

**PB# 03-22**

**Middle Earth Development**

**54-1-53.1**

PB #03-22 MIDDLE EARTH DEV.  
STATION RD (27 LOTS) (MJS ENG.)

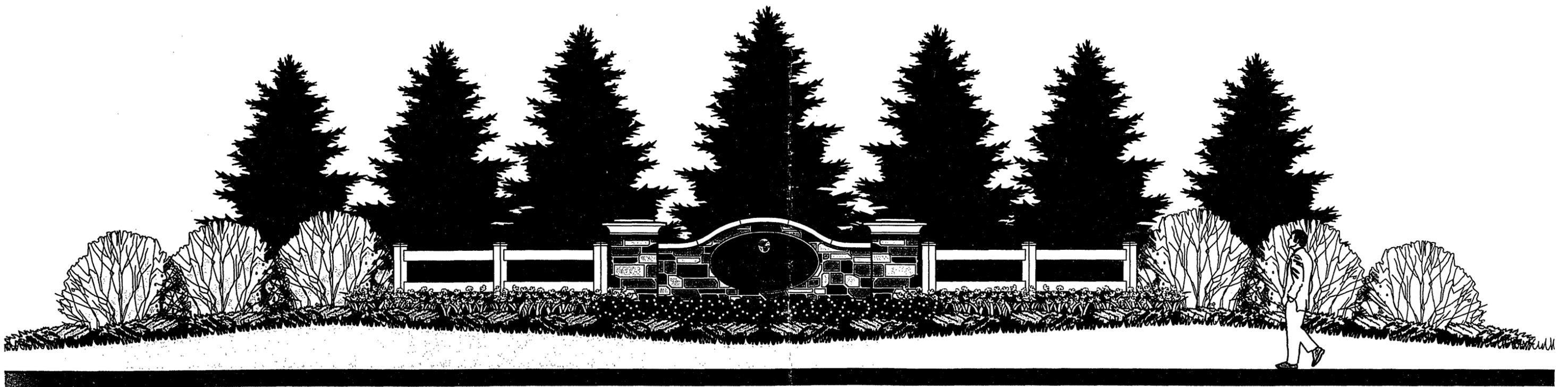
TOWN OF NEW WINDSOR  
PLANNING BOARD  
APPROVED COPY  
DATE: 6-5-2006

PB #03-22 MIDDLE EARTH DEV.  
STATION RD (27 LOTS) (MJS ENG.)

TOWN OF NEW WINDSOR  
PLANNING BOARD  
APPROVED COPY

DATE:

6-5-2006



**Woodside Crossing**  
**Town of New Windsor, Orange County, New York**  
**Entrance Feature - Sign Elevation**

**McCloskey & Faber, P.C.**  
 831 DeKalb Pike, Blue Bell, PA 19422  
 Phone: (610) 277-9200 FAX: (610) 277-9203

Date	12/8/2006	Scale	1/4" = 1'-0"	Sheet <b>E-1</b>
Project No.	1111.40	Revised	12/18/2006	

**PROPOSED ENTRANCE  
FEATURE AND PLANTINGS,  
SEE SHEETS E-3 AND E-4**

**Station Road**

**Brandywine Road**

**Luthien Forest Road**

**LOT 6**

**LOT 5**

**LOT 4**

**LOT 3**

**LOT 2**

**LOT 1**

**LOT 7**

**LOT 8**

**LOT 9**

**LOT 25**

**LOT 24**

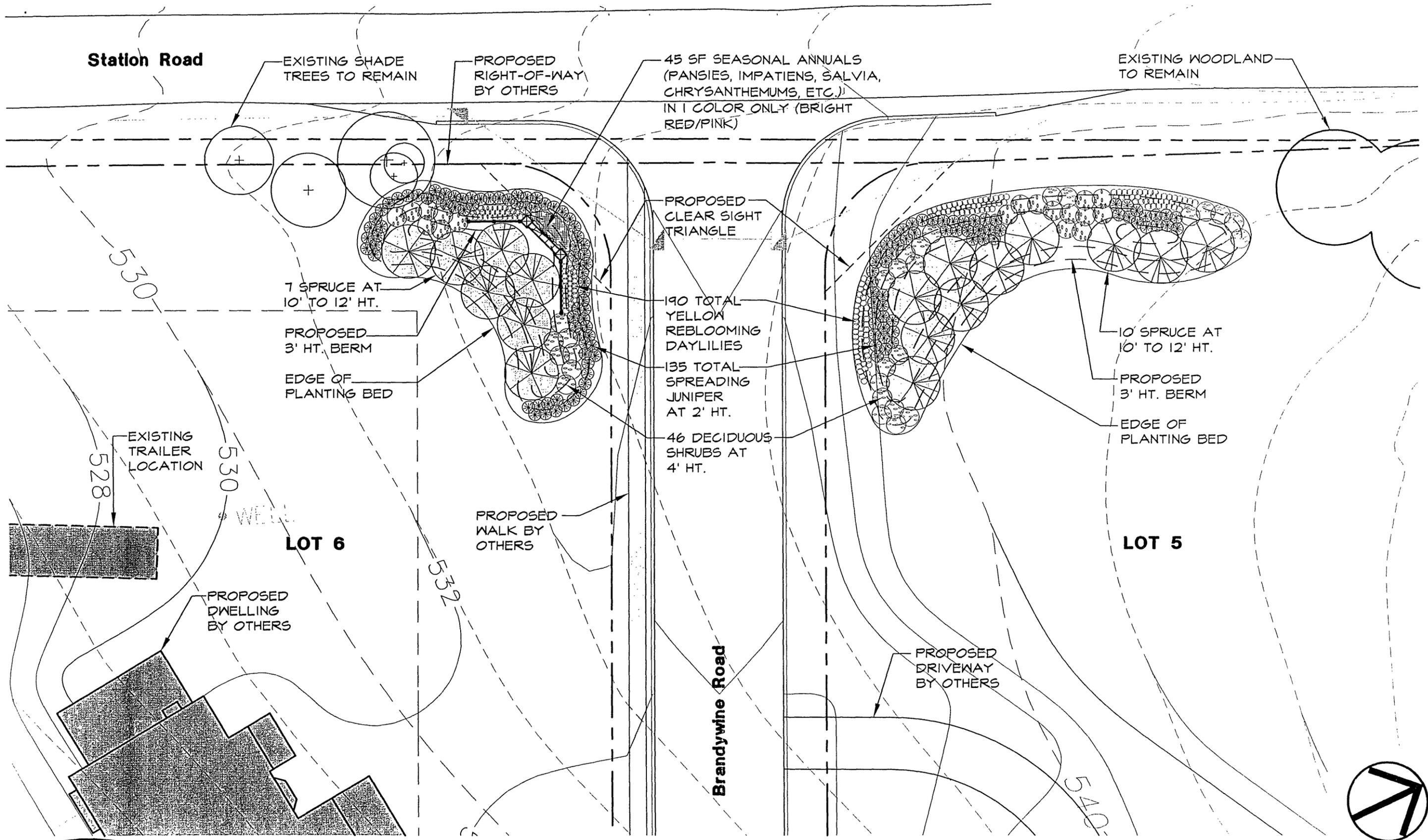


**Woodside Crossing  
Town of New Windsor, Orange County, New York  
Entrance Feature Location Plan**

**McCloskey & Faber, P.C.**  
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Phone: (610) 277-9200 FAX: (610) 277-9203

Date	12/8/2006	Scale	1" = 100' - 0"	Sheet	E-2
Project No.	1111.40	Revised	12/18/2006		





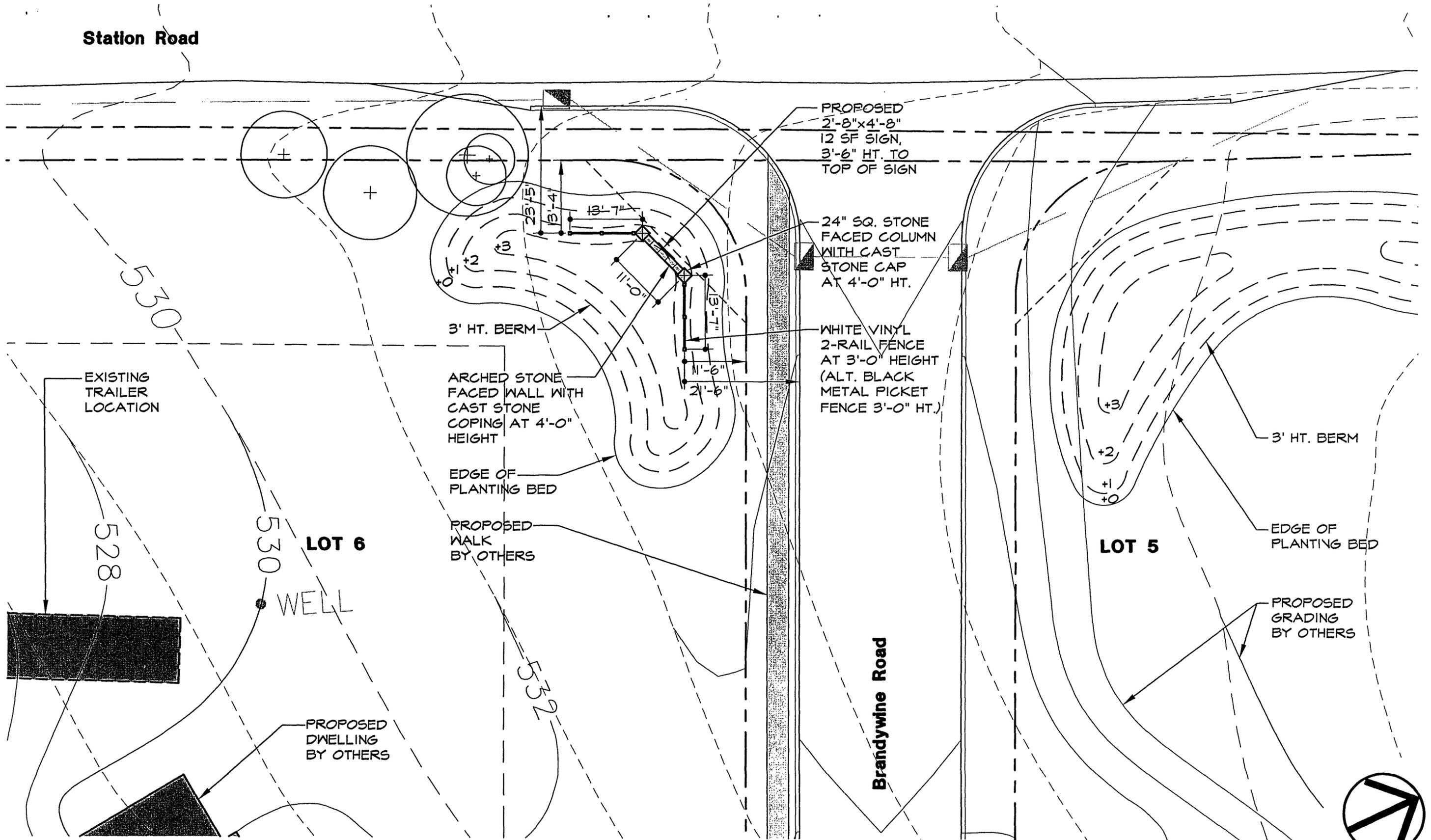
Woodside Crossing  
 Town of New Windsor, Orange County, New York  
 Entrance Feature Plantings Plan

**McCloskey & Faber, P.C.**  
 831 DeKalb Pike, Blue Bell, PA 19422  
 Phone: (610) 277-9200 FAX: (610) 277-9203

Date	12/8/2006	Scale	1" = 20'-0"	Sheet	E-3
Project No.	1111.40	Revised	12/18/2006		



Station Road



Woodside Crossing  
Town of New Windsor, Orange County, New York  
Entrance Feature Detail Plan

**McCloskey & Faber, P.C.**  
831 DeKalb Pike, Blue Bell, PA 19422  
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Date	12/8/2006	Scale	1" = 16'-0"	Sheet	E-4
Project No.	1111.40	Revised	12/18/2006		



# Stormwater Pollution Prevention Plan (SPPP)

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Middle Earth Development  
Station Road  
Section 54, Block 1, Lot 53.1  
Town of New Windsor  
Orange County, NY

Prepared for:

Old Forest Development, LP  
c/o Drew Kartiganer, President  
555 Blooming Grove Turnpike  
New Windsor, NY 12553

030118

February 2004  
Revised: June 2004

## **MJS ENGINEERING**

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MJS Engineering, PC  
261 Greenwich Avenue  
Goshen NY 10924  
845-291-8650

03-22

<u>Index</u>	<u>Page</u>
I. INTRODUCTION .....	1
II. BACKGROUND INFORMATION .....	1
A. Project Description .....	1
III. EXISTING (PRE-DEVELOPMENT) CONDITIONS .....	2
A. Topography .....	2
B. Existing Land Use .....	2
C. Soil Survey Information .....	2
D. Hydrologic Data .....	2
IV. PROPOSED FUTURE (DEVELOPMENT) CONDITIONS .....	3
A. Map of Completed Project Layout .....	3
B. Changes to Land Surface .....	3
C. Construction Schedule .....	3
V. COMPARISON OF PRE-DEVELOPMENT WITH POST-DEVELOPMENT RUNOFF .....	4
A. Methodologies .....	4
VI. CALCULATIONS .....	5
VII. STORMWATER MANAGEMENT .....	6
A. Stormwater Management Facilities .....	6
B. Stormwater Conveyance System .....	6
C. Recreational and/or Landscape Features (Optional) .....	6
VIII. EROSION AND SEDIMENT CONTROL .....	6
A. Temporary Erosion and Sediment Control Facilities .....	6
B. Permanent Erosion and Sediment Control Facilities .....	8
IX. IMPLEMENTATION SCHEDULE AND MAINTENANCE .....	8
A. Implementation Schedule for Staging of all Stormwater Management Facilities .....	8
B. Description of Arrangements (Long-Term Maintenance) .....	8
X. ACCOUNTABILITY DURING PLAN IMPLEMENTATION .....	9
XI. WORKS CITED .....	9

FIGURES:

Figure #1 — Drainage Areas and Soils

APPENDICES:

Appendix A — Area Draining to South Wetland  
Land Use

Appendix B — Area Draining to South Wetland  
Pre-Development Hydrographs

Appendix C — Area Draining to South Wetland  
Post-Development Hydrographs

Appendix D — Area Draining to East Wetland  
Land Use

Appendix E — Area Draining to East Wetland  
Pre-Development Hydrographs

Appendix F — Area Draining to East Wetland  
Post-Development Hydrographs

Appendix G — Water Quality Volume (WQ<sub>v</sub>)  
Detention Pond Sizing

Appendix H — Sediment Basin Sizing Lot 21

Appendix I — Sediment Basin Sizing Lot 26

## **I. INTRODUCTION**

The purpose of this Stormwater Pollution Prevention Plan (SPPP) is to meet the requirements as promulgated by the NYS Dept. of Environmental Conservation (NYSDEC) in their publication, *NYS Stormwater Management Design Manual* (August 2003). The purpose of this plan is to attenuate stormwater which would be generated from this site, as well as meet the stormwater quality objectives by providing soil erosion and sediment control during construction and long-term stormwater quality treatment storage during the life of this project.

It will be shown that this project meets both criteria by limiting the amount of peak stormwater runoff for the 1, 10, and 100-year return period storm.

In addition, we have incorporated the existing wetlands into this design, which will perform stormwater polishing that will tend to enhance the stormwater runoff before exiting the site.

## **II. BACKGROUND INFORMATION**

### **A. PROJECT DESCRIPTION**

The existing site is located on the East side of Station Road in the Town of New Windsor, Orange County, NY. The existing site is 98.62 acres.

The proposed subdivision, Middle Earth Development, includes the construction of approximately 4,200 linear feet of roadway and 26 lots, ranging in size from approximately 83,000 square feet up to 321,000 square feet. The existing site includes U.S. Army Corps of Engineer wetlands. The water supply for the proposed residences will be with drilled wells and sewage disposal will be through the use of septic fields.

Drawing C-1 contains a Location Map. This drawing also portrays the stormwater system and the detention pond.

Standard soil erosion and sediment control features, such as silt fence, hay bales, construction entrances, sediment basins, and a detention pond will be included in the proposed construction. Through the use of these measures, the effects of this site on the surrounding area will be mitigated.

Construction is anticipated to begin in the summer of 2004 through the fall of 2005.

### III. EXISTING (PRE-DEVELOPMENT) CONDITIONS

#### A. TOPOGRAPHY

The topography of southwest portion of this site slopes South toward an old railroad right-of-way. The slopes are gentle across the majority of the site; slopes of approximately 25% are located toward the middle of the site where it drains into the South wetlands. The slopes are such that the areas in the West and South of the site drain South into the wetlands and then out of the site.

The eastern and northern portions of the site drain East into the U.S. Army Corps wetlands and then discharge from the site through those wetlands.

#### B. EXISTING LAND USE

The site is currently wooded with pasture over significant portions of the site. In addition, there is a single residence on the site, which will be retained as part of the proposed development.

#### C. SOIL SURVEY INFORMATION

The existing soils on the site are classified as Ca (Canadagua silt loam), ErB (Erie gravelly silt loam), ESB (Erie extremely stony soils), Cd (Carlisle muck), Ha (Haulsey silt loam), MdB, MdC, MdD (Mardin gravelly silt loam). These soils are classified as being in Group C.

#### D. HYDROLOGIC DATA

We have calculated the rainfall events for the 1, 2, 10, and 100-year period storm. They are as follows:

**Table #1 — Rainfall Return Period**

Return Period	Rainfall
Q <sub>1</sub>	3.00"
Q <sub>2</sub>	3.50"
Q <sub>10</sub>	5.50"
Q <sub>100</sub>	7.50"

The existing site drains to wetlands on the South and East sides of the site, which will serve to attenuate the discharge from the site. This is discussed further in subsequent sections.

#### **IV. PROPOSED FUTURE (DEVELOPMENT) CONDITIONS**

##### **A. MAP OF COMPLETED PROJECT LAYOUT**

We refer you to map Sheet C-1 which shows the proposed development for the site. On this map, there is information as to the owner, tax map number, area, zoning district, as well as details as to the septic design, planting, landscaping, and miscellaneous details for the proposed development.

##### **B. CHANGES TO LAND SURFACE**

The existing site consists primarily of wooded areas and fields. Some of the wooded areas and fields will be removed and be replaced with lawn in the vicinity of the proposed houses. Also, the slopes associated with the grading for the proposed roadways will be seeded with lawn.

##### **C. CONSTRUCTION SCHEDULE**

The construction schedule will be as follows:

- 1) Install erosion and sediment control.
- 2) Install sediment basins.
- 3) Site clearing.
- 4) Soil stockpiling and grading.
- 5) Install subbase for the roadways.
- 6) Construction of houses.
- 7) Install stormwater management.
- 8) Install curb around the roadways.
- 9) Place base course of asphalt.
- 10) Upon final completion of houses, install asphalt top course.
- 11) Remove erosion and sediment control.

Temporary Seeding — If a disturbed area will remain for an extended period of time, the area will be subject to temporary seeding. Areas on slopes will also be stabilized with mulch and anchoring.

## V. COMPARISON OF PRE-DEVELOPMENT WITH POST DEVELOPMENT RUNOFF

### A. METHODOLOGIES

#### East Wetlands

Peak rates of runoff for both the pre- and post-development conditions were calculated using the methodologies outlined in the publication, *Urban Hydrology for Small Watersheds* (June 1986). Various coefficients used in this analysis were taken from the *Soil Survey of Orange County, NY* (USDA, SCS, 1981). Routing for the East wetlands was done utilizing the computer program known as Hydroflow (Intelisolve, 2004). By providing detention for the stormwater collected in the roadways, as well as overland draining to the detention pond, we were able to reduce the peak rates of runoff to values less than the pre-developed rates currently existing.

**Table #2 — Peak Rates of Discharge — East Wetlands**

Return Period	Pre-Developed	Post-Developed
Q <sub>1</sub>	48.30 cfs	41.98 cfs
Q <sub>10</sub>	203.34 cfs	184.39 cfs
Q <sub>100</sub>	356.33 cfs	345.56 cfs

The proposed detention pond will discharge to the wetland on the East side of the site. This wetland will serve to attenuate the discharge as it flows through the wetland to the discharge point on the eastern boundary of the site. As such, the flow will be attenuated over the length and width of the wetland and have an insignificant effect on the downstream channel.

The proposed detention pond has been designed with a forebay which will serve to contain sediment that flows to the basin. This forebay has been designed with a volume of 0.1 of the water quality volume (WQ<sub>v</sub>). This forebay then overflows to the main detention pond, which has been designed to contain the WQ<sub>v</sub> up to the discharge outlet of the proposed structure at elevation 430.2. Through to the use of the discharge structure, the outflow is controlled downstream into the wetland. The requirements for the WQ<sub>v</sub> and detention results in a detention pond with a maximum volume of approximately 121,400 cubic feet. This corresponds to a maximum elevation of approximately 437.8. With an elevation of 439.0, there is a 1.2 foot freeboard during the 100-year storm.

The detention pond will consist of a forebay with a weir and then a permanent pool which will drain to a riser outlet structure. The elevation of the outlet on the riser has been sized such that the WQ<sub>v</sub> will be retained below the orifice. The detention pond has been designed as a wet pond,

sized to contain the WQv. The sides of the pond will be planted with grass during the construction process. It is anticipated that wetland species will migrate to the favorable wetland conditions created by this pond. This will, with time, create a wetland system at the detention pond. This system was designed to be consistent with the NYS Stormwater Management Design Manual.

For the 1, 10, and 100-year storms, the detention pond volume and elevations were calculated as shown below. The maximum storage includes the forebay volume.

**Table #3 — Detention Pond Storage**

Return Period	Maximum Elevation (Ft.)	Maximum Storage (Cu. Ft.)
Q <sub>1</sub>	433.59	52,800
Q <sub>10</sub>	436.54	98,300
Q <sub>100</sub>	437.78	121,400

**South Wetlands**

Routing for the South wetlands was done using TR-55. The existing South wetlands provide attenuation that will reduce the peak rates of runoff to values approximate to the pre-development rates currently existing. For this routing, Q<sub>2</sub> was utilized.

**Table #4 — Peak Rates of Discharge — South Wetlands**

Return Period	Pre-Developed	Post-Developed
Q <sub>2</sub>	18.96 cfs	22.48 cfs
Q <sub>10</sub>	48.21 cfs	51.57 cfs
Q <sub>100</sub>	89.78 cfs	91.38 cfs

It should be noted that the peak flows minimally exceed the existing peak flows. The wetland at the South side of the site will attenuate the peak flows. As such, the increase in peak flows is insignificant, due to the natural attenuation of the wetland.

**VI. CALCULATIONS**

Detailed calculations are included in the Appendices of this report.

## **VII. STORMWATER MANAGEMENT**

### ***A. STORMWATER MANAGEMENT FACILITIES***

Stormwater management for the proposed development will consist of a detention pond which has been designed to fit in with the topography of the site and is designed to be a feature of the landscaping along the proposed roadway. The proposed detention pond will be located adjacent to the existing wetlands of the site. As such, it will visually blend in with the existing vegetation. Stormwater will be discharged into the proposed detention pond from the stormwater conveyance system. The detention pond will be sloped 3:1 on each side of the basin. An outlet structure will be located at the low point of the detention pond. This outlet structure will consist of a 4 foot square structure with 6 inch round and 36 inch round outlets which will meter a flow leaving the detention system. The sides of the detention pond will be topsoiled and seeded with lawn, so that it will be mowed and maintained. Upon the anticipated establishment of wetland species within the basin, the mowing will be discontinued so that the basin will become an attractive feature of the landscape.

In the forebay, sediment will be removed periodically as it accumulated within the basin.

### ***B. STORMWATER CONVEYANCE SYSTEM***

As shown on the Site Plan, stormwater will be conveyed via stormwater piping utilizing drain inlets, catch basins, and manholes to the detention pond. Upon leaving the detention pond, piping will discharge stormwater to the wetland on the East side of the site.

### ***C. RECREATIONAL AND/OR LANDSCAPE FEATURES***

As part of the overall development of the site, we are attempting to maintain as much of the existing vegetation on the site as possible. In those areas that will be disturbed, we will provide a lawn and landscaping features (such as trees and shrubbery) around the proposed buildings.

## **VIII. EROSION AND SEDIMENT CONTROL**

### ***A. TEMPORARY EROSION AND SEDIMENT CONTROL FACILITIES***

As part of the development of the site, we propose that silt fences, hay bales, inlet protection and construction tracking strips would be installed to limit the amount of sediment that would be conveyed off-site during construction. These facilities will be shown on the Soil Erosion and Sediment Control Plan.

***Planned Erosion and Sediment Control Practices:***

- 1) Sediment Basins — Two sediment basins will be constructed. The lot #21 sediment basin will intercept runoff from an area of 9.4 acres from lots #3, #4, #5, #10 through #15, and #21. The manhole at the “T” intersection will be blocked with brick during construction to direct runoff to the basin. The lot #26 sediment basin will intercept runoff from an area of 10.2 acres from lots #1, #2, #3, and #26. The water from the disturbed areas will be directed to the basins before leaving the site.
- 2) Temporary Gravel Construction Entry/Exit — Temporary gravel construction entrances will be installed at the proposed permanent entrance to the site and at individual driveways. During wet weather, it may be necessary to wash vehicle tires at the permanent entrances to the site. The entrance will be graded so that the runoff water will be directed to the sediment basin.
- 3) Stone and Block Drop Inlet Protection — Stone and block drop inlet protection will be installed at the drop inlets. This device will reduce the sediment load on the storm drain piping.
- 4) Grading — Grading will be required on the site. Upon completion of rough grading, the area will be temporarily vegetated.
- 5) Silt Fence — Silt fence will be constructed around the excavated areas of the site. This silt fence will extend as shown on the Erosion and Sediment Control Plan.
- 6) Grass-Lined Channels — Grass-lined channels will be constructed upslope of the detention pond.
- 7) Rip-Rap Outlet Protection — A rip-rap outlet protection will be constructed at the outlets of the sediment basins..
- 8) Construction Road Stabilization — As soon as final grade is reached on the roads, the subgrade will be stabilized with 6 inches of Type 4 subbase course, Item 304.05. This shall prevent erosion and dust during construction of the houses and prior to paving.
- 9) Surface Stabilization — Stabilization of the surface will be accomplished with vegetation and mulch as specified in the Erosion and Sediment Control Plan. Roadway subbase course will be installed as soon as finished grade is reached.
- 10) Dust Control — Dust control is not anticipated to be a problem. Should excessive dust be generated by construction activities, the contractor will control it by sprinkling water on the disturbed areas.

**B. PERMANENT EROSION AND SEDIMENT CONTROL FACILITIES**

As part of the permanent erosion and sediment control facilities, we propose that the detention pond be topsoiled and seeded. Any sediment that is caught by the stormwater system will be discharged to the detention pond forebay. This forebay is designed so that it can be periodically cleaned out by Town of New Windsor Public Works (DPW) personnel.

**IX. IMPLEMENTATION SCHEDULE AND MAINTENANCE**

**A. IMPLEMENTATION SCHEDULE FOR STAGING OF ALL STORMWATER MANAGEMENT FACILITIES.**

As part of the proposed development, the following will take place as it relates to the implementation of a soil erosion and sediment control schedule:

- 1) Installation of culverts along Station Road.
- 2) Installation of stabilized construction entrances.
- 3) Installation of silt fencing as shown on the plan.
- 4) General site clearing of trees and vegetation for the areas disturbed.
- 5) Soil stockpiling and rough grading.
- 6) Construction of the sediment basins.
- 7) Install subbase for the roadways.
- 8) Temporary seeding.
- 9) Construction of houses.
- 10) Installation of the stormwater conveyance system, including inlet protection.
- 11) Install curb around the roadways.
- 12) Place base course of asphalt.
- 13) Topsoil, permanent seeding, and landscaping.
- 14) Upon final completion of houses, install asphalt top course.
- 15) Remove erosion and sediment control.

Inspection of erosion and sediment control shall be performed every seven (7) calendar days and after periods of rainfall greater than 0.5 inch.

**B. DESCRIPTION OF ARRANGEMENTS (LONG-TERM MAINTENANCE)**

The proposed residences will be maintained by the new homeowners. This is anticipated to include mowing and minor re-seeding of any areas which exhibit minor erosion. The maintenance of the detention pond, which will be conveyed to the Town of New Windsor, will be by the DPW.

**X. ACCOUNTABILITY DURING PLAN IMPLEMENTATION**

The responsibility for the implementation of the Soil Erosion and Sediment Control Plan during construction will be Old Forest Development, LP. However, the project will be overseen by the Town of New Windsor Building Department who will ensure that the project has associated improvements for implementing correctly. Upon completion of the project, the detention pond and stormwater structures will be maintained by the DPW.

