from the investigation into the illegal dumping at Rolling Meadows. Police said at least four of the development's 79 homes had insufficient footings to support the houses' weight, yet Stickles falsely issued certificates of occupancy anyway.**

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### 4 families sue home builder

MONTGOMERY: Problems with the construction of the homes include burial of construction debris beneath the lawns, failure to put the footings of homes below the frost line and gaps in exterior walls.

10/08/99 09:53 AM By Oliver Mackson

The Times Herald-Record  
omackson@th-record.com

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Some people feel winter coming and their biggest worry is bringing in their plants or changing the antifreeze in their car.

Patti Shanahan and her husband, Tom Huffer, worry about whether their home will still be standing after their first winter in their new home.

This week, they and three other families with homes in the Rolling Meadows development sued their builder, Ed Biagini of Blooming Grove, and his company, Highview Estates. Their lawsuit also names the Village of Montgomery and its building inspector, Dean Stickles. Stickles was arrested in May and suspended in connection with goings-on in the Rolling Meadows development.

Shanahan and Huffer and the three other families are each seeking several hundred thousand dollars in damages, or a judge's order that Biagini refund the purchase price for their homes with interest.

The lawsuit claims scores of problems with the construction of the homes, including burial of construction debris beneath their lawns, failure to put the footings of homes below the frost line and gaps in exterior walls.

"We take responsibility for buying the house. But the sale should never have been able to go through," Patti Shanahan said during a gathering of the families last week. "We were put in this position by the building inspector. Basically, if he had done his job, we would never have been able to close on this house, and we never would have been put in this position."

Biagini's lawyer, David Levinson of Central Valley, said the lawsuit has no merit. "I feel sorry for Mr. Stickles and Mr. Biagini," Levinson said. "I've known my client for years, and I have the utmost faith in his ability. I hope he countersues for defamation."

Stickles lawyer, Brandon Ozman, said, "Dean Stickles has always acted with due diligence in the performance of his duties."

The families say the footings for the foundations are especially worrisome. According to an engineer hired by Huffer and Shanahan and Joe and Dolores Miller, the footings aren't deep enough, which could cause the foundation to "heave" in the cold and lead to cracks in the floors, walls and ceilings of the homes.

The four families said they tried at first to seek redress through local and state officials, but when that got them nowhere, the courts were the only place left.

Biagini's lawyer said his client will have his own engineer examine the houses.

The lawsuit came five months after village police said they dug up construction debris from the lawns in the subdivision.

Police said they began investigating after seeing a Biagini employee digging a deep trench beside a pile of debris.

The investigation rippled through Rolling Meadows, a subdivision of 79 contemporary colonial and split-level homes on quiet streets behind Montgomery Elementary School. The new homes cost between \$138,000 and \$170,000.

Police found Stickle had improperly issued certificates of occupancy to the homes whose footings were inadequate.

Following the probe, Stickle was arraigned on charges of first-degree tampering with public records, a felony, and official misconduct and second-degree falsifying business records, misdemeanors.

Stickle is suspended with pay, pending the outcome of the criminal case.

Homeowners Shanahan and Huffer said they have new doubts with every mortgage check they write. "What are we paying for?" Shanahan said. "A losing proposition."

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# Lawyer: Builder unfairly targeted MONTGOMERY: A developer charged with illegal dumping is fighting back.

07/03/99 09:40 AM

**By Christopher Mele**  
**The Times Herald-Record**  
**cmele@th-record.com**

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**Montgomery village police and officials abused their power in charging Ed Biagini with burying construction debris, his lawyer says.**

**Lawyer David Levinson last week slapped the village and police with a notice of claim, the first step in filing a lawsuit.**

**The legal papers spell out a litany of charges: unequal enforcement of the law, intentional infliction of emotional distress, civil rights violations and violations of the Racketeer Influenced and Corrupt Organizations Act.**

**Levinson said the village's officer-in-charge, Jack Byrnes Jr., had approached Biagini about buying a house. Levinson would not elaborate on how that's tied to the allegations.**

**The lawyer also said the section of law citing the illegal dumping was misquoted.**

**"Mr. Biagini is tired of being the dartboard of Montgomery officials," Levinson said.**

**"They're attempting to damage him economically."**

**Village officials dismissed the notice as an effort to divert attention from Biagini's troubles.**

**Biagini's company, Highview Estates, has been charged with burying debris under lawns in the Rolling Hills development.**

**Police also accused the company of installing**

**insufficient footings, which support a house's weight.**

**Levinson would not give specifics to back up the charges raised in the notice of claim.**

**"Everybody knows about the Village of Montgomery...ØI think it's the very nature of the Village of Montgomery," he said.**

**He referred detailed questions to Biagini, who could not be reached.**

**Village Mayor Steve Brescia called the notice a "complete smoke screen" and the most "ludicrous claim" against the village he's seen in 12 years on the Village Board.**

**Byrnes called the notice "ridiculous," adding: "What does his lawyer think – that we made him dump 150 tons of garbage and C&D (construction and demolition) debris?"**

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07/02/99 05:42 PM

# MONTGOMERY: A Montgomery developer charged with illegal dumping is fighting back.

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By Christopher Mele

The Times Herald-Record

[cmele@th-record.com](mailto:cmele@th-record.com)

Montgomery village police and officials abused their power in charging Ed

Biagini with burying construction debris, his lawyer says.

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## Hearing set for accused dumpers

By MICHAEL RANDALL

Staff Writer

06/26/99 09:48 AM

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MONTGOMERY, Orange County – The case of a builder whose firm is accused of illegal dumping in the Rolling Hills development will be heard in Village Court on Wednesday night.

Highview Estates, owned by Edward Biagini, was ticketed by village police in April for allegedly burying construction debris under lawns in the development, in violation of state law.

An employee of Biagini's, Donald M. Rock, 45, of Mountainville, also was ticketed for illegal dumping. His case also will be heard Wednesday.

The case is being prosecuted by the environmental crimes division of the state Attorney General's office, according to spokesman Marc Violette.

The dumping came to light about two months ago following a police investigation. Police and village public works employees dug up hundreds of cubic yards of construction debris and other material, including plywood, insulation, carpeting, oil bottles, vinyl siding strips, drywall and chunks of concrete and asphalt, all buried under lawns in the development.

"The village spent about \$20,000 digging up these pits and trucking the waste material off-site," Violette said.

Rock's lawyer, Peter Neuman, and Benjamin Ostrer, who is representing Highview, could not be reached for comment.

Violette said both charges are misdemeanors. Highview Estates faces a fine of up to \$25,000 per day that the violation existed. Rock, whose charge is a lower-level misdemeanor, faces a fine of \$2,500 to \$15,000 per day, and a jail sentence of up to 90 days.

Biagini does not face jail time because the charge is against his firm, not him personally, Violette said. Biagini denied knowledge of the dumping when the debris turned up in April, but police said they found a bag of household trash containing canceled checks from his personal bank account at one site.

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# Building inspector faces felony count

By HEATHER YAKIN  
and TIMOTHY O'CONNOR  
Staff Writers

05/04/99 09:15 AM

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MONTGOMERY – The Village of Montgomery building inspector has been charged with falsely issuing certificates of occupancy for four houses in the Rolling Meadows development that fail to meet building codes.

Dean Stickles turned himself in to Village Justice Davis Roepe on Saturday. Roepe arraigned Stickles on a felony count of first-degree tampering with public records and misdemeanor counts of second-degree falsifying business records and official misconduct. Stickles, also Walden's full-time building inspector, was released on his own recognizance.

Village police Officer-in-Charge Jack Byrnes said police were investigating the dumping of construction debris at Rolling Meadows when they learned that at least four of the 79 houses there had insufficient footings under the foundation. Footings support the house's weight.

Stickles declined to comment yesterday on the case. His lawyer, Brandon Ozman, of Walden, said the charges are bogus.

"The residents of Rolling Meadows and the village officials are looking for a scapegoat," Ozman said. "Everyone can make a mistake, and any mistake that Dean may have made did not rise to the level of criminal conduct."

But Byrnes said building codes for Orange County require a minimum footing of 42 inches; one of the homes had only 13 inches.

"He wrote on his official paperwork that he had inspected these houses and they met code," Byrnes said. "They didn't."

Byrnes said police started looking into Stickles a couple of weeks ago, while investigating charges that developer Ed Biagini was burying construction debris under yards. Stickles assisted police with that investigation.

"Basically, I guess he cooperated," Byrnes said. "But he didn't know we were looking at him."

Biagini defended Stickles, and his own workmanship.

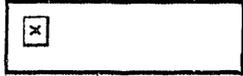
"He's (Byrnes) wrong. They (the footings) were all at least 42 inches, every one of them," Biagini said. He wouldn't talk about the trash probe. "I won't comment on that. But when it goes to court you'll see everything we have done is legal."

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'Dream home' a nightmare  
MONTGOMERY: Although things looked fine at first, homeowners in Rolling Meadows have problems.

By A. Tacuma Roeback  
The Times Herald-Record  
troeback@th-record.com

05/13/00 12:41 AM

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Patti Shanahan and Tom Huffer wanted to live in a place where their children could play. So a year and a half ago, they purchased what they thought was \$164,900 worth of paradise: a white, split-level spread in the Rolling Meadows subdivision – tucked away amid the Village of Montgomery's rural charm. They even got married in their back yard. And when the Village of Montgomery issued the couple their certificate of occupancy – which assures that a home has been inspected and meets state building codes – Shanahan and her husband thought that everything was taken care of. But what seemed like a dream home actually became a nightmare. Less than a year after the couple moved in, village police investigated the developer who sold the house to Shanahan and Huffer. The cops had spotted an employee dumping construction debris in what was to become their lawn. Within weeks, the police discovered that three other homes built at the same time also had problems. As her lawn was dug up to discover what else might have been buried, another, more serious problem developed for Shanahan: The footings to her house were only 13 inches deep rather than the state-required 42 inches. She believes the lack of stability has caused severe cracks in the floor. Cracks run the length of the garage floor. Damages have been estimated at \$50,000. Contractors and engineers involved in the building industry have said that the problem could be fixed but that it would be very costly. Shanahan and three families who live in the 79-unit Rolling Meadows subdivision are suing Highview Estates and its owner, Ed Biagini. The Village of Montgomery and the building inspector at that time, Dean Stickles, have also been named in that civil suit. Meanwhile, the village has brought criminal charges against Biagini's Highview Estates and the excavator, Donald Rock. The charges are a misdemeanor charge of illegal disposal of solid waste and two violations of environmental conservation law. The prosecution in village court is being handled by the state's assistant attorney general. But where Shanahan and Huffer are standing, they potentially have to pay for defects that they believe aren't their responsibility.

"We write that mortgage check every month, and it irks me," said Shanahan. "We're paying for a losing proposition."

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Rolling Meadows' residents get a break  
VILLAGE OF MONTGOMERY: Village residents may have to pay for the tax relief of a troubled housing community.

By A. Tacuma Roeback  
The Times Herald-Record  
troeback@th-record.com

06/09/00 03:24 AM

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Village of Montgomery residents will be paying for their neighbors' problems. The Rolling Meadows subdivision has received a tax break that will affect everyone else.

The swirling hysteria, multiple lawsuits and reported housing defects have resulted in an estimated \$3 million reduction in its assessment. The Village of Montgomery expects an overall decrease of \$1.4 million in its assessment rolls.

"Somebody has to fill that void," said L. Stephen Brescia, village mayor. "And that's the rest of the village."

As a result, village taxes could increase from 1 to 2 percent, said Brescia.

Brescia has to make up for the overall reduction by June 1, 2001, when the next tax bill is due.

Why the sharp reduction in assessments? Blame bad publicity, according to Cassandra Galus, the Town of Montgomery's assessor – the person responsible for reducing Rolling Meadows' assessment. The bad publicity means few sales.

"People there feel they can't sell their homes," said Galus.

More than a year ago, village police charged Rolling Meadows developer Ed Biagini and an employee with burying construction and demolition debris in the subdivision.

Four homeowners have filed a class action lawsuit against Biagini's Highview Estates and the village for reported housing defects ranging from substandard foundations footings to lawn sinkholes.

The Village of Montgomery has also filed criminal charges against Highview Estates and the excavator, Donald Rock.

Both cases are unresolved.

Galus said the reductions could be increased, pending state assessments and tax grievances.

The reductions to Rolling Meadows are just for the year and Galus is hopeful she won't have to extend them.

The reduced assessments are a sort of tax relief to subdivision residents who feel the stigma attached to Rolling Meadows is not going to go away.

"I'll work to try and find equity," said Galus. "And equity isn't always two plus two equals four."

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## NEWS

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## Anatomy of a subdivision

**NEW WINDSOR:** At Toleman Estates, a longtime Orange County builder is cashing in on the upscale new home market.

By Rich Newman  
The Times Herald-Record  
rnewman@th-record.com

## BUSINESS

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Mindful of preserving the shine on the floor, home builder Vincent Biagini padded shoeless around his Toleman Estates model, then settled into the green leather sofa and took a call from mason Steve Bowers.

## SPORTS

News  
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Their conversation was characteristically brief and to the point. "Right, right," Biagini said. "Let me know."

## OPINION

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A concrete pour would have to be rescheduled. Half the crew didn't show because it looked like rain.

## FEATURES

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It's been that kind of year. Lots of rain. Scheduling subcontractors and inspectors was even more of a juggling act than usual.

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But the rain didn't dampen demand for homes in the 35-lot subdivision in New Windsor.

It took the better part of a decade to get the 78 acres ready to build on, but once he opened the sales office in the spring of 1998, it's been a bountiful harvest for Biagini and those around him. Only five lots are left.

## BACK ISSUES

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Biagini is emblematic of builders across the mid-Hudson, doing well in a booming economy. He remembers the last boom in the mid 1980s and survived to see another. His newest subdivision, Toleman Estates, is typical of what's been selling: Big, two-story houses, 3,000 square feet and bigger, on lots of an acre or more.

"The first six (buyers) paid \$220,000," Biagini said. "Lately, most have been going in the \$300,000 to \$400,000 range," he said.

Real estate values have risen, and buyers want more extras than they did a year ago, he said.

The market for new homes softened slightly in the past year, in response to the Federal Reserve's interest-rate hikes, but is still robust.

In fact, it's picked up again recently and may be at or near the top of a cycle in a very cyclical industry, said Jean Rowe, director of the Builders Association of the Hudson Valley.

Mortgage and unemployment rates are low. High prices downstate are driving people north. Many upper-middle-class buyers are wielding 1990s stock earnings.

"We're enjoying a very strong market," Rowe said. "The biggest problem is the pool of available land is going down."

## Riding out the recession

Biagini, 60, has built 1,000 homes in Orange County since he started out laying concrete block 40 years ago. Most of the homes are within a 20-mile radius of his home on Woodcock Mountain Road in Washingtonville.

His business, Fairview Homes, is a small, family operation. He's used

some of the same subcontractors for decades. He knows the land. He knows the planning and zoning officials.

The 1992 recession didn't hurt him much, he said. He's been through enough market cycles to know not to get overextended with debt or caught carrying months of insurance and taxes on unsold homes.

Even through the downturn, he built homes on speculation, but he built fewer of them. He lured buyers by offering more incentives, throwing in fireplaces and Jacuzzis at no extra cost and cash for the closing costs. He took smaller profits and kept most of his people working.

Biagini said the downturn had the positive effect of weeding out some of the high-rolling speculators who descended on Orange County in the 1980s.

And now it's harvest time again, as it was in 1986 and 1972.

Back then, "everything was bi-levels," Biagini said.

Today it's two-stories. Full basements. Home offices and exercise rooms. Two-car garages. Three-car garages.

### **Putting in 12-hour days**

Biagini has nine homes in various stages of construction in two subdivisions, all sold.

He's in talks with the Village of Maybrook to bring municipal water to his next project, 50 upscale homes in the Town of Hamptonburgh near the Otterkill golf course.

Biagini's 12-hour days are filled with walk-through inspections, closings and an endless, frenetic stream of phone calls and meetings with subcontractors, customers, bankers and suppliers.

In February, he'll spend a week at his place in Lake Placid, Fla., but until then, it's 12 hours a day, six days a week and half a day Sunday.

### **The multiplier effect**

The construction of Toleman Estates is creating the equivalent of 85 full-time, year-long jobs, and pumping more than \$4 million into the local economy, according to "multiplier effect" studies by the National Association of Home Builders.

That's not counting the continuing economic contribution that will come from having 35 new families living on Toleman Road and spending money in Orange County.

Each family will pay \$8,000 to \$12,000 a year in property taxes for the schools and local governments.

Biagini bought the 78-acre property for \$150,000 about 12 years ago. He invested \$1 million to get the looping road built, the sites cleared and subdivision plans made and approved.

For Biagini's 30-year-old son, Vincent Jr. - who does all the excavating for Fairview Homes - the success of Toleman Estates has made it possible for him to build his own home, a 3,700-square-foot Tudor with balconies and arched windows on the largest of the Toleman Estates lots, a secluded, wooded 17 acres.

Before construction of that home could begin, it took two years to get a U.S. Army Corps of Engineers permit to build an 800-foot-long driveway over wetlands, the elder Biagini noted.

### **Aggravating regulations**

Government regulations are an aggravation for Biagini.

Compared to when he started in the business, it seems there are twice as many inspections by code enforcers. The forms for the footings of the slab floor in the basement, the foundation walls, site

drainage, framing, insulation, plumbing, wiring and septic system all require individual inspections before the final inspection by the local building inspector, who issues a certificate of occupancy.

An engineer must sign off on septic systems - which have to be twice as big as before, even though water use is probably lower, Biagini said.

"Everybody works," he said. "No one's home during the day."

Dishwashers are more prevalent these days, but families are generally smaller and toilets are the new, low-volume variety.

### **Neighbors wary of growth**

Water use is an issue for Cliff and Arlene Randall - who were customers of Biagini's 23 years ago. He built their bi-level on the corner of Toleman Road and Little Brook Court, and it has served them well.

But they and others in their mature development, across the road from Toleman Estates, are watching warily as Biagini builds a new generation of homes on what was a hilly woodland.

"We worry about our wells," Arlene said.

None of the homes in the area has municipal water. It's all well and septic.

The neighbors are seeing what hundreds of others have seen across the mid-Hudson as the boom continued inexorably: Once the lots across the way were woodlands and fields, maybe a farm. The country roads seemed slower and safer.

Now, every year, there are more cars from other developments and, lately, from Toleman Estates.

Some speed down the two-lane road, Cliff said.

"We used to walk a mile to the corner and back," he said, "but not any more."

### **More houses to build**

But as long as people keep looking for new homes, Biagini says he's going to keep building them. If he doesn't, he figures someone else will.

He's looking forward to breaking ground on that 50-lot subdivision in Hamptonburgh and shopping for more developable land - though it's getting harder to find.

What gives him satisfaction is delivering a 4,400-square-foot Victorian-style home with a \$60,000 kitchen in 81 days.

"I'm always looking for speed," he said.

Buyers don't always have patience with the vagaries of the construction business, but he strives to do right by them.

"I always tell my customers that I'm not going anywhere, and if I see them in the Grand Union, I don't want to have to hide behind the cereal," he said.

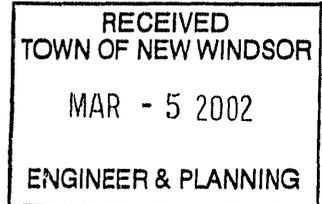
And retirement's not even on his radar screen.

"I like what I do," he said. "I feel like I'm 20."

Telephone 845-341-1100 or 800-295-2181 outside the Middletown area.

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*Jean & Vincent Minuta  
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E-mail: <cadman@frontiernet.net>*



*James R. Petro, Jr., Chairman  
New Windsor Planning Board  
New Windsor Town Hall  
555 Union Avenue  
New Windsor, New York 12553*

*March 3, 2002*

*Dear Mr Petro,*

*We are in receipt of the legal notice regarding the public hearing on March 13, 2002, on the approval of the proposed subdivision for Highview Estates on Toleman Road. Since our work schedules may make it impossible to attend this public hearing, I would like to formally register our negative reaction to this subdivision approval. The reasons for complaint against Planning Board approval are as follows:*

- 1. The traffic on Toleman Road is already excessive and it is often hazardous getting in and out of our driveways onto the road. Further, without sidewalks or street lighting and current high traffic conditions, those who walk or jog along the once country-like Toleman Road, now do so at much peril.*
- 2. Without public water, more wells drilled into limited underground water resources could have detrimental effects to the residents already located here, especially in times of drought like the current one when water emergencies are in effect. Depending on the water source located for another housing development, it is a real possibility that the water supply to someone already living in the area could eventually be cut off or be reduced to below minimum requirements. Not only would this cause severe financial hardship to current homeowners, but also cause at least a temporary health hazard. If underground water tables fall and current residents are forced to drill new wells that may not provide minimum water requirements, will existing homes be condemned by the town and those residents be displaced? In case current residents' water supplies are affected by this new development, will the Highview Estates developer be required by the town to provide at least a 20 year Guarantee and Bond that will cover all costs of drilling and setting up new wells for residents within a 5 mile radius of the development and for purchase, at fair market value, the properties of any residents dislocated by inadequate water supplies, plus payment of relocation expenses to those affected?*
- 3. Since we also do not have public sewers, septic run-offs now in existence already cause horrible odors in our air during spring and summer months from not only Toleman Road areas, but also from Bull Road developments that meet land barriers at the rear of Toleman Road properties. Percolation tests in this area seem to meet only bare*

*minimum requirements, but new housing continues to be allowed anyway. Before approving new construction, does the town mandate that all perc tests submitted for approval be witnessed and verified by a federal or state agency, such as the DEC? Last summer, we drove through the last town approved hilltop development of high priced homes off Toleman Road and saw very visible signs of raw sewage pouring down the hillside lawns. It was draining into the street— green, black, mucky, and, assumably, a genuine health hazzard. To continue to allow more septic systems into this area is both ludicrous and unwise for the overall welfare of current residents.*

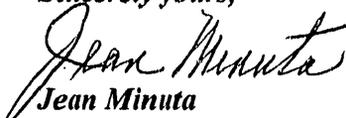
4. *Toleman Road residents located in the Town of New Windsor are primarily in the Washingtonville School District and we are taxed at a higher rate than those who live in Washingtonville proper. More housing means more children attending the Washingtonville School District, which already has limited classroom space and is financially strapped. Adding more family homes here will ultimately mean an increase in our already high school taxes to accommodate more children. Some of us with no children in this school district would like to be able to afford to remain in our homes on Toleman Road into retirement, but may be forced out by an inability to continue to pay higher school taxes.*
5. *Too many residents, who have moved to Toleman Road from other locations, have put their life savings into new developer-built homes, only to learn that shoddy workmanship on those homes, improper water run-off from badly excavated land, and poor septic systems are costing them more money to fix problems that the developer should have been held accountable for. Neighbors affected by water run-off problems despair in utter frustration because once the property has been sold, developers are not made responsible for correcting what should have met initial building codes by government agencies responsible for over-seeing such matters. The town does not seem to be enforcing properly constructed swales and culverts on new construction projects to prevent developer created difficulties, including the re-routing of natural streams and water-holes. What guarantees do we have that the new housing development will be held to the highest standards of state and local codes, so not to create financial hardships on current or new homeowners in this district?*
6. *The balance of nature has been severely impaired in the Toleman Road area and the acreage we purchased over 20 years ago is, suddenly, heavily over-run with deer, birds, wild turkeys, foxes, squirrels, chipmunks, moles, skunks, a turtle or two, previously unseen quantities and varieties of ants, crickets, ladybugs, ticks, mosquitoes, and the like. We have no way to limit their numbers or to prevent the now extensive and expensive damage to our home, landscape, or natural woodland vegetation. Even designated wetland has been approved for development over the last year. Who is actively over-seeing the code that says one cannot disrupt more than 10% of a wetland area for development of property? This wetland approval for many acres of development on Toleman Road, plus huge amounts of excavation for housing in the last three years, have caused wild life that lived and roamed un-encumbered to settle on our 10 acres of*

*property or move into the eaves, walls, window casements, and basement perimeter of our home. The wild life that still wander by habit find themselves as daily "road kill" on Toleman Road and have caused untold human and auto damage as well.*

*Investors who purchase large tracks of land for the purpose of turning a profit by developing that land do not usually take into account any negative impact on a community. I continue to believe that those in public offices, who are meant to serve the well-being of our community, have a responsibility to see beyond today and to act in the best interests of that community over the long term. Sometimes, it is incumbent upon us to say "no" to the wrong kind of rapid growth in our town. More housing development on Toleman Road will definitely effect the quality of life that most of us moved here to have. Hopefully, the New Windsor Planning Board will take these issues into consideration and not approve another development on Toleman Road, at least not until public utilities can be brought into this area, excessively high traffic can be controlled or re-routed, and schools can feasibly accept higher enrollments.*

*Thank you for your time and attention.*

*Sincerely yours,*

  
Jean Minuta

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. YANOSH: This is a familiar subdivision, '95 we cut off five lots, A, B, C, D and the remainder on both sides of Toleman Road. And early this year in April, we subdivided two lots on the east side of Toleman Road and now we're back with the original lot number 5 from the first subdivision with a new town road going up in between.

MR. PETRO: Mark, the bulk table is wrong, but the map is going to be correct with the 80,000 foot?

MR. YANOSH: Yes, we missed that at the work session.

MR. EDSALL: The bulk table wasn't updated.

MR. PETRO: Because it's 128,000 so on and so forth so--

MR. EDSALL: There's one lot, Dan will explain to you there's some changes to be made.

MR. YANOSH: Lot number 5 you've only got 73,000 square feet, I can jockey some lot lines around to get that up to the 80,000 and the other requirement that we're lacking on is the lot width. I have missed the fact that it has to be up to the setback line which is the front yard is 45 feet so I've got enough road frontage, worst case scenario I make the road a little but longer, I can gain my 125 feet by jockeying some of the lines.

MR. PETRO: Private road?

MR. YANOSH: No, town road since there's six lots off it.

MR. PETRO: You're going to have to re-plot the houses, obviously, when you're changing the plot lines in the fields because you're going to try to get more square footage on this.

MR. YANOSH: Yes, but there's enough on this one, there's 82, I didn't jockey, I can jockey just a little bit here, move things around. Again, I have to do some more work on one of Mark's comments, more work on the roadway, take care of drainage and some slope in there. We do have an easement across the street here for the lot on the other side to take care of all the drainage. Mr. Cascino will be working on that in the next coming weeks.

MR. PETRO: What's the topo on the road go down there?

MR. YANOSH: We're going to do ten percent, I showed a profile when I did the original subdivision for this one for original lot number 5, which is lot number one and I did show a ten percent slope with proper side slope.

MR. PETRO: Driveway still going up into lot number 2, lot number 4, lot number 5.

MR. YANOSH: Is that a town--I've discussed this before, what's the normal, 14 percent I think?

MR. PETRO: No, no, ten percent is what they like to see, if you talk to Henry, 12 percent maybe that would be extreme.

MR. YANOSH: I have done some before that were over that but okay, 10 to 12.

MR. PETRO: Are you going to be able to acquire that?

MR. YANOSH: There's enough acreage in those lots that we can do that.

MR. PETRO: You're going to make a 40 mile driveway 800 foot on a private road but nothing on a driveway right Mark as far as--

MR. EDSALL: And there's no limit on town roads.

MR. PETRO: Just private road 800?

MR. EDSALL: Just private.

MR. PETRO: Ground water direction and redirection will be needed to be addressed in light of the previous concerns noted by neighbors.

MR. EDSALL: If you recall, Mr. Chairman, several of the property owners on the same side of the road were quite concerned when the applicant came in for the east side, the opposite side of the road and it all involved ground water and it's impacting on some of the sanitary systems, so although we explained this to them that it really wasn't an issue that we had an ability to address as part of old subdivision, this one's right next door to them, so we have kind of got a warning on what some of the concerns are.

MR. ARGENIO: Mark, the subdivision that's closer to Toleman, is that the one where the woman was complaining about the construction of her septic system, Mrs. Irrizari?

MR. EDSALL: Yes, the property owners that were in and were raising, lodging complaints against the previous application are in fact the same people you see on this plan as the neighbors, so I think we just need to be very careful on this application.

MR. PETRO: Highway we have disapproval, no drainage plans submitted, road specification does not meet with town requirements and cul-de-sac must meet town specs.

MR. YANOSH: This is--

MR. PETRO: This a concept plan.

MR. YANOSH: Yes, again, I wasn't too sure what the zoning was.

MR. PETRO: Nice concept. We'll see you next time, straighten it out.

MR. YANOSH: I talked to the people, gave them my card, said got any questions, problems, give me a call. I haven't heard from anybody since, that was a while ago.

PUBLIC HEARING

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: The application proposes subdivision of the 21.2 acre parcel into 6 single family residential lots. This plan was previously reviewed at 12 December, 2001 and 23 January, 2002 planning board meetings. The application is before the board for a public hearing at this meeting. I assume there's some people here for this. Our procedure is that we review it first and during the review we'll open it up to the public for their comment. Dan, why don't you just bring us up to date?

MR. YANOSH: Again, 6 lot subdivision, this was previously lot number 5 of the subdivision approved in '95 by this board. At the last meeting, I showed revised contours existing ones for the lots across the front from the existing topo from the original subdivision. Sheet number 2, this is an enlargement of 50 scale, road goes up, showing the proposed grading, proposed town road two on one slope on the grading for going up the hill. The client has elected to put curbs in so there will be no need for a waiver from the Town Board for swales or whatever so we're going to put some curbs in to help that situation out. I moved the driveway for lot number 4 closer to the driveway for lot number 3 as requested by the highway superintendent and I think I took the, I have taken care of everything Mark had requested.

MR. PETRO: Highway is still under review and the fire has been approved but we need a name for the proposed street.

MR. YANOSH: Okay.

MR. PETRO: Needs to be put on the plan. Note number one from Mark that the table is acceptable, the bulk table, you have to change the 43,560 to 80,000 feet.

MR. EDSALL: That one, Mr. Chairman, to correct my comments, they did get that one done.

MR. PETRO: Okay. Topo on the higher lots, is that going to meet the grading for the driveway?

MR. YANOSH: These, yeah, on sheet number 4, I added the profiles for all the driveways.

MR. PETRO: Is it all ten percent?

MR. YANOSH: Yes.

MR. PETRO: How do you create the driveways as they connect into the cul-de-sac, do you have a negative slope?

MR. YANOSH: Minus 2 percent coming off the road going through and then up to 10 percent maximum. I do show proposed contours on lot number 4 which would be the steepest one with the most cut in it.

MR. PETRO: All right, I don't see any sidewalks, going to go for a waiver?

MR. YANOSH: I think we'll go for a waiver from the Town Board on that.

MR. PETRO: Let's look at that. Why do we have to get a waiver because it's in a rural area? Why are you trying to get a waiver from the--

MR. YANOSH: It doesn't go anywhere, there's nothing on Toleman, it goes down to nothing. We have a long road that's 1, 2, 3, you know, 350 feet to really nowhere before it gets to any lots and we, it's a dead-end cul-de-sac, there will be no traffic going through there, so we feel there's no need for sidewalks, there's nothing in the area that has sidewalks to begin with.

MR. PETRO: Kind of talked me into that, I guess. All right, let's open it up to the public. At this time, this is a public hearing, what I will do is open it up to the public, if you'd like to speak for or against

this application, be recognized by the Chair, come forward, state your name and address. On February 26, 2002, 17 addressed envelopes containing the attached notice of public hearing were mailed out. Would anyone like to speak?

MS. IRIZARRY: Annette Irizarry, I-R-I-Z-A-R-R-Y, 237 Toleman Road, Washingtonville.

MR. PETRO: We're having a sign-in sheet, eliminates guessing people's names.

MS. IRIZARRY: First of all. I was wondering if I can have a moment to view this map because this map was not made available to us?

MR. PETRO: Actually, you're time is up, ma'am.

MS. IRIZARRY: Well then I'm going to need another day to come back then, please.

MR. PETRO: She just informed me that it was on file, in other words, you didn't see it on the board, it wasn't posted on the board, you just ask for it, but if you want to come up and look at it, come on up and look at it.

MS. MASON: Who did you ask?

MS. IRIZARRY: Whatever, the building the office to the left all the way down the hall when you come into the main entrance.

MS. MASON: You're supposed to ask the planning board.

(Discussion was held off the record)

MR. PETRO: You ready to go with your questions?

MS. IRIZARRY: Well, I have a few statements, I think the board is well aware of my contentions and the contentions of the community regarding the drainage in the neighborhood. While the well supply, water supply,

both of those two issues are paramount to us, as you're aware, we have a subdivision that's built without curtain drains currently to the septic systems, we have wetlands behind our property, even with a 40 percent drought that we're going through at this point, the land behind our property remains moist. I see that he has made some sort of accommodation to go around the small patch of wetlands, but I don't think that is sufficient. We have issues regarding debris, there's constant, with the homes that he built across on the, is that the west side now? I've had to become very good friends with Mr. Coleman (sic.) of the Highway Department and Mr. Roberts, the fire inspector's department, to have Mr. Biagini remove those items from there. I'm talking from November prior to Thanksgiving until after the new year, it took me calling every week to speak to these gentlemen to have him remove his debris. Once he removed the debris, he hired a dump truck, apparently, the dump truck backed up into my driveway and damaged my driveway, that's neither here nor there, but this is the type of work that's being done by this gentleman. I'd like to bring to your attention, unfortunately, Mr. Biagini does not have a good reputation in this neighborhood and I do have several articles regarding his problem that he had in Montgomery with debris. I have complained many a time regarding debris that's under my back deck that I have not removed that I have not touched because I'd like somebody to come out and see it. So there's no cause for any suspicion of tampering. There are planks of roof tiles, there's wood blocks, there are siding pieces all under the back of my home, my small back deck. When he had someone come to make a pathway so he could have the proper surveyor come out and view the land, the gentleman who performing the work daily left debris, bottles, cans, oil cans, gasoline cans, I was the one who had to go out there and clean it up, not them, there's still the ton of debris there, wood debris, tree trunks, all that stuff is an eyesore to me personally.

MR. PETRO: Would that be cleaned up as he builds on the lots?

MS. IRIZARRY: I can tell you that there's other

building being done on Toleman that does not involve the Biagini family, there's three lots that are being built closer to the end by the junction of 207. All I know is that when the lot's cleaned, the lot's cleaned out, I don't see tree trunks or anything of that nature on those lots, those lots are pristine, they're clean, they have debris there for a period of time while I guess trucks are bringing the things in and doing construction. Other than that, it's clean, you can take a ride and see, it's much cleaner than what they have in our neighborhood and there's no houses being built yet. We have other issues regarding traffic on Toleman Road, wildlife on Toleman Road, traffic is a big issue, we have people constantly speeding up and down Toleman. I own two Rottweilers, we have two show dogs, part of the daily regimen is to take a walk on Toleman Road. That ended, we can't even trust a walk on the road.

MR. PETRO: You have to stay with planning board issues. The traffic is not a planning board issue. As far as the speeding on the road and the kind of thing--

MS. IRIZARRY: I think traffic should be an issue of the planning board because you're going to allow 6 more homes.

MR. PETRO: That's the way it is in the Town, this meets the zoning, the lots belong there, they pay taxes on the lots.

MS. IRIZARRY: Do you have a duty to inform whoever it may be in this community, in this government, to alert them to the fact that we have these problems that we're having problems with traffic and schooling in these things. I know they are not under the planning board, but I think they should be considered by the planning board most definitely.

MR. LANDER: Traffic is considered by the planning board only as far as not the amount of traffic so much you're talking about speeding, this is an ongoing thing in every township but--

MR. PETRO: Sight distance we'll look at.

MR. LANDER: Six houses means 12 cars or more, we're very aware of that. The point I'm trying to get at there's congestion everywhere.

MS. IRIZARRY: I understand that.

MR. LANDER: They must have speed limit signs on your road, I assume.

MS. IRIZARRY: Nobody abides by them.

MR. PETRO: Drainage, that's legitimate, so that we can look at, we can look at the swales.

MS. IRIZARRY: We have no curtain drain. Due to that, we have surface water, we have a puddle that comes up in our front yard no matter what type of drought, no matter what, I have a puddle of surface water, whether that comes from my septic--

MR. PETRO: Show me where you live.

MS. IRIZARRY: I'm at this location, we're right there.

MR. LANDER: Aren't you in litigation?

MS. IRIZARRY: No, I'm not in litigation with Mr. Biagini, I've never met Mr. Biagini, I've never done any business. I'm a second homeowner. The man, the prior owners that we bought from are in litigation because he was supposed to put in the curtain drains and something else and he never did it.

MR. PETRO: Where is the water coming from, across the street?

MS. IRIZARRY: No, the water's coming from behind us, we're on a hill, we can look straight down the hill and the property draining towards the front and our table, our septic system is in the front. We were supposed to have, if you look at lot C on our original survey there was supposed to be a curtain drain to the right of the septic area, that's not there, where you have the septic area located, probably right at the end line

there was when we moved in, there were a lot of trees, stumps, actually, and in between all those stumps there was water buildup, we removed the stumps thinking it would help, we still have a puddle of water, surface water that comes up and it also goes tends to go to the far corner to the left of our property.

MR. PETRO: Let me hold you up. Bob, why weren't the drains built?

MR. BOB BIAGINI: I'll work on that.

MR. PETRO: What are you going to do about it?

MR. YANOSH: Again, when we did the subdivision across the street, the people were here and I gave them my card and I says if you have a problem, give me a call, I'll put you in contact with Mr. Biagini, nobody came to see me, okay, I can't say yes or no whether curtains drains are, this as far as I know they were built before.