**XI. WORKS CITED**

Intelisolve, 2004, Hydroflow, Computer Program, Alpharetta, GA

New York State Department of Environmental Conservation (NYSDEC), August 2003, *New York State Stormwater Management Design Manual*, Albany, NY

NYS Dept. of Environmental Conservation, January 2004, *Standards and Specifications for Erosion and Sediment Control*, Albany, NY

Soil Conservation Service (SCS), October 1981, *Soil Survey of Orange County, New York*, NY

U.S. Dept. of Agriculture (SCS, TR-55), June 1986, *Urban Hydrology for Small Watersheds*, Washington, DC

U.S. Dept. of Agriculture, October 1981, *Soil Survey of Orange County, NY*, Goshen, NY

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

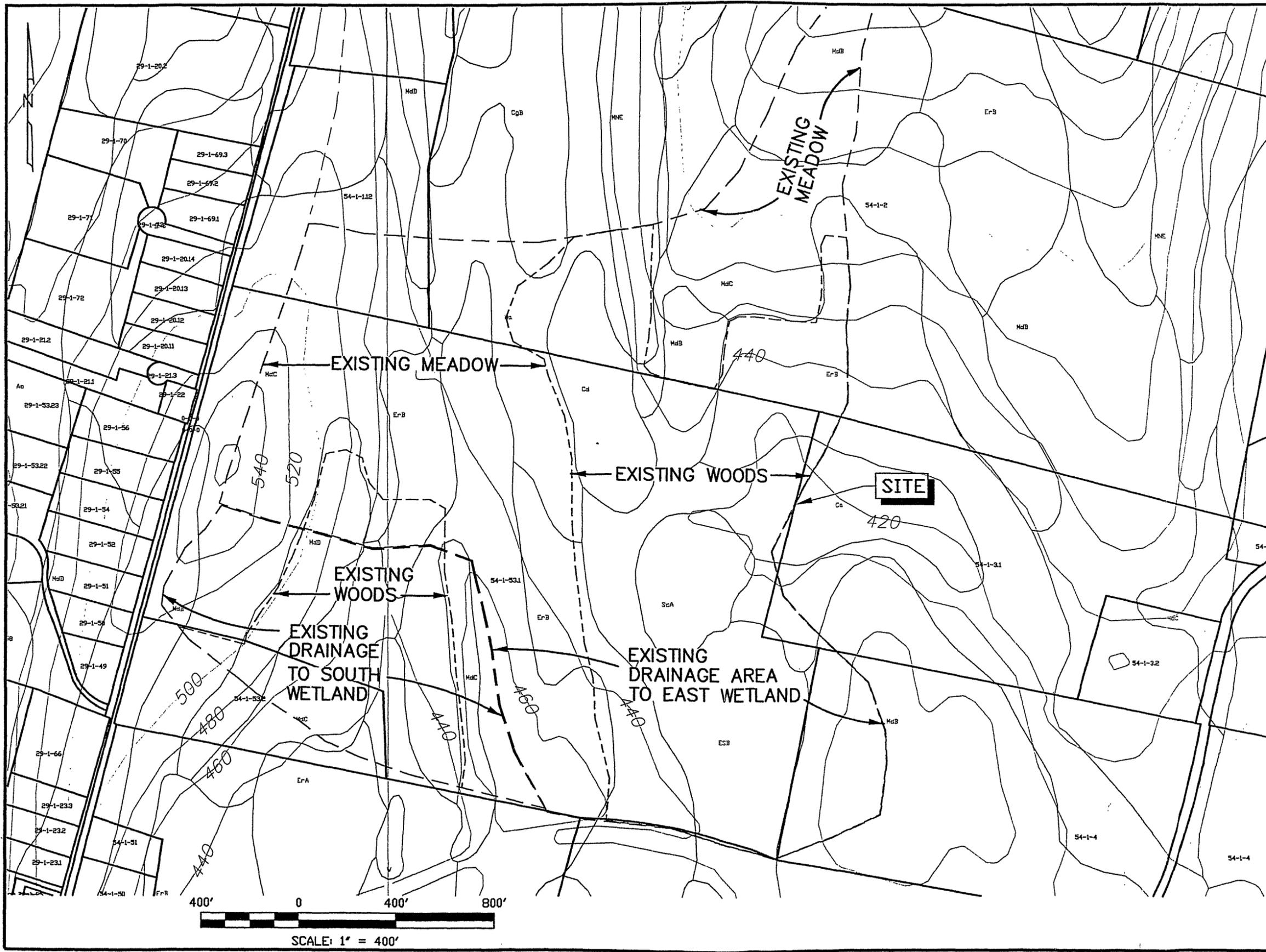
**FIGURES**

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Drainage Areas and Soils**

**Figure #1**



**MJS ENGINEERING**

MJS Engineering PC  
 261 Greenwich Ave  
 Goshen, NY 10924  
 845-291-8650  
 Fax 845-291-8657

MICHAEL J. SANDOR PE  
 NY PROFESSIONAL ENGINEER NO. 60445

SHEET TITLE:

**DRAINAGE AREAS  
 AND SOILS**

JOB NAME:

**KARTIGANER-  
 MIDDLE EARTH  
 DEVELOPMENT**

TOWN OF NEW WINDSOR  
 ORANGE COUNTY, NEW YORK

DRAWN BY: P HUTTON

DEPT. CK. M. SANDOR

DEP. APPR.

JOB NO.

**030118**

DATE: 2/12/04

REV. NO. 0

SCALE:

**1"=400'**

DWG. NO.

**1**

SCALE: 1" = 400'

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**APPENDICES**

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Area Draining to South Wetland  
Land Use**

**Appendix A**

MJS ENGINEERING, P.C.

261 GREENWICH AVENUE  
GOSHEN, NY 10924-2028  
(914) 291-8650  
(914) 291-8657 FAX

JOB HARTIGANER KIDDE EARTH

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY B. CLEVERLY DATE 2/11/04

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

EXISTING AREA DRAINING TO WETLAND  
ON SOUTH SIDE OF SITE

MEADOW 3.47 AC LOTS 4, 5

1.66 AC LOTS 10, 12, 13, 14  
5.13 AC

TOTAL DRAINAGE 9.63 AC LOTS 8, 9, 10, 11  
8.86 AC LOTS 7, 12, 13, 14  
2.95 AC LOTS 4, 5  
21.44 AC

WOODS 21.44 - 5.13 = 16.3 AC

SUMMARY

WOODS 16.3  
MEADOW 5.1  
31.4 AC

MJS ENGINEERING, P.C.

261 GREENWICH AVENUE  
 GOSHEN, NY 10924-2028  
 (914) 291-8650  
 (914) 291-8657 FAX

JOB HARTIGANCA MIDDLE EARTH

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY B CLEVELLEY DATE 2/11/04

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

PROPOSED AREA DRAINING TO WETLAND  
 ON SOUTH SIDE OF SITE

TOTAL DRAINAGE      9.63 AC      LOTS 8,9,10,11  
                              8.86 AC      LOTS 7,12,13,14  
                              18.49 AC

LAWN                      0.52 AC      LOT 7  
                              3.13 AC      LOTS 8,9,10,11  
                              1.46 AC      LOTS 12,13,14  
                              5.11 AC  
    SAY 4.7 AC

IMPERVIOUS              0.039 x 3      D'WAYS      LOTS 7,8,9  
 (HOUSE + D'WAY)      0.061 x 3      HOUSES      LOTS 7,8,9  
    0.30 AC  
    SAY 0.4 AC W/ WALKS

WOODS                      18.5 - 4.7 - 0.4 = 13.4 AC

SUMMARY		LOTS 8,9,10,11	LOTS 7,12,13,14
WOODS	13.4 AC	6.5	6.9
LAWN	4.7 AC	2.8	1.9
IMPERVIOUS	<u>0.4 AC</u>	<u>.3</u>	<u>.1</u>
	18.5 AC	9.6 AC	8.9 AC

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Area Draining to South Wetland  
Pre-Development Hydrographs**

**Appendix B**

WinTR-55 Current Data Description

--- Identification Data ---

User: BGC Date: 02/11/2004  
 Project: Kartiganer Middle Earth Units: English  
 SubTitle: Pre B Existing Lots draining to south Areal Units: Acres  
 State: New York  
 County: Orange  
 Filename: \\Server01\mjs jobs\030118\Middle Earth Pre B.w55

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
Exist 4578	Exist 4,5,7-14	wetland 2	21.4	70	.184

Total area: 21.40 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)  
 Rainfall Distribution Type: Type III  
 Dimensionless Unit Hydrograph: <standard>

BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)  
Rainfall Distribution Type: Type III  
Dimensionless Unit Hydrograph: <standard>

BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period			
	2-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	100-Yr (cfs)
-----				
SUBAREAS				
Exist 4578	19.03	48.35	64.60	89.96
REACHES				
wetland 2	19.03	48.35	64.60	89.96
Down	19.00	48.30	64.53	89.96
Wetland 3	19.00	48.30	64.53	89.96
Down	18.99	48.28	64.48	89.90
Wetland 4	18.99	48.28	64.48	89.90
Down	18.96	48.21	64.43	89.78
OUTLET	18.96	48.21	64.43	89.78

BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period			
	2-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	100-Yr (cfs) (hr)

-----  
SUBAREAS

Exist 4578	19.03	48.35	64.60	89.96
	12.16	12.15	12.15	12.14

REACHES

wetland 2	19.03	48.35	64.60	89.96
	12.16	12.15	12.15	12.14
Down	19.00	48.30	64.53	89.96
	12.17	12.16	12.16	12.16

Wetland 3	19.00	48.30	64.53	89.96
	12.17	12.16	12.16	12.16
Down	18.99	48.28	64.48	89.90
	12.20	12.18	12.17	12.17

Wetland 4	18.99	48.28	64.48	89.90
	12.20	12.18	12.17	12.17
Down	18.96	48.21	64.43	89.78
	12.22	12.20	12.20	12.19

OUTLET	18.96	48.21	64.43	89.78
--------	-------	-------	-------	-------

BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Exist 4578	21.40	0.184	70	wetland 2	Exist 4,5,7-14
Total Area: 21.40 (ac)					

BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Reach Summary Table

Reach Identifier	Receiving Reach Identifier	Reach Length (ft)	Routing Method
wetland 2	Wetland 3	220	CHANNEL
Wetland 3	Wetland 4	160	CHANNEL
Wetland 4	Outlet	320	CHANNEL



BGC

Kartiganer Middle Earth  
Pre B Existing Lots draining to south  
Orange County, New York

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Exist 4578	Meadow -cont. grass (non grazed)	C	5.1	71
	Woods	(good) C	16.3	70
	Total Area / Weighted Curve Number		21.4	70
			====	==

BGC

Kartiganer Middle Earth  
 Pre B Existing Lots draining to south  
 Orange County, New York

Reach Channel Rating Details

Reach Identifier	Reach Length (ft)	Reach Manning's n	Friction Slope (ft/ft)	Bottom Width (ft)	Side Slope
wetland 2	220	0.06	0.045	20	10 :1
Wetland 3	160	0.06	0.031	20	10 :1
Wetland 4	320	0.06	0.022	20	10 :1

Reach Identifier	Stage (ft)	Flow (cfs)	End Area (sq ft)	Top Width (ft)	Friction Slope (ft/ft)
wetland 2	0.0	0.000	0	20	0.045
	0.5	36.596	12.5	30	
	1.0	129.892	30	40	
	2.0	508.037	80	60	
	5.0	3743.394	350	120	
	10.0	19476.801	1200	220	
	20.0	110329.095	4400	420	
Wetland 3	0.0	0.000	0	20	0.031
	0.5	30.374	12.5	30	
	1.0	107.809	30	40	
	2.0	421.667	80	60	
	5.0	3106.992	350	120	
	10.0	16165.615	1200	220	
	20.0	91572.410	4400	420	
Wetland 4	0.0	0.000	0	20	0.022
	0.5	25.588	12.5	30	
	1.0	90.821	30	40	
	2.0	355.222	80	60	
	5.0	2617.403	350	120	
	10.0	13618.294	1200	220	
	20.0	77142.754	4400	420	

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Area Draining to South Wetland  
Post-Development Hydrographs**

Appendix C

WinTR-55 Current Data Description

--- Identification Data ---

User: BGC Date: 02/11/2004  
 Project: Kartiganer Middle Earth Units: English  
 SubTitle: Post B Areal Units: Acres  
 State: New York  
 County: Orange  
 Filename: \\Server01\mjs jobs\030118\Middle Earth Post B basin 2.w55

--- Sub-Area Data ---

Name	Description	Reach	Area (ac)	RCN	Tc
Pro 891011		wetland 2	9.6	74	0.1
Pro 712131		Wetland 4	8.9	73	.1

Total area: 18.50 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)  
 Rainfall Distribution Type: Type III  
 Dimensionless Unit Hydrograph: <standard>

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)  
Rainfall Distribution Type: Type III  
Dimensionless Unit Hydrograph: <standard>

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period			
	2-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	100-Yr (cfs)
-----				
SUBAREAS				
Pro 891011	12.17	27.50	35.71	48.28
Pro 712131	10.70	24.69	32.21	43.83
REACHES				
wetland 2	12.17	27.50	35.71	48.28
Down	12.16	27.49	35.68	48.26
Wetland 4	22.55	51.65	67.33	91.50
Down	22.48	51.57	67.23	91.38
Wetland 3	12.16	27.49	35.68	48.26
Down	12.16	27.46	35.66	48.22
OUTLET	22.48	51.57	67.23	91.38

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period			
	2-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	100-Yr (cfs) (hr)

-----  
SUBAREAS

Pro 891011	12.17	27.50	35.71	48.28
	12.12	12.12	12.11	12.11

Pro 712131	10.70	24.69	32.21	43.83
	12.12	12.11	12.12	12.11

REACHES

wetland 2	12.17	27.50	35.71	48.28
	12.12	12.12	12.11	12.11
Down	12.16	27.49	35.68	48.26
	12.13	12.13	12.13	12.13

Wetland 4	22.55	51.65	67.33	91.50
	12.13	12.13	12.12	12.12
Down	22.48	51.57	67.23	91.38
	12.16	12.15	12.14	12.14

Wetland 3	12.16	27.49	35.68	48.26
	12.13	12.13	12.13	12.13
Down	12.16	27.46	35.66	48.22
	12.15	12.14	12.14	12.14

OUTLET	22.48	51.57	67.23	91.38
--------	-------	-------	-------	-------

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
Pro 891011	9.60	0.100	74	wetland 2	
Pro 712131	8.90	0.100	73	Wetland 4	
Total Area: 18.50 (ac)					

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Reach Summary Table

Reach Identifier	Receiving Reach Identifier	Reach Length (ft)	Routing Method
wetland 2	Wetland 3	220	CHANNEL
Wetland 4	Outlet	320	CHANNEL
Wetland 3	Wetland 4	160	CHANNEL

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)
-----							
Pro 891011							
SHEET	100	0.2400	0.150				0.058
SHALLOW	350	0.1300	0.050				0.017
					Time of Concentration		0.1
							=====
Pro 712131							
SHEET	100	0.1000	0.150				0.082
SHALLOW	270	0.0670	0.050				0.018
					Time of Concentration		.1
							=====

BGC

Kartiganer Middle Earth  
Post B  
Orange County, New York

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use		Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
Pro 891011	Open space; grass cover > 75%	(good)	C	2.8	74
	Paved; curbs and storm sewers		C	.3	98
	Woods	(fair)	C	6.5	73
	Total Area / Weighted Curve Number			9.6	74
				===	==
Pro 712131	Open space; grass cover > 75%	(good)	C	1.9	74
	Paved; curbs and storm sewers		C	.1	98
	Woods - grass combination	(good)	C	6.9	72
	Total Area / Weighted Curve Number			8.9	73
				===	==

**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Area Draining to East Wetland  
Land Use**

**Appendix D**

MJS ENGINEERING, PC  
 261 GREENWICH AVENUE  
 GOSHEN, NY 10924-2028  
 (845) 291-8650  
 (845) 291-8657 FAX

JOB KARTIGANER MIDDLE EARTH

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY BGC DATE 6/7/04

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

LOTS 1, 2, 3, 24, 25, 26  
 PRAM TO DETENTION POND

PRE-DEVELOPMENT  
(AC)

POST-DEVELOPMENT  
(AC)

MEADOW

0.34  
 3.58  
 2.09  
 2.51  
 3.67  
 0.31

12.50  $\approx 12.6$

0.34

2.09

2.43  $\approx 2.6$

WOODS

1.12  
 0.13  
 1.18

2.43  $\approx 2.6$

1.18  $\approx 1.2$

LAWN

3.58

1.12

0.13

3.67

0.31

8.81  $\approx 8.9$

ROAD

2.51  $\approx 2.5$

15.2

15.2

MJS ENGINEERING, PC  
261 GREENWICH AVENUE  
GOSHEN, NY 10924-2028  
(845) 291-8650  
(845) 291-8657 FAX

JOB HARTIG AVER MIDDLE EARTH  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY BGC DATE 6/7/04  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

LOTS 1, 2, 3, 24, 25, 26  
DRAIN TO DETENTION POND

SHEET FLOW 100'

$$\frac{553 - 543}{100} = 10.8\%$$

SHALLOW CONCENTRATED FLOW 514'  $\approx$  510'

$$\frac{543 - 454}{514} = 17.3\%$$

SHALLOW CONCENTRATED FLOW 169'  $\approx$  170'

$$\frac{454 - 444}{169} = 5.9\%$$

MJS ENGINEERING, PC  
261 GREENWICH AVENUE  
GOSHEN, NY 10924-2028  
(845) 291-8650  
(845) 291-8657 FAX

JOB HARTIGANER MIDDLE EARTH  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY BGC DATE 6/9/04  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

LOTS 3, 25, 26  
DRAIN TO OUTFALL

PRE-DEVELOPMENT

MEADOW

0.08  
0.98  
0.01  
0.50  
1.57  $\approx$  1.6

WOODS

0.09  
0.06  
1.46  
1.10  
2.71  $\approx$  2.7

LAWN

4.3

POST-DEVELOPMENT

0.08  
0.50  
0.58  $\approx$  0.6

0.09  
0.06  
1.10  
1.25  $\approx$  1.3

0.98  
0.01  
1.46  
2.45  $\approx$  2.4

4.3

**MJS ENGINEERING, PC**  
 261 GREENWICH AVENUE  
 GOSHEN, NY 10924-2028  
 (845) 291-8650  
 (845) 291-8657 FAX

JOB HAZ/16 AREA MIDDLE EARTH  
 SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
 CALCULATED BY BGC DATE 6/7/04  
 CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
 SCALE \_\_\_\_\_

LOTS 3, 25, 26  
 DRAIN TO OUTFALL

SHEET FLOW 100'

$$\frac{555 - 545}{100'} = 10.0\%$$

SHALLOW CONCENTRATED FLOW 532' ~ 530'

$$\frac{545 - 454}{532'} = 17.1\%$$

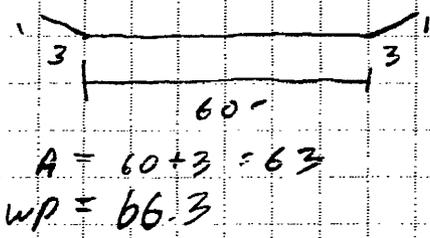
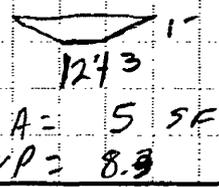
SHALLOW CONC FLOW 85'

$$\frac{454 - 446}{85} = 9.4\%$$

CHANNEL FLOW REACH 100'

60' WIDE @ SAY 0.1% 3:1 SIDE SLOPES  
 $\frac{2'}{120'} \approx 1.7\%$

CHANNEL FLOW 215'  
 $\frac{443 - 438}{215} = 2.3\%$



**MJS ENGINEERING**

261 Greenwich Avenue  
Goshen, NY 10924

**Area Draining to East Wetland  
Pre-Development Hydrographs**

**Appendix E**



PRE-DEVELOPMENT  
DRAINAGE AREA



WETLAND



STREAM

**Legend**

<u>Hyd.</u>	<u>Origin</u>	<u>Description</u>
1	SCS Runoff	Pre-Dev Area drain to east wetland
2	Reach	wetland
3	Reach	stream

PRE-DEVELOPMENT SCHEMATIC

# Hydrograph Summary Report

Hyd. p.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
1	SCS Runoff	76.21	2	730	328,205	----	-----	-----	Pre-Dev Area drain to east wetland	
2	Reach	52.10	2	742	328,197	1	-----	-----	wetland	
3	Reach	48.30	2	752	328,193	2	-----	-----	stream	
<del>5</del>	<del>SCS Runoff</del>	<del>15.55</del>	<del>2</del>	<del>726</del>	<del>56,006</del>				<del>Post-Dev Lots 1,2,10,15,24,26 to Det</del>	
<del>6</del>	<del>SCS Runoff</del>	<del>4.01</del>	<del>2</del>	<del>726</del>	<del>17,495</del>				<del>Post-Dev Lots 3,4,5 to Det Pond</del>	
<del>7</del>	<del>Combine</del>	<del>20.46</del>	<del>2</del>	<del>726</del>	<del>73,501</del>	<del>5,6</del>			<del>Inflow Pipe to Det Pond</del>	
<del>8</del>	<del>Reservoir</del>	<del>1.74</del>	<del>2</del>	<del>854</del>	<del>73,485</del>	<del>7</del>	<del>433.45</del>	<del>51,127</del>	<del>Lot 26 Detention Pond</del>	
<del>9</del>	<del>SCS Runoff</del>	<del>2.84</del>	<del>2</del>	<del>730</del>	<del>12,240</del>				<del>Post-Dev Lots 3,25,26 to Outfall Pipe</del>	
<del>10</del>	<del>Combine</del>	<del>4.09</del>	<del>2</del>	<del>732</del>	<del>85,725</del>	<del>8,9</del>			<del>Detention Pond Outfall Pipe</del>	
<del>11</del>	<del>SCS Runoff</del>	<del>68.32</del>	<del>2</del>	<del>730</del>	<del>272,697</del>				<del>Post-Dev Area drain to east wetland</del>	
<del>12</del>	<del>Combine</del>	<del>67.39</del>	<del>2</del>	<del>730</del>	<del>358,422</del>	<del>10,11</del>			<del>Combine at wetland</del>	
<del>13</del>	<del>Reach</del>	<del>45.78</del>	<del>2</del>	<del>742</del>	<del>350,280</del>	<del>12</del>			<del>wetland</del>	
<del>14</del>	<del>Reach</del>	<del>44.00</del>	<del>2</del>	<del>752</del>	<del>358,376</del>	<del>13</del>			<del>stream</del>	
Basin A at Lot 26 0406.gpw					Return Period: 1 Year			Tuesday, Jun 8 2004, 3:13 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 3:13 PM

## Hyd. No. 3

stream

Hydrograph type = Reach  
Storm frequency = 1 yrs  
Inflow hyd. No. = 2  
Reach length = 1300.0 ft  
Manning's n = 0.035  
Side slope = 3.0:1  
Rating curve x = 0.483  
Ave. velocity = 2.14 ft/s

Peak discharge = 48.30 cfs  
Time interval = 2 min  
Section type = Trapezoidal  
Channel slope = 0.70 %  
Bottom width = 20.00 ft  
Max. depth = 5.00 ft  
Rating curve m = 1.466  
Routing coeff. = 0.2528

Modified Att-Kin routing method used.

Hydrograph Volume = 328,193 cuft

(Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.43	51.16	46.30
12.47	50.07	47.53
12.50	48.68	48.17
12.53	47.00	48.30 <<
12.57	45.05	47.97
12.60	42.89	47.23
12.63	40.59	46.14

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
1	SCS Runoff	278.20	2	728	1,079,655	---	---	---	Pre-Dev Area drain to east wetland	
2	Reach	213.32	2	738	1,079,650	1	---	---	wetland	
3	Reach	203.34	2	744	1,079,649	2	---	---	stream	
<del>5</del>	<del>SCS Runoff</del>	<del>47.70</del>	<del>2</del>	<del>726</del>	<del>162,933</del>				<del>Post Dev Lots 1,2,10-16, 24-26 to Det</del>	
<del>6</del>	<del>SCS Runoff</del>	<del>14.57</del>	<del>2</del>	<del>726</del>	<del>49,764</del>				<del>Post Dev Lots 3,4,5 to Det Pond</del>	
<del>7</del>	<del>Combine</del>	<del>62.27</del>	<del>2</del>	<del>726</del>	<del>212,698</del>	<del>5, 6</del>			<del>Inflow Pipe to Det Pond</del>	
<del>8</del>	<del>Reservoir</del>	<del>20.28</del>	<del>2</del>	<del>748</del>	<del>212,682</del>	<del>7</del>	<del>136.51</del>	<del>97,656</del>	<del>Lot 26 Detention Pond</del>	
<del>9</del>	<del>SCS Runoff</del>	<del>10.38</del>	<del>2</del>	<del>728</del>	<del>40,265</del>				<del>Post Dev Lots 3,25,26 to Outfall Pipe</del>	
<del>10</del>	<del>Combine</del>	<del>25.95</del>	<del>2</del>	<del>746</del>	<del>252,946</del>	<del>8, 9</del>			<del>Detention Pond Outfall Pipe</del>	
<del>11</del>	<del>SCS Runoff</del>	<del>231.15</del>	<del>2</del>	<del>728</del>	<del>897,861</del>				<del>Post Dev Area drain to east wetland</del>	
<del>12</del>	<del>Combine</del>	<del>254.28</del>	<del>2</del>	<del>730</del>	<del>1,150,007</del>	<del>10, 11</del>			<del>Combine at wetland</del>	
<del>13</del>	<del>Reach</del>	<del>194.15</del>	<del>2</del>	<del>738</del>	<del>1,140,863</del>	<del>12</del>			<del>wetland</del>	
<del>14</del>	<del>Reach</del>	<del>183.96</del>	<del>2</del>	<del>744</del>	<del>1,140,861</del>	<del>13</del>			<del>stream</del>	
Basin A at Lot 26 0406.gpw					Return Period: 10 Year			Tuesday, Jun 8 2004, 3:13 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 3:13 PM

## Hyd. No. 3

stream

Hydrograph type	= Reach	Peak discharge	= 203.34 cfs
Storm frequency	= 10 yrs	Time interval	= 2 min
Inflow hyd. No.	= 2	Section type	= Trapezoidal
Reach length	= 1300.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.35 ft/s	Routing coeff.	= 0.3693

Modified Att-Kin routing method used.

Hydrograph Volume = 1,079,649 cuft

### Hydrograph Discharge Table

(Printed values >= 95% of Qp.)

Time (hrs)	Inflow cfs	Outflow cfs
12.33	211.03	197.18
12.37	205.12	202.29
12.40	196.87	203.34 <<
12.43	187.46	200.95
12.47	177.58	195.97

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
1	SCS Runoff	466.98	2	728	1,790,344	—	—	—	Pre-Dev Area drain to east wetland	
2	Reach	369.18	2	736	1,790,339	1	—	—	wetland	
3	Reach	356.33	2	742	1,790,337	2	—	—	stream	
<del>5</del>	<del>SCS Runoff</del>	<del>75.78</del>	<del>2</del>	<del>726</del>	<del>259,611</del>				<del>Post-Dev Lots 1,2,10,15, 24-26 to Det</del>	
<del>6</del>	<del>SCS Runoff</del>	<del>22.93</del>	<del>2</del>	<del>726</del>	<del>78,608</del>				<del>Post-Dev Lots 3,4,5 to Det Pond</del>	
<del>7</del>	<del>Combine</del>	<del>98.71</del>	<del>2</del>	<del>726</del>	<del>338,309</del>	<del>5, 6</del>			<del>Inflow Pipe to Det Pond</del>	
<del>8</del>	<del>Reservoir</del>	<del>56.41</del>	<del>2</del>	<del>736</del>	<del>338,294</del>	<del>7</del>	<del>437.76</del>	<del>120,927</del>	<del>Lot 26 Detention Pond</del>	
<del>9</del>	<del>SCS Runoff</del>	<del>17.42</del>	<del>2</del>	<del>720</del>	<del>66,769</del>				<del>Post-Dev Lots 3,25,26 to Outfall Pipe</del>	
<del>10</del>	<del>Combine</del>	<del>71.34</del>	<del>2</del>	<del>734</del>	<del>405,963</del>	<del>8, 9</del>			<del>Detention Pond Outfall Pipe</del>	
<del>11</del>	<del>SCS Runoff</del>	<del>388.90</del>	<del>2</del>	<del>728</del>	<del>1,487,554</del>				<del>Post-Dev Area drain to east wetland</del>	
<del>12</del>	<del>Combine</del>	<del>453.46</del>	<del>2</del>	<del>730</del>	<del>1,892,616</del>	<del>10, 11</del>			<del>Combine at wetland</del>	
<del>13</del>	<del>Reach</del>	<del>369.95</del>	<del>2</del>	<del>738</del>	<del>1,892,477</del>	<del>12</del>			<del>wetland</del>	
<del>14</del>	<del>Reach</del>	<del>344.88</del>	<del>2</del>	<del>744</del>	<del>1,892,471</del>	<del>13</del>			<del>stream</del>	
Basin A at Lot 26 0406.gpw					Return Period: 100 Year			Tuesday, Jun 8 2004, 3:13 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 3:13 PM

## Hyd. No. 3

stream

Hydrograph type	= Reach	Peak discharge	= 356.33 cfs
Storm frequency	= 100 yrs	Time interval	= 2 min
Inflow hyd. No.	= 2	Section type	= Trapezoidal
Reach length	= 1300.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.98 ft/s	Routing coeff.	= 0.4247

Modified Att-Kin routing method used.