MR. PETRO: I'll rephrase the question. What's being done for the next 6 lots to keep the water from coming down on the existing lots?

MR. YANOSH: Well, sheet number 2 shows the road itself is lower than there lots, if you go by there now, there's a huge cut that goes in there because we did have a building permit for our lot right now to start building the road, everything is lower in this middle section here, okay, anything that comes down on this side here is going to come into our drainage that we have proposed for the new road and go right down across Toleman and into the stream across the street, everything will drain into that.

MR. PETRO: I agree with you, that looks good. How about behind the lot?

MR. YANOSH: Again, there is a hill right up here behind their lot, the lot line between the existing lots here and lot number one, there's a crest and it drops off behind here, so any drainage from these lots here will go back between lots one and two and not come

down to here, she's getting stuff probably from the top of the hill right here coming down behind her house. I don't know, I'm not a builder, I'm not an excavator, whether more curtain or footing drains would help the situation, I have no idea.

MR. PETRO: Okay, that's not the end of it.

MS. IRIZARRY: I just wanted to make a comment about the water is draining into that. Is that the DEC wetland that that waste water is draining into?

MR. YANOSH: Yes.

MS. IRIZARRY: That's permissible for water to drain into?

MR. PETRO: It's runoff, I don't think it's waste water.

MS. IRIZARRY: The way the systems are built there, it's waste water.

MR. PETRO: Septic is working properly.

MS. IRIZARRY: It wasn't previously. All the distribution boxes were cracked, the tank was cracked, previous homeowner had to replace all the distribution boxes and have the tank repaired.

MR. PETRO: So you were getting raw sewage.

MS. IRIZARRY: I have a puddle of raw, I have a puddle of surface water that smells like sewage.

MR. LANDER: Where is that coming from, from your septic field?

MS. IRIZARRY: From my leach fields, apparently.

MR. PETRO: What do you know about that, anything?

MR. YANOSH: All that I know is that the, they were installed according to code. Again, what happened after previous people moved into the system, I have no

idea, I have no control over that. I think Mark can back me up, I think a septic designed and installation is good for a certain number of years and after that, you know, it's up to the homeowner to correct.

MS. IRIZARRY: It's two years and when Mr. Biagini was notified, they were well within a two year period.

MR. PETRO: Should last more than two years, that's ridiculous. What do you have to say, Mark, anything?

MR. EDSALL: I can't comment on the existing residences cause I didn't witness the installation and I don't know what's happened with it, as Dan doesn't know, but as far as protecting her property from storm water, there are some options with curtain drains, we've got a brand new drainage system proposed in the town road and if the board decides to re-wire some intercepting drains, we can do that upgrade of her house and redirect it to the town system.

MR. PETRO: So let's do that.

MR. EDSALL: There's some options.

MR. PETRO: Do you understand?

MS. IRIZARRY: I understand.

MR. PETRO: Get together with Mark, design some drainage behind those houses and direct it into the new drainage system in the road, that will eliminate the water coming from the hill to your house. As far as the septic system, I would suggest you call the DEC and they'll get some action for you.

MR. EDSALL: Well, I think the point may be if her system is being overwhelmed by runoff or ground water, if we relieve the runoff, it may give some relief to the sanitary system. I don't know if I would turn yourself in for a violation so quickly.

MS. IRIZARRY: I have done that and I have called the Department of Health and unfortunately, I have gotten no help because I'm accountable.

MR. PETRO: I would wait, see what happens after the new curtain drains are in and the drainage system's actually being used, it may actually go away, it may, I don't know.

MS. IRIZARRY: Well water?

MR. PETRO: Don't want to talk about them, not interested. I feel sorry about it, but my thing with wells is you have a building lot, the person who made the building lot has the building lot, has every right to the aquifers, wherever they are as you did when they built your house. The water's in the ground, it's a building lot and that's it, whether that's fair or not, I can't say, I have no idea.

MS. IRIZARRY: I'm speaking of the houses being built.

MR. PETRO: I understand but let's--what I will do is I'll give you this example, let's say that your mom and dad had a lot there and they've had it since 1937.

MS. IRIZARRY: I'm going to stop you. Are we going to do constitutionality 101 because I'm familiar with it.

MR. PETRO: You want to built a house there and you come to us and say well, I don't know because we don't want you using the water that's already being used in the wells. I mean, I know what you would do, same as anybody else, you would sue the town, you would win instantly. There's no defense. You have every right to the grouped water as anybody else. So we have gone, I'm here 11 years, this topic has come up probably 200 times and there's nothing I can do about that. They have every right to drill a well as much as you do. I was in your defense at the curtain drains and the drainage cause that's something that we can do and work with and now it's going to be engineered, it's going to be built or bonded, it has to be built, but the wells--next subject.

MS. IRIZARRY: Bonded, what issue do we have regarding bonding to protect us? I don't want to end up like these people. Let me, this is my concern, can I give

you this? This is my concern, I don't want to end up like the Town of Montgomery, I don't want the rest of the New Windsor residents to have to pay higher taxes to cover the damage that this gentleman may do.

MR. PETRO: Explain how we do the site plan bond.

MR. EDSALL: Well--

MR. BABCOCK: This is a town road, Jim.

MR. EDSALL: As with any municipality, any public improvements are bonded and before he would be able to have the plan filed, he would have to post that bond and we would then have a guarantee that the work would be completed and there are inspections done of the work while it's being installed and before he can dedicate the road, it would all have to be complete and accepted so there are protections.

MR. PETRO: There has been times in the past and I would say not since we have been working together where a bond amount has not been high enough and then you have a real problem. But Mark has been doing an outstanding job and he has a couple formulas that you go by to tell us what the bonding amount is, I don't think we've had any problems since Mark's been on board.

MR. EDSALL: There's a lot of municipalities that don't necessarily enforce the quality of work, we have had thousands of feet of road torn out if it was done wrong so--

MS. IRIZARRY: I'm happy to hear that.

MR. EDSALL: We show no mercy, as it may be, we want it done right because you're protecting the town.

MR. PETRO: New highway superintendent, Mr. Kroll, Henry.

MS. IRIZARRY: He told me Cole.

MR. PETRO: Kroll, K-R-O-L-L, he's pretty strict,

fairly strict, in other words, it's got to be done the right way, not over and beyond, but done the right way.

MS. IRIZARRY: Pollution, what do we do to protect ourselves against this pollution, how do we make sure he cleans up after himself and we don't end with up with pollution buried in the back yard?

MR. PETRO: Tree stumps?

MS. IRIZARRY: Building debris, yes, how do we protect ourselves from that?

MR. PETRO: You wouldn't do that, would you?

MS. IRIZARRY: There's 9 articles of how it was done.

MR. LANDER: The building inspector, their office has to go and all they do is inspect for framing, footings, you know, the foundations as far as policing whether he buries stuff on the property, I don't know if that's entirely possible.

MS. IRIZARRY: I'm not asking for policing, but if it's discovered, what recourse do we have?

MR. LANDER: He'll have to dig it out, as long as there's something there to dig out.

MS. IRIZARRY: How about if it's existing on this point on current properties that he's built such as mine?

MR. LANDER: What agency would they contact, DEC?

MR. BABCOCK: Depends on what's buried, as far as stumps, you're allowed to bury the stumps on your property, I mean--

MS. IRIZARRY: I'm not speaking of stumps, I'm speaking of construction debris, sheetrock, tile, roof tile.

MR. BABCOCK: I would assume DEC.

MR. LANDER: If you even suspect that construction debris is buried on your property--

MS. IRIZARRY: I don't have to suspect it, I can see it.

MR. LANDER: You can see it underneath the deck, but as far as him that's really not being buried, it wasn't really concealed underneath your deck.

MS. IRIZARRY: It's just unearthing itself, it was buried.

MR. LANDER: Call DEC, they'll take matters into their own hands.

MS. IRIZARRY: And I have just one real quick question. At our last meeting, the board made it very clear that Mr. Biagini had to be here personally in order to conduct the next public meeting. He's not here and we're having the meeting and that's my question.

MR. PETRO: Rob Biagini is here.

MS. IRIZARRY: Is he in charge?

MR. R. BIAGINI: Vice president of Highview Estates.

MR. IRIZARRY: I just want to say something, we don't have a problem against him building there, we just want to know that when it's done, it's done properly. He owns his property here, if he wants to build houses on it, fine, God bless him, he has equity to do it, but we just want it done right. I don't want him to think that I have any animosity towards him that's going to be any type of, we just want it done right because prior history has it like she gave you all the information that it wasn't done right. I don't know the man, whatever he did before happened before. We just want to know that from this step forward everything's going to be done right and that it's on the record that it will be done correct and that it's just not set and washed under the rug cause it seems that that's what happens in these other places. I'm not saying that happens here, but Montgomery, all the other places they have a bad history, I just want to know that my investment stays an investment and that it

doesn't turn sour and I have to take a loss or break even. I came here to retire, I didn't come here just to live and then leave. This is where I'm going to retire at, I just want to know that it's going to be done correct.

MR. PETRO: If we say that curtain drains are going to be designed and put on the map, you can be assured that's going to happen.

MR. IRIZARRY: You already told me now with the wells you already have a history with that, I'm not even going to go in that but with the curtain drains, this is a big issue because the road as it is now when it rains, you have a huge puddle that goes in the water that comes, stays wet, even now with the drought, I walk back there now, all the garbage, the stumps, everything else, there's some garbage piled along the back, I used to be able to walk straight through, even when you go there, it's still wet, even with the drought and everything that we've had to the percolation rate, they always insist that it's fine but--

MR. PETRO: This is a good opportunity, being that they're coming back in to build to get some of these problems straightened out, it's the purpose of the public hearing, you brought it forward, we don't have to go back and see what's on the old plan, I don't care, we're going to take care of it now, but it will be done.

MR. IRIZARRY: Just for the record, that's how we feel about it.

MR. HIRSH: Hi, my name is Marty Hirsh. I live at 263 Toleman Road. And my concerns are a few concerns about the project, my first concern is that the dirt and the dirt on Toleman Road for the most part in that area is pretty much clay, am I correct, would you say a lot of clay up there?

MR. YANOSH: There's some spots.

MR. HIRSH: And there's raw sewage on Toleman Road by

Toleman Estates and if you pass there, you can smell it and you can see it. My concern is with any septic and I'm below where they're building any septic on any of the leach fields, how do we know that they'll absorb the additional leach fields will absorb?

MR. PETRO: They have to do a perc, tell us about the percs that you did.

MR. YANOSH: They varied between 7 minute percs and 34 minute percs, total of two on each lot.

MR. PETRO: What does it mean, tell him what it means.

MR. YANOSH: Perc tests can range between a minute and 60 minutes, okay.

MR. PETRO: They put water in the hole.

MR. YANOSH: If it goes over 60 minutes, explain how perc test is done?

MR. HIRSH: Exactly.

MR. YANOSH: I'm sorry, you have to dig a hole 24 to 30 inches deep, all right, fill the hole up from the bottom up six inches and time it so the water drops an inch six to five inches, you fill it up again to the six inch level and you time it again down to the 5 and do that repeatedly until the time levels off, you should pre-soak it 24 hours in advance, there's a whole thing to go through but that's how you do the perc test.

MR. HIRSH: So then I'm assuming that there was a perc test done?

MR. YANOSH: Yes.

MR. HIRSH: Why is there raw sewage?

MR. YANOSH: Which ones, Toleman Estates?

MR. HIRSH: It's a concern because if the ground is very much the same, the composite of the ground is the

same, it's pretty safe to assume clay doesn't absorb very well and those of us who live below where these homes are going in have a legitimate concern about sewage.

MR. LANDER: Somebody's septic field must be failing, right, that's where the sewage has to come from somewhere.

MR. HIRSH: Who checks on that? That's the town?

MR. LANDER: Well, Orange County Health, the building department could probably check it, but Orange County Health.

MR. PETRO: I would start with the building department here, from there, if it's a major problem, then I think get the DEC involved, correct?

MR. BABCOCK: Actually, Health Department.

MR. LANDER: Because sewage is coming from someplace, somebody's fields are failing.

MR. PETRO: Could have a crushed pipe somewhere, obviously.

MR. HIRSH: Okay and my second--

MR. LANDER: There's clay in the area, I looked at the, there's clay, there's silt, there's different types.

MR. PETRO: Keep in mind leach fields as they are designed have to be a separation between the wells and the leach field, what is it, 200 feet?

MR. EDSALL: 200 foot when the well is downgrade.

MR. PETRO: That's monitored and it's plotted on the map, that's why you'll see the actual locations, those locations have to be met, you can't--

MR. HIRSH: So you're saying a septic a septic in the new development can't be within 200 feet of an existing well?

MR. PETRO: That's correct.

MR. HIRSH: Anybody else's well?

MR. YANOSH: If it's downhill from that.

MR. BABCOCK: It's 100 feet if it's not.

MR. HIRSH: I have a second concern, my second concern is that there are underground and did you receive the letter from the Minuta's?

MR. PETRO: Yes, I have.

MR. HIRSH: On Minuta's property, there's underground and aboveground springs near where the building lots are going to be, what precautions have you made, where is that water going to go?

MR. PETRO: Have you mapped any springs?

MR. YANOSH: I have walked it and never seen any springs, not on our property, I have never seen any springs.

MR. PETRO: I don't know what to tell you.

MR. HIRSH: It makes sense before any decisions are made that you speak to him because there are a couple of springs up there and they are rerouted because of the development could cause all kind of problems, how do we address the additional waters going into the wetlands across Toleman Road?

MR. PETRO: Well, there would be, depending on the size of the subdivision now, this, you have to understand is a relatively a small subdivision, I don't think it would warrant a downstream testing and/or capacity study being done with the 6 houses, if he did just 4 houses, this would be a minor subdivision.

MR. HIRSH: So the wetlands are absorbing sewage, is that what happened?

MR. PETRO: No sewage.

MR. HIRSH: When I say sewage, I'm talking about the overflow of water, storm sewage.

MR. PETRO: Well, seems to me that the water's already going in the direction, is that correct, the amount of the impervious area that he's creating would be the driveways, the road and the roof tops, so if you calculated that out and added that which is not going straight down into the ground, I think would be small.

MR. HIRSH: Would it go under?

MR. PETRO: Yes, under Toleman Road.

MR. HIRSH: Then the only other thing I can say that I have heard the concerns of my neighbors, I have read all the newspaper clippings, not all of them, but I have read several of the newspaper clippings about the fact that this particular builder, nothing personal, but just seems that you folks, your brother, okay, seems like his brother disregards the codes, and I'm, my opinion actually, I'm sorry, I shouldn't express my opinion, I'm quoting from some of the newspaper articles that he has blatantly disregarded many of the codes in all of the towns where he's built. My neighbors and I are concerned that he will continue to do so so what's going to stop him?

MR. PETRO: I know what you're saying, we have a very, very efficient team as far as I'm concerned in this town and the building department, Mark Edsall and the highway superintendent, I don't know what they do in other towns, but over here, you really need to tow the line or you've got a problem.

MR. HIRSH: We're talking about the highway superintendent?

MR. PETRO: The building inspector, he's the chief inspector, Mark Edsall's the planning board engineer who actually does on-site inspections along with his team, the highway superintendent, again, Mr. Kroll, there's a whole list of inspections that are done along

the way.

MR. HIRSH: How do we address the commercial traffic from directly from the construction crews? We have trucks currently with flatbed trucks with what do we call that big machine with excavators and bulldozers and stuff at 12 o'clock at night, I'm sorry, and three in the morning parked in front of our homes with the engines revving.

MR. PETRO: There is a town ordinance that's been in effect for about six months and just get a copy of it, somebody came in and got that little map the other day, probably from the Town Clerk, get a copy of the ordinance, I don't remember every detail of it, just enacted about six months ago. Call the police and they'll be there instantly with a summons, you cannot run machinery after, I don't remember the times. Mike?

MR. BABCOCK: I don't remember.

MR. PETRO: I know no Sunday work at all, that I do remember, nothing on Sunday at all. Call the police.

MS. IRIZARRY: We had work on Sundays, we had work at 6 o'clock in the morning, we had work at 8 o'clock at night.

MR. LANDER: Can't leave a machine or motor vehicle, mainly a truck any longer than 15 minutes, otherwise, the DEC can give them a fine. I've seen the fines 700 to a \$1,000 for leaving that vehicle but you have to call the DEC in order for them to come.

MR. HIRSH: From what time during the week are they allowed, do they have to stop bringing trucks in?

MR. PETRO: The way the ordinance reads there's no work you're looking it up, Mark, no work to be done after a certain time, I think it's 7 o'clock, I'm not sure.

MR. HIRSH: Bringing trucks constitute work?

MR. PETRO: If a person drives in with a truck, they can't do physical work, he can't start excavating,

can't use a hammer, can't use a saw and one thing I can remember stands out a hundred percent in my mind, no Sunday work at all. But keep in mind that the police and/or the town will only act if a complaint is filed so in other words, let's say you're going to build a shed by your house, you have a couple neighbors you're going to tell them, if no one calls up or complains, it's not a problem, we don't go around and the police aren't out circling around looking for somebody doing work on Sunday. They act on a complaint only.

MR. HIRSH: If there's a commercial business going on in a residential neighborhood in this town, who do we speak to?

MR. PETRO: Fire inspector and/or the building inspector.

MR. HIRSH: Can we speak after the meeting?

MR. BABCOCK: Tomorrow, yes.

MR. HIRSH: Thank you.

MR. MCPARTLAND: I'm Kevin McPartland, I'm at 255 Toleman Road. On this map, I'm right here right below the Minuta property. When this all first started, I was here originally and I instituted the first curtain drain to be put in between the properties of mine and what's now Maureen, the Haas' property, okay, and here's the original map and on that it shows right there proposed curtain drain.

MR. LANDER: Was it ever installed?

MR. MCPARTLAND: I'd like to know who engineered it and who approved it because what constitutes a curtain drain, how deep is it supposed to be for one, how wide, how deep? Not a clue, I don't have a clue, but this thing was about two feet in the ground and the first good storm came and the thing just washed right out and it's been washed out ever since. So what we have is a big gully that's washed out with a little black four inch pipe in it that absolutely does nothing. And it's also washed out the road which has been repaired a

couple times.

MR. PETRO: Toleman Road?

MR. MCPARTLAND: Toleman Road itself there's a pile of rocks which blocks up the water which backs up in front of my house, so that's an example of the workmanship. And nothing against the town approving it, but it was approved, I mean, obviously cause the houses were right, the houses were built and the people moved in so they have to have a C.O. to move in there but and I did have it looked at once and basically, I don't know if they stated that it was too late and there was not much they do about it but just an example of what should be done and is not done or what's overlooked to get DEC.

MR. PETRO: Make a note, all right, to have that looked at and as a condition of approval that's got to be replaced, I don't care if it's in the subdivision or not if it's doing that.