Hydrograph Volume = 1,790,337 cuft

(Printed values >= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.30	368.40	343.09
12.33	359.70	353.84
12.37	345.05	356.33 <<
12.40	326.93	351.54
12.43	307.54	341.09

...End

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Goshen, NY 10924

**Area Draining to East Wetland  
Post-Development Hydrographs**

**Appendix F**

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
1	SCS Runoff	76.21	2	730	328,205	---	----	----	Pre-Dev Area drain to east wetland	
2	Reach	52.10	2	742	328,197	1	----	----	wetland	
3	Reach	48.30	2	752	328,193	2	----	----	stream	
<del>5</del>	<del>SCS Runoff</del>	<del>15.55</del>	<del>2</del>	<del>726</del>	<del>56,006</del>				<del>Post-Dev Lots 1,2,10,15, 24-26 to Det.</del>	
<del>6</del>	<del>SCS Runoff</del>	<del>4.91</del>	<del>2</del>	<del>726</del>	<del>17,495</del>				<del>Post-Dev Lots 3,4,5 to Det Pond</del>	
<del>7</del>	<del>Combine</del>	<del>20.46</del>	<del>2</del>	<del>726</del>	<del>73,501</del>	<del>5, 6</del>			<del>Inflow Pipe to Det Pond</del>	
<del>8</del>	<del>Reservoir</del>	<del>1.71</del>	<del>2</del>	<del>854</del>	<del>73,485</del>	<del>7</del>	<del>433.45</del>	<del>51,127</del>	<del>Lot 26 Detention Pond</del>	
<del>9</del>	<del>SCS Runoff</del>	<del>2.84</del>	<del>2</del>	<del>730</del>	<del>12,240</del>				<del>Post-Dev Lots 3,25,26 to Outfall Pipe</del>	
<del>10</del>	<del>Combine</del>	<del>4.09</del>	<del>2</del>	<del>732</del>	<del>85,725</del>	<del>8, 9</del>			<del>Detention Pond Outfall Pipe</del>	
<del>11</del>	<del>SCS Runoff</del>	<del>63.32</del>	<del>2</del>	<del>730</del>	<del>272,697</del>				<del>Post-Dev Area drain to east wetland</del>	
<del>12</del>	<del>Combine</del>	<del>67.99</del>	<del>2</del>	<del>730</del>	<del>358,422</del>	<del>10, 11</del>			<del>Combine at wetland</del>	
<del>13</del>	<del>Reach</del>	<del>45.78</del>	<del>2</del>	<del>742</del>	<del>358,280</del>	<del>12</del>			<del>wetland</del>	
<del>14</del>	<del>Reach</del>	<del>41.00</del>	<del>2</del>	<del>752</del>	<del>358,276</del>	<del>13</del>			<del>stream</del>	
Basin A at Lot 26 0406.gpw					Return Period: 1 Year			Tuesday, Jun 8 2004, 3:13 PM		

# Hydrograph Summary Report

Hyd.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SCS Runoff</del>	<del>76.21</del>	<del>2</del>	<del>730</del>	<del>328,206</del>				<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>52.10</del>	<del>2</del>	<del>742</del>	<del>328,197</del>	<del>1</del>			<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>48.30</del>	<del>2</del>	<del>752</del>	<del>328,193</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	15.55	2	726	56,006	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Det	
6	SCS Runoff	4.91	2	726	17,495	—	—	—	Post-Dev Lots 3,4,5 to Det Pond	
7	Combine	20.46	2	726	73,501	5, 6	—	—	Inflow Pipe to Det Pond	
8	Reservoir	1.75	2	848	73,485	7	433.59	52,798	Lot 26 Detention Pond	
9	SCS Runoff	2.84	2	730	12,240	—	—	—	Post-Dev Lots 3,25,26 to Outfall Pipe	
10	Combine	4.07	2	732	85,725	8, 9	—	—	Detention Pond Outfall Pipe	
11	SCS Runoff	63.32	2	730	272,697	—	—	—	Post-Dev Area drain to east wetland	
12	Combine	67.38	2	730	358,423	10, 11	—	—	Combine at wetland	
13	Reach	45.77	2	742	358,280	12	—	—	wetland	
14	Reach	41.98	2	752	358,276	13	—	—	stream	
Basin A at Lot 26 0406.gpw					Return Period: 1 Year			Wednesday, Jun 9 2004, 12:44 PM		

# Hydrograph Plot

Hydraflow Hydrographs by Intelisolve

Wednesday, Jun 9 2004, 12:45 PM

## Hyd. No. 8

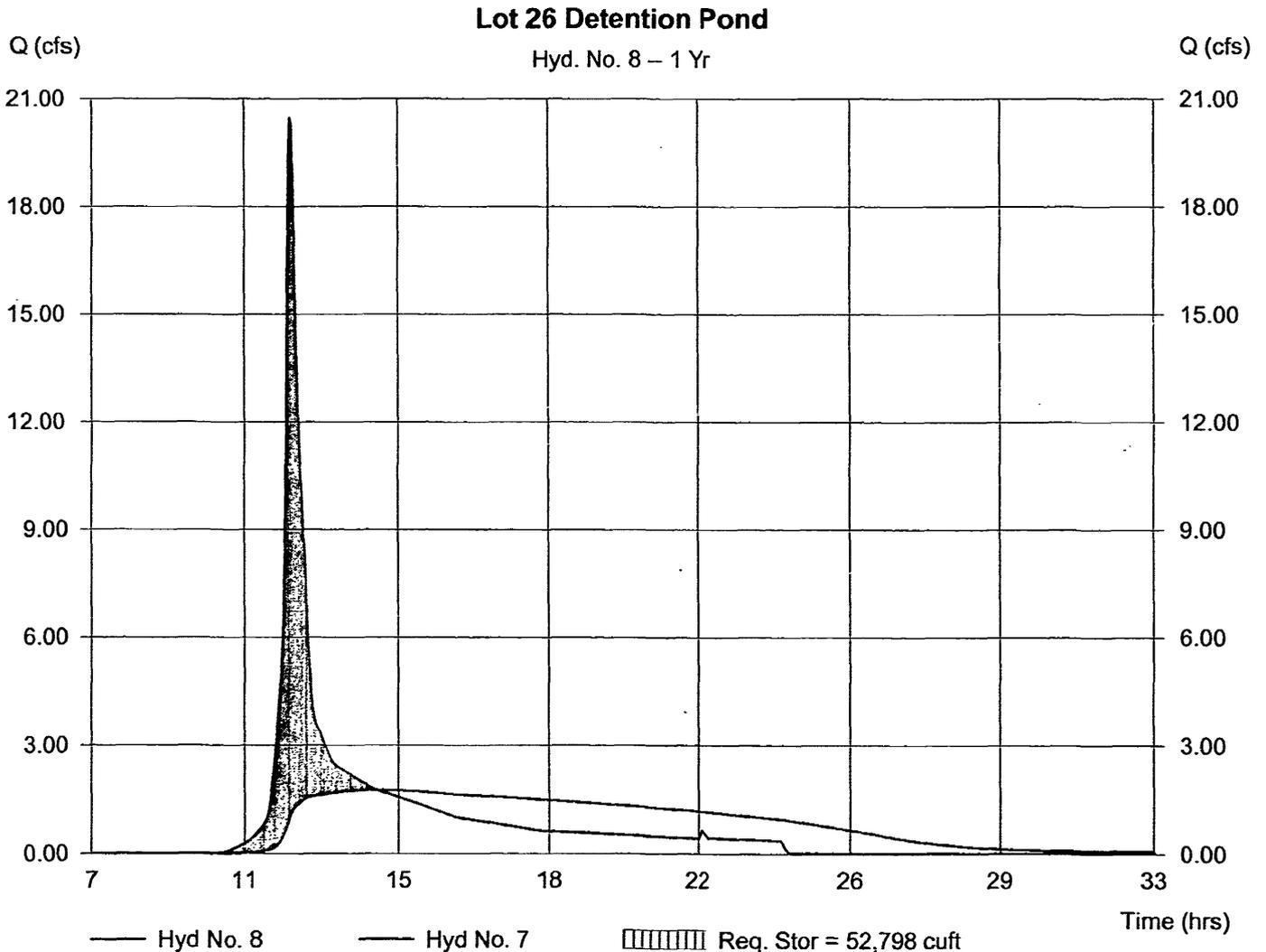
Lot 26 Detention Pond

Hydrograph type = Reservoir  
Storm frequency = 1 yrs  
Inflow hyd. No. = 7  
Reservoir name = Lot 26 Detention Pond

Peak discharge = 1.75 cfs  
Time interval = 2 min  
Max. Elevation = 433.59 ft  
Max. Storage = 52,798 cuft

Storage Indication method used. Wet pond routing start elevation = 430.20 ft.

Hydrograph Volume = 73,485 cuft



# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Wednesday, Jun 9 2004, 12:44 PM

## Hyd. No. 14

stream

Hydrograph type	= Reach	Peak discharge	= 41.98 cfs
Storm frequency	= 1 yrs	Time interval	= 2 min
Inflow hyd. No.	= 13	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 2.05 ft/s	Routing coeff.	= 0.2284

Modified Att-Kin routing method used.

Hydrograph Volume = 358,276 cuft

( Printed values >= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.47	44.37	40.77
12.50	43.27	41.59
12.53	41.92	41.98 <<
12.57	40.33	41.96
12.60	38.55	41.59
12.63	36.64	40.90
12.67	34.67	39.93

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SCS Runoff</del>	<del>278.20</del>	<del>2</del>	<del>728</del>	<del>1,079,655</del>				<del>Pre-Dev Area drain to east wetland-</del>	
<del>2</del>	<del>Reach</del>	<del>213.32</del>	<del>2</del>	<del>738</del>	<del>1,079,650</del>	<del>1</del>			<del>wetland-</del>	
<del>3</del>	<del>Reach</del>	<del>209.34</del>	<del>2</del>	<del>744</del>	<del>1,079,640</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	47.70	2	726	162,933	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Det	
6	SCS Runoff	14.57	2	726	49,764	—	—	—	Post-Dev Lots 3,4,5 to Det Pond	
7	Combine	62.27	2	726	212,698	5, 6	—	—	Inflow Pipe to Det Pond	
8	Reservoir	21.26	2	746	212,682	7	436.54	98,265	Lot 26 Detention Pond	
9	SCS Runoff	10.38	2	728	40,265	—	—	—	Post-Dev Lots 3,25,26 to Outfall Pipe	
10	Combine	26.20	2	744	252,947	8, 9	—	—	Detention Pond Outfall Pipe	
11	SCS Runoff	231.15	2	728	897,061	—	—	—	Post-Dev Area drain to east wetland	
12	Combine	254.79	2	730	1,150,006	10, 11	—	—	Combine at wetland	
13	Reach	194.51	2	738	1,149,865	12	—	—	wetland	
14	Reach	184.39	2	746	1,149,862	13	—	—	stream	
Basin A at Lot 26 0406.gpw					Return Period: 10 Year			Wednesday, Jun 9 2004, 12:44 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Wednesday, Jun 9 2004, 12:44 PM

## Hyd. No. 14

stream

Hydrograph type	= Reach	Peak discharge	= 184.39 cfs
Storm frequency	= 10 yrs	Time interval	= 2 min
Inflow hyd. No.	= 13	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.25 ft/s	Routing coeff.	= 0.3391

Modified Att-Kin routing method used.

Hydrograph Volume = 1,149,862 cuft

(Printed values &gt;= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.37	190.09	181.44
12.40	184.41	184.37
12.43	177.66	184.39 <<
12.47	170.34	182.11
12.50	162.56	178.12

...End

# Hydrograph Summary Report

Hyd. b.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SGS Runoff</del>	<del>466.90</del>	<del>2</del>	<del>728</del>	<del>1,790,344</del>				<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>309.10</del>	<del>2</del>	<del>736</del>	<del>1,790,339</del>	<del>1</del>			<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>356.33</del>	<del>2</del>	<del>742</del>	<del>1,790,337</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	75.78	2	726	259,611	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Det	
6	SCS Runoff	22.93	2	726	78,698	—	—	—	Post-Dev Lots 3,4,5 to Det Pond	
7	Combine	98.71	2	726	338,309	5, 6	—	—	Inflow Pipe to Det Pond	
8	Reservoir	56.86	2	736	338,293	7	437.78	121,368	Lot 26 Detention Pond	
9	SCS Runoff	17.42	2	728	66,769	—	—	—	Post-Dev Lots 3,25,26 to Outfall Pipe	
10	Combine	71.86	2	734	405,062	8, 9	—	—	Detention Pond Outfall Pipe	
11	SCS Runoff	388.00	2	728	1,487,554	—	—	—	Post-Dev Area drain to east wetland	
12	Combine	453.88	2	730	1,892,618	10, 11	—	—	Combine at wetland	
13	Reach	360.66	2	738	1,892,475	12	—	—	wetland	
14	Reach	345.56	2	744	1,892,471	13	—	—	stream	
Basin A at Lot 26 0406.gpw					Return Period: 100 Year			Wednesday, Jun 9 2004, 12:44 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Wednesday, Jun 9 2004, 12:57 PM

## Hyd. No. 14

stream

Hydrograph type	= Reach	Peak discharge	= 345.56 cfs
Storm frequency	= 100 yrs	Time interval	= 2 min
Inflow hyd. No.	= 13	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.95 ft/s	Routing coeff.	= 0.3980

Modified Att-Kin routing method used.

Hydrograph Volume = 1,892,471 cuft

### Hydrograph Discharge Table

(Printed values &gt;= 95% of Qp.)

Time (hrs)	Inflow cfs	Outflow cfs
12.33	356.12	338.54
12.37	345.60	345.54
12.40	331.35	345.56 <<
12.43	315.33	339.91
12.47	298.65	330.13

...End

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**Water Quality Volume (WQ<sub>v</sub>)  
Detention Pond Sizing**

**Appendix G**

# DETENTION POND

## WATER QUALITY VOLUME WQV

NORTH SIDE OF SITE DRAINING TO POND

AREA 15.2 AC  
IMPERVIOUS 2.5 AC

WEST SIDE OF SITE DRAINING TO POND

AREA 4.5 AC  
IMPERVIOUS 0.8 AC

$$WQV = \frac{(P)(R_v)(A)}{12}$$

WQV = WATER QUALITY VOLUME (AC-FT)

P = 90% RAIN FALL EVENT

$R_v = 0.05 + 0.009(I)$ ; I IMPERVIOUS

$$I = \frac{2.5 + 0.8}{15.2 + 4.5} = 16.7\%$$

$$R_v = 0.05 + 0.009(16.7) \\ = 0.200$$

$$WQV = \frac{(1.2)(0.200)(15.2 + 4.5)}{12} \times 43,560 \frac{SF}{AC} \\ = \underline{17,162 CF} \quad EL. 430.2$$

$$MIN. WQV \quad 0.2'' \times (15.2 + 4.5) AC / 12 \times 43,560 = 14,302$$

$$FORE BAY \quad 0.1(17,162) = 1,716 CF$$



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**Sediment Basin Sizing — Lot #21**

**Appendix H**

## TEMPORARY SEDIMENT BASIN DESIGN DATA SHEET

Computed by BGC Date 6/8/04 Checked by \_\_\_\_\_ Date \_\_\_\_\_  
 Project HARTIG ARKER MIDDLE EARTH Basin # LOT 21  
 Location \_\_\_\_\_ Total Area draining to basin 9.4 Acres

### BASIN SIZE DESIGN

1. Minimum sediment storage volume = 134 cu. yds. x 9.4 acres of drainage area = 1,260 cu. yds.
2. a. Cleanout at 50 percent of minimum required volume = 630 cu. yds.  
 b. Elevation corresponding to scheduled time to clean out 423.1  
 c. Distance below top of riser 5.1 feet
3. Minimum surface area is larger of 0.01  $Q_{(1)}$  \_\_\_\_\_ or, 0.015 DA = \_\_\_\_\_ use \_\_\_\_\_ acres

### DESIGN OF SPILLWAYS & ELEVATIONS

#### Runoff

4.  $Q_{p(10)}$  = 30.3 cfs (15.7 cfs + 14.6 cfs)  
 (EFH, Ch. 2, TR-55, or Section 4; Attach runoff computation sheet)

#### Pipe Spillway ( $Q_{ps}$ )

5. Min. pipe spillway cap.,  $Q_{ps} = 0.2 \times$  9.4 ac. Drainage = 1.9 cfs  
 Note: If there is no emergency spillway, then req'd  $Q_{ps} = Q_{p(10)}$  = \_\_\_\_\_ cfs.
6. H = \_\_\_\_\_ ft. Barrel length = \_\_\_\_\_ ft
7. Barrel: Diam. 18 inches;  $Q_{ps} = (Q)$  \_\_\_\_\_ x (cor. fac.) \_\_\_\_\_ = \_\_\_\_\_ cfs.
8. Riser: Diam. 36 inches; Length \_\_\_\_\_ ft.; h = \_\_\_\_\_ ft. Crest Elev. 428.2
9. Trash Rack: Diam. 27 inches; H = 8 inches

#### Emergency Spillway Design

10. Emergency Spillway Flow,  $Q_{es} = Q_p - Q_{ps} =$  \_\_\_\_\_ - \_\_\_\_\_ = \_\_\_\_\_ cfs.
11. Width \_\_\_\_\_ ft.;  $H_p$  \_\_\_\_\_ ft. Crest elevation \_\_\_\_\_; Design High Water Elev. \_\_\_\_\_  
 Entrance channel slope \_\_\_\_\_ %; Top of Dam Elev. \_\_\_\_\_  
 Exit channel slope \_\_\_\_\_ %

### ANTI-SEEP COLLAR/ SEEPAGE DIAPHRAGM DESIGN

#### Collars:

12. y = \_\_\_\_\_ ft.; z = \_\_\_\_\_ :1; pipe slope = \_\_\_\_\_ %,  $L_s =$  \_\_\_\_\_ ft.  
 Use \_\_\_\_\_ collars, \_\_\_\_\_ - \_\_\_\_\_ inches square; projection = \_\_\_\_\_ ft.

#### Diaphragms:

# \_\_\_\_\_ width \_\_\_\_\_ ft. height \_\_\_\_\_ ft.

### DEWATERING ORIFICE SIZING

13.  $A_o = \frac{A_s \times (2h)^{0.5}}{122,568}$  = \_\_\_\_\_ sq. ft.; h = \_\_\_\_\_ ft.; therefore use, \_\_\_\_\_

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JOB HARTIGANCA MIDDLE EARTH  
SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_  
CALCULATED BY BGC DATE 6/18/04  
CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_  
SCALE \_\_\_\_\_

SEDIMENT BASIN AT LOT 21  
CONTRIBUTING AREA LOTS 3, 4, 5

MEADOW	WOODS	LAWN	ROAD
<u>0.27</u>	<u>0.01</u>	1.02	<u>0.78</u>
0.27	0.01	0.01	0.78
		0.02	
		<u>2.32</u>	
		3.37	

SUBTOTAL 4.43

CONTRIBUTING AREA LOTS 10-15

LAWN	ROAD
3.67	1.29

SUBTOTAL 4.96

TOTAL 9.39 AC ≈ 9.4

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 4:55 PM

## Hyd. No. 5

Post-Dev Lots 1,2,10-15, 24-26 to Det Pond

Hydrograph type	=	SCS Runoff	Peak discharge	=	47.70 cfs
Storm frequency	=	10 yrs	Time interval	=	2 min
Drainage area	=	15.20 ac	Curve number	=	76
Basin Slope	=	0.0 %	Hydraulic length	=	0 ft
Tc method	=	TR55	Time of conc. (Tc)	=	8.9 min
Total precip.	=	5.50 in	Distribution	=	Type III
Storm duration	=	24 hrs	Shape factor	=	484

Hydrograph Volume = 162,933 cuft

(Printed values >= 95% of Qp)

## Hydrograph Discharge Table

### Time - Outflow

(hrs	cfs)
12.10	47.70 <<
12.13	46.30

...End

SAY  $\frac{5 \text{ AC (LOTS 10-15)}}{15.2 \text{ AC (LOTS 1, 2, 10-15, 24, 26)}} \times 47.7 \text{ CFS} = 15.7 \text{ CFS}$

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 4:55 PM

## Hyd. No. 6

Post-Dev Lots 3,4,5 to Det Pond

Hydrograph type	= SCS Runoff	Peak discharge	= 14.57 cfs
Storm frequency	= 10 yrs	Time interval	= 2 min
Drainage area	= 4.50 ac	Curve number	= 77
Basin Slope	= 0.0 %'	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 9.2 min
Total precip.	= 5.50 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

Hydrograph Volume = 49,764 cuft

(Printed values >= 95% of Qp.)

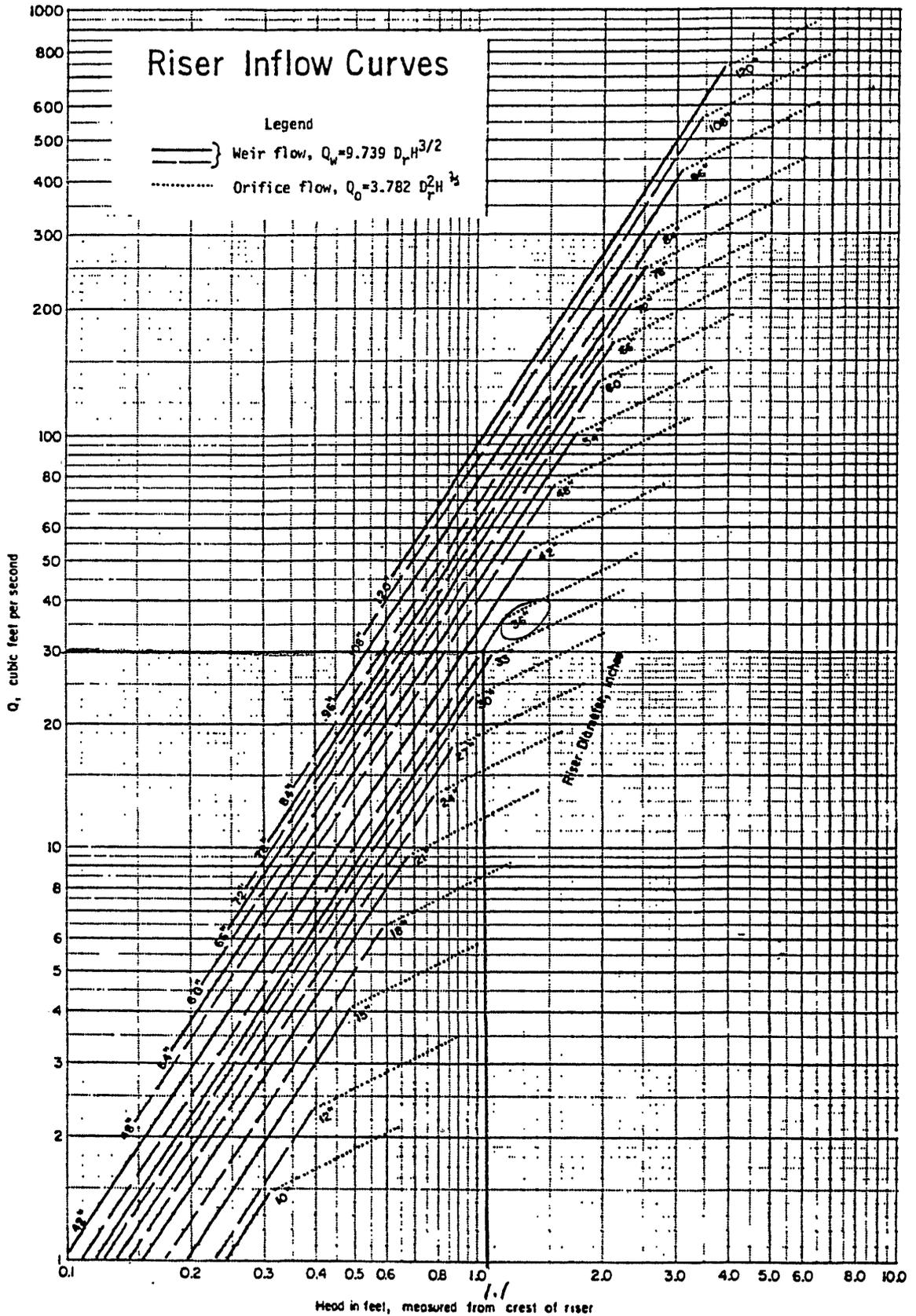
## Hydrograph Discharge Table

**Time -- Outflow**  
(hrs      cfs)

12.10	14.57 <<
12.13	14.13

...End

Figure 5A.27  
Riser Inflow Chart



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JOB HARTIGANER MIDDLE EMPTH

SHEET NO. \_\_\_\_\_ OF \_\_\_\_\_

CALCULATED BY BGC DATE 6/8/04

CHECKED BY \_\_\_\_\_ DATE \_\_\_\_\_

SCALE \_\_\_\_\_

SEDIMENT BASIN LOT 21

EL

420	2000	2	185	
422	3010	2	264	449
424	4121	2	350	799
426	5332	2	443	1242
428	6644	0.2	49	1291
428.2	6780			

CLEANOUT ELEVATION

422	449
423.1	630
424	799

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261 Greenwich Avenue  
Goshen, NY 10924

**Sediment Basin Sizing — Lot #26**

**Appendix I**

# TEMPORARY SEDIMENT BASIN DESIGN DATA SHEET

Computed by BGC Date 6/8/04 Checked by \_\_\_\_\_ Date \_\_\_\_\_  
 Project HARTIGANER MIDDLE EARTH Basin # LOT 26  
 Location \_\_\_\_\_ Total Area draining to basin 10.2 Acres

## BASIN SIZE DESIGN

1. Minimum sediment storage volume = 134 cu. yds. x 10.2 acres of drainage area = 1,367 cu.yds.
2. a. Cleanout at 50 percent of minimum required volume = 683 cu. yds.  
 b. Elevation corresponding to scheduled time to clean out 432.1  
 c. Distance below top of riser 1.6 feet
3. Minimum surface area is larger of 0.01  $Q_{(1)}$  \_\_\_\_\_ or, 0.015 DA = \_\_\_\_\_ use \_\_\_\_\_ acres

## DESIGN OF SPILLWAYS & ELEVATIONS

### Runoff

4.  $Q_{p(10)}$  = 32 cfs  
 (EFH, Ch. 2, TR-55, or Section 4; Attach runoff computation sheet)

### Pipe Spillway ( $Q_{ps}$ )

5. Min. pipe spillway cap.,  $Q_{ps} = 0.2 \times 10.2$  ac. Drainage = 2.0 cfs  
 Note: If there is no emergency spillway, then req'd  $Q_{ps} = Q_{p(10)} = 32$  cfs.  $H = (433.7 + 2.2) - (425.0 + 1.5)$
6.  $H = 9.4$  ft. Barrel length = 190 ft
7. Barrel: Diam. 36 inches;  $Q_{ps} = (Q) 119$  x (cor. fac.) .88 = 104 cfs. =
8. Riser: Diam. 36 inches; Length 4 ft.;  $h = 1.1$  ft. Crest Elev. 433.7
9. Trash Rack: Diam. 54 inches;  $H = 17$  inches

### Emergency Spillway Design

10. Emergency Spillway Flow,  $Q_{es} = Q_p - Q_{ps} =$  \_\_\_\_\_ = \_\_\_\_\_ cfs.
11. Width N/A ft.;  $H_p$  \_\_\_\_\_ ft. Crest elevation \_\_\_\_\_; Design High Water Elev. \_\_\_\_\_  
 Entrance channel slope \_\_\_\_\_ %; Top of Dam Elev. \_\_\_\_\_  
 Exit channel slope \_\_\_\_\_ %

## ANTI-SEEP COLLAR/

## SEEPAGE DIAPHRAGM DESIGN

### Collars:

12.  $y = 6$  ft.;  $z = 3$  :1; pipe slope = 2.6 %,  $L_s = 4.7$  ft.  
 Use 2 collars, 6 - 6 inches square; projection = 1.75 ft.

### Diaphragms:

# \_\_\_\_\_ width \_\_\_\_\_ ft. height \_\_\_\_\_ ft.

## DEWATERING ORIFICE SIZING

13.  $A_o = \frac{A_s \times (2h)^{0.5}}{122,568}$  = \_\_\_\_\_ sq. ft.;  $h =$  \_\_\_\_\_ ft.; therefore use, 8" DIA PIPE

# Hydrograph Report

Hydraflow Hydrographs by Intellisolve

Tuesday, Jun 8 2004, 4:25 PM

## Hyd. No. 5

Post-Dev Lots 1,2,10-15, 24-26 to Det Pond

Hydrograph type	= SCS Runoff	Peak discharge	= 47.70 cfs
Storm frequency	= 10 yrs	Time interval	= 2 min
Drainage area	= 15.20 ac	Curve number	= 76
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 8.9 min
Total precip.	= 5.50 in	Distribution	= Type III
Storm duration	= 24 hrs	Shape factor	= 484

Hydrograph Volume = 162,933 cuft

(Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

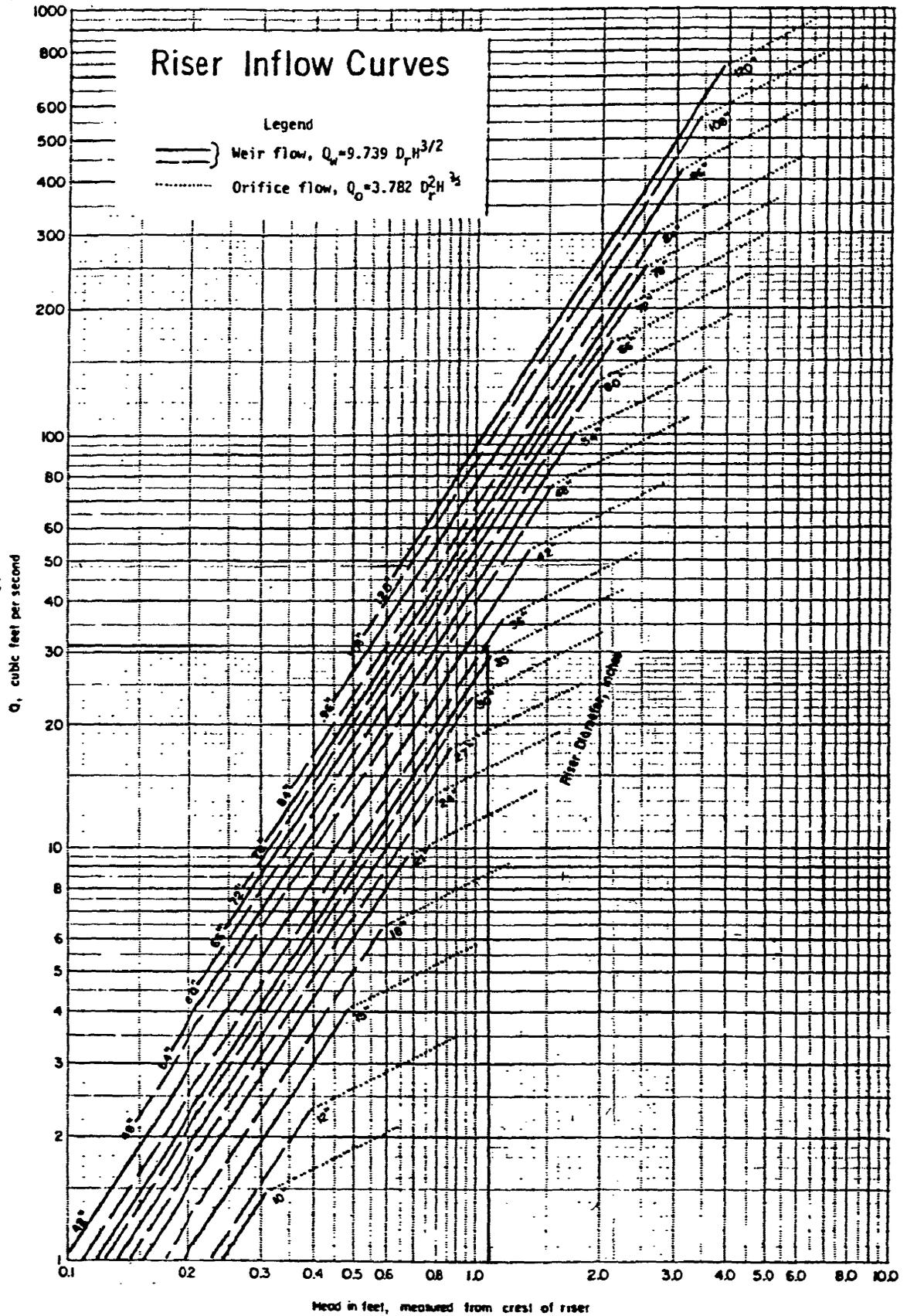
Time -- Outflow  
(hrs      cfs)

12.10	47.70 <<
12.13	46.30

...End

$$\text{SAY } \frac{10.2 \text{ AC}}{15.2 \text{ AC}} \times 47.7 \text{ CFS} = 32.0 \text{ CFS}$$

**Figure 5A.27**  
**Riser Inflow Chart**



# Pond Report

Hydraflow Hydrographs by Intelisolve

Tuesday, Jun 8 2004, 4:13 PM

## Pond No. 1 - Lot 26 Detention Pond

### Pond Data

Pond storage is based on known contour areas. Average end area method used.

### Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	426.00	413	0	0
2.00	428.00	4,155	4,568	4,568
4.00	430.00	7,334	11,489	16,057
6.00	432.00	10,401	17,735	33,792
8.00	434.00	13,524	23,925	57,717
10.00	436.00	16,874	30,398	88,115
12.00	438.00	20,449	37,323	125,438

### Culvert / Orifice Structures

	[A]	[B]	[C]	[D]
Rise (in)	= 6.00	36.00	0.00	0.00
Span (in)	= 6.00	36.00	0.00	0.00
No. Barrels	= 1	1	0	0
Invert El. (ft)	= 430.00	433.50	0.00	0.00
Length (ft)	= 1.00	1.00	0.00	0.00
Slope (%)	= 10.00	10.00	0.00	0.00
N-Value	= .013	.013	.000	.000
Orif. Coeff.	= 0.60	0.60	0.00	0.00
Multi-Stage	= n/a	No	No	No

### Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 0.00	0.00	0.00	0.00
Crest El. (ft)	= 0.00	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	0.00	0.00
Weir Type	= --	--	--	--
Multi-Stage	= No	No	No	No

Exfiltration = 0.000 in/hr (Contour) Tailwater Elev. = 0.00 ft

Note: Culvert/Orifice outflows have been analyzed under inlet and outlet control.

### Stage / Storage / Discharge Table

Stage ft	Storage cuft	Elevation ft	Civ A cfs	Civ B cfs	Civ C cfs	Civ D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Total cfs
0.00	0	426.00	0.00	0.00	--	--	--	--	--	--	--	0.00
0.20	457	426.20	0.00	0.00	--	--	--	--	--	--	--	0.00
0.40	914	426.40	0.00	0.00	--	--	--	--	--	--	--	0.00
0.60	1,370	426.60	0.00	0.00	--	--	--	--	--	--	--	0.00
0.80	1,827	426.80	0.00	0.00	--	--	--	--	--	--	--	0.00
1.00	2,284	427.00	0.00	0.00	--	--	--	--	--	--	--	0.00
1.20	2,741	427.20	0.00	0.00	--	--	--	--	--	--	--	0.00
1.40	3,198	427.40	0.00	0.00	--	--	--	--	--	--	--	0.00
1.60	3,654	427.60	0.00	0.00	--	--	--	--	--	--	--	0.00
1.80	4,111	427.80	0.00	0.00	--	--	--	--	--	--	--	0.00
2.00	4,568	428.00	0.00	0.00	--	--	--	--	--	--	--	0.00
2.20	5,717	428.20	0.00	0.00	--	--	--	--	--	--	--	0.00
2.40	6,866	428.40	0.00	0.00	--	--	--	--	--	--	--	0.00
2.60	8,015	428.60	0.00	0.00	--	--	--	--	--	--	--	0.00
2.80	9,164	428.80	0.00	0.00	--	--	--	--	--	--	--	0.00
3.00	10,313	429.00	0.00	0.00	--	--	--	--	--	--	--	0.00
3.20	11,461	429.20	0.00	0.00	--	--	--	--	--	--	--	0.00
3.40	12,610	429.40	0.00	0.00	--	--	--	--	--	--	--	0.00
3.60	13,759	429.60	0.00	0.00	--	--	--	--	--	--	--	0.00
3.80	14,908	429.80	0.00	0.00	--	--	--	--	--	--	--	0.00
4.00	16,057	430.00	0.00	0.00	--	--	--	--	--	--	--	0.00
4.20	17,831	430.20	0.11	0.00	--	--	--	--	--	--	--	0.11
4.40	19,604	430.40	0.34	0.00	--	--	--	--	--	--	--	0.34
4.60	21,378	430.60	0.56	0.00	--	--	--	--	--	--	--	0.56
4.80	23,151	430.80	0.70	0.00	--	--	--	--	--	--	--	0.70
5.00	24,925	431.00	0.82	0.00	--	--	--	--	--	--	--	0.82
5.20	26,698	431.20	0.92	0.00	--	--	--	--	--	--	--	0.92
5.40	28,472	431.40	1.01	0.00	--	--	--	--	--	--	--	1.01
5.60	30,245	431.60	1.10	0.00	--	--	--	--	--	--	--	1.10
5.80	32,019	431.80	1.18	0.00	--	--	--	--	--	--	--	1.18
6.00	33,792	432.00	1.25	0.00	--	--	--	--	--	--	--	1.25

Continues on next page...

Lot 26 Detention Pond  
**Stage / Storage / Elevation / Discharge Table**

Stage ft	Storage cuft	Elevation c/y ft	Civ A cfs	Civ B cfs	Civ C cfs	Civ D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Total cfs
6.0	34,988	701	1.32	0.00	---	---	---	---	---	---	---	1.32
6.20	36,185	432.20	1.39	0.00	---	---	---	---	---	---	---	1.39
6.40	38,577	432.40	1.45	0.00	---	---	---	---	---	---	---	1.45
6.60	40,970	432.60	1.51	0.00	---	---	---	---	---	---	---	1.51
6.80	43,362	432.80	1.57	0.00	---	---	---	---	---	---	---	1.57
7.00	45,755	433.00	1.62	0.00	---	---	---	---	---	---	---	1.62
7.20	48,147	433.20	1.68	0.00	---	---	---	---	---	---	---	1.68
7.40	50,540	433.40	1.73	0.00	---	---	---	---	---	---	---	1.73
7.60	52,932	433.60	1.78	0.08	---	---	---	---	---	---	---	1.81
7.70	54,128	433.80	1.83	0.69	---	---	---	---	---	---	---	2.47
8.00	57,717	434.00	1.88	1.60	---	---	---	---	---	---	---	3.43
8.20	60,757	434.20	1.93	2.59	---	---	---	---	---	---	---	4.46
8.40	63,797	434.40	1.97	3.69	---	---	---	---	---	---	---	5.62
8.60	66,836	434.60	2.02	4.86	---	---	---	---	---	---	---	6.83
8.80	69,876	434.80	2.06	6.07	---	---	---	---	---	---	---	8.09
9.00	72,916	435.00	2.10	7.32	---	---	---	---	---	---	---	9.38
9.20	75,956	435.20	2.15	8.56	---	---	---	---	---	---	---	10.66
9.40	78,996	435.40	2.19	9.76	---	---	---	---	---	---	---	11.91
9.60	82,035	435.60	2.23	10.94	---	---	---	---	---	---	---	13.13
9.80	85,075	435.80	2.27	12.04	---	---	---	---	---	---	---	14.26
10.00	88,115	436.00	2.31	13.02	---	---	---	---	---	---	---	15.29
10.20	91,847	436.20	2.34	13.86	---	---	---	---	---	---	---	16.17
10.40	95,580	436.40	2.38	14.47	---	---	---	---	---	---	---	16.81
10.60	99,312	436.60	2.42	14.7	---	---	---	---	---	---	---	23.05
10.80	103,044	436.80	2.46	29.22	---	---	---	---	---	---	---	31.64
11.00	106,777	437.00	2.49	35.79	---	---	---	---	---	---	---	38.24
11.20	110,509	437.20	2.53	41.32	---	---	---	---	---	---	---	43.82
11.40	114,241	437.40	2.56	46.20	---	---	---	---	---	---	---	48.73
11.60	117,973	437.60	2.60	50.61	---	---	---	---	---	---	---	53.17
11.80	121,706	437.80	2.63	54.67	---	---	---	---	---	---	---	57.26
12.00	125,438	438.00	2.63	58.44	---	---	---	---	---	---	---	61.07

7.70 54,128

...End

BOT T04  
 CLEANOUT @ 50%  
 STORAGE

64  
 430.0  
 432.10  
 433.70  
 1410

701  
 1410

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

---

MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

030118

7 May 2004

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
555 Union Avenue  
New Windsor, NY 12553

RE: Middle Earth

Dear Ms. Mason:

Enclosed are 10 sets of prints for the above referenced project, revised to reflect the comments of the Planning Board and the Planning Board Engineer received at the April Planning Board meeting. In particular, the plans have been revised as follows:

1. An approval box is shown on every sheet.
2. Sidewalks are shown on one side of each of the two proposed new municipal streets.
3. 911 emergency addresses have been tabulated on Sheet 2 of 11, as provided by John McDonald.
4. A draft of the Deed for the Restrictive Covenants was forwarded under separate cover to Andrew Krieger and Mark Edsall for their review on May 5, 2004.
5. An Archaeological Phase IA and Phase IB are being prepared for this site as requested by the Office of Parks, Recreation, and Historic Preservation.
6. I met with and spoke with Mr. Henry Kroll, Town of New Windsor Highway Supt., and he indicated that he would be forwarding an approval letter to the Planning Board regarding the new proposed road and their intersections with Station Road.
7. The comments of the Planning Board Engineer regarding the Stormwater Management Report dated March 15, 2004 were received at the April 14<sup>th</sup> Planning Board meeting. The revisions and additions are as follows:
  - An Erosion and Sediment Control Plan has been added to the plan set, Sheet 11 of 11.

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
7 May 2004

8. The lots not tributary to the drainage system shall have Best Management Practices implemented to mitigate discharge to the wetland areas. These Best Management Practices shall include silt fences with stabilized construction entrances and temporary seeding. These practices are shown on the Erosion and Sediment Control Plan.
9. The road crossings of Federal wetlands will be connected with 18 inch diameter culverts. This is shown on the Site Plan. These crossings occur at two locations.
10. The pond identified with the water surface elevation of 445 will drain toward the detention pond. A grass-lined channel will be installed around the pond to direct the flow from this pond to the outfall located on the east side of the pond. The channel will enter a culvert and then discharge to the wetland on the east side of the site. Through the installation of the grass-lined channel, the wetland discharge will not affect and be separated from the detention pond.
11. The proposed detention pond has been designed in accordance with the *August 2003 NYS Stormwater Design Manual*. The geometry of the wet pond is consistent with a pocket wetland. A forebay is located at the inlet to the detention pond, which has been designed to hold the required 10% of the Water Quality Volume (WQ<sub>v</sub>). The pond has been graded with 3:1 side slopes. These side slope configurations contribute to the overall stability of the pond and provide a growing environment for wetland species around the perimeter of the pond. The outlet to the pond is located in a deeper micro-pool. This micro-pool will be approximately 4 feet deep to the WQ<sub>v</sub> elevation of 430.0.

In addition, the flow path from the inlet to the outlet is maximized through this slender pond configuration. The length to width ratio of the pond is approximately between 2.5:1. This is consistent with the manual.

12. An area of approximately 19.5 acres, which is referred to as lots 1, 2, 2-15, and 24-26, drains to the proposed basin. This area (pre and post development) drains to that basin. The worksheet describing the area of 19.5 acres in both the pre and post-development conditions is accurate.

With the construction of Brandy Wine Road and the driveway for lot #3, an area of approximately 4.6 acres above the road is collected by the storm drainage system and is routed to the detention pond. This is presented as Hydrograph #6 (which is attached).

The additional area, which is caught by Brandy Wine Road and the driveway, is added to that drainage area for a total of 23.1 acres draining to the basin. These two areas are combined in hydrograph #7.

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
7 May 2004

13. The detention pond has been designed with a permanent pool for water quality up to elevation 430.0. This is consistent with the *August 2003 NYS Stormwater Design Manual*. The storms have been routed through the detention pond using this as a base elevation for the routing. This simulates that the pond would have an elevation up to the bottom of the inlet at the onset of the storm event. These hydrographs are attached. These results are very similar to the previously-submitted results with the Stormwater Pollution Prevention Plan.

Please place this application on the Planning Board's agenda for discussion. We would like to see this project scheduled for a Public Hearing for preliminary approval as soon as possible. The public's input is important and their concerns should be addressed as early on in a project as possible.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,  
**MJS Engineering, PC**



James C. Clearwater, PLS

JCC/gl  
Enc.

cc: D. Kartiganer

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:51 PM

## Hyd. No. 5

Post-Dev Lots 1,2,10-15, 24-26 to Lot 26 Pond

Hydrograph type	= SCS Runoff	Peak discharge	= 31.19 cfs
Storm frequency	= 2 yrs	Time interval	= 2 min
Drainage area	= <u>19.50 ac</u>	Curve number	= <u>75</u>
Basin Slope	= 0.0 %	Hydraulic length	= 0 ft
Tc method	= TR55	Time of conc. (Tc)	= 14.1 min
Total precip.	= 3.50 in	Distribution	= Type II
Storm duration	= 24 hrs	Shape factor	= 484

Hydrograph Volume = 89,844 cuf  
( Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

**Time – Outflow**  
(hrs      cfs)

12.03	31.19 <<
12.07	31.17

...End

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:51 PM

## Hyd. No. 6

Post-Dev Lots 3,4,5 to Lot 26 Pond

Hydrograph type	=	SCS Runoff	Peak discharge	=	10.43 cfs
Storm frequency	=	2 yrs	Time interval	=	2 min
Drainage area	=	<u>4.60 ac</u>	Curve number	=	<u>77</u>
Basin Slope	=	0.0 %	Hydraulic length	=	0 ft
Tc method	=	TR55	Time of conc. (Tc)	=	9.2 min
Total precip.	=	3.50 in	Distribution	=	Type II
Storm duration	=	24 hrs	Shape factor	=	484

Hydrograph Volume = 23,886 cuft

(Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

**Time -- Outflow**  
**(hrs      cfs)**

11.97	10.35
12.00	10.43 <<

...End

# TR55 Tc Worksheet

## Hyd. No. 5

Post-Dev Lots 1,2,10-15, 24-26 to Lot 26 Pond

<u>Description</u>	<u>A</u>		<u>B</u>		<u>C</u>		<u>Totals</u>	
<b>Sheet Flow</b>								
Manning's n-value	= 0.240		0.000		0.000			
Flow length (ft)	= 100.0		0.0		0.0			
Two-year 24-hr precip. (in)	= 3.50		0.00		0.00			
Land slope (%)	= 7.00		0.00		0.00			
<b>Travel Time (min)</b>	<b>= 8.27</b>	<b>+</b>	<b>0.00</b>	<b>+</b>	<b>0.00</b>	<b>=</b>	<b>8.27</b>	
<b>Shallow Concentrated Flow</b>								
Flow length (ft)	= 1590.00		0.00		0.00			
Watercourse slope (%)	= 8.00		0.00		0.00			
Surface description	= Unpaved							
Average velocity (ft/s)	= 4.56		0.00		0.00			
<b>Travel Time (min)</b>	<b>= 5.81</b>	<b>+</b>	<b>0.00</b>	<b>+</b>	<b>0.00</b>	<b>=</b>	<b>5.81</b>	
<b>Channel Flow</b>								
X sectional flow area (sqft)	= 0.00		0.00		0.00			
Wetted perimeter (ft)	= 0.00		0.00		0.00			
Channel slope (%)	= 0.00		0.00		0.00			
Manning's n-value	= 0.015		0.000		0.000			
Velocity (ft/s)	= 0.00		0.00		0.00			
Flow length (ft)	= 0.0		0.0		0.0			
<b>Travel Time (min)</b>	<b>= 0.00</b>	<b>+</b>	<b>0.00</b>	<b>+</b>	<b>0.00</b>	<b>=</b>	<b>0.00</b>	
<b>Total Travel Time, Tc .....</b>							<b>=</b>	<b>14.10 min</b>

# TR55 Tc Worksheet

Hydraflow Hydrographs by Intelisolve

## Hyd. No. 6

Post-Dev Lots 3,4,5 to Lot 26 Pond

<u>Description</u>	<u>A</u>	<u>B</u>	<u>C</u>	<u>Totals</u>
<b>Sheet Flow</b>				
Manning's n-value	= 0.240	0.000	0.000	
Flow length (ft)	= 100.0	0.0	0.0	
Two-year 24-hr precip. (in)	= 3.50	0.00	0.00	
Land slope (%)	= 7.00	0.00	0.00	
<b>Travel Time (min)</b>	<b>= 8.27</b>	<b>+</b>	<b>0.00</b>	<b>+</b>
				<b>0.00</b>
				<b>= 8.27</b>
<b>Shallow Concentrated Flow</b>				
Flow length (ft)	= 340.00	0.00	0.00	
Watercourse slope (%)	= 15.30	0.00	0.00	
Surface description	= Unpaved			
Average velocity (ft/s)	= 6.31	0.00	0.00	
<b>Travel Time (min)</b>	<b>= 0.90</b>	<b>+</b>	<b>0.00</b>	<b>+</b>
				<b>0.00</b>
				<b>= 0.90</b>
<b>Channel Flow</b>				
X sectional flow area (sqft)	= 0.00	0.00	0.00	
Wetted perimeter (ft)	= 0.00	0.00	0.00	
Channel slope (%)	= 0.00	0.00	0.00	
Manning's n-value	= 0.015	0.000	0.000	
Velocity (ft/s)	= 0.00	0.00	0.00	
Flow length (ft)	= 0.0	0.0	0.0	
<b>Travel Time (min)</b>	<b>= 0.00</b>	<b>+</b>	<b>0.00</b>	<b>+</b>
				<b>0.00</b>
				<b>= 0.00</b>
<b>Total Travel Time, Tc</b> .....				<b>9.20 min</b>

# Hydrograph Return Period Recap

Hyd. No.	Hydrograph type (origin)	Inflow Hyd(s)	Peak Outflow (cfs)								Hydrograph description
			1-Yr	2-Yr	3-Yr	5-Yr	10-Yr	25-Yr	50-Yr	100-Yr	
<del>1</del>	<del>SCS Runoff</del>			<del>170.29</del>			<del>114.46</del>	<del>481.79</del>		<del>699.60</del>	<del>Pre-Dev Area drain to east wetland</del>
<del>2</del>	<del>Reach</del>	<del>1</del>		<del>126.05</del>			<del>349.37</del>	<del>400.89</del>		<del>590.32</del>	<del>wetland</del>
<del>3</del>	<del>Reach</del>	<del>2</del>		<del>123.20</del>			<del>337.60</del>	<del>398.87</del>		<del>569.95</del>	<del>stream</del>
5	SCS Runoff	---	---	31.19	---	---	70.40	80.80	---	112.66	Post-Dev Lots 1,2,10-15, 24-26 to Lot
6	SCS Runoff	---	---	10.43	---	---	22.20	25.29	---	34.71	Post-Dev Lots 3,4,5 to Lot 26 Pond
7	Combine	5, 6	---	40.36	---	---	89.40	102.34	---	142.02	Inflow Pipe to Lot 26 Pond
8	Reservoir	7	---	26.03	---	---	45.96	50.05	---	59.95	Lot 26 Pond
9	SCS Runoff	---	---	141.43	---	---	344.22	400.13	---	573.57	Post-Dev Area drain to east wetland
10	Combine	8, 9	---	163.15	---	---	383.19	440.87	---	621.80	Combine at wetland
11	Reach	10	---	107.36	---	---	281.63	329.39	---	477.58	wetland
12	Reach	11	---	96.52	---	---	262.56	307.71	---	453.03	stream

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SCS Runoff</del>	<del>170.29</del>	<del>2</del>	<del>722</del>	<del>459,133</del>				<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>126.05</del>	<del>2</del>	<del>728</del>	<del>459,128</del>	<del>1</del>			<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>123.20</del>	<del>2</del>	<del>732</del>	<del>459,127</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	31.19	2	722	89,844	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Lot	
6	SCS Runoff	10.43	2	720	23,886	—	—	—	Post-Dev Lots 3,4,5 to Lot 26 Pond	
7	Combine	40.36	2	722	113,731	5, 6	—	—	Inflow Pipe to Lot 26 Pond	
8	Reservoir	26.03	2	730	113,724	7	432.45	40,088	Lot 26 Pond	
9	SCS Runoff	141.43	2	722	381,482	—	—	—	Post-Dev Area drain to east wetland	
10	Combine	163.15	2	722	495,206	8, 9	—	—	Combine at wetland	
11	Reach	107.36	2	730	495,150	10	—	—	wetland	
12	Reach	96.52	2	738	495,146	11	—	—	stream	
Basin A at Lot 26 0405.gpw					Return Period: 2 Year			Friday, May 7 2004, 2:39 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:46 PM

## Hyd. No. 8

Lot 26 Pond

Hydrograph type = Reservoir  
 Storm frequency = 2 yrs  
 Inflow hyd. No. = 7  
 Max. Elevation = 432.45 ft

Peak discharge = 26.03 cfs  
 Time interval = 2 min  
 Reservoir name = Lot 26 Basin  
 Max. Storage = 40,088 cuft

Storage Indication method used. Wet pond routing start elevation = 430.00 ft.

Outflow hydrograph volume = 113,724 cuft

### Hydrograph Discharge Table

(Printed values >= 95% of Qp.)

Time (hrs)	Inflow cfs	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	Clv D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Outflow cfs
12.10	34.16	432.38	25.35	---	---	---	---	---	---	---	---	25.35
12.13	29.10	432.44	25.97	---	---	---	---	---	---	---	---	25.97
12.17	24.19	432.45	26.03	---	---	---	---	---	---	---	---	26.03 <<
12.20	19.93	432.41	25.66	---	---	---	---	---	---	---	---	25.66
12.23	16.25	432.34	24.82	---	---	---	---	---	---	---	---	24.82

...End

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:41 PM

## Hyd. No. 12

stream

Hydrograph type = Reach  
Storm frequency = 2 yrs  
Inflow hyd. No. = 11  
Reach length = 1400.0 ft  
Manning's n = 0.035  
Side slope = 3.0:1  
Rating curve x = 0.483  
Ave. velocity = 2.69 ft/s

Peak discharge = 96.52 cfs  
Time interval = 2 min  
Section type = Trapezoidal  
Channel slope = 0.70 %  
Bottom width = 20.00 ft  
Max. depth = 5.00 ft  
Rating curve m = 1.466  
Routing coeff. = 0.2892

Modified Att-Kin routing method used.

Hydrograph Volume = 495,146 cuft

( Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.23	102.74	93.49
12.27	97.39	96.16
12.30	91.20	96.52 <<
12.33	84.97	94.98
12.37	79.11	92.09

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SGS Runoff</del>	<del>414.46</del>	<del>2</del>	<del>720</del>	<del>1,079,050</del>	<del>---</del>	<del>---</del>	<del>---</del>	<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>340.37</del>	<del>2</del>	<del>726</del>	<del>1,070,653</del>	<del>1</del>	<del>---</del>	<del>---</del>	<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>337.59</del>	<del>2</del>	<del>728</del>	<del>1,079,653</del>	<del>2</del>	<del>---</del>	<del>---</del>	<del>stream</del>	
5	SCS Runoff	70.40	2	722	197,421	---	---	---	Post-Dev Lots 1,2,10-15, 24-26 to Lot	
6	SCS Runoff	22.20	2	718	50,870	---	---	---	Post-Dev Lots 3,4,5 to Lot 26 Pond	
7	Combine	89.40	2	722	248,292	5, 6	---	---	Inflow Pipe to Lot 26 Pond	
8	Reservoir	45.96	2	732	248,285	7	435.03	74,325	Lot 26 Pond	
9	SCS Runoff	344.22	2	720	897,060	---	---	---	Post-Dev Area drain to east wetland	
10	Combine	383.19	2	722	1,145,345	8, 9	---	---	Combine at wetland	
11	Reach	281.63	2	728	1,145,288	10	---	---	wetland	
12	Reach	262.56	2	734	1,145,286	11	---	---	stream	
Basin A at Lot 26 0405.gpw					Return Period: 10 Year			Friday, May 7 2004, 2:39 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:46 PM

## Hyd. No. 8

Lot 26 Pond

Hydrograph type = Reservoir  
 Storm frequency = 10 yrs  
 Inflow hyd. No. = 7  
 Max. Elevation = 435.03 ft

Peak discharge = 45.96 cfs  
 Time interval = 2 min  
 Reservoir name = Lot 26 Basin  
 Max. Storage = 74,325 cuft

Storage Indication method used. Wet pond routing start elevation = 430.00 ft.