MR. MCPARTLAND: That's about all I have.

MR. IRIZARRY: I have no problem with what's going on there.

MR. LANDER: But you want it done right.

MR. MCPARTLAND: That's right, I'm not sure, like I said, who engineered it, how deep it's supposed to be but curtain drain there's got to be a certain amount of feet deep, certain amount of stone and it's got to be, I'm sure it's got to be looked at before it's covered over.

MR. LANDER: It should be, yes.

MR. MCPARTLAND: I don't know if that was done.

MR. PETRO: We'll take a look at it and get it on the plan.

MR. MCPARTLAND: Thank you.

MR. YANOSH: We want to see, make sure it was installed

according to what the plan, the developer should not be liable to take care of it, I don't know what the timeframe is, we'll look at it.

MR. LANDER: We have to start someplace and the developer is where we have to start.

MR. PETRO: Anybody else on something we haven't talked about?

MS. HAAS: Maureen Haas and I live at 249 Toleman Road. Road, I purchased a house from Mr. Biagini, a couple questions I have. First is you mentioned something about the road waiver, what was that about prior in the beginning of the meeting something about--

MR. LANDER: Sidewalks, they're seeking a waiver for not putting sidewalks in.

MS. HAAS: They don't want to put sidewalks on the proposed town road?

MR. LANDER: Yes.

MS. HAAS: I didn't understand that and you have to forgive us, we're all first time homeowners, we're not familiar with this. Now, will that road right now be wide enough for two cars if they're coming up and down?

MR. YANOSH: Yes.

MS. HAAS: Now, of course, the drainage, that's my map and I do need it back.

MR. PETRO: Take it now so you don't lose it.

MS. HAAS: Mr. McPartland brought up one issue with the curtain drain that was never done, I spoke to the board and you about it last meeting, I mentioned at the last meeting that a 3 year old could have done what he proposed that he did, he just dug a trench, dropped a black pipe in it and that was it. So I hope the board is going to address that. You're more than welcome, this is something else I wanted to bring up, I'd like Mr. Yanosh and some board members, Mike, you too, and

maybe Mr. Biagini if he can show up, no, your brother, if he can show up.

MR. BIAGINI: He has nothing to do with this project.

MS. HAAS: He was the original builder, we can all walk you around cause you're all looking at maps, we cannot read the maps as well as you all can and it's easier for us to show you what's actually--

MR. PETRO: Remind everybody here, I know you don't like to hear this, I have to remind everybody all the time that this application and reason we're here is for the six new houses, I realize you all have problems, happens to be the same name of the builder, even though it's a different brother and we have to limit ourselves, we're going to look at that curtain drain, we're going to do certain things that do affect the other houses that are already there, but that's not the application that's before the board. That's approved and it's done, I don't want to be insensitive to the problems there. We're going to look at as much as we can, but I can't reopen that whole, we don't want, I can't walk through every development in the town and have a checklist and I'd have a book of all the problems, singles are blowing off and all kinds of non planning board issues, so we have to limit ourselves to what we can do. I mean, the curtain drain from Mr. McPartland, to me, that really seems important because that water just would come down to all the houses and it's probably really an easy fix for Mr. Biagini, probably could be a day and he's be all done. It's a major problem and it's something tangible that I can look at and say we can fix it. Too many cars on the road is not something that I can sit here and fix.

MS. HAAS: I'm talking about--

MR. PETRO: I'm giving you examples so I'd like to have something we can, if I can fix it, we do. I don't want to go walk through the development and come up with stuff, shingles sticking out of the ground, we have to stay with planning board issues on this application.

MS. HAAS: Right, I'd like you all to come back, walk

back there with us and see what we're talking about, see the drainage problems, see the seepage from coming up from the ground, even though we're in a drought level that's what I'm talking about, you'll come back there and take a look back there where he wants to build. So also another concern is I have two small children and previously, I've had problems with Mr. Biagini and safety of my children around his workers, my concern is when he's building this road, what kind of barriers are going to be put up because that's my back yard and my side yard and I'm concerned about the safety and the truck drivers or the construction workers that are going to be coming through there. I don't know if you want to address that.

MR. BIAGINI: We can put temporary fencing up, if you feel, along your property line between the road and your property.

MS. IRIZARRY: I've asked for that as well because I'm the opposite side of the road.

MR. PETRO: This is Bob Biagini, it's a different brother, I'm not saying one's better or worse than the other. I don't want to get involved with that, but might be in everybody's best interest to try and get along with it, he's going to be building it, not the brother that didn't do what you say he was supposed to do on your subdivision so maybe things will be somewhat different.

MS. HAAS: Okay and what type of houses are they building, are they two story colonials, bi-levels, ranches?

MR. YANOSH: You're right, who knows.

MS. HAAS: And the price ranges on that?

MR. BIAGINI: 269 and up.

MS. HAAS: When were the perc tests done that you spoke of earlier?

MR. YANOSH: October, November of all the ones we're

talking August of '99, August of 2001, August, '99, August, 2001.

MS. HAAS: And does that still stand, is that still a good timeframe because we're in 2002 for the perc tests?

MR. EDSALL: Yeah, I'm not aware of any time deadline for the installation. Normally, the guidelines that are used is some field condition has changed that would affect the perc and I'm not aware of any.

MR. PETRO: Normally, field conditions don't change because it's just barren land what would really change to affect unless there was a major subdivision elsewhere and some water runoff went there usually it's testing the ability of the ground three feet down to absorb the water at that one inch rate he was talking about before, somebody put up a shed or did something that's not going to really affect that.

MS. HAAS: Like I said, we're not very educated in this.

MR. PETRO: We don't have a guideline that says it has to be done every six months, no.

MS. HAAS: As far as all these curtain drains that you are proposing to put in possibly would the town come out and approve it because I have been told that when something like this is done and the proposed curtain drain was put in that it was signed off by Mr. Yanosh as if it was done if I'm not mistaken.

MR. PETRO: It's there but just not to the right, it didn't work, and it's not built properly, it's not like nothing was done.

MS. HAAS: Who signed off on this, Mr. Yanosh did, right, if I'm not mistaken?

MR. YANOSH: No, not on a curtain drain like that.

MS. HAAS: Who signed off on this?

MR. PETRO: You're talking about the applicant's engineer or designer. Who did the original map?

MR. YANOSH: I prepared the original map.

MR. PETRO: It was to be installed and it's on the map and he designed it. You're saying who actually witnessed the installation?

MR. LANDER: He didn't design it.

MR. YANOSH: We laid it out.

MR. PETRO: Location only.

MR. YANOSH: And what it was supposed to look like, we weren't involved.

MS. HAAS: So the town would look and say okay, that's done, okay, and they'll sign on it?

MR. PETRO: Evidently, yes.

MS. HAAS: Then Mr. Biagini, you give us your phone number so we can contact you?

MR. PETRO: Who would look at the curtain drains?

MR. BIAGINI: (914)447-0025.

MR. EDSALL: If a curtain drain is part of a sanitary system that's reviewed by the same engineer who would be certifying that the system was completed in accordance with the design.

MR. YANOSH: This one here does not have to do with the septic, just runoff from the hill.

MR. EDSALL: If it was just a curtain drain being put in for redirecting the drainage, I don't know that anyone would inspect it.

MR. PETRO: We're going to, when they're done, I'm going to go out with the engineer.

MR. EDSALL: If it's part of a filed plan, we're going to treat it differently, I'm talking about before, I don't know who did it.

MR. LANDER: Mr. Yanosh, was it an afterthought to put the curtain drain it or was it on the plan?

MR. YANOSH: That was on the plan, originally that was one of the comments from the public hearing from back in '95.

MS. HAAS: Also as Mrs. Irizarry said, the curtain drain was not put in and I have had several septic companies come and give me estimates and tell me that they weren't put in so if you need that.

MR. PETRO: Which ones?

MS. HAAS: Around my septic, I don't have that either.

MS. IRIZARRY: That's also true of the house that's to the right of me.

MR. PETRO: I know I'm repeating myself that you, maybe you have to put in a curtain drain around your septic tank, we're going to take a look, do what we can, we're talking about a subdivision that's passed, it's done and we're really not talking about what we should be talking about here is this subdivision, but I find it's interesting and we're going to do as much as we can to correct some of the problems, especially, I think the one big one along the property line, but I don't know how long you have been in your house but some things you may have to take upon yourself, I don't know.

MS. HAAS: I have already tried to contact Mr. Biagini when this all first started on several issues and I faxed him, I faxed his lawyer, my lawyer faxed him, after there was an incident with my younger son getting injured, Mr. Biagini cut all ties with us, so I have contacted him, he's never called me. His lawyer's never called me, we're in the house six years.

MR. PETRO: You're going to be there with these machines, can't you go over and take a look at some of

this stuff?

MR. BIAGINI: Again, I have nothing to do with it.

MR. PETRO: Curtain drain in the septic should, you should be in and out of there in three hours.

MR. BIAGINI: But I didn't build their houses.

MR. PETRO: Day or two of good will seems like it would go a long way, get something straightened out.

MR. BIAGINI: No problem.

MR. PETRO: Try that first, we'll see how it goes, we're going to take care of the bigger ones, they're going to be put on the map and we're going to review them.

MS. HAAS: All right, thank you.

MS. MARTINEZ: Yolanda Martinez, 269 Toleman Road, my property is right over here. Now I moved in approximately three years ago and I know what a homeowner is all about, it's not homeowner and the first three months that I moved in I had to build a curtain wall and I also had to put replace my septic system on top of that and to this very day I'm still paying for the home loans. The problem has been corrected and also is there in the event that these systems failed does the developer or Mr. Biagini, I'm sorry I can't pronounce, guarantee in bonds that in the event that does fail are they going to replace our septic systems, our well and what type of unit is going to be used when they start building up?

MR. PETRO: What kind of unit for what, ma'am?

MS. MARTINEZ: For the septic system.

MR. YANOSH: She had to put an aerobic system in.

MR. PETRO: You're not using those, these are just a regular system?

MR. YANOSH: She's saying her system failed now they're getting replaced and she had to put a different type of system in. Her question I guess is any type of guarantee that our septic is not going to affect her property and spoil her property too, that's what she's asking. Right?

MS. MARTINEZ: Yes.

MR. YANOSH: Septics and--

MS. MARTINEZ: What type of unit are you going to use?

MR. PETRO: Septic system.

MS. MARTINEZ: I had a standard septic down the road, I had to put in an aerobic unit, an aerobic unit, now standard septic systems is not going to work, if you put up a colonial ranch, it's just not going to work.

MR. PETRO: I would suggest being that you have so many other people here with problems with septics really look at the perc, make sure that you have enough footage and you're using the right kind of system. I can't answer your question directly how you're going to guarantee that it's going to work or not work, I don't know, it should work according to the engineer's saying that that system is designed for that perc test and that soil and it should work, but I would suggest Mark--

MR. EDSALL: Just in answer to one of the questions about the timing of the testing of the soils, one of the perc tests seems to be I think unreasonably old, would be evaluation of lot 1, I would think that Mr. Cascino could look at that again, that looks to be back from 1993.

MR. YANOSH: That was when we did the first subdivision he did that.

MR. EDSALL: It should be made more current, but the ones in the last couple years should be okay.

MR. PETRO: Are you getting all the notes, Dan?

MR. YANOSH: Yes,

MR. HIRSH: Do we get a copy if he wants any exclusions, waiver to the SEQRA, if he makes, if he wants any variances, I think it's called the SEQRA, State Environmental Quality Review?

MR. EDSALL: Yeah, there is no such thing as any waiver to it, the board will review all the information before they can make a determination under SEQRA but--

MR. LANDER: Are you talking about the waiver he might be looking for to eliminate the sidewalks?

MR. HIRSH: Anything that would affect any of the issues we discussed here with respect to environment.

MR. LANDER: He can't get a waiver for any of that.

MR. PETRO: He's going to have to meet everything, there's no waivers. Okay, any other subject? Motion to close the public hearing.

MR. BRESNAN: So moved.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Highview Estates subdivision on Toleman Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: We're going to reopen this application to the board for further comment.

MR. LANDER: I don't think we need to look at it any

further until we take a site visit, Mr. Chairman, and also it took a year to get rid of the garbage and the last time and I asked the question why did it take a year to get rid of the debris and that's what I got, there was no response to that. You're going to have to be a little quicker.

MR. YANOSH: Well, we're cleaned up now, a lot of the stuff across the street was not from the developer, it was just people dumping.

MR. LANDER: Take precautions to make sure that doesn't happen.

MR. PETRO: What we're going to do is schedule a site visit, this board is going to go out to the site and look, if you'd like, if some representative would like to be there, I'm not opposed to that, I don't want 35 people walking around with us and, you know, making my head spin, but anyway what we're going to do--

MS. IRIZARRY: I'll give you my work number, (845) 623-0090 and the evening number is 496-3412.

MR. LANDER: Also we're going to ask that a letter from Jean and Vincent Minuta be entered into the record, we're not going to read the whole thing because it's quite extensive, but it covers all the subjects that we went over tonight.

MR. PETRO: Design the curtain drains and you'll be notified for the site visit so you can come with us and I want to look at the one along the property line too.

MR. EDSALL: One more thing, Mr. Chairman, we can add to Dan's list, there seems to be kind of a gap in the topo on the plan covering lots 1 and 2, for us to finish the evaluation, some of the drainage concerns I'd want to have that filled in so the topo's complete.

MR. PETRO: Take a copy of Mark's comments. Do you have that?

MR. YANOSH: Yes.

March 13, 2002

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MR. PETRO; I want to thank everybody too, very orderly  
and you were very polite.



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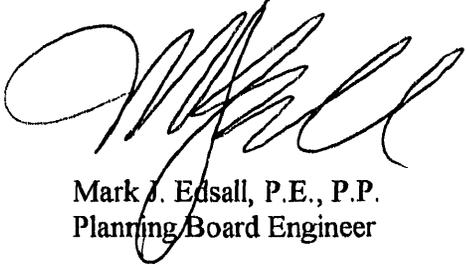
**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 01-64  
**DATE:** 13 MARCH 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 21.2+  
ACRE PARCEL INTO SIX (6) SINGLE-FAMILY RESIDENTIAL LOTS.  
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 DECEMBER  
2001 AND 23 JANUARY 2002 PLANNING BOARD MEETINGS. THE  
APPLICATION IS BEFORE THE BOARD FOR A PUBLIC HEARING  
AT THIS MEETING.

1. The property is located in the R-1 zoning district of the Town. The lots have been revised to meet the new bulk requirements, and the bulk table expanded to provide “required” values. The table is acceptable, with the exception that the required area should be shown as 80,000 s.f. not 43,560.
2. I have reviewed this resubmittal, and have the following comments:
  - a) The roadway cross-section was changed. It appears acceptable, with the exception of the reference to ROB Gravel or Crusher Runs, which should be deleted. Subbase is defined in the Town’s Street Specifications.
  - b) The catch basin dimensions should be coordinated with the grate selection.
  - c) Water quality issues must be evaluated and addressed.
  - d) Grading of the roadway is further defined on the 1” = 50’ plan on sheet 2 of the set. The site grading (for lots) has not been further clarified. The Board may wish to consider this if public concern is again voiced at this public hearing. Previously, at a previous subdivision review, concern was regarding groundwater direction and redirection.
  - e) Driveway profiles have been added which helps in understanding the access to each lot. The typical driveway detail of the Highway Department must still be added.

- f) Sidewalks are not shown. A waiver from the Town Board is required.
3. I have not reviewed the sanitary disposal systems at this time. The Board still needs to advise if field observation of testing will be required.
  4. The street name and 911 numbering still is pending. The applicant was to coordinate with the Fire Inspector. This should be added to the plan as soon as available.
  5. As a reminder, the following must be completed, in the future, before any approvals can be considered:
    - Completion of SEQRA
    - Submittal of a Public Improvement Bond Estimate
    - Submittal of descriptions and Offers of Dedication

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NW01-64-13Mar02.doc  
MJE/st

TOWN OF NEW WINDSOR  
PUBLIC HEARING FOR:

HighView Estates Sub.

DATE: March 13, 2002

SIGN-IN SHEET

	NAME	ADDRESS	PHONE NUMBER
1.	Annette TRIZARRY	237 Tolman Rd Woodburyville	496-3412
2.	Anselmo Luciano	"	"
3.	Magren Hirsch	263 Tolman Rd "	492-3021
4.	Kevin McParrott	255 " "	496-5087
5.	Marcus HAMZ	249 Tol	496-9506
6.	Wendy MARTINEZ	269 Tol	496-703
7.	Deil Sullivan	21 Kimberly Dr Campbell Hill NY	496-4106
8.			
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20.			

*Public Hearing*  
RESULTS OF P.B. MEETING OF: *March 13, 2002*

PROJECT: *Highview Estates Sub* P.B.# *01-64*

LEAD AGENCY:

NEGATIVE DEC:

1. AUTHORIZE COORD LETTER: Y \_\_\_ N \_\_\_  
2. TAKE LEAD AGENCY: Y \_\_\_ N \_\_\_

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_  
CARRIED: YES \_\_\_ NO \_\_\_

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_  
CARRIED: YES \_\_\_ NO \_\_\_

*Close*  
WAIVE PUBLIC HEARING: M) *B* S) *K* VOTE: A *4* N *0* *closed*  
WAIVED: Y  N \_\_\_

SCHEDULE P.H. Y \_\_\_ N \_\_\_

SEND TO O.C. PLANNING: Y \_\_\_

SEND TO DEPT. OF TRANSPORTATION: Y \_\_\_

REFER TO Z.B.A.: M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_

RETURN TO WORK SHOP: YES \_\_\_ NO \_\_\_

APPROVAL:

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPROVED: \_\_\_\_\_

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_ APPROVED CONDITIONALLY: \_\_\_\_\_

NEED NEW PLANS: Y \_\_\_ N \_\_\_

DISCUSSION/APPROVAL CONDITIONS:

<i>To request a waiver for sidewalks from Town Board</i>
<i>Drainage</i>
<i>Certain drain for McPartland to be corrected.</i>
<i>" " " Haas to be corrected.</i>
<i>Many comments of failed septic systems</i>
<i>Contact.</i>
<i>Schedule a site visit: Set Time</i>

*Notify* → *Work 845-623-0090*  
*Mrs. Dziuray 496-3412*

PLANNING BOARD : TOWN OF NEW WINDSOR  
COUNTY OF ORANGE ; STATE OF NEW YORK

-----x  
In the Matter of Application for ~~Site Plan~~/Subdivision of  
Highview Estates P.B.# 01-64  
Applicant.

AFFIDAVIT OF  
SERVICE  
BY MAIL

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

MYRA L. MASON, being duly sworn, deposes and says:

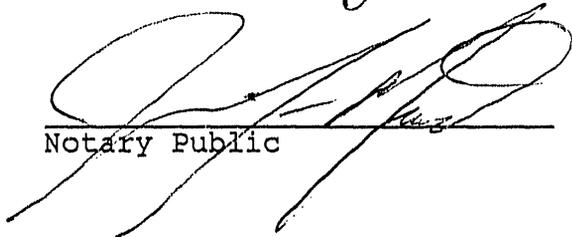
That I am not a party to the action, am over 18 years of age and reside at ~~350~~<sup>67</sup> Bethlehem Road, New Windsor, NY 12553.

On February 26, 2002, I compared the 17 addressed envelopes containing the attached Notice of Public Hearing with the certified list provided by the Assessor regarding the above application for Site Plan/Subdivision and I find that the addressees are identical to the list received. I then mailed the envelopes in a U.S. Depository within the Town of New Windsor.

Myra L. Mason  
Myra L. Mason, Secretary for  
the Planning Board

Sworn to before me this

26 day of February, 19 2002

  
\_\_\_\_\_  
Notary Public

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024  
Qualified In Orange County  
Commission Expires 10/30/ 2002



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4631  
Fax: (845) 563-4693

## Assessors Office

January 30, 2002

Highview Estates  
PO Box 286  
Salisbury Mills, NY 12577

Re: 56-1-19.15

Dear Sirs:

According to our records, the attached list of property owners are abutting to the above Referenced property.

The charge for this service is \$35.00, minus your deposit of \$25.00.

Please remit the balance of \$10.00 to the Town Clerk's office.

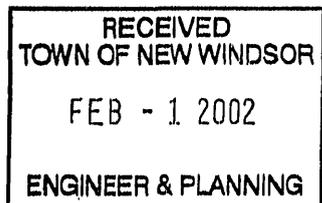
Sincerely,

A handwritten signature in cursive script that reads "Leslie Cook".

Leslie Cook  
Sole Assessor

LC/srr

CC: Myra Mason PB



52-1-31 & 56-1-39.2  
Akhtar Safder & Baby Varghese  
Abraham Thomas  
179 Starling Street  
Princeton, WV 24740 ✓

52-1-70  
Myle Donker III  
17 Oak Hill Drive  
Rock Tavern, NY 12575 ✓

52-1-101  
Highland Operating LTD  
P.O. Box 479  
Washingtonville, NY 10992 ✓

56-1-10  
Peter & Flora Saltini  
c/o Noreen Ligotti  
357 Pin Oak Lane  
Westbury, NY 11590 ✓

56-1-19.11  
JP & JP Associates, Inc.  
PO Box 7420  
Newburgh, NY 12550 ✓

56-1-19.12  
Brian & Helen Flint  
231 Toleman Road  
Washingtonville, NY 10992 ✓

56-1-19.13  
Anselmo & Annette Simmons-Irizarry  
237 Toleman Road  
Washingtonville, NY 10992 ✓

56-1-19.14  
Anthony Haas & Maureen Gallagher  
249 Toleman Road  
Washingtonville, NY 10992 ✓

56-1-19.21  
Kevin & Valerie McPartland  
255 Toleman Road  
Washingtonville, NY 10992 ✓

56-1-39.1  
Consolidated Rail Corp.  
6 Penn Center Plaza  
Philadelphia, Pa 19103 ✓

56-1-46  
Vincent & Jean Minuta  
259 Toleman Road  
Washingtonville, NY 10992 ✓

George J. Meyers, Supervisor  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553 ✓

Deborah Green, Town Clerk  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553 ✓

Andrew Krieger, Esq.  
219 Quassaick Avenue  
New Windsor, NY 12553 ✓

James Petro, Chairman  
Planning Board  
555 Union Avenue  
New Windsor, NY 12553 ✓

Mark J. Edsall, P.E.  
McGoey and Hauser  
Consulting Engineers, P.C.  
33 Airport Center Drive Suite 202  
New Windsor, NY 12553 ✓

52-1-71  
Mark & Kathleen Ridgeway  
15 Oak Hill Drive  
Rock Tavern, NY 12575 ✓

17

**LEGAL NOTICE**

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF  
NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC  
HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on  
MARCH 13, 2002 at 7:30 P.M. on the approval of the proposed Subdivision

Approval for HIGHVIEW ESTATES

(Tax Map #Section 56, Block 1, Lot 19.15)

Located at TOLEMAN ROAD. Map of

the Subdivision is on file and may be inspected at the Planning Board Office,  
Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: FEBRUARY 20, 2002

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

*Daniel P. Yanosh*

LICENSED LAND SURVEYOR

2194 Route 302, P.O. Box 320  
Circleville, N.Y. 10919

Daniel P. Yanosh, L.L.S.  
Kevin J. Wild, L.L.S.

Tel: 845-361-4700  
Fax: 845-361-4722

February 18, 2002

Mark J. Edsall, P.E.  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: Highview Estates  
Toleman Road (West side)

Dear Mr. Edsall:

Enclosed please find prints of the 3 lot subdivision on Toleman Road for Highview Estates that have been revised as per your comment letter dated January 23, 2002.

1. The required area has been changed to be 80,000 s.f.
2.
  - A) The roadway cross section has been revised to be Figure 3 - Rural Road with curbs.
  - B.) Catch basin details have been revised to reflect a curbed roadway.
  - C.) Details for stabilization of the side slopes of the road have been provided.
  - D.) The drainage system has been extended up to the cul-de-sac, and two additional basins have been provided at the "throat" of the cul-de-sac.
  - E.) Details for stormwater conveyance within the easement have been shown.
  - F.) A 1" =50' detail of the plan has been added to sheet 2 to clarify grading of the site.
  - G.) A typical driveway detail has been added as well as detailed profiles for each driveway.
3. No revisions have been made to the sanitary disposal systems at this time.
4. The Planning Board has assumed the position of Lead Agency.
5. A public hearing date will be set by the Planning Board once these plans have been received.

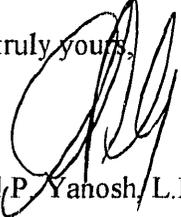
Page 2

Highview Estates, Tolman Road

6. The assignment of a street name and 911 addresses will be completed by the time of preliminary approval.
7. The proposed driveway locations for lots 3 & 4 have been revised as per the Highway Superintendents request.

If you have any questions please call my office at any time.

Very truly yours,

  
Daniel P. Yanosh, L.L.S.

L92-084



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

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

□ **Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

□ **Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhempa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 01-64  
**DATE:** 23 JANUARY 2002  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 21.2+  
ACRE PARCEL INTO SIX (6) SINGLE-FAMILY RESIDENTIAL LOTS.  
THE PLAN WAS PREVIOUSLY REVIEWED AT THE 12 DECEMBER  
2001 PLANNING BOARD MEETING.

1. The property is located in the R-1 zoning district of the Town. The lots have been revised to meet the new bulk requirements, and the bulk table expanded to provide “required” values. The table is acceptable, with the exception that the required area should be shown as 80,000 s.f. not 43,560.
2. I have reviewed this resubmittal, and have the following comments:
  - a) The roadway cross-section should be Figure 3 – Rural Road (not alternate), unless the necessary waivers are obtained.
  - b) Catch Basin details should be revised to reflect a curbed roadway.
  - c) Details for stabilization of the side slopes of the road should be provided.
  - d) The drainage system should be extended up to the cul-de-sac, and two additional basins provided at the “throat” of the cul-de-sac.
  - e) Details for stormwater conveyance should be shown within the easement depicted on sheet 3. Water quality considerations should be evaluated and addressed.
  - f) Grading of the site should be further clarified. A plan of greater detail (50’ = 1” or less) should be provided. Relatedly, groundwater direction and redirection will need to be addressed, in light of the previous concerns noted by the neighbors.

- g) Provide typical driveway detail of Highway Department, and include detailed profiles for driveways to verify grading of each to meet this requirement.
3. I have not reviewed the sanitary disposal systems at this time. The Board will need to determine if field observation of testing will be required.
  4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
  5. The Planning Board should consider authorizing the mandatory Public Hearing for this Major Subdivision, as required under Paragraph 4 of the Subdivision Regulations.
  6. As per the 911 Policy of the Town, this project will require the assignment of a street name and 911 address numbering at the Preliminary approval stage of the subdivision review.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.  
Planning Board Engineer

NW01-64-23Jan02.doc  
MJE/st

HIGHVIEW ESTATES SUBDIVISION (01-64)

Mr. Dan Yanosh appeared before the board for this proposal.

MR. PETRO: Proposed six lot residential subdivision. This application proposes subdivision of 21.2 acre parcel into six single family residential lots. The plan was previously reviewed at the 12 December, 2001 planning board meeting. It's in an R-1 zone, which is permitted use, the lots have been revised to meet new bulk requirements of the 80,000 square feet and Danny's got, Mark has quite a few comments, but nothing that's outrageous. We have fire approval is approved but please contact fire inspector for proposed street name and again, the highway is tabled, no approval until drainage plan is submitted, lots 3 and 4, the entrances should be moved closer together to aid in snow plowing, let's look at that, where are they?

MR. YANOSH: Do you have a list of those or--

MR. PETRO: Lots 3 and 4 should be moved closer together to aid in snow plowing. And your cross-section is disapproved, use figure 3, standard rural road and curbs so contact Henry Kroll.

MR. YANOSH: Curbs on this one?

MR. PETRO: Disapproved, use figure 3 standard rural road and curbs.

MR. ARGENIO: Require a sidewalk, too, do we not, Mark?

MR. EDSALL: That one I would assume they'll get a waiver on for this location but technically, they have to ask.

MR. YANOSH: I ask here or Town Board?

MR. EDSALL: I have to check, I believe it's Town Board by letter, just a letter to them or the highway superintendent maybe will handle that for you.

MR. PETRO: Okay, why don't you bring us up to date?

MR. YANOSH: I took care of Mark's comments with the lot frontage and the widths on the roads from the previous submittal. I did show proposed grading for the driveway, make sure they're ten percent or less, we have added on sheet number 3 a larger scale of the proposed cut for the road to show a two on one slope which is according to the town codes for the road specifications. I guess there are a few things that Mark has picked up, the drainage I need a full drainage report, is that what you're looking for?

MR. EDSALL: I don't know that that's it, I believe when I talked to Henry, I believe after he made his comments, I told him my only concern was that you take the storm drainage up to the cul-de-sac and I was interested in how the water would be conveyed and the easement on the opposite side of the road, I might be able to show that to Henry and he might find that adequate.

MR. PETRO: Motion for lead agency.

MR. LANDER: So moved.

MR. ARGENIO: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency for the Highview Estates subdivision. Is there any further discussion? If not, roll call.

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: Again, we're going to schedule a public hearing, you can attend to the comments that Mark has, talk to Mr. Kroll in the meantime and we'll move forward there.

MR. ARGENIO: Can I add one thing before we leave this? Mark has a note that we're looking for 50 scale, note number 2 letter F and I firmly agree with that. I also think it would be a good idea to continue the contours showing where the contours are on lots A, B and C because these people, if you remember, have a problem with their septic and they have a problem with runoff and problem with the original construction of the homes they have a list of problems and I'd like to see where the water goes.

MR. PETRO: Do you have a topo available?

MR. YANOSH: These, A, B and C.

MR. ARGENIO: Should be available.

MR. YANOSH: I have the original, I don't know what it is final, I have the original.

MR. ARGENIO: Can you overlay that?

MR. YANOSH: Yeah, I can put the original on, I can do that.

MR. ARGENIO: Not asking surveyed but--

MR. YANOSH: What's here today versus what was proposed, I can try to, I do have as-builts of the buildings and the driveways and I can try to show again probably a layer in the computer, the old stuff.

MR. ARGENIO: That's what I'm asking.

MR. BABCOCK: Mr. Chairman, also today when we had our conversations about the agenda items, I misspoke about this project. I thought this was a, the project up the street, so this is the one project across the street where they were cleaning up. I know I went through there yesterday, they do have a loader there with a dumpster which they're cleaning up the stumps, taking that stuff away.

MR. LANDER: How long ago had we advised them to get that cleaned up, do you remember?

MR. YANOSH: When we first started.

MR. BABCOCK: When we first started the project, the people came in and it might have been the subdivision across the street.

MR. EDSALL: It was the subdivision on the opposite side.

MR. YANOSH: That was one of the conditions of the one across the street.

MR. PETRO: The one that we tabled the public hearing on?

MR. BABCOCK: Right.

MR. LANDER: So my question still stands, how long did it take to get it cleaned up?

MR. BABCOCK: I'm not sure of how long it was.

MR. LANDER: A year, year and a half?

MR. BABCOCK: I know yesterday there was a machine there with a dumpster, they were loaded up.

MR. YANOSH: Took most of the garbage away, some of the stumps away, now they're going to take the material so they're cleaning it up. The DEC I guess they're looking at the, we got a permit to cross the wetlands through there and I think the DEC's going to sign off on that pretty soon, do a restoration on that, we're in contact with the DEC all the time on this one, too.

MR. PETRO: Motion to have a public hearing?

MR. ARGENIO: So moved.

MR. BRESNAN: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board have a public hearing for the Highview Estates subdivision.

January 23, 2002

20

ROLL CALL

MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. LANDER	AYE
MR. KARNAVEZOS	AYE
MR. PETRO	AYE

MR. PETRO: You can schedule with Myra. Thank you.





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

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
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**Main Office**  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

**Regional Office**  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

**TOWN OF NEW WINDSOR  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT NAME:** HIGHVIEW ESTATES MAJOR SUBDIVISION  
**PROJECT LOCATION:** TOLEMAN ROAD (West side)  
SECTION 56 – BLOCK 1 – LOT 19.15  
**PROJECT NUMBER:** 01-64  
**DATE:** 12 DECEMBER 2001  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 21.2+ ACRE PARCEL INTO SIX (6) SINGLE-FAMILY RESIDENTIAL LOTS. THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

1. The property is located in the R-1 zoning district of the Town. The “required” bulk information is incorrect, since the lot area required is now 80,000 s.f. not 43,560. The other values are correct. The bulk table should be corrected. As well, the table should be expanded to indicate “provided” values for each lot.

All the lots of the subdivision are not in compliance with the zoning bulk requirements. Lots 4 and 5 do not meet lot width requirements, and Lot 5 has insufficient area.

To proceed, this application will either need to be revised to correct the deficiencies, or variances will be necessary. This should be discussed with the applicant.

2. Some additional conceptual comments are as follows:
  - a) The roadway cross-section does not meet Town spec.
  - b) Stabilization of the side slopes of the road will be essential
  - c) Drainage (quantity and water quality) must be addressed
  - d) Groundwater direction and redirection will need to be addressed, in light of the previous concerns noted by the neighbors
3. I did not perform a complete review of the submittal, since the zoning status and layout are not resolved. Until this is resolved, I will postpone my detailed review of the application.

Respectfully Submitted,

Mark J. Edsall, P.E., P.P.  
Planning Board Engineer



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 12/06/2001

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 1-64

NAME: HIGHVIEW ESTATES OF O.C. 6-LOT SUB. PA2001-0829

APPLICANT: HIGHVIEW ESTATES OF ORANGE COUNTY

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
12/06/2001	REC. CK. #6475	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00



Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553  
(845) 583-4811

**RECEIPT**  
**#1130-2001**

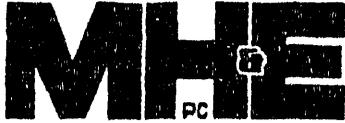
12/07/2001

Highview Estates Of Orange County #01-04

Received \$ 100.00 for Planning Board Fees, on 12/07/2001. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green  
Town Clerk



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

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@mhepc.com

Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 01-64

WORK SESSION DATE: 10-2-02 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: NO RESUB. REQ'D: new plans

PROJECT NAME: Highway Sub.

REPRESENTATIVES PRESENT: Dan Yanosh

MUNICIPAL REPS PRESENT:  
BLDG INSP. \_\_\_\_\_ FIRE INSP. Bob.  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED: Tolman Rd.

APPROVAL BOX:

Went over list of items  
from last comment sheet.

Hand name to Bob

STND CHECKLIST:  
DRAINAGE \_\_\_\_\_  
DUMPSTER \_\_\_\_\_  
SCREENING \_\_\_\_\_  
LIGHTING \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_

PROJECT TYPE  
SITE PLAN  
SPEC PERMIT  
L L CHG.  
SUBDIVISION  
OTHER

PROJECT STATUS:  
ZBA Referral: Y X N

Ready For Meeting X Y N

Recommended Mtg Date next avail

INTER-OFFICE CORRESPONDENCE

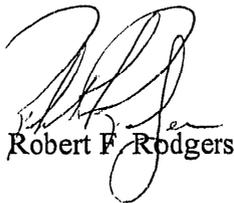
TO: Town Planning Board  
FROM: Town Fire Inspector  
SUBJECT: High View Estates  
DATE: 18 October 2002

Planning Board Reference Number: PB-01-064  
Dated: 10 October 2002  
Fire Prevention Reference Number: FPS-02-062

A review of the above referenced subdivision plan was conducted on 18 October 2002.

This subdivision plan is acceptable.

Plans Dated: 1 October 2002

  
Robert F. Rodgers



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO:  FIRE INSPECTOR,  WATER DEPT.,  
 SEWER DEPT.,  HIGHWAY DEPT.

P.B. FILE # 01-64 DATE RECEIVED: 10/18/02

PLEASE RETURN COMPLETED FORM TO MYRA BY: \_\_\_\_\_

THE MAPS AND/OR PLANS FOR:

Highview Estates  
Applicant or Project Name

SITE PLAN , SUBDIVISION , LOT LINE CHANGE , SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED: Conceptually

Notes: Need to review grading etc, in more detail  
with Town Engineer

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: H. Knoll @ Reviewed by: \_\_\_\_\_ Date: 10/22/02



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO:  FIRE INSPECTOR,  WATER DEPT.,  
 SEWER DEPT.,  HIGHWAY DEPT.

RECEIVED  
TOWN OF NEW WINDSOR  
SEP - 4 2002  
ENGINEER & PLANNING

P.B. FILE # 01-64 DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 9-20-02

THE MAPS AND/OR PLANS FOR:

High View Estates  
Applicant or Project Name

SITE PLAN , SUBDIVISION , LOT LINE CHANGE , SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: There is no town water in this area  
\_\_\_\_\_  
\_\_\_\_\_

~~DISAPPROVED:~~

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Steve D. D'... 9-5-02  
Reviewed by: \_\_\_\_\_ Date





McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

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Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhempa@ptd.net

**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: \_\_\_\_\_

WORK SESSION DATE: 5 DEC '01 PROJECT: NEW  OLD \_\_\_\_\_

REAPPEARANCE AT W/S REQUESTED: YES RESUB. REQ'D: Full Later

PROJECT NAME: Hylview BPT S/P

REPRESENTATIVES PRESENT: Don Y

MUNICIPAL REPS PRESENT:

BLDG INSP.	_____	FIRE INSP.	<input checked="" type="checkbox"/>
ENGINEER	<input checked="" type="checkbox"/>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

ITEMS DISCUSSED:

207 Fox Hill Kings Rd

1934 land was abandoned

by DOT to T/w.