Outflow hydrograph volume = 248,285 cuft

### Hydrograph Discharge Table

(Printed values >= 95% of Qp)

Time (hrs)	Inflow cfs	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	Clv D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Outflow cfs
12.10	74.04	434.75	44.22	---	---	---	---	---	---	---	---	44.22
12.13	62.52	434.94	45.37	---	---	---	---	---	---	---	---	45.37
12.17	51.51	435.03	45.92	---	---	---	---	---	---	---	---	45.92
12.20	42.00	435.03	45.96	---	---	---	---	---	---	---	---	45.96 <<
12.23	33.85	434.97	45.59	---	---	---	---	---	---	---	---	45.59
12.27	26.94	434.85	44.86	---	---	---	---	---	---	---	---	44.86
12.30	21.39	434.69	43.86	---	---	---	---	---	---	---	---	43.86

...End

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:41 PM

## Hyd. No. 12

stream

Hydrograph type	= Reach	Peak discharge	= 262.56 cfs
Storm frequency	= 10 yrs	Time interval	= 2 min
Inflow hyd. No.	= 11	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.66 ft/s	Routing coeff.	= 0.3736

Modified Att-Kin routing method used.

Hydrograph Volume = 1,145,286 cuft

(Printed values >= 95% of Qp.)

## Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.17	277.98	249.77
12.20	266.32	260.31
12.23	249.18	262.56 <<
12.27	229.03	257.56

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>4</del>	<del>SCS Runoff</del>	<del>481.70</del>	<del>2</del>	<del>720</del>	<del>1,251,155</del>				<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>400.89</del>	<del>2</del>	<del>726</del>	<del>1,251,152</del>	<del>1</del>			<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>398.87</del>	<del>2</del>	<del>728</del>	<del>1,251,152</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	80.80	2	722	226,512	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Lot	
6	SCS Runoff	25.29	2	718	58,094	—	—	—	Post-Dev Lots 3,4,5 to Lot 26 Pond	
7	Combine	102.34	2	722	284,606	5, 6	—	—	Inflow Pipe to Lot 26 Pond	
8	Reservoir	50.05	2	732	284,599	7	435.74	85,015	Lot 26 Pond	
9	SCS Runoff	400.13	2	720	1,039,555	—	—	—	Post-Dev Area drain to east wetland	
10	Combine	440.87	2	722	1,324,153	8, 9	—	—	Combine at wetland	
11	Reach	329.39	2	728	1,324,098	10	—	—	wetland	
12	Reach	307.71	2	734	1,324,097	11	—	—	stream	
Basin A at Lot 26 0405.gpw					Return Period: 25 Year			Friday, May 7 2004, 2:39 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:46 PM

## Hyd. No. 8

Lot 26 Pond

Hydrograph type = Reservoir  
 Storm frequency = 25 yrs  
 Inflow hyd. No. = 7  
 Max. Elevation = 435.74 ft

Peak discharge = 50.05 cfs  
 Time interval = 2 min  
 Reservoir name = Lot 26 Basin  
 Max. Storage = 85,015 cuft

Storage Indication method used. Wet pond routing start elevation = 430.00 ft.

Outflow hydrograph volume = 284,599 cuft

(Printed values >= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	Clv D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Outflow cfs
12.10	84.50	435.36	47.90	---	---	---	---	---	---	---	---	47.90
12.13	71.27	435.59	49.23	---	---	---	---	---	---	---	---	49.23
12.17	58.64	435.71	49.91	---	---	---	---	---	---	---	---	49.91
12.20	47.74	435.74 <<	50.05	---	---	---	---	---	---	---	---	50.05 <<
12.23	38.41	435.68	49.75	---	---	---	---	---	---	---	---	49.75
12.27	30.51	435.56	49.09	---	---	---	---	---	---	---	---	49.09
12.30	24.19	435.40	48.12	---	---	---	---	---	---	---	---	48.12

...End

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:41 PM

## Hyd. No. 12

stream

Hydrograph type	= Reach	Peak discharge	= 307.71 cfs
Storm frequency	= 25 yrs	Time interval	= 2 min
Inflow hyd. No.	= 11	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 3.84 ft/s	Routing coeff.	= 0.3889

Modified Att-Kin routing method used.

Hydrograph Volume = 1,324,097 cuft

(Printed values >= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.17	323.48	297.02
12.20	308.33	307.31
12.23	286.93	307.71 <<
12.27	262.39	299.64

...End

# Hydrograph Summary Report

Hyd. No.	Hydrograph type (origin)	Peak flow (cfs)	Time interval (min)	Time to peak (min)	Volume (cuft)	Inflow hyd(s)	Maximum elevation (ft)	Maximum storage (cuft)	Hydrograph description	
<del>1</del>	<del>SCS Runoff</del>	<del>600.60</del>	<del>2</del>	<del>720</del>	<del>1,700,345</del>				<del>Pre-Dev Area drain to east wetland</del>	
<del>2</del>	<del>Reach</del>	<del>598.32</del>	<del>2</del>	<del>726</del>	<del>1,700,341</del>	<del>1</del>			<del>wetland</del>	
<del>3</del>	<del>Reach</del>	<del>589.95</del>	<del>2</del>	<del>728</del>	<del>1,700,341</del>	<del>2</del>			<del>stream</del>	
5	SCS Runoff	112.66	2	722	316,980	—	—	—	Post-Dev Lots 1,2,10-15, 24-26 to Lot	
6	SCS Runoff	34.71	2	718	80,447	—	—	—	Post-Dev Lots 3,4,5 to Lot 26 Pond	
7	Combine	142.02	2	720	397,428	5, 6	—	—	Inflow Pipe to Lot 26 Pond	
8	Reservoir	59.95	2	732	397,421	7	437.69	120,466	Lot 26 Pond	
9	SCS Runoff	573.57	2	720	1,487,553	—	—	—	Post-Dev Area drain to east wetland	
10	Combine	621.80	2	720	1,884,973	8, 9	—	—	Combine at wetland	
11	Reach	477.58	2	728	1,884,919	10	—	—	wetland	
12	Reach	453.03	2	732	1,884,916	11	—	—	stream	
Basin A at Lot 26 0405.gpw					Return Period: 100 Year			Friday, May 7 2004, 2:39 PM		

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:46 PM

## Hyd. No. 8

Lot 26 Pond

Hydrograph type = Reservoir  
 Storm frequency = 100 yrs  
 Inflow hyd. No. = 7  
 Max. Elevation = 437.69 ft

Peak discharge = 59.95 cfs  
 Time interval = 2 min  
 Reservoir name = Lot 26 Basin  
 Max. Storage = 120,466 cuft

Storage Indication method used. Wet pond routing start elevation = 430.00 ft.

Outflow hydrograph volume = 397,421 cuft

### Hydrograph Discharge Table

(Printed values >= 95% of Qp.)

Time (hrs)	Inflow cfs	Elevation ft	Clv A cfs	Clv B cfs	Clv C cfs	Clv D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Outflow cfs
12.10	116.37	437.09	57.12	----	----	----	----	----	----	----	----	57.12
12.13	97.88	437.41	58.65	----	----	----	----	----	----	----	----	58.65
12.17	80.31	437.60	59.56	----	----	----	----	----	----	----	----	59.56
12.20	65.16	437.69 <<	59.95	----	----	----	----	----	----	----	----	59.95 <<
12.23	52.23	437.68	59.91	----	----	----	----	----	----	----	----	59.91
12.27	41.33	437.59	59.52	----	----	----	----	----	----	----	----	59.52
12.30	32.64	437.45	58.85	----	----	----	----	----	----	----	----	58.85
12.33	26.77	437.27	57.97	----	----	----	----	----	----	----	----	57.97
12.37	23.52	437.06	56.96	----	----	----	----	----	----	----	----	56.96

...End

# Hydrograph Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:41 PM

## Hyd. No. 12

stream

Hydrograph type	= Reach	Peak discharge	= 453.03 cfs
Storm frequency	= 100 yrs	Time interval	= 2 min
Inflow hyd. No.	= 11	Section type	= Trapezoidal
Reach length	= 1400.0 ft	Channel slope	= 0.70 %
Manning's n	= 0.035	Bottom width	= 20.00 ft
Side slope	= 3.0:1	Max. depth	= 5.00 ft
Rating curve x	= 0.483	Rating curve m	= 1.466
Ave. velocity	= 4.32 ft/s	Routing coeff.	= 0.4273

Modified Att-Kin routing method used.

Hydrograph Volume = 1,884,916 cuft

(Printed values >= 95% of Qp.)

### Hydrograph Discharge Table

Time (hrs)	Inflow cfs	Outflow cfs
12.17	463.30	445.37
12.20	436.04	453.03 <<
12.23	400.56	445.77

...End

# Pond Report

Hydraflow Hydrographs by Intelisolve

Friday, May 7 2004, 2:34 PM

**Pond No. 2 - Lot 26 Basin**

## Pond Data

Pond storage is based on known contour areas. Average end area method used.

### Stage / Storage Table

Stage (ft)	Elevation (ft)	Contour area (sqft)	Incr. Storage (cuft)	Total storage (cuft)
0.00	426.00	1,631	0	0
2.00	428.00	4,167	5,798	5,798
4.00	430.00	7,167	11,334	17,132
6.00	432.00	10,401	17,568	34,700
8.00	434.00	13,524	23,925	58,625
10.00	436.00	16,874	30,398	89,023
12.00	438.00	20,449	37,323	126,346

### Culvert / Orifice Structures

	[A]	[B]	[C]	[D]
Rise (in)	= 30.00	0.00	0.00	0.00
Span (in)	= 30.00	0.00	0.00	0.00
No. Barrels	= 1	0	0	0
Invert El. (ft)	= 430.00	0.00	0.00	0.00
Length (ft)	= 200.00	0.00	0.00	0.00
Slope (%)	= 2.00	0.00	0.00	0.00
N-Value	= .013	.013	.013	.013
Orif. Coeff.	= 0.60	0.60	0.60	0.60
Multi-Stage	= n/a	No	No	No

### Weir Structures

	[A]	[B]	[C]	[D]
Crest Len (ft)	= 0.00	0.00	0.00	0.00
Crest El. (ft)	= 0.00	0.00	0.00	0.00
Weir Coeff.	= 3.33	3.33	0.00	3.33
Weir Type	= —	—	—	—
Multi-Stage	= No	No	No	No

Exfiltration = 0.000 in/hr (Contour) Tailwater Elev. = 0.00 ft

Note: Culvert/Orifice outflows have been analyzed under inlet and outlet control.

### Stage / Storage / Discharge Table

Stage ft	Storage cuft	Elevation ft	Civ A cfs	Civ B cfs	Civ C cfs	Civ D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Total cfs
0.00	0	426.00	0.00	—	—	—	—	—	—	—	—	0.00
0.20	580	426.20	0.00	—	—	—	—	—	—	—	—	0.00
0.40	1,160	426.40	0.00	—	—	—	—	—	—	—	—	0.00
0.60	1,739	426.60	0.00	—	—	—	—	—	—	—	—	0.00
0.80	2,319	426.80	0.00	—	—	—	—	—	—	—	—	0.00
1.00	2,899	427.00	0.00	—	—	—	—	—	—	—	—	0.00
1.20	3,479	427.20	0.00	—	—	—	—	—	—	—	—	0.00
1.40	4,059	427.40	0.00	—	—	—	—	—	—	—	—	0.00
1.60	4,638	427.60	0.00	—	—	—	—	—	—	—	—	0.00
1.80	5,218	427.80	0.00	—	—	—	—	—	—	—	—	0.00
2.00	5,798	428.00	0.00	—	—	—	—	—	—	—	—	0.00
2.20	6,377	428.20	0.00	—	—	—	—	—	—	—	—	0.00
2.40	6,957	428.40	0.00	—	—	—	—	—	—	—	—	0.00
2.60	7,536	428.60	0.00	—	—	—	—	—	—	—	—	0.00
2.80	8,116	428.80	0.00	—	—	—	—	—	—	—	—	0.00
3.00	8,695	429.00	0.00	—	—	—	—	—	—	—	—	0.00
3.20	9,275	429.20	0.00	—	—	—	—	—	—	—	—	0.00
3.40	9,854	429.40	0.00	—	—	—	—	—	—	—	—	0.00
3.60	10,434	429.60	0.00	—	—	—	—	—	—	—	—	0.00
3.80	11,013	429.80	0.00	—	—	—	—	—	—	—	—	0.00
4.00	11,593	430.00	0.00	—	—	—	—	—	—	—	—	0.00
4.20	12,172	430.20	0.28	—	—	—	—	—	—	—	—	0.28
4.40	12,752	430.40	1.09	—	—	—	—	—	—	—	—	1.09
4.60	13,331	430.60	2.39	—	—	—	—	—	—	—	—	2.39
4.80	13,911	430.80	4.13	—	—	—	—	—	—	—	—	4.13
5.00	14,490	431.00	6.25	—	—	—	—	—	—	—	—	6.25
5.20	15,070	431.20	8.70	—	—	—	—	—	—	—	—	8.70
5.40	15,649	431.40	11.40	—	—	—	—	—	—	—	—	11.40
5.60	16,229	431.60	14.30	—	—	—	—	—	—	—	—	14.30
5.80	16,808	431.80	17.30	—	—	—	—	—	—	—	—	17.30
6.00	17,388	432.00	20.28	—	—	—	—	—	—	—	—	20.28

WQV

Continues on next page...

Lot 26 Basin  
**Stage / Storage / Discharge Table**

Stage ft	Storage cuft	Elevation ft	Civ A cfs	Civ B cfs	Civ C cfs	Civ D cfs	Wr A cfs	Wr B cfs	Wr C cfs	Wr D cfs	Exfil cfs	Total cfs
6.20	37,093	432.20	23.11	---	---	---	---	---	---	---	---	23.11
6.40	39,485	432.40	25.55	---	---	---	---	---	---	---	---	25.55
6.60	41,878	432.60	27.46	---	---	---	---	---	---	---	---	27.46
6.80	44,270	432.80	29.42	---	---	---	---	---	---	---	---	29.42
7.00	46,863	433.00	31.26	---	---	---	---	---	---	---	---	31.26
7.20	49,055	433.20	33.00	---	---	---	---	---	---	---	---	33.00
7.40	51,448	433.40	34.65	---	---	---	---	---	---	---	---	34.65
7.60	53,840	433.60	36.23	---	---	---	---	---	---	---	---	36.23
7.80	56,233	433.80	37.74	---	---	---	---	---	---	---	---	37.74
8.00	58,625	434.00	39.19	---	---	---	---	---	---	---	---	39.19
8.20	61,665	434.20	40.59	---	---	---	---	---	---	---	---	40.59
8.40	64,705	434.40	41.94	---	---	---	---	---	---	---	---	41.94
8.60	67,744	434.60	43.25	---	---	---	---	---	---	---	---	43.25
8.80	70,784	434.80	44.53	---	---	---	---	---	---	---	---	44.53
9.00	73,824	435.00	45.76	---	---	---	---	---	---	---	---	45.76
9.20	76,864	435.20	46.97	---	---	---	---	---	---	---	---	46.97
9.40	79,904	435.40	48.14	---	---	---	---	---	---	---	---	48.14
9.60	82,943	435.60	49.29	---	---	---	---	---	---	---	---	49.29
9.80	85,983	435.80	50.41	---	---	---	---	---	---	---	---	50.41
10.00	89,023	436.00	51.51	---	---	---	---	---	---	---	---	51.51
10.20	92,755	436.20	52.58	---	---	---	---	---	---	---	---	52.58
10.40	96,488	436.40	53.63	---	---	---	---	---	---	---	---	53.63
10.60	100,220	436.60	54.66	---	---	---	---	---	---	---	---	54.66
10.80	103,952	436.80	55.67	---	---	---	---	---	---	---	---	55.67
11.00	107,685	437.00	56.67	---	---	---	---	---	---	---	---	56.67
11.20	111,417	437.20	57.65	---	---	---	---	---	---	---	---	57.65
11.40	115,149	437.40	58.61	---	---	---	---	---	---	---	---	58.61
11.60	118,881	437.60	59.55	---	---	---	---	---	---	---	---	59.55
11.80	122,614	437.80	60.48	---	---	---	---	---	---	---	---	60.48
12.00	126,346	438.00	61.40	---	---	---	---	---	---	---	---	61.40

...End

**COLUMBIA HERITAGE, LTD.  
56 NORTH PLANK ROAD - SUITE 287  
NEWBURGH, NEW YORK 12550  
Tel. 800-284-4818 Fax 845-688-9604**

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13 May 2004

Mr. Drew A. Kartiganer, Architect  
555 Blooming Grove Turnpike  
New Windsor, New York 12553

Re: Phase I Cultural Resources Survey  
Middle Earth Development  
Town of New Windsor, Orange County, New York  
Report CA477AB-1-5-04

Dear Mr. Kartiganer:

This summary report will confirm that our Phase I cultural resources survey of the areas to be affected by proposed residential development has been completed and will briefly summarize our findings and recommendations.

Our search of the New York State Museum and State Historic Preservation Office historical and archaeological site files and published sources on this part of the Town of New Windsor indicated several documented sites of Native American occupation are located in the vicinity of the development parcel. Based on this proximity of known indigenous activity and the fact that the physiographic character of portions of the affected area are similar to locations often associated with occupation and use by prehistoric populations of the region, an above-average potential was identified for as-yet-undocumented Native American cultural remains to be present within the project parcel.

The walking reconnaissance of the affected area carried out as part of the Phase IA study noted no anomalies that might indicate buried structural remains or cultural features. Combined with information gleaned from historical texts and maps, this indicated a below average potential for cultural resources pertaining to the European American era of occupation to be present within the proposed construction area.

To determine whether any archaeological resources are in fact subject to project impact, a Phase IB site identification survey was carried out for the areas to be affected by proposed development. Archaeological sampling was carried out by means of hand-dug shovel tests placed across flatter, better drained subareas that retained upper soils. Test hole contents were screened through 1/4-inch hardware mesh to facilitate the recovery of smaller cultural items.

Mr. Drew A. Kartiganer, Architect  
Middle Earth Development - Phase I Cultural Resources Survey  
13 May 2004  
Page 2 of 2

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No tracts of Native American activity or buried European American era cultural items were encountered in archaeological sampling. A limited amount of middle to late twentieth century surface deposition was noted in the vicinity of the standing residential structures on the property that will not be affected by proposed development. This is not considered to constitute a potentially significant cultural resource.

Based on these findings, we conclude that construction as proposed will have no effect on cultural resources. Consequently, no further archaeological investigation is recommended.



A Phase I report presenting our findings and recommendations in greater detail will be completed shortly and forwarded to you for review and comment. Please contact me if you have any questions or if I can be of any assistance in the meantime.

Sincerely,

A handwritten signature, likely of Stephen J. Oberon, written in black ink.

Stephen J. Oberon  
Principal Investigator



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peoples Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 10, 2003

Mark Edsall  
New Windsor Town Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Re: SEORA  
Middle Earth Subdivision/Station Road South of  
NY 207  
New Windsor, Orange County  
03PR04523

Dear Mr. Edsall:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Director

RLP:cmp

**ARCHAEOLOGY COMMENTS**  
**03-22**

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbances, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The Phase 1 survey is divided into two progressive units of study including a Phase 1A sensitivity assessment and initial project area field inspection, and a Phase 1B subsurface testing program for the project area. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resource surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

If you have any questions concerning archeology, please contact Michael Schiffrin at 518-237-8643, ext 3281

**03-22**

<http://sphinc/PS/PMLoadForm.asp?Prm=1&File=5281&File=Form4.htm>



# 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

5 August 2003

**SUBJECT: MIDDLE EARTH DEVELOPMENT MAJOR SUBDIVISION  
TOWN OF NEW WINDSOR, ORANGE COUNTY, NEW YORK  
(NWPB REF. NO. 03-22)**

### To all Involved Agencies:

The Town of New Windsor Planning Board has had placed before it an application for Major Subdivision approval of the Middle Earth Development project, located off Station Road within the Town. The project involves, in general, the subdivision of a 96+/- acre parcel into twenty-seven (27) single-family residential lots. It is the opinion of the Town of New Windsor Planning Board that the action is an Unlisted Action under SEQRA. This letter is written as a request for Lead Agency Coordination as required under Part 617 of the Environmental Conservation Law.

A letter of response with regard to your interest in the position of Lead Agency, as defined by Part 617, Title 6 of the Environmental Conservation Law and the SEQRA review process, sent to the Planning Board at the above address, attention of Mark J. Edsall, P.E., Planning Board Engineer (contact person), would be most appreciated. Should no other involved agency desire the Lead Agency position; it is the desire of the Town of New Windsor Planning Board to assume such role. Should the Planning Board fail to receive a written response requesting Lead Agency within thirty (30) days, it will be understood that you do not have an interest in the Lead Agency position. Thank you for your attention to this matter. Should you have any questions regarding this notice, please feel free to contact the undersigned at the above number or (845) 567-3100.

Very truly yours,

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

NYS Department of Environmental Conservation, New Paltz  
New York State Parks, Recreation and Historic Preservation  
Orange County Department of Health  
George J. Meyers, Town of New Windsor Supervisor (w/o encl)  
Town of New Windsor Town Clerk (w/o encl)  
Myra Mason, Planning Board Secretary  
Planning Board Attorney (w/o encl)  
Applicant (w/o encl)

NW03-22-LA Coord Letter 080503.doc

*Sent 8/14/03*



P.B.# 03-22  
10/1/07 cc: M.E.

Sent via Certified Mail 7006 0810 0004 3284 8135

September 26, 2007

Myra Mason  
New Windsor Planning Board  
Town of New Windsor  
555 Union Ave.  
New Windsor, NY 12553

**RE: Middle Earth/ Woodside Crossing 030118  
Performance Bond# 8845174  
Escrow Reduction Request# 1**

Dear Ms Mason:

Orleans has substantially completed the site improvements for the above referenced development; we are seeking a performance bond reduction at this time based on work completed to date.

Our original performance bond # 8845174 is in the amount of \$1,254,430.00; we are asking for a reduction in the amount of \$1,143,565.00. The enclosed detailed excel sheet explains how we calculated this number.

Your cooperation in processing this request and ordering a site inspection is appreciated. Thank you for prompt attention to this matter.

Sincerely,

Jennifer Selinsky  
Land Development Coordinator

CC: Kevin Moran, Orleans Homebuilders, Inc.  
Mark Edsall, McGoey, Hauser and Edsall

Enclosure

DEVELOPMENT: Woodside Crossing/Middle Earth 0322

TOWNSHIP: New Windsor, NY  
 OWNER/DEVELOPER: Orleans Homebuilders

TOTAL ESCROW AMOUNT: \$1,254,430.00  
 PERIOD:  
 ESCROW RELEASE NO: 1  
 PAI PROJECT NO:  
 AMOUNT THIS RELEASE: \$1,143,565.00

ITEM NO.	DESCRIPTION	ORIGINAL AMOUNT			WORK COMPLETED				TOTAL WORK COMPLETED TO DATE		TOTAL WORK REMAINING			
		UNIT	QUANTITY	UNIT PRICE	TOTAL	PREVIOUS RELEASES QUANTITY	PREVIOUS RELEASES TOTAL	AMOUNT THIS REQUEST QUANTITY	AMOUNT THIS REQUEST TOTAL	QUANTITY	TOTAL	QUANTITY	TOTAL	
<b>Roadway</b>														
1	Clear & Grade Road ROW	LF	4170	\$ 17.00	\$ 70,890.00		\$0.00	4170	\$70,890.00	4170	\$70,890.00	0	\$0.00	0.0%
2	Erosion Control (vary w/conditions)	Unit	1	\$ 50,000.00	\$ 50,000.00		\$0.00	1	\$50,000.00	1	\$50,000.00	0	\$0.00	0.0%
3	Roadway Subbase (12' course)	SY	14425	\$ 12.50	\$ 180,312.50		\$0.00	14425	\$180,312.50	14425	\$180,312.50	0	\$0.00	0.0%
4	Asphalt Pavement (1.5" top)	SY	14425	\$ 7.00	\$ 100,975.00		\$0.00		\$0.00	0	\$0.00	14425	\$100,975.00	100.0%
5	Asphalt Pavement (3.5" thick)	SY	14425	\$ 14.50	\$ 209,162.50		\$0.00	14425	\$209,162.50	14425	\$209,162.50	0	\$0.00	0.0%
6	Concrete Monuments	EA	40	\$ 130.00	\$ 5,200.00		\$0.00		\$0.00	0	\$0.00	40	\$5,200.00	100.0%
7	Roadway As-builts ROW	EA	4170	\$ 1.00	\$ 4,170.00		\$0.00		\$0.00	0	\$0.00	4170	\$4,170.00	100.0%
8	Street Signs (traffic Control)	EA	4	\$ 130.00	\$ 520.00		\$0.00		\$0.00	0	\$0.00	4	\$520.00	100.0%
9	Concrete Curbing	LF	8340	\$ 28.00	\$ 233,520.00		\$0.00	8340	\$233,520.00	8340	\$233,520.00	0	\$0.00	0.0%
<b>Drainage</b>														
10	Storm water Catch Basin	EA	32	\$ 2,000.00	\$ 64,000.00		\$0.00	32	\$64,000.00	32	\$64,000.00	0	\$0.00	0.0%
11	Storm water Manhole	EA	2	\$ 2,000.00	\$ 4,000.00		\$0.00	2	\$4,000.00	2	\$4,000.00	0	\$0.00	0.0%
12	Storm water Pipe (HDPE - 18")	LF	4260	\$ 64.00	\$ 272,640.00		\$0.00	4260	\$272,640.00	4260	\$272,640.00	0	\$0.00	0.0%
13	Storm water Pipe (HDPE - 24")	LF	65	\$ 72.00	\$ 4,680.00		\$0.00	65	\$4,680.00	65	\$4,680.00	0	\$0.00	0.0%
14	Storm water Pipe (HDPE - 36")	LF	150	\$ 90.00	\$ 13,500.00		\$0.00	150	\$13,500.00	150	\$13,500.00	0	\$0.00	0.0%
15	End Section (HDPE)	EA	11	\$ 600.00	\$ 6,600.00		\$0.00	11	\$6,600.00	11	\$6,600.00	0	\$0.00	0.0%
16	Storm water Pond	EA	1	\$ 20,000.00	\$ 20,000.00		\$0.00	1	\$20,000.00	1	\$20,000.00	0	\$0.00	0.0%
17	Rip Rap Drainage Channel	SY	230	\$ 62.00	\$ 14,260.00		\$0.00	230	\$14,260.00	230	\$14,260.00	0	\$0.00	0.0%
<b>Subtotal:</b>					\$1,254,430.00		\$0.00		\$1,143,565.00		\$1,143,565.00		\$110,865.00	8.8%
<b>TOTALS:</b>					\$1,254,430.00		\$0.00		\$1,143,565.00		\$1,143,565.00		\$110,865.00	8.8%

**SUMMARY:**

ORIGINAL ESCROW AMOUNT \$1,254,430.00  
 LESS PREVIOUS RELEASES \$0.00  
 LESS THIS RELEASE \$1,143,565.00  
 BALANCE REMAINING \$110,865.00

WORK COMPLETED TO DATE \$1,143,565.00  
 SUBTOTAL \$1,143,565.00  
 LESS PREVIOUS RELEASES \$0.00  
 THIS RELEASE \$1,143,565.00

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 08/03/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEE**  
**ESCROW**

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/15/2003	REC. CK. #1007	PAID		2325.00	
07/23/2003	P.B. ATTY. FEE	CHG	35.00		
07/23/2003	P.B. MINUTES	CHG	22.50		
08/18/2003	POSTAGE	CHG	3.18		
02/25/2004	P.B. ATTY. FEE	CHG	35.00		
02/25/2004	P.B. MINUTES	CHG	33.00		
04/14/2004	P.B. ATTY. FEE	CHG	35.00		
04/14/2004	P.B. MINUTES	CHG	27.50		
05/26/2004	P.B. ATTY FEE	CHG	35.00		
05/26/2004	P.B. MINUTES	CHG	44.00		
06/23/2004	P.B. ATTY. FEE	CHG	35.00		
06/23/2004	P.B. MINUTES	CHG	154.00		
09/22/2004	P.B. ATTY FEE	CHG	35.00		
09/22/2004	P.B. MINUTES	CHG	27.00		
10/13/2004	P.B. ATTY. FEE	CHG	35.00		
10/13/2004	P.B. MINUTES	CHG	22.50		
02/22/2006	P.B. ATTY. FEE	CHG	35.00		
02/22/2006	P.B. MINUTES	CHG	98.00		
06/05/2006	P.B. ENGINEER FEE	CHG	4384.40		
06/05/2006	REC. CK. #1106	PAID		2771.08	
		TOTAL:	5096.08	5096.08	0.00

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-88

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 3- 22

FOR WORK DONE PRIOR TO: 06/01/2006

TASK-NO	SEC	--DATE--	TIME	MPL	ACT	DESCRIPTION	RATE	HRS.	-----DOLLARS-----			
									TIME	EXP.	BILLED BALANCE	
3-22	298390	04/03/06	TIME	MJE	MC	TC/CLEANUP RE:MIGOL	115.00	0.20	23.00			
3-22	298419	04/05/06	TIME	MJE	WS	MIDDLE EARTE SUB	115.00	0.40	46.00			
3-22	301835	04/18/06	TIME	MJE	MC	TC/CLEANUP/MIDDLE	115.00	0.30	34.50			
3-22	301837	04/18/06	TIME	MJE	MC	TC/MS RE MIDDLE EARTE	115.00	0.20	23.00			
									126.50			
3-22	300489	04/13/06	BILL 06-960								-115.00	
											-115.00	
3-22	306376	05/17/06	TIME	MJE	MC	MIDDLE EARTE NW-C/O	115.00	0.80	92.00			
3-22	306389	05/17/06	TIME	MJE	WS	MIDDLE EARTE SUB	115.00	0.40	46.00			
3-22	306393	05/18/06	TIME	MJE	MC	MIDDLE EARTE C/O-MS	115.00	0.40	46.00			
3-22	307900	06/01/06	TIME	MJE	MC	CL Sheet C-9	115.00	0.50	57.50			
TASK TOTAL									4384.40		-4085.40	299.00
										0.00		

GRAND TOTAL 4384.40      0.00      -4085.40      299.00  
*(Handwritten signature and circled total)*

*MYRA*  
 Sheet C-9 is ok. Go ahead  
 and closeout - as long as  
 all conditions are met.