Ed & (Bob) have their

atty talk to Crotty for

purchase of land from Town.

Will return later

STND CHECKLIST:

DRAINAGE \_\_\_\_\_

DUMPSTER \_\_\_\_\_

SCREENING \_\_\_\_\_

LIGHTING \_\_\_\_\_

(Streetlights)

LANDSCAPING \_\_\_\_\_

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E.  
WILLIAM J. HAUSER, P.E.  
MARK J. EDSALL, P.E.  
JAMES M. FARR, P.E.

Main Office  
45 Quassaick Ave. (Route 9W)  
New Windsor, New York 12553  
(914) 562-8640

Branch Office  
507 Broad Street  
Millford, Pennsylvania 18337  
(717) 296-2765

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

1-3

TOWN/VILLAGE OF New Windsor P/B # \_\_\_\_\_

WORK SESSION DATE: 5 Sept 01 APPLICANT RESUB. REQUIRED: Full later

REAPPEARANCE AT W/S REQUESTED: Yes

PROJECT NAME: Highview Est.

PROJECT STATUS: NEW  OLD \_\_\_\_\_

REPRESENTATIVE PRESENT: Dan Y

MUNIC REPS PRESENT: BLDG INSP. \_\_\_\_\_  
FIRE INSP.  \_\_\_\_\_  
ENGINEER  \_\_\_\_\_  
PLANNER \_\_\_\_\_  
P/B CHMN. \_\_\_\_\_  
OTHER (Specify) \_\_\_\_\_

ITEMS TO BE ADDRESSED ON RESUBMITTAL:

- subdiv off recent Toleman Rd.
- in area of complaints-tr
- previous subdiv 1995
- private Rd
- need profile on this plan (was shown on 95 plan)
- can't have 5' ddr internal (4' only) under Town Road.
- may avoid O.C.D.H.
- add road detail

Ed  
B<sub>2</sub>

CLOSING STATUS

- \_\_\_\_\_ Set for agenda
- \_\_\_\_\_ possible agenda item
- \_\_\_\_\_ Discussion item for agenda
- \_\_\_\_\_ ZBA referral on agenda

pbwsform 10MJE98



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

RECEIVED

FEB 27 2002

N.W. HIGHWAY DEPT.

### PROJECT REVIEW SHEET

TO: FIRE INSPECTOR, WATER DEPT.,  
SEWER DEPT., HIGHWAY DEPT.

RECEIVED  
TOWN OF NEW WINDSOR  
FEB 21 2002  
ENGINEER & PLANNING

P.B. FILE # 01-64 DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 3/1/02

THE MAPS AND/OR PLANS FOR:

High View Estates - Revised  
Applicant or Project Name

SITE PLAN , SUBDIVISION , LOT LINE CHANGE , SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: \_\_\_\_\_

Reviewed by: \_\_\_\_\_

Date \_\_\_\_\_

*Still under review*



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: FIRE INSPECTOR, WATER DEPT.,  
SEWER DEPT., HIGHWAY DEPT.

RECEIVED  
TOWN OF NEW WINDSOR  
FEB 21 2002  
ENGINEER & PLANNING

P.B. FILE # 01-64 DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 3/11/02

THE MAPS AND/OR PLANS FOR:

High View Estates Sub - Revised  
Applicant or Project Name

SITE PLAN , SUBDIVISION , LOT LINE CHANGE , SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: Feed the name of the proposed street. Please have  
developer contact my office with same.

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature] Reviewed by: \_\_\_\_\_ Date: 26 Feb 02

**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: February 26, 2002**

**SUBJECT: Highview Estates of O.C.**

**Planning Board Reference Number: PB-01-64**

**Dated: 21 February 2002**

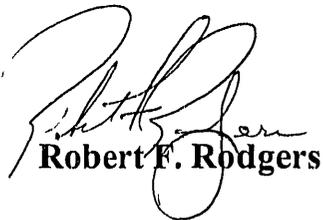
**Fire Prevention Reference Number: FPS-02-011**

**A review of the above referenced subject subdivision plan was conducted on 26 February 2002.**

**This subdivision plan is acceptable.**

**Please advise the developer to contact my office with a proposed street name.**

**Plans Dated: 14 February 2002 Revision 1.**

  
**Robert F. Rodgers**

**RFR/dh**



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 01-64

DATE PLAN RECEIVED: RECEIVED  
JAN 18 2002

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

Highview Estates \_\_\_\_\_ has been

reviewed by me and is approved L

~~disapproved~~ \_\_\_\_\_

~~If disapproved, please list reason~~ \_\_\_\_\_

There is no town water in this area.

\_\_\_\_\_  
HIGHWAY SUPERINTENDENT DATE

[Signature] 1-24-02  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: FIRE INSPECTOR, WATER DEPT.,  
SEWER DEPT., HIGHWAY DEPT.

RECEIVED  
TOWN OF NEW WINDSOR  
FEB 21 2002  
ENGINEER & PLANNING

P.B. FILE # 01-64 DATE RECEIVED: \_\_\_\_\_

PLEASE RETURN COMPLETED FORM TO MYRA BY: 3/11/02

THE MAPS AND/OR PLANS FOR:

High View Estates - Revised  
Applicant or Project Name

SITE PLAN , SUBDIVISION , LOT LINE CHANGE , SPECIAL PERMIT

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: There is no town water in this area.  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Steve [Signature] 2-28-02  
Reviewed by: \_\_\_\_\_ Date



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 01-64

DATE PLAN RECEIVED: RECEIVED  
JAN 18 2002

*Please return  
by 1/22/02*

The maps and plans for the Site Approval \_\_\_\_\_  
Subdivision \_\_\_\_\_ as submitted by  
\_\_\_\_\_ for the building or subdivision of  
\_\_\_\_\_ has been  
reviewed by me and is approved \_\_\_\_\_,  
disapproved \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

*No approval until drainage plan is submitted.  
entrances to lots 3+4 should be moved closer  
together to aid in snow plowing. Rural St. crossing  
section is disapproved use figure 3 standard  
rural road + curbs.*

*Henry Hull* 1-23-02  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE

**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**DATE: January 22, 2002**

**SUBJECT: Highview Estates of O.C. Inc.**

**Planning Board Reference Number: PB-01-64**

**Dated: 18 January 2002**

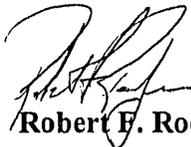
**Fire Prevention Reference Number: FPS-02-004**

A review of the above referenced subject subdivision plan was conducted on 22 January 2002.

This subdivision plan is acceptable.

Please have the owner contact my office with the name of the proposed street so that it may be placed on the final subdivision plan.

Plans Dated: 1 October 2001



Robert F. Rodgers



1765

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

PLEASE RETURN COMPLETED FORM TO:

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

PLANNING BOARD FILE NUMBER: 01-64

DATE PLAN RECEIVED: RECEIVED  
DEC - 6 2001

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by \_\_\_\_\_

\_\_\_\_\_ for the building or subdivision of \_\_\_\_\_

Hylsview Estates \_\_\_\_\_ has been

reviewed by me and is approved L

~~disapproved~~ \_\_\_\_\_

If disapproved, please list reason \_\_\_\_\_

There is no town water in this area.

HIGHWAY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

Stan D. Di... 12-10-01  
WATER SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_

SANITARY SUPERINTENDENT \_\_\_\_\_ DATE \_\_\_\_\_



1765

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553

## NEW WINDSOR PLANNING BOARD REVIEW FORM

TO: FIRE INSPECTOR, D.O.T., WATER, SEWER, HIGHWAY

RECEIVED

PLEASE RETURN COMPLETED FORM TO:

DEC 07 2001

MYRA MASON, SECRETARY FOR THE PLANNING BOARD

N.W. HIGHWAY DEPT.

PLANNING BOARD FILE NUMBER:

01-64

DATE PLAN RECEIVED:

RECEIVED

DEC - 6 2001

*Please return  
by 12/10/01*

The maps and plans for the Site Approval \_\_\_\_\_

Subdivision \_\_\_\_\_ as submitted by

\_\_\_\_\_ for the building or subdivision of

\_\_\_\_\_ has been

reviewed by me and is approved \_\_\_\_\_,

disapproved  \_\_\_\_\_.

If disapproved, please list reason \_\_\_\_\_

No Drainage Plan submitted

Road specification does not meet town requirements

Cul-de-sac must meet town Specifications

Wm Hall 12/10/01  
HIGHWAY SUPERINTENDENT DATE

\_\_\_\_\_  
WATER SUPERINTENDENT DATE

\_\_\_\_\_  
SANITARY SUPERINTENDENT DATE

**INTER-OFFICE CORRESPONDENCE**

**TO: Town Planning Board**

**FROM: Town Fire Inspector**

**SUBJECT: High View Estates of O.C.**

**DATE: December 10, 2001**

**Planning Board Reference Number: PB-01-64**

**Dated: 6 December 2001**

**Fire Prevention Reference Number: FPS-01-066**

**A review of the above referenced subject to lot subdivision plan was conducted on 7 December 2001.**

**This subdivision plan is acceptable.**

**Plans Dated: 1 October 2001**

*RFR*  
*(D.H.)*  
**Robert F. Rodgers**



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net

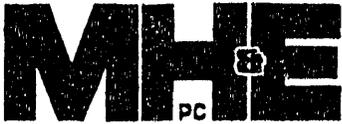
Regional Office  
507 Broad Street  
Millford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhepa@ptd.net

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 01-64  
WORK SESSION DATE: 5 DEC '01 PROJECT: NEW X OLD  
REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: Full App.  
PROJECT NAME: Highview Estates  
REPRESENTATIVES PRESENT: Dun Y

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. X  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED: \_\_\_\_\_ STND CHECKLIST:  
- Tolman - \_\_\_\_\_ DRAINAGE \_\_\_\_\_  
- 6 lot - not really sub. \_\_\_\_\_ DUMPSTER \_\_\_\_\_  
- new aff \_\_\_\_\_ SCREENING \_\_\_\_\_  
- side grading (stabilization) \_\_\_\_\_ LIGHTING \_\_\_\_\_  
- all lots re-bulk table \_\_\_\_\_ (Streetlights) \_\_\_\_\_  
- Henry drive locs - paired? \_\_\_\_\_ LANDSCAPING \_\_\_\_\_  
- 50' scale road plan & profile \_\_\_\_\_ ROADWAYS \_\_\_\_\_  
- road drainage C/B's w/o issues? \_\_\_\_\_  
- FULL EAF - \_\_\_\_\_  
new aff for 12/12



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

□ Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mheny@att.net  
  
□ Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhpa@ptd.net

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

103

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 01-64  
WORK SESSION DATE: 3 OCT. 01 PROJECT: NEW X OLD  
REAPPEARANCE AT W/S REQUESTED: Not Now RESUB. REQ'D: Full App  
PROJECT NAME: BOB BIAGINI -  
REPRESENTATIVES PRESENT: Dan Tanoch

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. Nich.  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED: 207 / STATION / KINGS STND CHECKLIST:

- 2 pieces 1 lot. OLI
  - find out who owns strip
  - possible Town sell strip to Biagini <sup>call</sup> City
  - A-5 100' front
  - may need variances if they don't get land.
  - possible P/B accept Front Road setbacks from 207 not old Row -
  - he may want to try
- DRAINAGE \_\_\_\_\_  
DUMPSTER \_\_\_\_\_  
SCREENING \_\_\_\_\_  
LIGHTING \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_
- later*

For Agenda



1763

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (914) 563-4615  
Fax: (914) 563-4693

## PLANNING BOARD APPLICATION

PA2001-0829

TYPE OF APPLICATION (check appropriate item):

Subdivision  Lot Line Change  Site Plan  Special Permit

Tax Map Designation: Sec. 56 Block 1 Lot 19.15

1. Name of Project 6 LOT SUBDIVISION, LANDS OF HIGHVIEW ESTATES OF O.C.

2. Owner of Record HIGHVIEW ESTATES OF ORANGE CO. Phone 496-4124

Address: P.O. Box 286 SALISBURY MILLS NY 12577  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant same Phone \_\_\_\_\_

Address: \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan DANIEL P. YANOSH, L.L.S. Phone 361-4700

Address: P.O. Box 320 CIRCLEVILLE NY 10919  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney \_\_\_\_\_ Phone \_\_\_\_\_

Address \_\_\_\_\_  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

DAN YANOSH 361-4700  
(Name) (Phone)

7. Project Location:

On the WEST side of TOLEMAN ROAD 8500 feet  
(Direction) (Street) (No.)  
SOUTH of NYS ROUTE 207  
(Direction) (Street)

8. Project Data: Acreage 21.286 Zone R-1 School Dist. WASHINGTONVILLE

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9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes \_\_\_\_\_ No X

\*This information can be verified in the Assessor's Office.

\*If you answer "yes" to question 9, please complete the attached "Agricultural Data Statement".

10. Description of Project: (Use, Size, Number of Lots, etc.) CREATE 6 NEW BUILDING LOTS FOR SINGLE FAMILY HOMES

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes \_\_\_\_\_ no X

12. Has a Special Permit previously been granted for this property? yes \_\_\_\_\_ no X

ACKNOWLEDGMENT:

IF THIS ACKNOWLEDGMENT IS COMPLETED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

16<sup>th</sup> DAY OF November 19 2001

Robert J Biagini  
APPLICANT'S SIGNATURE

[Signature]  
NOTARY PUBLIC

Robert J Biagini  
Please Print Applicant's Name as Signed

JENNIFER MEAD  
Notary Public, State Of New York  
No. 01ME6050024

\*\*\*\*\*Qualified in Orange County\*\*\*\*\*  
Commission Expires 10/30/2002

TOWN USE ONLY RECEIVED

DEC 6 2001  
DATE APPLICATION RECEIVED

01-64  
APPLICATION NUMBER

**TOWN OF NEW WINDSOR PLANNING BOARD  
SUBDIVISION/LOT LINE CHANGE CHECKLIST**

The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

1.   X   Name and address of Applicant.
- \* 2.   X   Name and address of Owner.
3.   X   Subdivision name and location
4.            Provide 4" wide X 2" high box directly above title block preferably lower right corner) for use by Planning Board in affixing Stamp of Approval.  
**(ON ALL PAGES OF SUBDIVISION PLAN)**
5.   X   Tax Map Data (Section, Block & Lot).
6.   X   Location Map at a scale of 1" = 2,000 ft.
7.   X   Zoning table showing what is required in the particular zone and what applicant is proposing.
8.   X   Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
9.   X   Date of plat preparation and/or date of any plat revisions.
10.   X   Scale the plat is drawn to and North arrow.
11.   X   Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
12.   X   Surveyor's certificate.
13.   X   Surveyor's seal and signature.
14.   X   Name of adjoining owners.
15.            Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16.   NA   Flood land boundaries.
17.   X   A note stating that the septic system for each lot is to be designed by a licensed professional before a building permit can be issued.
18.   X   Final metes and bounds.

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01-64

19. X Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street.
20. X Include existing or proposed easements.
21. X Right-of-way widths.
22. X Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23. X Lot area (in square feet for each lot less than 2 acres).
24. X Number the lots including residual lot.
25. X Show any existing waterways.
- \*26. NA A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerk's Office.
27. X Applicable note pertaining to owners' review and concurrence with plat together with owners' signature.
28. X Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).
29. X Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. X Show all and proposed on-site "septic" system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test.
31. X Provide "septic" system design notes as required by the Town of New Windsor.
32. X Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33. X Indicate percentage and direction of grade.
34. X Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. NA Indicate location of street or area lighting (if required).

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01-64



**APPLICANT/OWNER PROXY STATEMENT**  
*(for professional representation)*

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

Robert Biagini  
EDWARD BIAGINI, deposes and says that he resides  
(OWNER)

at P.O. Box 286, SALISBURY MILLS, NY 10912 in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 56 Block 1 Lot 19.15)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in

the foregoing application and that he authorizes:

(Applicant Name & Address, if different from owner)

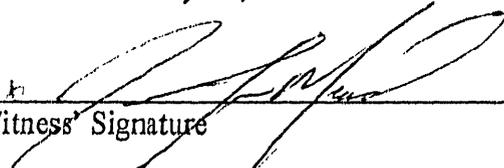
DANIEL P. YANOSH, L.L.S. P.O. Box 320, CIRCLEVILLE, NY 10919  
(Name & Address of Professional Representative of Owner and/or Applicant)

to make the foregoing application as described therein.

Date:

11/16/01

Witness' Signature



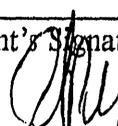
Owner's Signature



Robert Biagini

Applicant's Signature if different than owner

Representative's Signature



**THIS FORM CANNOT BE WITNESSED BY THE PERSON OR REPRESENTATIVE OF THE COMPANY WHO IS BEING AUTHORIZED TO REPRESENT THE APPLICANT AND/OR OWNER AT THE MEETINGS.**

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01-64

PROJECT I.D. NUMBER

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT/SPONSOR DANIEL P. JANOSH, L.L.S.	2. PROJECT NAME 6 LOT SUBDIVISION, LANDS OF HIGHVIEW ESTATES OF ORANGE COUNTY
3. PROJECT LOCATION: Municipality <u>T/O NEW WINDSOR</u> County <u>ORANGE</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) WEST SIDE OF TOLEMAN ROAD, JUST NORTH OF RAILROAD TRACKS, 8500 FEET SOUTH OF N.Y.S. ROUTE 207	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: CREATE 6 NEW BUILDING LOTS FOR SINGLE FAMILY HOMES.	
7. AMOUNT OF LAND AFFECTED: Initially <u>21.286</u> acres    Ultimately <u>21.286</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open space <input type="checkbox"/> Other Describe:	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency(s) and permit/approvals	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>DANIEL P. JANOSH</u>	Date: <u>11/14/2001</u>
Signature: <u>[Signature]</u>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

OVER

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**PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate review process and use the FULL EAF.  
 Yes     No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes     No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes     No    If Yes, explain briefly

**PART III—DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

\_\_\_\_\_  
 Name of Lead Agency

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency      \_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency      \_\_\_\_\_  
 Signature of Preparer (if different from responsible officer)

\_\_\_\_\_  
 Date

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REC'D  
"XX"

ATTACHMENTS

- A. Flood Hazard Area Development Permit Application Form.
- B. Certificate of Compliance

PLEASE NOTE: IF PROPERTY IS NOT IN A FLOOD ZONE, PLEASE INDICATE THAT ON THIS FORM AND SIGN YOUR NAME. RETURN FORM WITH PLANNING BOARD APPLICATION.

IF PROPERTY IS LOCATED IN A FLOOD ZONE, PLEASE COMPLETE THE ATTACHED (LEGAL SIZE) PAPERS AND RETURN WITH PLANNING BOARD APPLICATION.