*(Handwritten signature)*

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING SA (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 3- 22

FOR WORK DONE PRIOR TO: 06/01/2006

TASK-NO	RDC	DATE	TIME	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	DOLLARS	
										BILLED	BALANCE
3-22	288014	01/04/06	TIME	MJE	NS MIDDLE EARTH SUB	115.00	0.40	46.00			
3-22	287656	01/08/06	TIME	MJE	MC MIDDLE EARTH/DEM	115.00	0.30	34.50			
3-22	288417	01/10/06	TIME	EDM	MR MIDDLE EARTH BOND RV	99.00	1.00	99.00			
3-22	288689	01/24/06	TIME	MJE	MC CLEARWATER:MIDDLE EA	115.00	0.20	23.00			
3-22	288618	01/25/06	TIME	MJE	MC DRUM K:MIDDLE EARTH	115.00	0.40	46.00			
3-22	288471	01/27/06	TIME	EDM	MR MIDDLE EARTH BOND RV	99.00	0.50	49.50			
3-22	290355	02/08/06	TIME	MJE	MM MiddleEarth Cond FVE	115.00	0.10	11.50			
3-22	291026	02/08/06	TIME	MJE	MC CLEARW:MIDDLE EARTH	115.00	0.20	23.00			
3-22	290997	02/09/06	TIME	MJE	MC MIDDLE EARTH DOCS	115.00	0.30	34.50			
3-22	292178	02/14/06	TIME	MJE	MC MIDDLE:MIDDLE EARTH	115.00	0.30	34.50			
3-22	292155	02/14/06	TIME	EDM	MR MIDDLE EARTH	99.00	1.00	99.00			
3-22	292187	02/15/06	TIME	MJE	NS MIDDLE EARTH SUB	115.00	0.40	46.00			
3-22	292114	02/17/06	TIME	MJE	NS MIDDLE EARTH SUB	115.00	2.50	287.50			
3-22	292194	02/17/06	TIME	MJE	MM MIDDLE EARTH/CHALISSA	115.00	0.20	23.00			
3-22	292116	02/18/06	TIME	MJE	MC MIDDLE EARTH/JC/MM	115.00	0.30	34.50			
3-22	292123	02/18/06	TIME	MJE	MR MIDDLE EARTH SUB	115.00	1.70	195.50			
3-22	292259	02/22/06	TIME	MJE	MM MiddleEarth Cond APF	115.00	0.10	11.50			
3-22	292264	02/22/06	TIME	MJE	MM FINAL P/Bond	115.00	0.10	11.50			
3-22	292822	02/22/06	TIME	MJE	MC MIDDLE EARTH RMC/CLR	115.00	0.30	34.50			
3-22	292845	02/23/06	TIME	MJE	PM MIST W/MSB MIDDLE EA	115.00	0.40	46.00			
3-22	294853	02/23/06	TIME	EDM	MR M/DRUG DIST FVW	115.00	0.50	57.50			
								1248.00			
3-22	291654	02/17/06			BILL 06-544					-367.00	
											-367.00
3-22	294306	03/01/06	TIME	MJE	MC DEM:MIDDLE EARTH UD	115.00	0.20	23.00			
3-22	295090	03/06/06	TIME	MJE	MC MIDDLE EARTH W/MM	115.00	0.20	23.00			
3-22	295093	03/06/06	TIME	MJE	MC OGD? REPR MIDDLE EARTH	115.00	0.40	46.00			
3-22	295095	03/06/06	TIME	MJE	MC FL BOND MIDDLE EARTH	115.00	0.50	57.50			
3-22	295096	03/06/06	TIME	MJE	MR FVW C-9 & RMC	115.00	0.70	80.50			
3-22	295099	03/07/06	TIME	MJE	MC FATO:MIDDLE EARTH	115.00	0.30	34.50			
3-22	295100	03/07/06	TIME	MJE	MC MIDDLE EARTH ISSUES	115.00	0.20	23.00			
3-22	295095	03/08/06	TIME	MJE	PM MIDDLE EARTH/INT SUB	115.00	0.30	34.50			
3-22	295828	03/14/06	TIME	MJE	MC CLEARW:MIDDLE EARTH	115.00	0.30	34.50			
3-22	298240	03/27/06	TIME	MJE	MR MIDDLE EARTH ACCL Chn	115.00	0.40	46.00			
								402.50			
3-22	296878	03/23/06			BILL 06-763					-1237.50	
											-1237.50

CHRONOLOGICAL JOB STATUS REPORT

JOB: 07-54

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 3- 22

FOR WORK DONE PRIOR TO: 04/01/2006

TASK-NO	NBC	DATE	TIME	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	DOLLARS	
										BILLED	BALANCE
3-22	231248	04/30/04			BILL 04-087					-158.40	
										-158.40	
3-22	233870	07/21/04	TIME	MJE	WS MIDDLE BAKIN SUB	99.00	0.40	39.60			
3-22	237984	08/01/04	TIME	MJE	WS MIDDLE BAKIN SUB	99.00	0.40	39.60			
3-22	238394	08/09/04	TIME	EBM	MR MIDDLE BAKIN DEV DRW	99.00	1.00	99.00			
3-22	241511	08/09/04	TIME	FJE	MR MIDDLE BAKIN DEV	99.00	2.00	198.00			
3-22	238398	08/10/04	TIME	EBM	MR MIDDLE BAKIN DEV DRW	99.00	1.80	178.20			
3-22	241518	08/20/04	TIME	FJE	MR MIDDLE BAKIN DRAIN	99.00	1.00	99.00			
3-22	238477	08/22/04	TIME	MJE	MC MIDDLE BAKIN SUB	99.00	0.50	49.50			
3-22	238970	08/22/04	TIME	KE	CL COMMENTS:MIDDLE BAKI	28.00	0.50	14.00			
3-22	241522	08/22/04	TIME	FJE	MR MIDDLE BAKIN DRAIN	99.00	2.00	198.00			
3-22	240738	10/06/04	TIME	MJE	WS MIDDLEBARK SUB	99.00	0.40	39.60			
3-22	240739	10/06/04	TIME	MJE	WS SK/MSR/SC/DK:MIDDLEA	99.00	0.30	29.70			
3-22	241242	10/12/04	TIME	MJE	MC MIDDLE BAKIN W/MS	99.00	0.40	39.60			
3-22	241243	10/12/04	TIME	MJE	MC TC/CLEANUP/MSL EA	99.00	0.30	29.70			
3-22	241244	10/12/04	TIME	MJE	MC MIDDLE BAKIN SUB	99.00	1.00	99.00			
								1122.80			
3-22	240806	10/08/04			BILL 04-1148					-390.20	
3-22	243709	11/10/04			BILL 04-1266					-732.60	
										-1122.80	
3-22	248761	01/05/05	TIME	MJE	WS MIDDLE BAKIN SUB	99.00	0.40	39.60			
3-22	273047	09/09/05	TIME	MJE	MC INC/MS:MIDDLE BAKIN	99.00	0.40	39.60			
3-22	274813	09/21/05	TIME	MJE	WS MIDDLE BAKIN SUB	99.00	0.40	39.60			
								118.80			
3-22	279688	11/09/05			BILL 05-1526					-118.80	
										-118.80	
3-22	283586	12/07/05	TIME	MJE	WS MIDDLE BAKIN	99.00	0.40	39.60			
3-22	283474	12/21/05	TIME	MJE	MC CLEANUP:MIDDLE BAKIN	99.00	0.40	39.60			
								79.20			
3-22	287480	12/31/05			BILL 06-282 1/17/06					-79.20	
										-79.20	

Map Number 488-06 City 1  
Section 54 Block 1 Lot 53.1 Town X Village New Windsor

Title: Middle EARTH Development

Dated: 8-26-05 Filed 6-06-06

Approved by GENARO ARGENIO

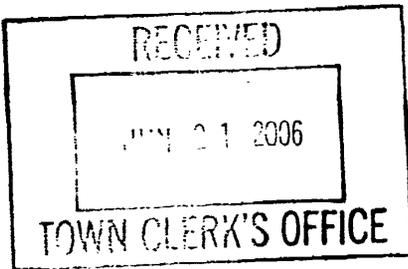
on 6-5-06

Record Owner DORATHY, CLAY + JOHN CLEMENT

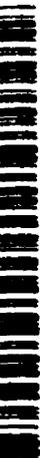
DONNA L. BENSON  
Orange County Clerk

13 Sheets = 130.00  
10 Copies = 30.00

160.00



RECORDED/FILED ORANGE COUNTY  
BOOK 02006 PAGE 0488  
06/06/2006/ 16:15:07  
FILE NUMBER 20060061443  
RECEIPT#586976 patti



**#23 On Agenda:      Receive And File Performance Surety Bond - Middle Earth  
Subdivision**

Hearing no objection, the Town Board of the Town of New Windsor receive and file a Performance Surety Bond numbered 08845174 from Fidelity and Deposit Company of Maryland in the amount of \$1,254,430.00 (as approved by this board on April 6, 2006) for the Middle Earth Subdivision.

*6/7/06 T.B. Agenda*

**#33 On Agenda: Receive And File Irrevocable Offer Of Dedication - Middle Earth  
Subdivision**

Hearing no objection, the Town Board of the Town of New Windsor receive and file an Irrevocable Offer of Dedication from Clay S. Clement and the Estate of Dorothy J. Clement and John M. Clement to the Town of New Windsor conveying Brandywine Road, Luthien Forest Road, Station Road and Water Detention Area.

*6/7/06 T.B. Agenda*



MIDDLE\_EARTH\_DEVELOPMENT

MR. BABCOCK: This subdivision on Station Road at the time it was called Middle Earth Development it's now Orleans Development. What they wanted to do is they actually there's a hundred foot buffer zone along Station Road that they were supposed to keep all the vegetation and they actually got a little carried away with the chain saws when they were in there getting some sight distance work done and they cut down some of the buffer so these are trees that were along the stone wall fence that are some 8, 10, 12 inches in diameter which are not impossible to replace but somewhat impossible. So I suggested that they give me a sketch, a detail of what they were going to do about this and they took quite a long time for them guys to come around to talk to me.

MR. ARGENIO: And a stop work order.

MR. BABCOCK: And a stop work order to get their attention and what they're proposing is on each side of the entrances to this subdivision they're supposed to put in some three foot raised beds with seven spruce trees 10 to 12 foot high on one side and 10 spruce trees 10, 12 foot high on the other side.

MR. ARGENIO: Mike, I see more plantings here than spruce trees, I see a lot of low ground cover stuff.

MR. BABCOCK: Well, we talked to him today in my office, I wasn't talking, Jennifer was talking.

MR. VAN LEEUWEN: Who is the engineer for this, Mike?

MR. EDSALL: Mazer Consulting.

MR. BABCOCK: And I see that in the picture too and but it doesn't say, it doesn't say that what those things are going to be, so I told them and Jennifer said, I

told them I want some color and he said I think we could arrange that, I want it on the plan, I want what it is.

MR. ARGENIO: I couldn't agree more. We've been burnt many a times because we didn't afford ourselves that level of detail. Go ahead, Neil.

MR. SCHLESINGER: I remember when this client was before us and I remember specifically because of the contour of the land there also, they said that you're hardly even going to see the houses. Now the one house they're building there now you can't miss it, it's the house on the top of the hill.

MR. ARGENIO: Okay, go ahead.

MR. BABCOCK: With the exception of that one.

MR. ARGENIO: Hardly even see the houses is not included, the other five are up over the knob, I don't know if you were aware of that.

MR. SCHLESINGER: Yes, I understand that. And I've gotten feedback because I live in the area from people that live right across the street that questioned what was done about the landscaping and I haven't heard anything recently but when it was done, you know, they were very much concerned and annoyed about it so my feeling is that it should be put back as close to what was removed.

MR. VAN LEEUWEN: They just went ahead and cut it down.

MR. SCHLESINGER: They weren't being nice like Mr. Choe and that was a concern of the people.

MR. ARGENIO: And I disagree for the following reasons. I'm also a neighbor there because in my estimation what they cut down was some ratty trees that go up in the

stone wall and correct me if I'm wrong, Mike, cause I did walk this site, they grow in the stone wall and they go into the property and with the exception of about four trees, maybe four trees there was no benefit of screening whatsoever from those trees, Mike, right or wrong?

MR. BABCOCK: That's correct.

MR. SCHLESINGER: Was there one big tree cut down that wasn't supposed to be?

MR. BABCOCK: Yes, they didn't run parallel to Station.

MR. ARGENIO: They ran perpendicular.

MR. BABCOCK: They ran a line that went back away.

MR. SCHLESINGER: I understand but perpendicular when you're looking at the side you don't know perpendicular, not perpendicular, it's a tree.

MR. ARGENIO: Let me finish my point. To have them put back the same trees in the same location is a colossal waste of money and effort in my estimation. What I think we should be doing is compelling them with more effort but the type the entrances with color and make cosmetic moves that are going to make the area more attractive rather than plant two dozen maple trees that extend perpendicular into the site. That's my opinion.

MR. BABCOCK: Just add one quick thing. Some of the trees were removed because of the sight distance and they had to be removed, part of them were supposed to be.

MR. SCHLESINGER: I remember that.

MR. BABCOCK: There was 55 trees, I don't know if that was the total number of trees that were cut or that was

the amount of trees they should have not cut.

MR. SCHLESINGER: That was a highway sight distance.

MR. BABCOCK: No, no, it was on this plan.

MR. ARGENIO: It was required because of sight distance but as Mike said there were 25 trees that extended up into the property that they cut that they weren't supposed to.

MR. SCHLESINGER: I'd like to see some sort of sketch that I can get a visual on.

MR. VAN LEEUWEN: You're right.

MR. ARGENIO: I don't have a problem with.

MR. VAN LEEUWEN: This doesn't give you anything.

MR. ARGENIO: No problem with it, Neil, for them to put back the trees that as they were is where I have a issue.

MR. SCHLESINGER: Nothing is going to bring back the splendor of the grass.

MR. ARGENIO: Mike, can you do that?

MR. BABCOCK: So this layout is okay?

MR. ARGENIO: What we're saying this is not the wrong thing but it's a partial and I'm the one who told Mike tell them to give us a drawing, you can't see what type they are or anything.

MR. BABCOCK: Okay, so list out what you're putting in there and get it back to me. They had their consulting engineer draw this up which I'm sure he's capable of doing.

May 23, 2007

51

MR. SCHLESINGER: I'd like to see some sort of computerized picture.

MR. ARGENIO: Computerized rendering.

MR. BABCOCK: Okay.

MR. SCHLESINGER: That's easy enough for somebody to do.

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/13/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

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

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
06/05/2006	PLANS STAMPED	APPROVED
02/22/2006	P.B. APPEARANCE . COST EST - NEED PLANS WITH OCHD STAMP - DEED RESTRICTED AREA . TO BE REVIEWED BY ANDY KRIEGER - NEED DRAINAGE DIST. . COMPLETE BEFORE STAMPING - OFFERS OF DEDICATION TO TOWN . ATTY. - NEED HIGHWAY APPROVAL	APPR COND
02/08/2006	PRELIMINARY APPROVAL	GRANTED 6-MO EXT
10/13/2004	P.B. APPEARANCE	PREL APPR - ND
09/22/2004	P.B. APPEARANCE . NEED DRAINAGE REVIEW AND APPROVAL FROM HENRY & PAT HINES . BEFORE SCHEDULING FOR ANOTHER AGENDA	TO RETURN
06/23/2004	P.B. APPEARANCE - PUB HEAR . ADDRESS COMMENTS FROM PUBLIC HEARING AND RETURN	ADDRESS COMMENTS
05/26/2004	P.B. APPEARANCE . NEED FIRE APPROVAL AND HIGHWAY APPROVAL	SCHED PH - RETURN
04/14/2004	P.B. APPEARANCE . NEED STREET NAMES - SURVEYOR STAMP - APPROVAL BOX - WAIVER . FOR SIDEWALKS IF DESIRED - ADDRESS MARK'S COMMENTS - ALL . PRIOR TO PUBLIC HEARING BEING SCHEDULED	TO RETURN
02/25/2004	P.B. APPEARANCE	LA: REVISE & RET
07/23/2003	P.B. APPEARANCE	AUTH LA LETTER
06/18/2003	WORK SHOP	SUBMIT

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/13/2006

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342

APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	07/16/2003	EAF SUBMITTED	07/15/2003	WITH APPLIC
ORIG	07/16/2003	CIRCULATE TO INVOLVED AGENCIES	07/23/2003	AUTH LETR
ORIG	07/16/2003	LEAD AGENCY DECLARED	02/25/2004	TOOK LA
ORIG	07/16/2003	DECLARATION (POS/NEG)	10/13/2004	DECL NEG DEC
ORIG	07/16/2003	SCHEDULE PUBLIC HEARING	05/26/2004	SCHEDULE PH
ORIG	07/16/2003	PUBLIC HEARING HELD	06/23/2004	CLOSED PH
ORIG	07/16/2003	WAIVE PUBLIC HEARING	/ /	
ORIG	07/16/2003	PRELIMINARY APPROVAL	10/13/2004	PREL APPR
ORIG	07/16/2003		/ /	
	/ /		/ /	

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/15/2003	REC. CK. #1007	PAID		2325.00	
07/23/2003	P.B. ATTY. FEE	CHG	35.00		
07/23/2003	P.B. MINUTES	CHG	22.50		
08/18/2003	POSTAGE	CHG	3.18		
02/25/2004	P.B. ATTY. FEE	CHG	35.00		
02/25/2004	P.B. MINUTES	CHG	33.00		
04/14/2004	P.B. ATTY. FEE	CHG	35.00		
04/14/2004	P.B. MINUTES	CHG	27.50		
05/26/2004	P.B. ATTY FEE	CHG	35.00		
05/26/2004	P.B. MINUTES	CHG	44.00		
06/23/2004	P.B. ATTY. FEE	CHG	35.00		
06/23/2004	P.B. MINUTES	CHG	154.00		
09/22/2004	P.B. ATTY FEE	CHG	35.00		
09/22/2004	P.B. MINUTES	CHG	27.00		
10/13/2004	P.B. ATTY. FEE	CHG	35.00		
10/13/2004	P.B. MINUTES	CHG	22.50		
02/22/2006	P.B. ATTY. FEE	CHG	35.00		
02/22/2006	P.B. MINUTES	CHG	98.00		
06/05/2006	P.B. ENGINEER FEE	CHG	4384.40		
06/05/2006	REC. CK. #1106	PAID		2771.08	
TOTAL:			5096.08	5096.08	0.00

To Close out Escrow

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342

APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2006	25 LOTS @ 2,000.00 EA	CHG	50000.00		
06/05/2006	REC. CK. #1107	PAID		50000.00	
		TOTAL:	50000.00	50000.00	0.00



6/5/06

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

**RECEIPT**  
**#465-2006**

06/05/2006

Orleans DK, LLC  
555 Blooming Gr. Turnpike  
New Windsor, NY 12553

Received \$ 775.00 for Planning Board Fees, on 06/05/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

**Deborah Green**  
Town Clerk

PB# 03-22

# CONDITIONS TO BE MET PRIOR TO STAMPED APPROVAL OF PLANS

PROJECT: Middle Earth Sub. P.B. # 03-22

DATE: 5-18-06

FEEES TO BE PAID:  
(see financial sheet for amounts)

\$50,177.20 Inspect.

PAID:

	YES	NO
* * * * *	* *	* *
BOND ESTIMATE SUBMITTED:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NOTES: _____	YES	NO
ESTIMATE APPROVED BY ENGINEER:	<input checked="" type="checkbox"/>	<input type="checkbox"/>
NOTES: _____	YES	NO
BONDS POSTED WITH TOWN:	<input type="checkbox"/>	<input type="checkbox"/>
NOTES: _____	YES	NO
ROAD MAINTENANCE AGREEMENT:		
NOTES: _____		
SUBMITTED: _____		
APPROVED: <u>yes</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	YES	NO
EASEMENTS & DESCRIPTIONS:		
NOTES: _____		
<b>DESCRIPTIONS</b> SUBMITTED: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	YES	NO
APPROVED: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	YES	NO
<b>EASEMENTS</b> SUBMITTED: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>
	YES	NO

PLAN CONDITIONS CHECKED AND APPROVED  
BY ENGINEER:

NOTES: Need Corrected Set of Plans C-9 Corrections }   
Need Memo from City for Drain Dist }   
only - Coverlets }

YES  NO



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4689

## OFFICE OF THE PLANNING BOARD

June 5, 2006

Middle Earth Development  
by Drew Kartiganer  
555 Blooming Grove Tpk.  
New Windsor, NY 12553

ATTN: DREW KARTIGANER

SUBJECT: MIDDLE EARTH SUBDIVISION - P.B. #03-22

Dear Mr. Kartiganer:

Please find attached printouts of fees due for subject project.

Please make payments in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$	775.00
Check #2 – Amount over escrow.....	\$	2,771.08
Check #3 – Recreation Fee (25 Lots).....	\$	50,000.00

A performance bond in the amount of **\$1,254,430.00** must be posted with the town in acceptable form prior to the maps being signed approved.

**Please note: A 4% inspection fee of \$50,177.20 was paid on 5/19/06.**

Upon receipt of the above payments, 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

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
APPROVAL

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2006	APPROVAL FEE	CHG	775.00		
		TOTAL:	775.00	0.00	775.00

Check #1

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/15/2003	REC. CK. #1007	PAID		2325.00	
07/23/2003	P.B. ATTY. FEE	CHG	35.00		
07/23/2003	P.B. MINUTES	CHG	22.50		
08/18/2003	POSTAGE	CHG	3.18		
02/25/2004	P.B. ATTY. FEE	CHG	35.00		
02/25/2004	P.B. MINUTES	CHG	33.00		
04/14/2004	P.B. ATTY. FEE	CHG	35.00		
04/14/2004	P.B. MINUTES	CHG	27.50		
05/26/2004	P.B. ATTY FEE	CHG	35.00		
05/26/2004	P.B. MINUTES	CHG	44.00		
06/23/2004	P.B. ATTY. FEE	CHG	35.00		
06/23/2004	P.B. MINUTES	CHG	154.00		
09/22/2004	P.B. ATTY FEE	CHG	35.00		
09/22/2004	P.B. MINUTES	CHG	27.00		
10/13/2004	P.B. ATTY. FEE	CHG	35.00		
10/13/2004	P.B. MINUTES	CHG	22.50		
02/22/2006	P.B. ATTY. FEE	CHG	35.00		
02/22/2006	P.B. MINUTES	CHG	98.00		
06/05/2006	P.B. ENGINEER FEE	CHG	4384.40		
		TOTAL:	5096.08	2325.00	2771.08

Check #2

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
RECREATION

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342

APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2006	26 LOTS @ 2,000.00 EA	CHG	52000.00		
		TOTAL:	52000.00	0.00	52000.00

*check #3*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/19/2006	4% OF 1,254,430. INSP FEE	CHG	50177.20		
05/19/2006	REC. CK. #196870 (ORLEANS	PAID		50177.20	
		TOTAL:	50177.20	50177.20	0.00

*Pd 5/19/06*

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 06/05/2006

PAGE: 1

LISTING OF PLANNING BOARD **FEES**  
**PERFORMANCE BND**

FOR PROJECT NUMBER: 3-22

NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
06/05/2006	PERF. BOND \$1,254,430.00	CHG	0.00		
		TOTAL:	0.00	0.00	0.00

**PUBLIC HEARING  
PROPOSED DRAINAGE DISTRICT #11  
MIDDLE EARTH SUBDIVISION  
WEDNESDAY, MAY 3, 2006 7:00 P.M.  
NEW WINDSOR TOWN HALL  
NEW WINDSOR, NEW YORK**

**BOARD MEMBERS PRESENT:** Supervisor Green, Councilman Finnegan, Councilwoman Mullarkey, Councilwoman Weyant, Councilwoman Biasotti

**OTHER OFFICIALS PRESENT:** Comptroller Reis, Town Attorney Blythe, Police Lieutenant Hovey, Highway Superintendent Fayó

Supervisor Green called to order the Public Hearing regarding proposed Drainage District #11 and presided over same.

The Town Clerk presented proof of publication as required by law.

Supervisor Green opened the Public Hearing by asking if anyone had any comments to make relating to Drainage District #11 for Middle Earth Subdivision.

Barney Bedetti inquired as to the location of the subdivision and was answered by Drew Kartiganer, the developer, that it was located off of Station Road.

Hearing no one else wishing to speak, Supervisor Green entertained a motion to close the Public Hearing.

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor close the Public Hearing in the matter of the establishment of Drainage District #11 for Middle Earth Development at 8:10 P.M.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor adopt the establishment of Drainage District No. 11, in the Town of New Windsor, County of Orange, New York, pursuant to Article 12 of the Town Law.

*Roll Call: All Ayes*

*Motion Carried: 5-0*

Respectfully submitted,

**DEBORAH GREEN  
TOWN CLERK**

/clc

ORLEANS CORPORATION

DATE: 5/18/06 CHECK NO.: 196870

VOUCHER	INVOICE	DATE	INVOICE AMOUNT	DISCOUNT	NET AMOUNT
050615269	49312	5/16/06	50,177.20		50,177.20

Check totals: 50,177.20 Vndr: 09075 Chk no: 196870  
 Payee: TOWN OF NEW WINDSON 50,177.20

Orleans Corp. General

PLEASE DIRECT ANY INQUIRIES TO:  
 One Greenwood Square  
 3333 Steet Rd. Suite 101  
 Bensalem, PA. 19020  
 215-245-7500

**ORLEANS CORPORATION**  
 455 LARCHMONT BLVD  
 MT. LAUREL, NJ 08054

WACHOVIA BANK 3-1/310

DATE	CHECK NO.	AMOUNT
5/18/06	196870	\$*****50,177.20

**FIFTY THOUSAND ONE HUNDRED SEVENTY-SEVEN DOLLARS AND 20 CENTS**  
 NOT VALID AFTER 90 DAYS

PAY TO THE ORDER OF: TOWN OF NEW WINDSON  
 555 UNION AVENUE  
 NEW WINDSOR, NY 12553

*[Handwritten Signature]*  
 AUTHORIZED SIGNATURE

SIGNATURE AREA CONTAINS A FINGERPRINT CHECK WORDING

# TOWN OF NEW WINDSOR

## MAJOR SUBDIVISION FEE SCHEDULE

APPLICATION FEE: \$ 150.00

ESCROW:

RESIDENTIAL:

\_\_\_\_\_ LOTS @ \$200.00 EACH LOT (FIRST FOUR LOTS) \$ \_\_\_\_\_

\_\_\_\_\_ LOTS @ \$100.00 EACH LOT OVER FOUR LOTS \$ \_\_\_\_\_

COMMERCIAL:

\_\_\_\_\_ LOTS @ \$500.00 EACH LOT (FIRST FOUR LOTS) \$ \_\_\_\_\_

\_\_\_\_\_ LOTS @ \$200.00 EACH LOT OVER FOUR LOTS \$ \_\_\_\_\_

TOTAL ESCROW DUE: \$ \_\_\_\_\_

---

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APPROVAL FEES:

PRE-PRELIMINARY PLAT APPROVAL \$ 200.00

PRELIMINARY PLAT APPROVAL (200.00 OR 20.00/LOT) (27) \$ 540.00

FINAL PLAT APPROVAL FEE (\$100.00 + \$5.00/LOT) \$ 135.00

FINAL PLAT SECTION FEE \$ 100.00

TOTAL APPROVAL FEES: \$ 775.00

---

---

RECREATION FEES:

26 LOTS @ <sup>2,000.00</sup> ~~\$1,500.00~~ / LOT \$ 52,000.00

---

---

TO BE DEDUCTED FROM ESCROW:

ESCROW POSTED: \$ \_\_\_\_\_

P.B. ENGINEER FEE \$ \_\_\_\_\_

P.B. ATTY. FEE \$ \_\_\_\_\_

MINUTES OF MEETING \$ \_\_\_\_\_

OTHER \$ \_\_\_\_\_

TOTAL DEDUCTION: \$ \_\_\_\_\_

REFUND: \$ \_\_\_\_\_

AMOUNT DUE: \$ \_\_\_\_\_

---

---

PERFORMANCE BOND AMOUNT \$ 1,254,430.00

INSPECTION FEE:

2% PRIVATE IMPROVEMENTS \$ \_\_\_\_\_

4% PUBLIC IMPROVEMENTS \$ 50,177.20

*Pd 5/19/06*



## **MEMORANDUM**

**TO:** Myra Mason  
**CC:** Drew Kartiganer  
**FROM:** Michael Blythe, Esq.  
**DATE:** May 19, 2006  
**SUBJECT:** Middle Earth Performance Surety Bond and Drainage District #11

---

Upon review I find the Performance Surety Bond (#08845174) for Middle Earth Subdivision to be in acceptable form. Also, the amount is correct as approved by the New Windsor Town Board on April 6, 2006.

Regarding Drainage District #11, all approval procedures have been completed and the Drainage District was adopted on May 3, 2006 (see following quote from the Town Board Minutes – available online).

“Motion by Councilwoman Mullarkey, seconded by Councilman Finnegan that the Town Board of the Town of New Windsor adopt the establishment of Drainage District No. 11, in the Town of New Windsor, County of Orange, New York, pursuant to Article 12 of the Town Law.

*Roll Call: All Ayes*

*Motion Carried: 5-0”*

**MDB**

PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 05/19/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES  
4% FEE

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
05/19/2006	4% OF 1,254,430. INSP FEE	CHG	50177.20		
05/19/2006	REC. CK. #196870 (ORLEANS	PAID		50177.20	
		TOTAL:	50177.20	50177.20	0.00

*Flu*  
5/19/06

GERALD N. JACOBOWITZ  
 DAVID B. GUBITS  
 JOHN H. THOMAS JR.  
 GERALD A. LENNON  
 PETER R. ERIKSEN  
 HOWARD PROTTER  
 DONALD G. NICHOL  
 LARRY WOLINSKY  
 ROBERT E. DINARDO  
 J. BENJAMIN GAILEY  
 MARK A. KROHN\*  
 JOHN C. CAPPELLO  
 GEORGE W. LITHCO  
 MICHAEL L. CAREY  
 \*LLM IN TAXATION

**JACOBOWITZ AND GUBITS, LLP**

**COUNSELORS AT LAW**

158 ORANGE AVENUE  
 POST OFFICE BOX 367  
 WAIDEN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
 E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

G. BRIAN MORGAN  
 KIRK VAN TASSELL  
 SANFORD R. ALTMAN  
 MARK T. STARKMAN  
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 WILLIAM E. DUQUETTE  
 JOSEPH J. RANNI  
 AUDREY L. F. SCOTT

PAULA ELAINE KAY\*  
 IRA J. COHEN\*  
 \*Of Counsel

Fax #: (845)567-3232

To: Richard McGoey, P.E.

Date: March 1, 2006

Phone #: (845)567-3100

Attached Documents:



RE: Middle Earth Development  
 Drainage District

File #: 1171-006

From: Michele L. Babcock

Total Pages: 1

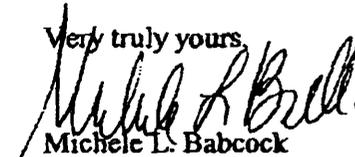
**MESSAGE:**

Dear Dick:

In response to your memo dated February 23, 2006, please note the following:

1. Map pockets marked Exhibit A will be delivered to the Town under separate cover for insertion of the maps.
2. The cost of maintenance of a drainage district is calculated on a benefit basis as per Town Law §§202 and 202-a, not ad valorem basis.
3. Please note the estimated cost of maintenance for Drainage District No. 9, approved by the Town Board on November 2, 2005, was \$71.43. The proposed cost of maintenance for Middle Earth is \$73.08.

If you need any additional information, please feel free to contact me.

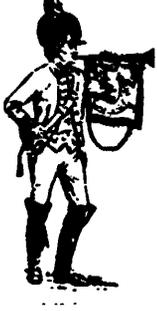
Very truly yours,  
  
 Michele L. Babcock

cc: Mark Edsall, P.E. (Via Facsimile 567-3232)  
 Michael Blythe, Esq. (Via Facsimile 563-4692)  
 Client (Via Facsimile 562-8828)

**NOTICE**

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IF YOU HAVE PROBLEMS RECEIVING THIS FAX PLEASE CALL 845-778-2121.



# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE: (845) 563-4630  
FAX: (845) 563-4692

**ATTORNEY FOR THE TOWN**  
**MICHAEL D. BLYTHE, ESQ.**

April 19, 2006

Michele Babcock, Esq.  
Jacobowitz & Gubits  
158 Orange Avenue  
PO Box 367  
Walden, NY 12586-0367

Re: Middle Earth Subdivision - your file # 1171-006  
New Windsor PB# 03-22

Dear Ms. Babcock,

Per your letter of February 15<sup>th</sup>, I have reviewed the Offers of Dedication and Deeds for Brandywine Road, Station Road, Luthien Forest Road and the Detention Area for the above referenced project. I also note that Mr. Edsall has reviewed the descriptions and finds them acceptable. The Offer of Dedication and deeds are similarly acceptable to this office and per your letter, please forward the original, signed copies together with the Capital Gains Affidavit and Equalization forms. By copy of this letter I am advising Ms. Mason that the Offers are in proper order.

Very truly yours,

Michael D. Blythe  
Attorney for the Town of New Windsor

MDB:kd

Cc: Mark Edsall, Town Engineer  
Myra Mason

**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

6 March 2006

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

ATTENTION: GEORGE A. GREEN, TOWN SUPERVISOR

SUBJECT: **MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
RECOMMENDATION FOR PUBLIC IMPROVEMENT BOND AMOUNT**  
Planning Board Application No. 03-22

Dear Supervisor Green:

The subject subdivision received conditional final approval from the Planning Board on 22 February 2006. A condition of the approval was the posting of the necessary performance security for the Public Improvements, with the amount approved by the Town Board.

As per normal procedure, a Public Improvement Cost Estimate was prepared by the Applicant's Engineer, and it was subsequently reviewed by our office. Upon such review, a copy of an amended cost estimate is attached hereto. Our office recommends that the Town Board establish a Public Improvement Performance Amount for the project, in accordance with Section 252-24 (A) of the Town Code, in the amount of \$1,254,430.00.

The applicant should pay the Town the associated inspection fee amount, per Section 252-24 (C) in the amount of \$50,177.20.

If you have any questions regarding the above, please do not hesitate to contact me.

Very truly yours,



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

cc: Richard D. McGoeY, P.E., Engineer for the Town  
Michael D. Blythe, Esq., Attorney for the Town

**REGIONAL OFFICES**

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-295-2765 •  
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3391 •

cc: M. Blythe

## Middle Earth Development Town of New Windsor

### PUBLIC IMPROVEMENT BOND UNIT PRICES

13 December 2005

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QTY</u>	<u>TOTAL COST</u>
<b><u>Roadway</u></b>				
Clear & Grade Road ROW	SF	\$0.80		\$ -
Clear & Grade Road ROW	LF	\$17.00	4170	\$ 70,890.00
Erosion Control (vary w/conditions)	Unit			\$ 50,000.00
Roadway Subbase	CY	\$37.00		\$ -
Roadway Subbase (8" course)	SY	\$8.25		\$ -
Roadway Subbase (12" course)	SY	\$12.50	14425	\$ 180,312.50
Roadway Subbase (15" course)	SY	\$15.50		\$ -
Asphalt Pavement	Ton	\$75.00		\$ -
Asphalt Pavement (1.5" top)	SY	\$7.00	14425	\$ 100,975.00
Asphalt Pavement (2" top)	SY	\$8.50		\$ -
Asphalt Pavement (3" thick)	SY	\$12.50		\$ -
Asphalt Pavement (3.5" thick)	SY	\$14.50	14425	\$ 209,162.50
Asphalt Pavement (4" thick)	SY	\$16.00		\$ -
Asphalt Pavement (5" thick)	SY	\$19.00		\$ -
Tack Coat	SY	\$0.45		\$ -
Double Surface Treatment	SY	\$6.50		\$ -
Roadway ROW Topsoil (6") & Seeding	SY	\$13.00		\$ -
Roadway ROW Topsoil & Seeding	LF	\$35.00		\$ -
Concrete Monuments	EA	\$130.00	40	\$ 5,200.00
Roadway As-builts ROW	LF	\$1.00	4170	\$ 4,170.00
Street Signs (Traffic Control)	EA	\$130.00	4	\$ 520.00
Street ID Sign	EA	\$155.00		\$ -
Concrete Curbing	LF	\$28.00	8340	\$ 233,520.00
Concrete Sidewalk	SY	\$65.00		\$ -
Concrete Sidewalk (4' wide)	LF	\$21.00		\$ -
Concrete Sidewalk (5' wide)	LF	\$26.00		\$ -

Street Trees (2.5 caliper)	EA	\$400.00	\$	-
Street Trees w/frame & grate (2.5 caliper)	EA	\$1,000.00	\$	-
Street Lights (std. Luminaire, U/G feed)	EA	\$7,000.00	\$	-
Guide Rail (W-Beam)	LF	\$25.00	\$	-
Guide Rail (Box Beam single rail)	LF	\$46.00	\$	-
End Section (W-Beam)	EA	\$830.00	\$	-
End Section (Box Beam Type 1, 9' Taper)	EA	\$600.00	\$	-
End Section (Box Beam Type 2, 18' Taper)	EA	\$1,000.00	\$	-

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QTY</u>	<u>TOTAL COST</u>
<b>Drainage</b>				
Stormwater Catch Basin	EA	\$2,000.00	32	\$ 64,000.00
Stormwater Manhole	EA	\$2,000.00	2	\$ 4,000.00
Connection to Existing Catch Basin	LF	\$1,000.00		\$ -
Stormwater Pipe (CMP - 15" coated)	LF	\$47.00		\$ -
Stormwater Pipe (CMP - 18" coated)	LF	\$53.00		\$ -
Stormwater Pipe (CMP - 24" coated)	LF	\$62.00		\$ -
Stormwater Pipe (CMP - 30" coated)	LF	\$70.00		\$ -
Stormwater Pipe (CMP - 36" coated)	LF	\$77.00		\$ -
Stormwater Pipe (CMP - 48" coated)	LF	\$93.00		\$ -
End Section (CMP coated)	EA	\$450.00		\$ -
Stormwater Pipe (HDPE - 15")	LF	\$62.00		\$ -
Stormwater Pipe (HDPE - 18")	LF	\$64.00	4260	\$ 272,640.00
Stormwater Pipe (HDPE - 24")	LF	\$72.00	65	\$ 4,680.00
Stormwater Pipe (HDPE - 30")	LF	\$85.00		\$ -
Stormwater Pipe (HDPE - 36")	LF	\$90.00	150	\$ 13,500.00
End Section (HDPE)	EA	\$600.00	11	\$ 6,600.00
Stormwater Pond	EA	\$20,000.00	1	\$ 20,000.00

Concrete Headwall	EA	\$8,100.00		\$	-
Rip Rap Drainage Channel	SY	\$62.00	230	\$	14,280.00
Non-lined Drainage Channel	SY	\$11.00		\$	-
Perforated Pipe/Stone Underdrain	LF	\$11.00		\$	-
<b><u>Water</u></b>					
Watermain (DI - 8")	LF	\$75.00		\$	-
Gate Valve (8")	EA	\$1,500.00		\$	-
Tapping Sleeve and Valve (8")	EA	\$4,200.00		\$	-
Watermain (DI - 12")	LF	\$85.00		\$	-
Gate Valve (12")	EA	\$2,300.00		\$	-
Tapping Sleeve and Valve (12")	EA	\$5,800.00		\$	-
Hydrant Assembly	EA	\$3,300.00		\$	-
House Services (w/out licensed plumber)	EA	\$1,350.00		\$	-
Air Relief Valve & Vault	EA	\$3,100.00		\$	-
Pressure Reducing Valve & Vault	EA	\$10,300.00		\$	-
<b><u>Sewer</u></b>					
Sewer Main (PVC - 8")	LF	\$65.00		\$	-
Sewer Main (PVC - 12")	LF	\$82.00		\$	-
Sewer Main Manholes	EA	\$3,300.00		\$	-
Doghouse Sewer Manhole	EA	\$5,800.00		\$	-
House Lateral (w/out licensed plumber)	EA	\$1,250.00		\$	-
			<b>Total</b>		<b>\$ 1,254,430.00</b>

TOTAL P.05

U:\NewWindsor PB-1\NW03-22- MJS Bond Est

**Myra Mason**

---

**From:** DrewKArch@aol.com  
**Sent:** Tuesday, May 09, 2006 5:38 PM  
**To:** mjedsall@mhepc.com  
**Cc:** jimclearwater@yahoo.com; Myra Mason; Michael Blythe  
**Subject:** SPAM-LOW: Middle Earth Close out items..

May 9, 2006

Mark Edsall, PE  
McGoey, Hauser, Edsall, Consulting Engineers, PC  
By E mail

**Project:** Middle Earth

**Subject:** Middle earth approval status

Dear,

A letter in my files from you to Jim Clearwater and Myra Mason detailed the status of the project with regard to outstanding items to complete the subdivision process. The letter was from April 18, 2006.

The issues outstanding that were, as I understand it, holding up the close out of the Planning Board final billing for the project were as follows:

- 1: OCDOH approval was pending.  
As of 5/9/06, the final drawings have been signed by the OCDOH and all approvals and acceptability of the plans to the County Clerk have been confirmed..
2. Restrictive Covenants issue was outstanding/ pending based on Myra checking with Andy Krieger's ok.  
As of 5/9/06, the final form of the restrictive covenants have been completed and, as I understand it, Andy Krieger has signed off on same.
3. Public Improvement Bond Amounts.  
The recommended bond amounts from MHE were noted and approved by Town Board action in May meeting.
4. Drainage District. Confirmation and acceptance.  
I have been working on getting the signatures on the final drainage and dedication documents that were approved by MB, the Town Attorney. They were formatted by Jacobowitz & Gubits, and have been approved with regard to form by the Town Attorney.

Based on the above, all the outstanding issues in you email of 4/18 have been completed. If this is

5/10/2006

accurate and acceptable, I would ask that you start finalizing all costs related to the project so we can set up to pay final fees and costs to the Town in order to get the ok for the Planning Board Chairman to sign off on the project and then we can go file the map.

Thanks much to your attention to this item. And thanks even more for your professionalism and patience.

Sincerely yours,

Drew Kartiganer

GERALD N. JACOBOWITZ  
 DAVID B. GUBITS  
 JOHN H. THOMAS JR.  
 GERALD A. LENNON  
 PETER R. ERIKSEN  
 HOWARD PROTTER  
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 \*LL.M. IN TAXATION

**JACOBOWITZ AND GUBITS, LLP**

**COUNSELORS AT LAW**

158 ORANGE AVENUE  
 POST OFFICE BOX 367  
 WATKIN, NEW YORK 12586-0367

(845) 778-2121 (845) 778-5173 FAX  
 E-mail: [info@jacobowitz.com](mailto:info@jacobowitz.com)

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 WILLIAM E. DUQUETTE  
 JOSEPH J. RANCI  
 AUDREY L. F. SCOTT

PAULA ELAINE KAY\*  
 IRA J. COHEN\*  
 \*Of Counsel

Fax #: (845)563-4695  
 (845)562-8828

To: Myra Mason  
 Drew Kartiganer

Date: April 4, 2006

Phone #: (845) 563-4616  
 (845)562- 4499

Attached Documents: Declaration of Restrictive Covenants

RE: Middle Earth Subdivision

File #: 1171-006

From: Michele L. Babcock

Total Pages: 5

REC'D  
 APR 04 2006

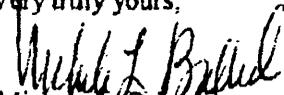
**MESSAGE:**

Dear Myra:

Attached please find the above referenced document which has been reviewed and approved by Andrew S. Krieger, Esq. for your records. A complete and signed copy will be delivered to the Town when a copy of the signed subdivision plat is picked up from your office. Upon recording with the Orange County Clerk's Office, a copy of the recorded document will be forwarded to the Town for filing.

If you have any questions, please feel free to contact me.

Very truly yours,

  
 Michele L. Babcock

cc: Andrew S. Krieger, Esq. -Via Facsimile (845)562-2407 (w/out attachments)

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IF YOU HAVE PROBLEMS RECEIVING THIS FAX PLEASE CALL 845-778-2121.

**DECLARATION OF RESTRICTIVE COVENANTS**

THIS DECLARATION, made this \_\_\_ day of \_\_\_\_\_, 2006 by \_\_\_\_\_ ("Declarant") declares as follows:

WHEREAS, Declarant is the owner of certain property located in the Town of New Windsor, County of Orange, State of New York, designated as a portion of Tax Map No. 54-1-53.1, said property having been conveyed to Declarant by Deed dated \_\_\_\_\_ and recorded in the Orange County Clerk's Office on \_\_\_\_\_, in Liber \_\_\_\_\_, page \_\_\_\_\_; and

WHEREAS, Declarant has been granted final subdivision approval of a 26-lot subdivision by the Town of New Windsor Planning Board, which approval requires the recording of this Declaration in the County Clerk's office; and

WHEREAS, the final subdivision plat, titled "Middle Earth Subdivision" prepared by MJS Engineering dated \_\_\_\_\_, last revised \_\_\_\_\_, is to be filed in the County Clerk's office and is also filed at the Town of New Windsor Town Hall; and

WHEREAS, the conveyance of lots and parcels are to be made from the subdivision Map; and

WHEREAS, use and maintenance of certain portions of the subdivision, identified below, are subject to the covenants and restrictions set forth herein.

NOW, THEREFORE, this Declaration witnesseth that Declarant, in consideration of the subdivision, does hereby publish, declare, covenant and agree as follows:

1. A Conservation and Scenic Restriction shall be and hereby is established along portions of Lots 1, 2, 3, 4 and 5 adjacent to Station Road, as shown on the Map. The area of this Conservation and Scenic Restriction shall extend to a line 200 feet east and parallel to the joint property line with Station Road for each said lot as shown on the Map. Although Lot No. 6 is adjacent to Station Road

as shown on the subdivision Map, Lot No. 6 shall not be subject to the Conservation and Scenic Restriction. Within this Conservation and Scenic Restriction area, the following shall apply:

- A. No fences, accessory buildings, above or below ground swimming pools or other buildings or accessory structures shall be erected, placed or constructed.
- B. There shall be no vehicle storage, parking or placement at any time.
- C. No hard surface paths or tracks shall be permitted.
- D. The use, racing or riding of motorized vehicles, motor bikes or similar type vehicle uses is prohibited.
- E. The owner of any lot containing a Conservation and Scenic Restriction area shall be required to maintain the area in a neat, clean and safe condition and manner. This shall include grass mowing and maintenance of trees and other vegetation existing on the property at time of acquisition. The cutting and removal of trees, particularly dead wood, for safety reasons is specifically allowed.

2. An Open Space Restriction shall be and hereby is established on those portion(s) of Lots 2, 3, 4, 5, 17, 18, 19, 20, 21, 22 and 23 that contain federal or state wetlands as shown on the subdivision Map. Within this Open Space Restriction area, the following shall apply:

- A. Each said Open Space Restriction area shall be maintained by the respective property owner as open space and retained forever in its natural, scenic, forested and open space condition. The owner shall prevent any use of the area which would impair or interfere with the above conservation requirements.
- B. There shall be no use or activity of an Open Space Restriction area that is inconsistent with the purpose of this restriction. Any use or activity of said areas must relate only to scenic conservation, open space and passive recreation.

C. No buildings, structures or other physical improvements are permitted, except the construction of a non-paved natural surface trail system and trail markings.

3. The owner of each respective lot is responsible to maintain the Conservation and Scenic Restriction area(s) and Open Space Restriction area(s) situate on the respective lot.

4. This Declaration and all covenants and restrictions herein may be enforced by the owner of any lot in the subdivision and/or by the Town of New Windsor. The Town of New Windsor Building Inspector is hereby given permission to enter upon and inspect the Conservation and Scenic Restriction area(s) and Open Space Restriction area(s) upon reasonable written notice to the then-owner for such purpose. The Town of New Windsor possesses the right, but not the obligation, to enforce this Declaration or any covenant herein and no duty, legal or otherwise, is created. If the Town of New Windsor does seek to enforce any covenant herein, the covenant may be enforced in the same manner as Town zoning requirements. All fees and costs related to the enforcement of these restrictions and covenants, including reasonable attorney fees, shall be recovered by the prevailing party from the non-prevailing party.

5. Reference to this Declaration shall be included in any deed for the lots or properties identified herein. However, failure to so reference this Declaration shall have no effect on its validity, binding effect or application of the covenants herein.

6. This Declaration and all covenants herein shall run with the land and shall be binding upon Declarant, its heirs, transferees, successors and assigns.

IN WITNESS WHEREOF, the undersigned has executed this Declaration this \_\_\_\_ day of \_\_\_\_\_, 2006.

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

On \_\_\_\_\_, 200\_\_, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, 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/she/they executed the same in his/her/their capacity, and that by his/her/their signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument

\_\_\_\_\_  
Notary Public, State of New York



May 17, 2006

**VIA FEDERAL EXPRESS**

Ms. Myra Mason  
Planning Board Secretary  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

Re: Middle Earth Subdivision

Dear Ms. Mason:

As you know, my client will be developing the Middle Earth Project. Enclosed please find the following with regard to the above subdivision:

1. Original Performance Surety Bond in the amount of \$1,254,430.00.

Please feel free to call if you have any questions.

Very truly yours,

Eric J. Phillips  
Senior Associate Counsel

EJP/maw

cc: Drew Kartiganer (via fax 845-562-8828)

*Middle Earth Sub.*  
*P.B. #03-22*



*OK*  
*Myra*

BOND NUMBER #08845174  
PREMIUM \$ 13,046.00

Section 54 Block 1 Lot(s) 53.1

PERFORMANCE SURETY BOND

We, Orleans DK LLC, having offices at 3333 Street Road, One Greenwood Square, Suite 101, Bensalem PA 19020, as principal, and Fidelity and Deposit Company of Maryland, having offices at 3910 Keswick Road, Baltimore, MD 21211, a corporation duly licensed to transact a surety business in the State of New York, as surety, are indebted to the municipality of the Town of New Windsor in the County of Orange, obligee, in the sum of \$1,254,430.00, for which payment we bind ourselves and our respective heirs, legal representatives, successors, and assigns, jointly and severally.

On April 5 2006, principal was granted approval by the Town of New Windsor of the County of Orange for the Middle Earth Site Tax Map # 54-1-53.1 (Resolution attached). The estimate by the municipal engineer of the cost of this work and the resolution of approval are attached hereto and made a part hereof.

Pursuant to municipal ordinance, the principal hereby furnishes a performance surety bond in the amount of \$1,254,430.00, written by Fidelity and Deposit Company of Maryland, a surety licensed in the State of New York, guarantying full and faithful completion of improvements approved by the approving authority, in lieu of completing the required improvements prior to the granting of final approval. This bond shall remain in full force and effect until such time as all improvements covered by the bond have been approved or accepted by resolution of the municipal governing body, except that in those instances where some of the improvements are approved or accepted by resolution of the governing body upon certification by the municipal engineer, partial release from the bond shall be granted in accordance with applicable law. The amount of the bond remaining shall be sufficient to secure provision of the improvements not yet approved; provided, however, that the municipality may require that 30 percent of the amount of the bond be retained to ensure completion of all improvements.

This bond shall remain in full force and effect until released by resolution of the municipal governing body.

This bond is issued subject to the following expressed conditions:

1. This bond shall not be subject to cancellation either by the principal or by the surety for any reason until such time as all improvements subject to the bond have been accepted by the municipality, in accordance with applicable law.
2. This bond shall be deemed to be continuous in form and shall remain in full force and effect until the improvements are accepted by the municipality and the bond is released, or until default is declared, or until the bond is replaced by another bond meeting applicable legal requirements. Upon approval or acceptance of all improvements by the municipality, or upon

Middle Earth  
P.B. # 03-22

replacement of this bond by another bond, liability under this bond shall cease. Upon approval or acceptance of some, but not all, of the required improvements by the municipality, partial release from the bond shall be granted in accordance with applicable law; provided, however that the portion of the bond amount sufficient to secure completion of the improvements shall continue in effect and the municipality may retain 30 percent of the bond amount posted in order to ensure such completion.

3. The aggregate liability of the surety shall not exceed the sum set forth above.

4. In the event that the improvements subject to this bond are not completed within the time allowed under the conditions of the final approval issued pursuant to applicable law, including such extensions as may be allowed by the approving authority, the municipal governing body may, at its option, and upon at least 30 days prior written notice to the principal and to the surety by personal delivery or by certified or registered mail or courier, declare the principal to be in default and, in the event that the surety fails or refuses to complete the work in accordance with the terms and conditions of the original approval, claim payment under this bond for the cost of completion of the work. In the event that any action is brought against the principal under this bond, written notice of such action shall be given to the surety by the municipality by personal delivery or by registered or certified mail or courier at the same time.

5. The surety shall have the right to complete the work in accordance with the terms and conditions of the original approval, either with its own employees or in conjunction with the principal or another contractor; provided, however, that the surety, in its sole discretion, may make a monetary settlement with the municipality as an alternative to completing the work.

6. In the event that the principal and the approving authority agree to changes in the scope of work, the obligations of the surety under this bond shall not be affected so long as the cost of the work does not exceed 120 percent of the municipal engineer's certified estimate, attached hereto and made a part hereof, which 120 percent of the estimate shall be the limit of the surety's obligation under this bond in any case. If the cost of the work exceeds 120 percent of the certified estimate, the principal shall secure a rider from a surety for the additional amount; provided, however, that this provision shall not be construed as requiring a surety to provide additional coverage.

7. This bond shall inure to the benefit of the municipality only and no other party shall acquire any rights hereunder.

8. In the event that this bond shall for any reason cease to be effective prior to the approval or acceptance of all improvements, a cease and desist order may be issued by the governing body, in which case all work shall stop until such time as replacement guarantee acceptable to the approving authority becomes effective.

Signed and Sealed this date of 17<sup>th</sup> May, 2006

By: William C Briegel  
William Briegel, Director of Planning  
and Engineering  
ORLEANS DK LLC  
(Principal)

As to Principal [Signature]  
Asst. Secretary

BY: Catherine Scardino  
Catherine Scardino, Attorney-In-Fact  
FIDELITY AND DEPOSIT  
COMPANY OF MARYLAND (Surety)

Witness/Attest: \_\_\_\_\_  
As to Surety: Jeanne Bushman

**Power of Attorney**  
**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**

KNOW ALL MEN BY THESE PRESENTS: That the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, a corporation of the State of Maryland, by M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary, in pursuance of authority granted by Article VI, Section 2, of the By-Laws of said Company, which are set forth on the reverse side hereof and are hereby certified to be in full force and effect on the date hereof, do hereby nominate, constitute and appoint Catherine SCARDINO and Bertram FORMAN, both of Bensalem, Pennsylvania, EACH its true and lawful agent and Attorney-in-Fact, to make, execute, seal and deliver, for, and on its behalf as surety, and as its act and deed: any and all bonds and undertakings, and the execution of such bonds or undertakings in pursuance of these presents, shall be as binding upon said Company, to fully and apply to all intents and purposes, as if they had been duly executed and acknowledged by the regularly elected officers of the Company at its office in Baltimore, Md., in their own proper persons.

The said Assistant Secretary does hereby certify that the extract set forth on the reverse side hereof is a true copy of Article VI, Section 2, of the By-Laws of said Company, and is now in force.

IN WITNESS WHEREOF, the said Vice-President and Assistant Secretary have hereunto subscribed their names and affixed the Corporate Seal of the said FIDELITY AND DEPOSIT COMPANY OF MARYLAND, this 20th day of October, A.D. 2005.

ATTEST:

**FIDELITY AND DEPOSIT COMPANY OF MARYLAND**



*Gregory E. Murray*

By:

*M. P. Hammond*

Gregory E. Murray Assistant Secretary

M. P. Hammond

Vice President

State of Maryland } ss:  
City of Baltimore }

On this 20th day of October, A.D. 2005, before the subscriber, a Notary Public of the State of Maryland, duly commissioned and qualified, came M. P. HAMMOND, Vice President, and GREGORY E. MURRAY, Assistant Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, to me personally known to be the individuals and officers described in and who executed the preceding instrument, and they each acknowledged the execution of the same, and being by me duly sworn, severally and each for himself depose and saith, that they are the said officers of the Company aforesaid, and that the seal affixed to the preceding instrument is the Corporate Seal of said Company, and that the said Corporate Seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority and direction of the said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my Official Seal the day and year first above written.



*Maria D. Adamski*

Maria D. Adamski

Notary Public

My Commission Expires: July 8, 2007



1769

# TOWN OF NEW WINDSOR

545 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 863-4811  
Fax: (845) 863-4879

*OFFICE OF THE TOWN CLERK*  
DEBORAH GREEN

April 6, 2006

Mr. Drew Kartiganer  
555 Blooming Grove Turnpike  
New Windsor, NY 12553

Dear Mr. Kartiganer:

Attached is a certified copy of a resolution approved by the Town of New Windsor Town Board on April 5, 2006, establishing the Performance Bond for the Middle Earth Major Subdivision, in the amount of \$1,254,430.00 plus an inspection fee of \$50,177.20 representing 4% of the Public Improvement Performance Bond.