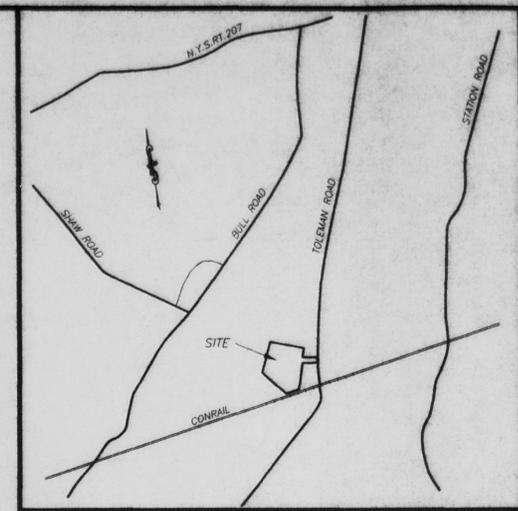
*NOT IN A FLOOD ZONE*  
*RMA J Bignini*

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FILED MAP #161-95



LOCATION MAP  
SCALE: 1" = 2000'

- NOTES:
- 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 IS PREPARED. CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INDIVIDUALS, INSTITUTIONS, THEIR SUCCESSORS AND/OR ASSIGNS OR SUBSEQUENT OWNERS.
  - UNAUTHORIZED ALTERATION OR ADDITION TO A SURVEY MAP BEARING A LICENSED LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7206, SUBDIVISION 2 OF THE N.Y. STATE EDUCATION LAW. ONLY COPIES FROM THE ORIGINAL OF THIS SURVEY MARKED WITH AN ORIGINAL OF THE LAND SURVEYOR'S INKED SEAL OR HIS EMBOSSED SEAL SHALL BE CONSIDERED TO BE VALID TRUE COPIES.
  - SUBJECT TO AN UP TO DATE ABSTRACT OF TITLE. SUBJECT TO UNDERGROUND UTILITIES AND EASEMENTS NOT RECORDED AND/OR NOT VISIBLE AT TIME OF FIELD SURVEY.

**CURVE TABLE**

CURVE #	RADIUS	LENGTH	CHORD	CHORD BEARING
C1	25'	26.39'	25.19'	S 67°57'08" W
C2	60'	94.12'	84.77'	N 82°38'50" W
C3	60'	82.38'	76.06'	N 13°04'35" E
C4	60'	121.50'	101.78'	N 84°16'11" E
C5	25'	26.11'	24.94'	S 67°38'09" E

**LINE TABLE**

LINE #	BEARING	DISTANCE
L1	S 37°35'18" W	45.00'
L2	N 63°44'27" W	45.00'

**911 NUMBERING SYSTEM**

SUBDIVISION LOT NUMBER	911 STREET NUMBER
1	▲
2	▲
3	▲
4	▲
5	▲
6	▲

TOTAL AREA = 21.266± ACRES

**TAX MAP DESIGNATION**  
SECTION 56, BLOCK 1, LOT 63

**DEED REFERENCE**  
LIBER 4233 PAGE 242

**PLANNING BOARD APPROVAL BLOCK**

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

DEC 15 2003  
By: James P. Puro, Jr., Chairman  
James P. Puro, Jr., Chairman

FILED MAP REFERENCE:  
BEING LOT 45 AS SHOWN ON A MAP ENTITLED "5 LOT SUBDIVISION - LANDS OF PARK ROAD CONSTRUCTION CORP." FILED IN THE ORANGE COUNTY CLERKS OFFICE ON AUGUST 30, 1995 AS MAP NUMBER 161-95

BEING LOT #1 AS SHOWN ON A MAP ENTITLED "3 LOT SUBDIVISION - LANDS OF HIGH VIEW ESTATES OF ORANGE COUNTY, INC." FILED IN THE ORANGE COUNTY CLERKS OFFICE ON APRIL 23, 2001, AS MAP NUMBER 74-01.

SHEET 1 OF 4 IS INVALID AND INCOMPLETE, AND CAN NOT BE FILED WITHOUT SHEET 2 & 3 & 4 OF 4

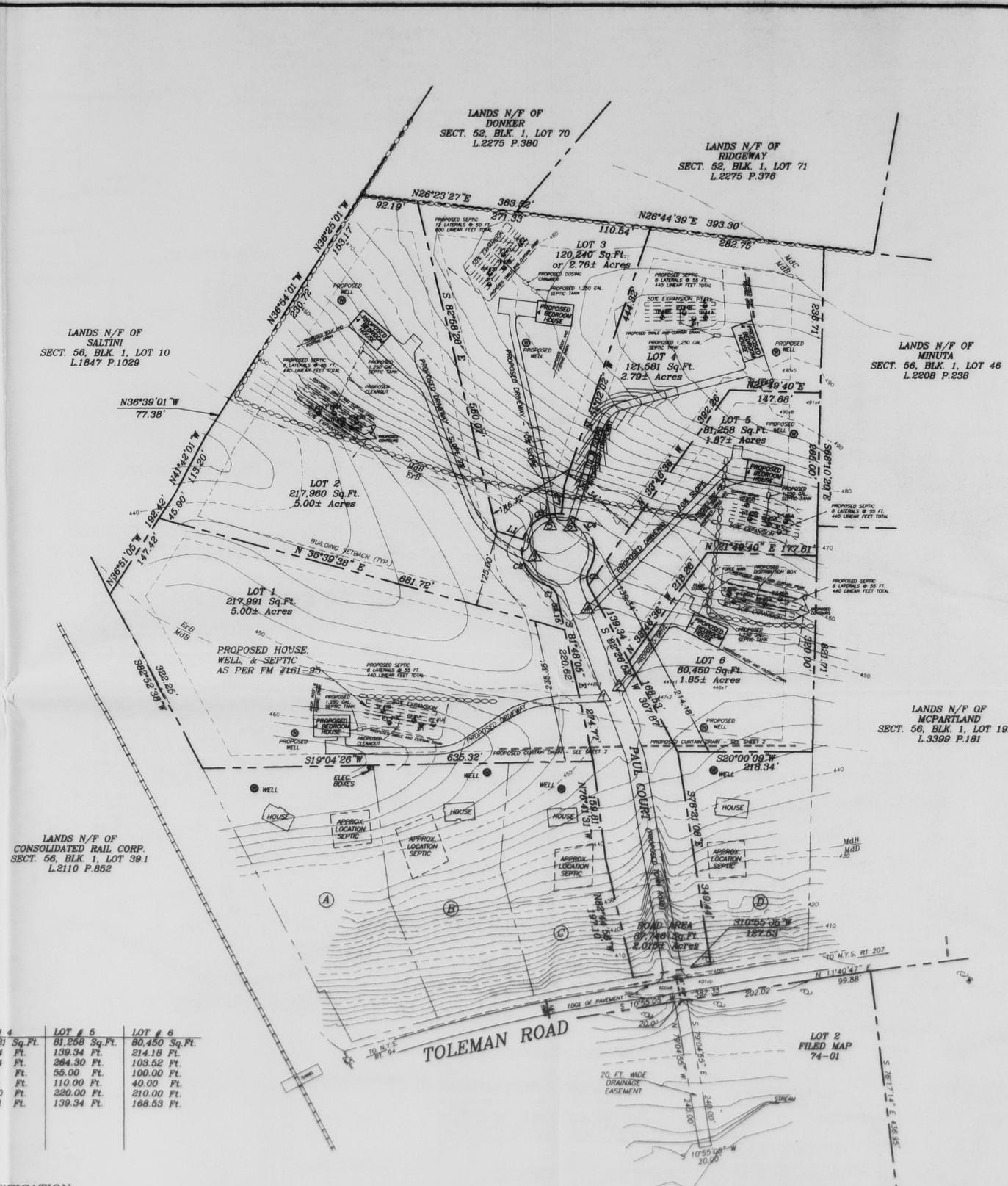
**LOUIS J. CASCINO, P.E.**  
32 ALDER DRIVE NEW WINDSOR, NEW YORK  
TELEPHONE / FAX (845-498-4608)

REVISED: FEBRUARY 14, 2002 - ENGINEERING COMMENTS  
AUGUST 23, 2001 - SEPTIC SYSTEMS - ENGINEERING COMMENTS  
OCTOBER 3, 2002 - CURTAIN DRAIN - SEPTIC LOT 2

**DANIEL P. YANOSH N.Y.S. L.S.**  
2194 N.Y.S. ROUTE 302 - P.O. BOX 320  
CIRCLEVILLE, NEW YORK 10919  
PHONE #: (845) 381 - 4700 FAX #: (845) 381 - 4722

**6 LOT SUBDIVISION**

LANDS OF:	SHEET#
<b>HIGHVIEW ESTATES OF ORANGE COUNTY, INC.</b>	1 of 4
TOLEMAN ROAD, TOWN OF NEW WINDSOR COUNTY OF ORANGE, STATE OF NEW YORK	
DRAWN BY: D.P.Y.	CHECKED BY: L.C.
SCALE: 1" = 100'	DATE: 10-1-2001
	APP: 82084-9



- ADJOINERS**
- (A) LANDS N/F OF CONSOLIDATED RAIL CORP. SECT. 56, BLK. 1, LOT 39.1 L.2110 P.852
- (B) LANDS N/F OF FLINT SECT. 56, BLK. 1, LOT 19.12 L.4728 P.259 (LOT 2 FM#161-95)
- (C) LANDS N/F OF IRIZARRY SECT. 56, BLK. 1, LOT 19.13 L.4830 P.73 (LOT 3 FM#161-95)
- (D) LANDS N/F OF HAAS SECT. 56, BLK. 1, LOT 19.14 L.4838 P.146 (LOT 4 FM#161-95)

**SUBDIVISION REGULATIONS**

ZONE: R-1 (RURAL RESIDENTIAL)

**MINIMUM REQUIREMENTS:**

	LOT # 1	LOT # 2	LOT # 3	LOT # 4	LOT # 5	LOT # 6
LOT AREA	80,000 Sq.Ft.	217,991 Sq.Ft.	217,960 Sq.Ft.	120,240 Sq.Ft.	121,581 Sq.Ft.	81,258 Sq.Ft.
LOT WIDTH	125 Ft.	235.35 Ft.	125.00 Ft.	146.72 Ft.	133.34 Ft.	139.34 Ft.
FRONT YARD	45 Ft.	372.09 Ft.	356.61 Ft.	304.93 Ft.	371.24 Ft.	264.30 Ft.
REAR YARD	50 Ft.	205.00 Ft.	185.00 Ft.	140.00 Ft.	90.00 Ft.	55.00 Ft.
SIDE YARD	20 Ft.	50.00 Ft.	90.00 Ft.	70.00 Ft.	45.00 Ft.	110.00 Ft.
BOTH SIDES	40 Ft.	290.00 Ft.	190.00 Ft.	210.00 Ft.	175.00 Ft.	220.00 Ft.
STREET FRONTAGE	70 Ft.	220.62 Ft.	174.66 Ft.	82.38 Ft.	147.61 Ft.	139.34 Ft.
FLOOT AREA	1,800 Sq.Ft.					
MAXIMUM ALLOWED:						
BUILDING HEIGHT	35 Ft.					
% DEV. COVERAGE	10 %					

**ENGINEER'S CERTIFICATION:**

I HEREBY CERTIFY THAT THE PROPOSED SEWERAGE AND WATER FACILITIES FOR EACH LOT ARE DESIGNED IN ACCORDANCE WITH THE STANDARDS AND REQUIREMENTS PROMULGATED BY 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 UPON SUCH LOT AT THE DESIGN LOCATION AT THE TIME OF FIELD DESIGN.

INSTALLATION OF SUCH SEWERAGE AND WATER FACILITIES SHALL BE IN ACCORDANCE WITH THE DESIGN AND AT THE LOCATION AS SHOWN ON THIS SUBDIVISION PLAN.

LOUIS J. CASCINO, P.E. 11/1/02

**RECORD OWNER & SUBDIVIDER:**  
HIGH VIEW ESTATES OF ORANGE COUNTY, INC.  
P.O. BOX 288  
SALISBURY MILLS, NEW YORK 10940

I HEREBY AGREE, UPON BY REVIEW, THAT THIS MAP MEETS MY APPROVAL AND IS CONCURRENT WITH MY INTENT.

OWNER DATE

**NOTES:**

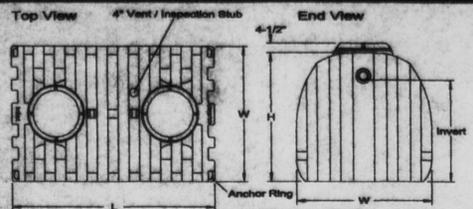
- THE SANITARY SEWAGE DISPOSAL SYSTEM SHALL BE DESIGNED AND CONSTRUCTED IN ACCORDANCE WITH NEW YORK STATE DEPARTMENT OF HEALTH STANDARDS AND THE PROVISIONS OF THE PUBLIC HEALTH LAW.
- THE SANITARY SEWAGE DISPOSAL SYSTEM SHALL BE DESIGNED BY A NEW YORK STATE LICENSED DESIGN PROFESSIONAL AND APPROVED BY THE TOWN OF NEW WINDSOR BUILDING INSPECTOR PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE SYSTEM SHALL BE INSPECTED DURING CONSTRUCTION AND CERTIFIED AS TO CONFORMANCE TO DESIGN BY THE PROFESSIONAL PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
- THE TOPOGRAPHY SHOWN WAS PRODUCED BY FIELD METHODS AND IS REFERENCED TO ASSUMED VERTICAL DATUM TAKEN FROM THE U.S.G.S. MAYBROOK QUADRANGLE.

NOVEMBER 2, 2001  
CERTIFY TO:  
HIGH VIEW ESTATES OF ORANGE COUNTY, INC.

TO BE A TRUE SURVEY PERFORMED IN THE FIELD ON 2-16-04, 7-1-08 & 8-27-06 AND THAT IT IS TO THE BEST OF MY KNOWLEDGE AND BELIEF CORRECT.

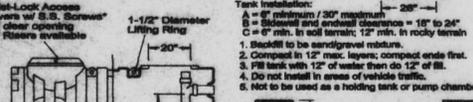
DANIEL P. YANOSH L.L.S.  
N.Y.S. L.C. # 49561





Gallons L W H Inv. In Inv. Out

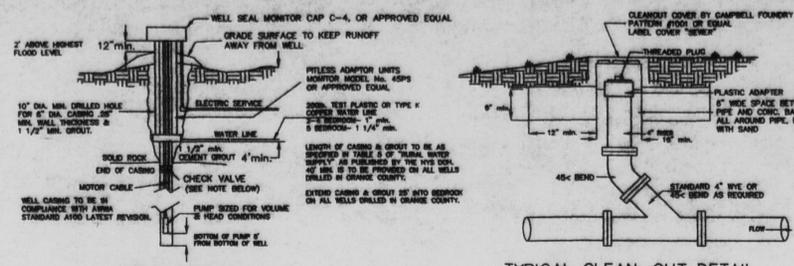
750	90"	64"	62"	51"	48"
1050	96"	64"	62"	51"	48"
1250	116"	64"	62"	51"	48"



\*1050 gallon unit shown; 750 unit has only 1 manhole (inlet end)

**SPECIFICATIONS**  
Materials: High-Density Polyethylene Plastic  
Pipe Connection: Schedule 40 PVC  
Load Rating: 300 psf

**PLASTIC SEPTIC TANKS  
750 & 1050 GALLONS  
SINGLE COMPARTMENT**  
Woodard's Concrete Products, Inc.  
629 Lybott Road, Bulverde, NY 10916  
(848) 381-3471 / Fax 381-1050  
Page 8A 4/26/02



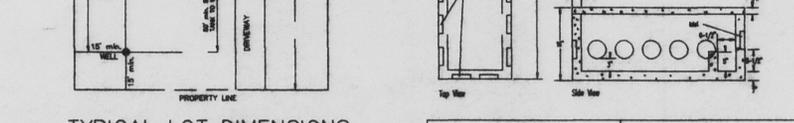
**WELL DETAIL**  
NOT TO SCALE

**TYPICAL CLEAN-OUT DETAIL**  
NOT TO SCALE



**TYPICAL LOT DIMENSIONS  
LOT # 6**  
NOT TO SCALE

**SPECIFICATIONS**  
Concrete Reinforcement: 4000 psi at 28 days  
Reinforcement: Fiber, 6"x6"x10g. We Mesh  
Air Entrainment: 5%



**DISTRIBUTION BOX  
LOT # 6**  
NOT TO SCALE

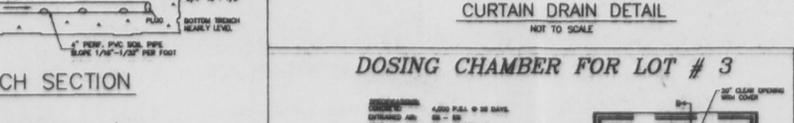
(A) 4" PERFORATED PVC PIPE - SLOPE 1/16"-1/32" PER FOOT.  
(B) SEPTIC TANK - AS SHOWN IN DETAIL.  
(C) DB-9 DISTRIBUTION BOX AS SHOWN IN DETAIL.  
(D) 4" PVC PIPE, SDR35 SLOPE 1/8" PER FOOT MIN.  
(E) HOUSE SEWER 4" PVC SCHEDULE 40, SLOPE 1/4" PER FOOT MIN.  
(F) TRENCH WIDTH 24".



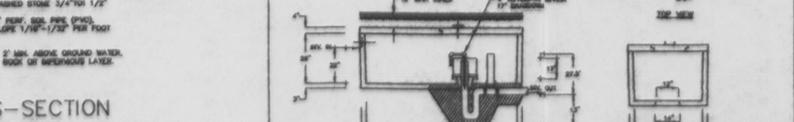
**PUMP STATION DETAIL  
LOT # 6**  
NOT TO SCALE



**CURTAIN DRAIN DETAIL**  
NOT TO SCALE



**SHALLOW ABSORPTION DETAIL FOR LOTS 2 & 6**  
NOT TO SCALE



**LONGITUDINAL TRENCH SECTION  
LOT 1, 3, 4, & 5**  
NOT TO SCALE



**TRENCH CROSS-SECTION  
LOT 1, 3, 4, & 5**  
NOT TO SCALE

**PERCOLATION TEST DATA**

**LOT # 1**

PERFORMED: OCT. 29, 1993

START	FINISH	RATE	START	FINISH	RATE
2:06	2:24	18 MIN.	12:01	12:06	5 MIN.
2:24	2:48	23 MIN.	12:07	12:15	6 MIN.
2:49	3:14	25 MIN.	12:14	12:21	7 MIN.
			12:22	12:29	7 MIN.

**LOT # 2**

PERFORMED: NOV. 10, 1993

START	FINISH	RATE	START	FINISH	RATE
1:32	1:34	2 MIN.			
1:35	1:39	4 MIN.			
1:40	1:46	6 MIN.			
1:47	1:55	8 MIN.			
1:56	2:05	9 MIN.			

**LOT # 3**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
9:23	9:23	2 MIN.	10:49	10:52	3 MIN.
9:25	9:29	4 MIN.	10:53	10:58	5 MIN.
9:30	9:36	6 MIN.	11:00	11:08	8 MIN.
9:46	9 MIN.	11:09	11:20	10 MIN.	
9:47	9:57	10 MIN.	11:21	11:32	11 MIN.

**LOT # 4**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
11:17	12:42	25 MIN.	11:48	11:58	10 MIN.
11:43	12:12	29 MIN.	11:59	12:12	13 MIN.
12:14	12:47	33 MIN.	12:13	12:26	13 MIN.
12:48	1:22	34 MIN.			

**LOT # 5**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
11:28	11:34	6 MIN.			
11:36	11:48	12 MIN.			
11:51	12:11	20 MIN.			
12:14	12:44	30 MIN.			
12:53	1:30	48 MIN.			
1:43	2:31	48 MIN.			

**LOT # 6**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
2:02	2:21	19 MIN.	1:37	1:46	11 MIN.
2:22	2:44	22 MIN.	1:48	2:00	12 MIN.
2:46	3:08	22 MIN.	2:00	2:13	13 MIN.

**LOT # 7**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
10:51	10:57	6 MIN.			
10:59	11:12	13 MIN.			
11:15	11:31	16 MIN.			
11:34	11:55	21 MIN.			
11:57	12:19	22 MIN.			

**LOT # 8**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
3:22	3:38	16 MIN.	2:01	2:06	5 MIN.
3:40	4:00	20 MIN.	2:07	2:16	9 MIN.
4:02	4:24	22 MIN.	2:17	2:28	11 MIN.
			2:28	2:40	12 MIN.

**LOT # 9**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
1:48	1:57	9 MIN.	2:48	2:54	6 MIN.
1:58	2:13	15 MIN.	2:55	3:03	8 MIN.
2:14	2:33	19 MIN.	3:05	3:14	9 MIN.
2:34	2:54	20 MIN.			

**LOT # 10**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
12:45	12:51	6 MIN.			
12:53	1:02	9 MIN.			
1:03	1:12	9 MIN.			

**LOT # 11**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
10:00	10:09	9 MIN.			
10:11	10:25	14 MIN.			
10:26	10:40	13 MIN.			

**LOT # 12**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
12:45	12:51	6 MIN.			
12:53	1:02	9 MIN.			
1:03	1:12	9 MIN.			

**LOT # 13**

PERFORMED: AUG. 20, 1999

START	FINISH	RATE	START	FINISH	RATE
12:45	12:51	6 MIN.			
12:53	1:02	9 MIN.			
1:03	1:12	9 MIN.			

**DEEP TEST PIT DATA**

PERFORMED: OCTOBER 29, 1993

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 2 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 3 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 4 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 5 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 6 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 7 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 8 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 9 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 10 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 11 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 12 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**LOT # 13 - TEST # A & B**

TEST #	DEPTH	SOIL TYPE	GROUND WATER
0 - 6"	0 - 6"	TOPSOIL	
6 - 7"	6 - 7"	GRAVELLY LOAM	NO ROCK LEDGE, NO GROUND WATER

**SEPTIC SYSTEM NOTES:**

- Footings, roof and cellar drains shall not be connected to the disposal system and shall be discharged away from the same.
- Grade to drain surface water around and away from disposal field and seed to grass.
- All trees & shrubs must be cut from the tile field areas.
- There shall be no substantial change in ground surface elevations or grades at the location of the field installation, virgin soil to remain undisturbed before the tile field installation.
- Septic system design shall be a minimum 1,250 gallon septic tank and tile length as indicated.
- All work shall be done in accordance with recommended standards and criteria as specified by the New York State Department of Environmental Conservation and the New York State Department of Health.
- No garbage grinders are permitted.
- A minimum of 4" of usable soil must be provided over any bedrock or ground water encountered.
- No driveways, roadways or parking area shall be constructed over any portion of the sanitary disposal system.
- No component part of any sewage disposal system shall be located or maintained within 100' of any spring, reservoir, brook, marsh, or any other body of water.
- Well must be at least 100' away from lower tile field and 200' away from higher tile field in the direct line of drainage.
- Pipe from house to septic tank to be straight and at constant grade and shall be constructed of 4" I.C.L.
- Water saving fixtures and devices recommended for home use.
- Sewage disposal systems must be laid out in the field, supervised and inspected during construction and certified as complete in accordance with the approved plans and New York State Standards by a professional engineer licensed in the State of New York.
- Town of New Windsor requirements in regard to permits and inspections to be observed.
- Reserve sewage system absorption area shall be equal to 50% of the size as her designed.
- All laundry waste and other gray water to be discharged to septic system.
- Piping to be laid on a firm foundation at a minimum slope as shown, without any bends or depressions.
- Sewage system separation distances to comply with separation distances chart provided (see details).
- Contractor shall inspect septic tank after the first year's operation to insure against abnormal sludge build-up as set forth in Table 3 of the New York State Department of Health Waste Treatment Handbook.
- The septic system is to be inspected by a N.Y.S. licensed professional engineer at the time of construction. Written certification is to be submitted to the Orange County Health Department and the local code enforcement official, prior to occupancy, verifying that the system is installed in accordance to the approved plans, that the septic tank joints are sealed and tested for water tightness, and that the tank is installed in accordance to the manufacturer's instructions.
- Heavy equipment shall be kept off of the area of the tile field except for the actual construction of the field.
- If a total of more than 49 lots are created by this and any subsequent subdivision of this entire property, public water supply and sewerage will be provided to all lots including those on this subdivision.
- All wells, sewage disposal systems and other sanitary facilities must be constructed in full accordance with these plans. Any change in location or design must have the prior written approval of the Town of New Windsor Engineer.
- If upon development of the well on each lot, the hardness content is found to be excessive, the owner at his or her option may elect to install a culligan mark 89 water conditioner model #8880783 or equal to reduce hardness. The use of this water softener will increase the sodium content of the water of 46 mg/l for each 100 mg/l of hardness removed.
- Backwash water anticipated to be a maximum of 25 gallons per backwash at a frequency of less than one backwash per day. will be discharged to the septic system, through an air gap.

**SEPARATION DISTANCES FROM WASTEWATER SOURCES**

WASTEWATER SOURCES	WELL OR (a) SUCTION LINE	TO STREAM, LAKE OR WATER COURSE (c)	DWELLING	PROPERTY LINE
HOUSE SEWER (WATERTIGHT JOINTS)	25' if c.l. pipe 50' otherwise	25'	---	10'
SEPTIC TANK	50'	50'	10'	10'
EFFLUENT LINE TO DISTRIBUTION BOX	100'	100'	20'	10'
DISTRIBUTION BOX	100' (b)	100'	20'	10'
ABSORPTION FIELD	150' (b)	100'	20'	10'
SEEPAGE PIT	(more in course gravel)	100'	20'	10'

(a) Water service and sewer lines may be in the same trench if cast iron sewer with lead-coupled joints is laid at all points 12" below water service pipe; or sewer may be on dropped shelf at one side of at least 12" below water service pipe, provided that sewer pipe is laid below frost with tight and root-proof joints and is not subject to settling. Super imposed loads or vibration. Water service lines under pressure shall not pass closer than 10' of a septic tank, absorption tile field, leaching pit, privy or any other part of a sewage disposal system.

(b) Sewage disposal systems located of necessity upgrade in general path of drainage to a well should be spaced 800' or more away.

(c) near high water mark

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

James Petro, Jr., Chairman  
James Byrnes, Secretary

**LOUIS J. CASCINO, P.E.**  
32 ALDER DRIVE, NEW WINDSOR, NEW YORK  
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CIRCLEVILLE, NEW YORK 10919  
PHONE #: (845) 381-4700 FAX #: (845) 381-4722

**DETAILS & SEPTIC NOTES**

LANDS OF:  
**HIGHVIEW ESTATES  
OF ORANGE COUNTY, INC.**  
TOLEMAN ROAD, TOWN OF NEW WINDSOR,  
COUNTY OF ORANGE, STATE OF NEW YORK

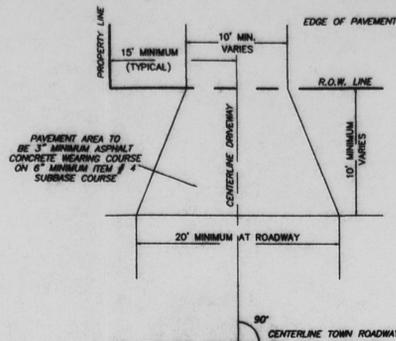
REVISION: AUGUST 22, 2002 - DETAILS - JOINT SITE INSPECTION PERC TESTS  
OCTOBER 3, 2002 - LOT # 2 - SHALLOW ABSORPTION  
JULY 22, 2002 - POLYETHYLENE SEPTIC TANKS

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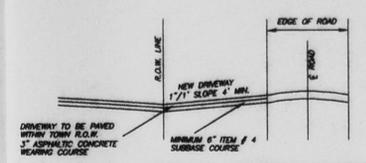
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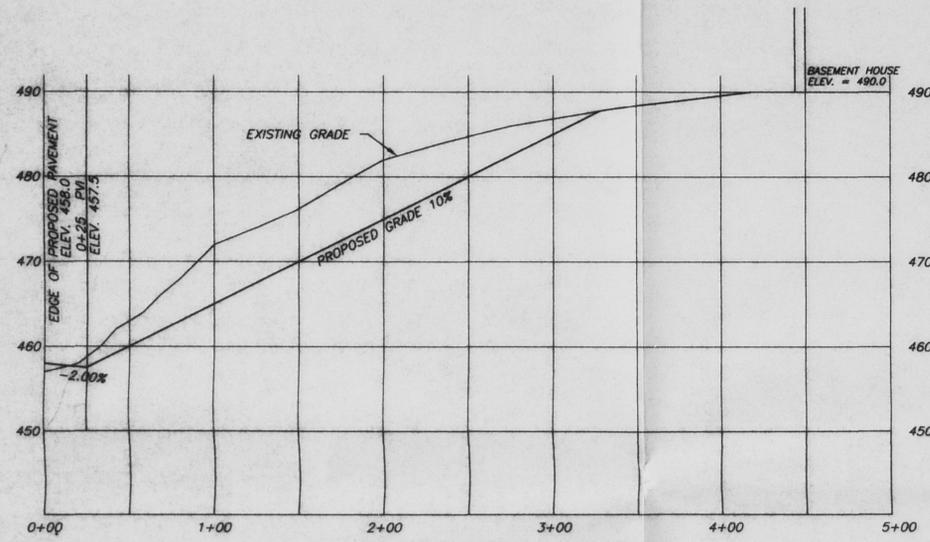


DRIVEWAY CONSTRUCTION SPECIFICATIONS

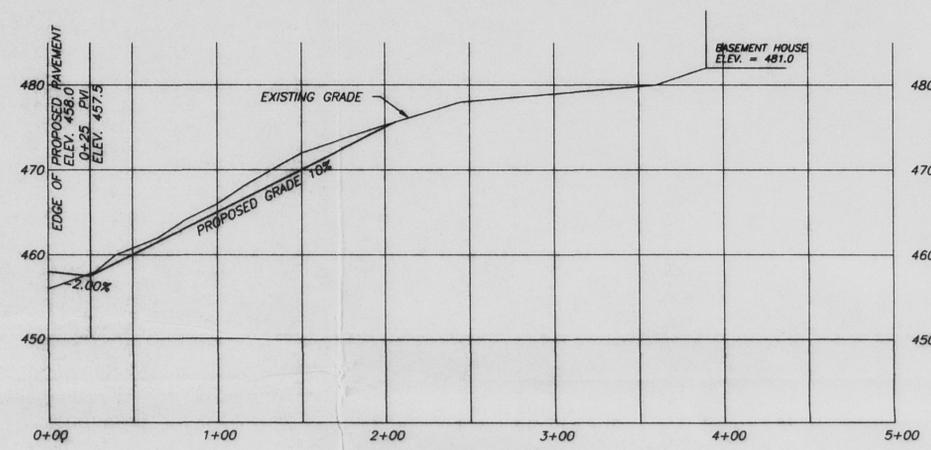
- NOTES:
- ACCESS FROM DRIVEWAY TO TOWN ROADWAY WILL HAVE ACCEPTABLE SIGHT DISTANCE IN BOTH DIRECTIONS AS APPROVED BY THE TOWN OF NEW WINDSOR SUPERINTENDENT OF HIGHWAYS.
  - CENTERLINE OF DRIVEWAY SHALL BE PERPENDICULAR TO TOWN ROADWAY AND A MINIMUM OF 15 FEET FROM PROPERTY LINE.
  - PAVED AREA: A. SHALL EXTEND FROM THE EDGE OF PAVEMENT TO TOWN RIGHT OF WAY LINE, A MINIMUM OF 10 FEET. B. MINIMUM WIDTH AT TOWN ROADWAY EDGE OF PAVEMENT SHALL BE 20 FEET, TAPERING TO A MINIMUM OF 10 FEET WIDE AT 10 FOOT DEPTH. C. PAVED AREAS SHALL HAVE A MINIMUM SLOPE OF SIX (1/2%) AWAY FROM TOWN ROADWAY FOR A MINIMUM DISTANCE OF 4 FEET. GRADING SHALL BE TO THE SATISFACTION OF THE TOWN SUPERINTENDENT OF HIGHWAYS AND THE TOWN ENGINEER PRIOR TO SURFACING SUCH DRIVEWAYS.
  - PAVEMENT APPLICATION: 3" MINIMUM ASPHALTIC CONCRETE WEARING COURSE ON 6" MINIMUM ITEM # 4 SUBBASE COURSE.
  - WHERE REQUIRED BY THE TOWN SUPERINTENDENT OF HIGHWAYS, A CULVERT PIPE SHALL BE PROVIDED AT THE DRIVEWAY, WITH PIPE SIZE AND MATERIAL TO BE AS ACCEPTABLE TO THE SUPERINTENDENT. PIPE SIZE SHALL NOT BE LESS THAN 15" IN DIAMETER.



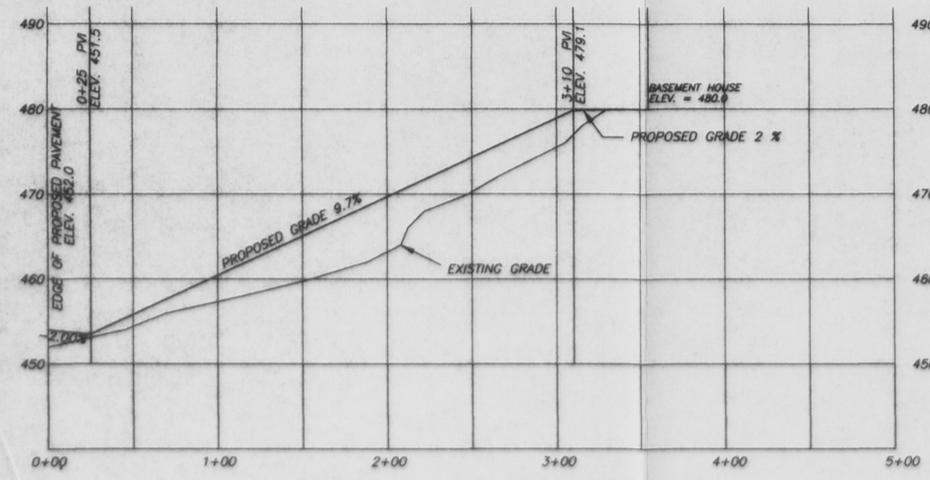
TYPICAL DRIVEWAY PROFILE



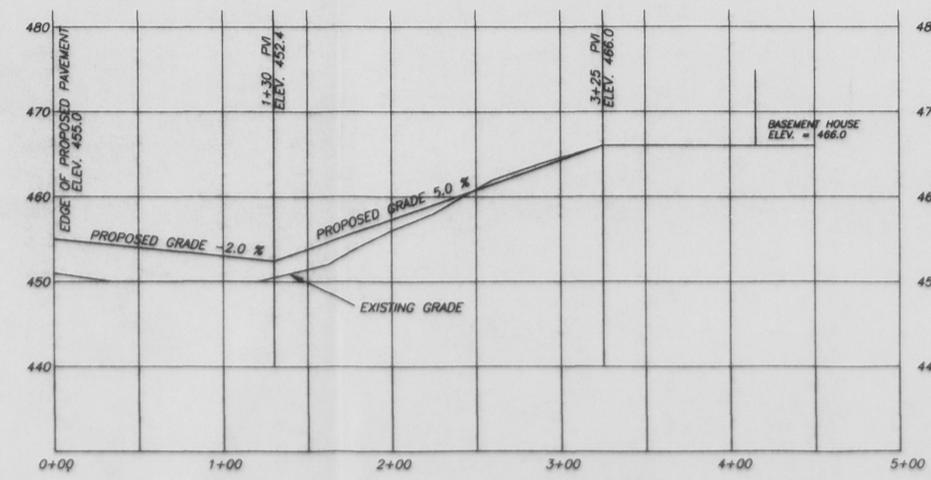
LOT #4 - PROPOSED DRIVEWAY PROFILE  
HORIZONTAL SCALE: 1" = 50 FT.  
VERTICAL SCALE: 1" = 10 FT.



LOT #3 - PROPOSED DRIVEWAY PROFILE  
HORIZONTAL SCALE: 1" = 50 FT.  
VERTICAL SCALE: 1" = 10 FT.



LOT #5 - PROPOSED DRIVEWAY PROFILE  
HORIZONTAL SCALE: 1" = 50 FT.  
VERTICAL SCALE: 1" = 10 FT.



LOT #2 - PROPOSED DRIVEWAY PROFILE  
HORIZONTAL SCALE: 1" = 50 FT.  
VERTICAL SCALE: 1" = 10 FT.

APPROVAL GRANTED BY TOWN OF NEW WINDSOR  
DEC 15 2003  
By: *[Signature]*  
James Brennan, Secretary

SHEET 4 OF 4 IS INVALID AND INCOMPLETE, AND CAN NOT BE FILED WITHOUT SHEETS 1, 2 AND 3 OF 4

LOUIS J. CASCINO, P.E.  
32 ALDER DRIVE NEW WINDSOR, NEW YORK  
TELEPHONE / FAX (845-496-4508)

REVISED: AUGUST 22, 2002 - DRIVEWAY DETAIL

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DRIVEWAY PROFILES AND DETAILS

LANDS OF:  
HIGHVIEW ESTATES  
OF ORANGE COUNTY, INC.  
TOLEMAN ROAD, TOWN OF NEW WINDSOR,  
COUNTY OF ORANGE, STATE OF NEW YORK

SHEET#  
4 of 4

DRAWN BY: D.P.Y.	CHECKED BY: L.C.	SCALE: NOTED	DATE: 10-01-2001	JOB#: 92 - 084-6D
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