Very truly yours,

Deborah Green, Town Clerk  
Town of New Windsor

Dg



176

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
TELEPHONE: (845) 563-4611  
FAX: (845) 563-4670

OFFICE OF THE TOWN CLERK  
DEBORAH GREEN

## CLERK'S CERTIFICATE

I, **DEBORAH GREEN**, Town Clerk of the Town of New Windsor in the County of Orange, State of New York, **Hereby Certify** that the below extract of the Minutes has been compared by me with the Minutes of the Town Board of the Town of New Windsor in the County of Orange, State of New York, held on the 5<sup>th</sup> day of April, 2006, and the same is a true and correct transcript therefrom and of the whole thereof so far as the same relates to the subject matter referred to.

**In WITNESS WHEREOF**, I have hereunto set my hand and affixed the corporate seal of said Town this 6th day of April 2006.

*Town Seal*

  
\_\_\_\_\_  
Deborah Green, Town Clerk  
Town of New Windsor

Motion by Councilwoman Weyant, Seconded by Councilwoman Biasotti that the Town Board of the Town of New Windsor establish the amount of the Performance Bond required for the Middle Earth Major Subdivision in the amount of \$1,254,430.00, as recommended by the Planning Board Engineer and to establish the associated inspection fee at \$50,177.20 representing 4% of the public improvement performance bond.

ROLL CALL: ALL AYES

MOTION CARRIED: 5-0

**State of New York**  
**Insurance Department**

Whereas it appears that

**Fidelity and Deposit Company of Maryland**

Home Office Address                      Baltimore, Maryland

Organized under the Laws of            Maryland

has complied with the necessary requirements of or pursuant to law, it is hereby

licensed to do within this State the business of

fire, miscellaneous property, water damage, burglary and theft, glass, boiler and machinery, elevator, collision, personal injury liability, property damage liability, workers' compensation and employers' liability, fidelity and surety, credit, motor vehicle and aircraft physical damage, and marine and inland marine(inland only) insurance, as specified in paragraph(s) 4, 5, 6, 7, 8, 9, 10, 12, 13, 14, 15, 16, 17, 18 and 20 of Section 1113(a) of the New York Insurance Law and as authorized by Section 4102(c), reinsurance of every kind or description to the extent permitted by certified copy of its charter document on file in this Department until July 1, 2005.



In Witness Whereof, I have hereunto set  
my hand and affixed the official seal of this  
Department at the City of Albany, New York, this  
1st day of July, 2004

Gregory V. Serio

Superintendent of Insurance

By

*Robert C. ...*

Special Deputy Superintendent



# FIDELITY AND DEPOSIT COMPANY

OF MARYLAND

3910 KESWICK ROAD, BALTIMORE, MD 21203

## Statement of Financial Condition

As Of December 31, 2005

### ASSETS

Bonds .....	\$ 145,517,856
Stocks .....	40,373,936
Cash in Banks and Offices .....	155,000
Reinsurance Recoverable .....	14,122,203
Other Accounts Receivable .....	13,661,802
<b>TOTAL ADMITTED ASSETS .....</b>	<b>\$ 213,830,797</b>

### LIABILITIES, SURPLUS AND OTHER FUNDS

Reserve for Taxes and Expenses .....	\$ 801,854
Ceded Reinsurance Premiums Payable .....	26,186,851
<b>TOTAL LIABILITIES .....</b>	<b>\$ 26,988,705</b>
Capital Stock, Paid Up .....	\$ 5,000,000
Surplus .....	181,842,092
Surplus as regards Policyholders .....	186,842,092
<b>TOTAL .....</b>	<b>\$ 213,830,797</b>

Securities carried at \$33,398,073 in the above statement are deposited as required by law.

Securities carried on the basis prescribed by the National Association of Insurance Commissioners. On the basis of December 31, 2005 market quotations for all bonds and stocks owned, the Company's total admitted assets would be \$212,087,289 and surplus as regards policyholders \$185,098,584.

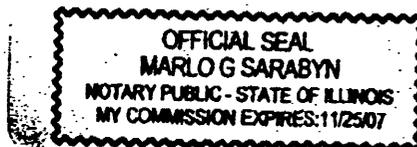
I, DAVID A. BOWERS, Corporate Secretary of the FIDELITY AND DEPOSIT COMPANY OF MARYLAND, do hereby certify that the foregoing statement is a correct exhibit of the assets and liabilities of the said Company on the 31st day of December, 2005.

Corporate Secretary

State of Illinois }  
City of Schaumburg } SS:

Subscribed and sworn to, before me, a Notary Public of the State of Illinois, in the City of Schaumburg, this 20th day of March, 2006.

Notary Public





# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

**Superintendent of Highways**  
**Anthony E. Fayo**

**TO:** Myra Mason, Secretary to the Planning Board  
**FROM:** Anthony E. Fayo, Superintendent of Highways *AEF*  
**DATE:** March 22, 2006  
**SUBJECT:** Middle Earth

Please be advised that the plans dated 3/17/06 proposed for Middle Earth now have my approval.

If you have any questions, please do not hesitate to contact me.

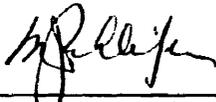
AEF/mvz

Cc: file



5. **THAT** the sanitary facilities (water supply, any water treatment, and sewage disposal facilities) on these lots shall be inspected for compliance with the approved plans at the time of construction by a P.E., R.A. or exempt L.L.S. and that written certification to that effect shall be submitted to this Department and the Local Building Code Enforcement Officer within 30 days and prior to occupancy.
6. **THAT** individual wells and sewage treatment systems shall no longer be constructed or used for household domestic purposes when public facilities become available. Connection to the public sewerage system is required within one year of the system becoming available.
7. **THAT** plan approval is limited to 5 years. Time extensions for plan approval may be granted by the Orange County Department of Health based upon development facts and the realty subdivision regulations in effect at that time. A new plan submission may be required to obtain a time extension.
8. **THAT** the approved plans must be filed with the Orange County Clerk prior to offering lots for sale and within 90 days of the date of plan approval.
9. **THAT** all local and state agency rules and regulations be complied with.

May 1, 2006  
Date

  
\_\_\_\_\_, P.E.  
M.J. Schleifer, P.E.  
Assistant Commissioner



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

**Superintendent of Highways**  
**Anthony E. Fayo**

**TO:** Myra Mason, Secretary to the Planning Board  
**FROM:** Anthony E. Fayo, Superintendent of Highways  
**DATE:** March  
**SUBJECT:** Middle Earth

Please be advised that the plans dated 3/17/06 proposed for Middle Earth now have my approval.

If you have any questions, please do not hesitate to contact me.

AEF/mvz

A handwritten signature in black ink, appearing to be 'AEF', enclosed within a hand-drawn oval.

Cc: file



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

**Superintendent of Highways**  
**Anthony E. Fayo**

**TO:** Richard McGoey, Engineer for the Town  
**FROM:** Anthony E. Fayo, Superintendent of Highways  
**DATE:** March 16, 2006  
**SUBJECT:** Middle Earth

During a recent meeting between Mark Edsall and me, a review was done on the above referenced property. It is our opinion that more catch basins must be added to the plans.

If you have any questions, please do not hesitate to contact me.

AEF/mvz

A handwritten signature in black ink, appearing to be "AEF", enclosed within a circular scribble.

Cc: file



RESULTS OF P.B. MEETING OF: February 22, 2006

PROJECT: Middle Earth Sub. P.B. # 03-22

**LEAD AGENCY:**

**NEGATIVE DEC:**

AUTHORIZE COORD. LETTER: Y  N   
TAKE LEAD AGENCY: Y  N

M)  S)  VOTE: A  N   
CARRIED: Y  N

M)  S)  VOTE: A  N   
CARRIED: Y  N

**PUBLIC HEARING:** WAIVED:  CLOSED:

M)  S)  VOTE: A  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: Y  N

**Conditional APPROVAL:**

M)  S)  VOTE: A 5 N 0 APPROVED: 2-22-06

NEED NEW PLANS: Y  N

**CONDITIONS - NOTES:**

<i>Cost estimate has been submitted &amp; approved? Verify</i>
<i>Need plans w/ OCDH stamp for final approval stamp</i>
<i>Need Restricted area - to be reviewed by Ardy</i>
<i>Need Drainage District complete before stamping</i>
<i>Offer of Dedication for Roadway &amp; Drainage Dist.</i>
<i>to be approved by Town Attorney</i>
<i>Need Highway approval.</i>

★

MIDDLE\_EARTH\_SUBDIVISION\_(03-22)

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Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. ARGENIO: Application proposes subdivision of the 96 plus acre parcel into 26 single family lots, this is out on Station Road, folks, right at the top of the hill. The plan was previously reviewed at the 23 July, 2003 meeting, the 25 February, 2004 meeting, the 14 April, 2004 meeting, the 26 May, 2004 meeting, the 23 June, 2004 meeting, the 22 September, 2004 meeting, and the 13 October, 2004 planning board meetings. This project is in front of the planning board for final approval. Lot going on there, wouldn't you say?

MR. VAN LEEUWEN: Yes, I know exactly where it is too.

MR. ARGENIO: Mr. Clearwater, why don't you, I mean, we've seen this as I've indicated quite a few times and this is right in Neil's back yard and my back yard and we're grateful for the fact that it appears you're doing this right and you've dedicated that section of those few lots on the top of the hill so we don't have to look at the houses when we drive home, so why don't you bring us, I don't want to review the whole thing because we've seen this many times, I want you to bring us up to date as to where you've been since 13 October, '04, that's over a year ago. So let us know if there's any other highlights, let us know that as well.

MR. CLEARWATER: All right, we received preliminary approval at that time and of course being a major subdivision needed health department, Orange County Health Department approval for all the well and septic which we proceeded through the health department and after numerous reviews with the health department we received approval in September of last year of '05. Since then we have concurrent with that we also received from the Army Corps of Engineers the approval

for the wetlands delineation, what's called the jurisdictional determination, as well as approval for the two wetlands crossings and the mitigation in other words the creation of half an acre of new wetlands to replace the quarter acre of wetlands that's being disturbed. The two wetlands crossings are one on each of the roads narrowest point of the wetlands here the wetlands creation will be in the back adjoining additional wetlands, Federal wetlands in the back. Following health department approval we have, we're back here for final.

MR. ARGENIO: You have health department?

MR. CLEARWATER: Yes, we prepared the documents for the formation of a water district because of the detention pond that's required for storm water management and the various different catch basins and drain pipes and whatnot to collect the drain water. Also we have prepared the descriptions for the offers of dedication for the roads because these are public records and the storm water pollution prevention plan has been reviewed by McGoey, Hauser & Edsall and as Mr. Chairman said we're here for final approval conditioned on whatever the board may feel is necessary.

MR. ARGENIO: I can come up with a lot of things, believe me, you don't want to leave it in my hands. I have a couple of questions, I have a couple things I want to go through. There's a couple lots in the back that Town resident was concerned about were close to septic field, was close to the wetlands, I know you have Department of Health approval, can somebody just elaborate on that?

MR. KARTIGANER: These two lots?

MR. ARGENIO: Without killing me with it.

MR. CLEARWATER: Yes, these two lots are encumbered by

Federal wetlands and health department looked at both those lots because of that health department when you submit to the health department they pick which lots they want to see soil tested on, they don't pick all the lots, just pick the ones they figure we're going to have difficulty with, both of those lots were reviewed by the health department for deep test holes and percolation tests.

MR. ARGENIO: They coincidentally happened to fall into their sample?

MR. KARTIGANER: They picked them specifically.

MR. CLEARWATER: And both lots passed fine.

MR. ARGENIO: Okay.

MR. SCHLESINGER: Didn't you have a question on who supervises those tests?

MR. ARGENIO: Yeah but that was on our level, on a Town level, Neil, typically in the west end of Town we have one of Mark's guys go out there and witness a test, we don't take the engineers data because we found that in that area it's a typically a heavy glazier till and we want Mark's guys to witness them but this is health department, they did their own.

MR. EDSALL: We witness all perc and deep tests other than when it's health department.

MR. SCHLESINGER: So the health department approved these?

MR. CLEARWATER: Right, they came out.

MR. KARTIGANER: They came out and watched them.

MR. CLEARWATER: Two fellas came out.

MR. SCHLESINGER: Passed with flying colors?

MR. CLEARWATER: Yes, they did.

MR. ARGENIO: Passed, let's say passed, okay.

MR. VAN LEEUWEN: Unusual but okay.

MR. ARGENIO: You can get perc, you've got to work at it, it's a tossup. This project has been at 12 work sessions over 33 months and as I said has been at seven planning board meetings, New York State Office of Parks Recreation and Historic Preservation determines there's no impact, nationwide permit, Army Corps of Engineers, they have default approval, Orange County Realty Subdivision approval letter of acceptance 9/8 of '05 with an extension granted 1/5 of '06. I'm going to open it back up to the board so if you have questions we'll get to it. Orange County application predated OCDP 9/4 of '04 so the referral is not necessary for them. SEQRA has been done, Mark, tell me if I skip anything, cause I have a question about the public hearing business, preliminary public hearing was held on 6/23 opened and closed, accepted comments from the public, they have preliminary approval obviously cause that's how they got to the Department of Health, 911 is done, storm water management was reviewed by one of Edsall's guys, bond is done. Mark, I have a question, there's a comment here that says I recommend the board waive a final public hearing as per their discretionary judgment under Section 257, I'm not familiar with that, I've never seen that in ten years of--

MR. EDSALL: That's because it's a new part of the new subdivision regulations that the Town adopted when they rewrote all the laws.

MR. ARGENIO: Under what set of circumstances, I don't see the need to do that here, under what set of

circumstances would I want to do that?

MR. EDSALL: If there's a substantial change or enough changes of a minor nature that this board believes that there's a benefit to have a second public hearing when they're done with all the preliminary changes you have the opportunity again we're reserving the right to open it up again. It's a final public hearing.

MR. ARGENIO: Open it up again.

MR. EDSALL: You're not opening an old public hearing, there's two opportunities for a public hearing, point being is that probably on 95 percent of the applications and likely tonight you're going to come to the conclusion that there are no significant changes from what you granted preliminary approval to and you waive the final public hearing, it's another procedural step and I will endeavor not forget to since it's new.

MR. ARGENIO: Put it on here, I have enough problems remembering the old procedures.

MR. EDSALL: It's my suggestion that you waive the final public hearing because there's not a substantial change.

MR. ARGENIO: I couldn't agree more. You've seen this quite a few times. Henry, you're new, Howard, you're new.

MR. VAN LEEUWEN: All the wetlands are going to be part of the lots?

MR. CLEARWATER: Yes.

MR. VAN LEEUWEN: Well, you know, dumping areas, that's what I worry about.

MR. ARGENIO: I know.

MR. KARTIGANER: Make them all part of the lots.

MR. SCHLESINGER: Two questions, what's default approval?

MR. EDSALL: Explain the Army Corps' default approval and the contact they made with you telling you we're not going to respond.

MR. CLEARWATER: We applied to the Army Corps for permits that we needed.

MR. ARGENIO: This is good, Mr. Kartiganer, because we get an education and you get to pay for it. Go ahead, Mr. Clearwater.

MR. KARTIGANER: I've been paying a long time.

MR. VAN LEEUWEN: Is this your subdivision?

MR. KARTIGANER: Yes, it is.

MR. CLEARWATER: The wetlands disturbance is greater in area than what's in the nationwide permit, therefore, you needed to apply for what's called an individual permit that was applied for back a year ago, but there's a letter, actually, the work was done by ERS Consultants was the environmental and wetlands consultant who Mr. Kartiganer hired for this project. He summarized it in this letter, I'll just read succinct portions of it. This is from him addressed to, from David Griggs addressed to myself dated February 8, 2006, this is in regards to a pre-construction notice that was submitted to the U.S. Army Corps of Engineers under nationwide permit 39 for a proposed residential subdivision in Middle Earth Development, ERS Consultants previously submitted pre-construction notice on October 19, 2005 in support of, authorization from the department under nationwide

permit 39 for approximately one quarter acre of wetlands disturbance and creation of approximately half acre of wetlands. Nationwide permit condition 13 allows unless the Army Corps responds within 45 days then you have your permit by default, I'll paraphrase here, because we didn't hear from them and it was as discussed with representatives of the Army Corps on November 15, the Army Corps reviewed the permit request and mitigation plan stating that the permit request was complete and the mitigation plan appeared adequate. Additionally, they stated that in order to save time, they would allow us to proceed under nationwide permit condition 13 after 45 days has transpired. ERS Consultants has not received any comments from the Army Corps in the 45 days since the agency received the notification, as a courtesy ERS Consultants issued a letter to the Army Corps on December 8, 2005 stating that the project will move forward as planned, as such, this project therefore has authorization to proceed under federal program to proceed, may be modified, suspended or revoked only in accordance with the procedures set forth in 33(C)(F), dah, dah, dah.

MR. SCHLESINGER: Therefore, I interpret it as pretty much it says you received approval by default, did you ever get any sort of notification from the Army Corps of Engineers at a later date?

MR. CLEARWATER: No.

MR. KARTIGANER: He met them on another project, showed them the mitigation procedures, he said it looks fine, he said we can let you do the 45 days.

MR. SCHLESINGER: Whatever it was, I'm satisfied with the answer. The other question I had, I'm assuming that we got highway approval here?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: There was no--

MR. ARGENIO: Mark, wait a second, let me address that, I'm going to look to Mark before it goes where I think it's going tonight to discuss highway because I do not have a highway approval up here, we'll discuss it with Mark and Mike.

MR. SCHLESINGER: I don't know why it's been a long time and a lot of times and I don't want to be confused. I thought that maybe there was a highway issue.

MR. ARGENIO: I don't recall one with this. Mark, do you recall one? The issue I remember was an issue of a street light on Station Road, some of the residents didn't want it.

MR. EDSALL: There was an issue of the grades on the side of the road, the new portion of the road coming on to the site, I know that the current highway superintendent had been at the workshop and really didn't find any objection so again since we don't have something in writing it should be subject to him giving a written writeoff.

MR. ARGENIO: But you can make the statement that he was at a workshop with you and he did not voice any major exceptions to what was going on here.

MR. EDSALL: He did not, and in fact, the prior highway superintendent his concern was one of the side grading which in fact we looked at and they made some changes but it meets the law in either case so I'm not aware of any problem, we should get a writeoff.

MR. SCHLESINGER: What was the determination on the lighting that was an issue too?

MR. ARGENIO: Go ahead, Mark?

MR. EDSALL: Lighting is flexible in the code in the fact that there are typical spacing but it also says that it can be less if the highway superintendent and the engineer agree when in fact we have cut it down to I think a total off 6 fixtures total in the subdivision and two of them are at on poles out at existing roads that are in fact at the intersections of the two Town roads.

MR. SCHLESINGER: There are lights on the existing road?

MR. EDSALL: Not at the locations of the intersections but they're actually adding a fixture to an existing pole.

MR. SCHLESINGER: So there will be lighting at the intersection?

MR. CLEARWATER: Right.

MR. SCHLESINGER: I just remember that there were pros and cons as there are always when we have a lighting issue, the country people don't want lighting, the city people want lighting and everything and you don't have a lot of lighting down below then.

MR. CLEARWATER: No, there's--

MR. SCHLESINGER: I don't think because of the grade and because of the topo here I don't think it's that much of an issue for the neighboring people.

MR. CLEARWATER: That's correct.

MR. SCHLESINGER: I'm not even going to be able to see a house, how am I going to be able to see the lighting? So it's an internal thing that, you know, you want to create within the little development there.

MR. CLEARWATER: There's 6 lights, one at each of the entrances on station.

MR. ARGENIO: Then four in the development.

MR. CLEARWATER: One halfway down the two new roads, one at the intersection between here and Brandywine and the other down at the cul-de-sac.

MR. SCHLESINGER: I didn't finish looking, the sidewalk issue is solved?

MR. CLEARWATER: Shows sidewalks on one side of each street. If I may speak to the highway superintendent, I met with him on several occasions here, he never had, this is Mr. Kroll.

MR. ARGENIO: Kroll or Fayo?

MR. CLEARWATER: Kroll, he never had a particular issue with these two entrances and he did issue a form letter to the Town because I have a copy of it, I didn't bring it tonight.

MR. ARGENIO: Mr. Clearwater, notwithstanding that he's not the highway superintendent now, Anthony Fayo is, so we're going to in any event we're going to look to him, that's the way that is. Joe?

MR. MINUTA: Lighting just to touch base on this you're not providing a lot of lighting essentially to preserve the darkness, is that what I'm hearing?

MR. CLEARWATER: Yes, that's positive, especially in this part of Town.

MR. ARGENIO: Mr. Brown, any thoughts on this?

MR. BROWN: No.

MR. ARGENIO: I know there's a lot going on here and you're a new member but we have reviewed this and reviewed it and then we reviewed it again then we reviewed it four more times after that. Hank?

MR. VAN LEEUWEN: I got no problems, I asked you a couple questions here and there.

MR. SCHLESINGER: I don't think we made the motion but I don't think there's a necessity to have another public hearing.

MR. ARGENIO: I was going to ask Mark or Andy do we have to make a motion to waive that?

MR. EDSALL: I think it should be on the record.

MR. SCHLESINGER: Motion that we waive the public hearing.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that we waive the final public hearing for the Middle Earth subdivision on Station Road. No further discussion from the board members? Roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE

MR. ARGENIO: All of our procedural stuff is done as far as I can see. Mark, have I misspoke?

MR. EDSALL: No, I think my comments 6 if you add the

highway superintendent.

MR. ARGENIO: And I have number 4 too which I'll read an abbreviated version into the minutes, if you don't mind, unless there's something else? There's no further discussion from the board members if anybody has no further comments we've seen this quite a few times, I'll entertain a motion for final approval for Middle Earth subdivision on Station Road.

MR. VAN LEEUWEN: I'll move it.

MR. SCHLESINGER: Second it.

MR. ARGENIO: Motion has been made and seconded that the New Windsor Planning Board grant final approval for Middle Earth subdivision on Station Road in the west end of Town. It's going to be subject to the following, Mark, if I miss something, let me know. I think I have it, though. It's subject to final highway approval by the highway superintendent, Anthony Fayo, it's subject to the five bullets in note 4, very, very minor notes to be added to the plan, note on C 9 revising a detail, another note on C 9 cleaning up the slope of the crown of the road, I don't know why that's still there, that should be done by now, but that's not an issue, another note on drawing C 9 looking for 4,000 pound concrete in these curbs, a correction on, minor correction catch basin detail and I need that typical sidewalk detail also using the 4,000 pound concrete, that's those items I just read are going to be worked out with Mark and we will not sign those plans until Mark has assured the secretary that those items have been included in the plans, make sure you get DOH to stamp it, very important to me is that restrictive covenants up on those lots on the top I don't want to see any sheds there, nothing, trees and bushes, that's it, no built wood structures. Mark?

MR. EDSALL: Yeah and you'll note that my bullet is

asking that they provide the attorney for the planning board with a copy to review the restrictive covenants.

MR. ARGENIO: Got that? No structures in that zone, plantings, no pools and chicken coops.

MR. SCHLESINGER: Who's responsible for maintaining that?

MR. ARGENIO: Mark or Mike would you address that? I know we talked about this, Neil.

MR. BABCOCK: It's a deed restriction, it's the people that live there.

MR. ARGENIO: It's automatically enforced, if you drive by there and go ahead--

MR. SCHLESINGER: No, what I'm trying to say from an aesthetic point, you know, and not supposed to have any sheds, no structure, anything like that, what about landscaping?

MR. EDSALL: You're not supposed to disturb it, supposed to stay natural.

MR. SCHLESINGER: So it's just natural if there's pricker bushes, there's pricker bushes, grass, there's grass.

MR. EDSALL: Yes, I believe the format that they discussed.

MR. SCHLESINGER: Somebody can't come up with an idea I'd like to have a nice back yard all grass and everything like that up to a certain point, fine, after the certain point, restricted area, they can't touch?

MR. EDSALL: They say if a tree is dead, they have the ability to remove a dead tree, other than that, leave

it alone.

MR. ARGENIO: Drainage district formation must be completed, obviously, the dedications and the fees and stuff. Motion has been made and seconded. If there's no further discussion from the planning board members, I will solicit a roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. BROWN	AYE
MR. VAN LEEUWEN	AYE
MR. MINUTA	AYE
MR. ARGENIO	AYE



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

**PROJECT NAME:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 22 FEBRUARY 2006  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003,  
25 FEBRUARY 2004, 14 APRIL 2004, 26 MAY 2004, 23 JUNE 2004,  
22 SEPTEMBER 2004 AND 13 OCTOBER 2004 PLANNING BOARD  
MEETINGS.

1. The project is before the Planning Board requesting Final Subdivision Approval.
2. General Status - This project has been at twelve (12) worksessions over thirty-three (33) months, and has been at seven (7) planning board meetings. Approvals from outside agencies as follows:
  - New York State Office of Parks, Recreation and Historic Preservation – determination of “No Impact” on 7-30-04.
  - Nationwide Permit 39 – Army Corp of Engineers – Submitted 10-19-05 (default approval)
  - Orange County Realty Subdivision Approval – letter of acceptance 9-8-05; extension granted 1-5-06.
  - OCDP – application predated 9-4-04. Referral not necessary.

**REGIONAL OFFICES**

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• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

3. Procedural status as follows:

- SEQRA -- Lead Agency coordination letter issued on 8-5-03. Lead Agency taken & Negative Declaration issued 10-13-04.
- Preliminary Public Hearing – Held 6-23-04. Closed.
- Approval Status – subdivision currently has preliminary approval.
- Street Names and 911 addresses are shown on plan. An approval should be on file with the Planning Board.
- Stormwater Management Report submitted by Applicant and reviewed by MHE. Responses/corrections have been affected by applicant's engineer.
- Public Improvement Bond Estimate, and all descriptions for roadways and drainage district dedications have been submitted and approved.

4. Some corrections (minor) are needed to the plans, as follows:

- Drawing C-9 – revise road section detail to provide slope for graded areas in ROW equal to 3/4" per foot maximum (not 8%). Also depict maximum 1:2 slope outside ROW as depicted on typical detail in code.
- Drawing C-9 – Road crown should be minimum 4" (not 2% slope)
- Drawing C-9 – Concrete curb must be constructed of 4000 psi concrete.
- Drawing C-9 – Correct catch basin detail to conform to Figure 5 of Town Street Specifications.
- Drawing C-9 – Add typical sidewalk detail – See Fig. 7 in Street Specs. (also note sidewalks are constructed of 4000 psi concrete).

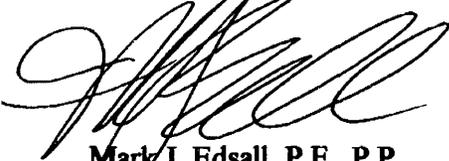
5. The plans are substantially the same as those considered at Preliminary. As such, I recommend that the Board waive the Final Public Hearing, as per their discretionary judgment under Section 257-14 (B)(2) of the Town Code.

6. ***The resolution of final approval should include the following conditions:***

- The plans submitted for final stamp of approval shall have all technical corrections identified by the Engineer for the Planning Board included.
- Final approved plans with stamp of approval from the OCDOH shall be submitted to the Town for file.

- **Final wording and content of the Restrictive Covenant for the 200 ft. "Deed Restricted Area" along Station Road (lots 1-5) should be submitted to Attorney for the Planning Board and the Engineer for the Planning Board for final review. The restrictive covenant should be included in deeds for lots 1-5 as a restriction, and shall be listed in deeds 6-26 as benefited lots.**
- **Drainage District Formation must be completed by the Town Board prior to stamp of approval.**
- **Offers of Dedication for the roadways and Drainage District parcels shall be approved by the Attorney for the Town.**
- **All applicable fees must be paid prior to stamp of approval.**

**Respectfully Submitted,**



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

MJE/st  
NW03-22-22Feb06.doc

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\*Of Counsel

February 3, 2006

Hon. Supervisor and Town Board  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

Re: Middle Earth Subdivision-Formation of Drainage District No. 11  
Our File No. 1171-006

Dear Supervisor Green and Board Members:

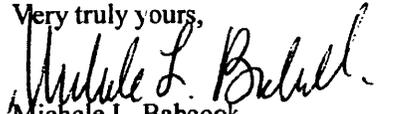
Enclosed please find two (2) originals and three (3) copies of a fully executed petition to establish Drainage District No. 11 comprised of all lands located within the Middle Earth Subdivision. This drainage district is being formed at the request of the Planning Board to insure the cost of maintaining the drainage facilities for this subdivision is the responsibility of the lot owners of the subdivision. Based on the full environmental assessment form (EAF), the Planning Board adopted a Negative Declaration under SEQR and granted preliminary approval for this development. The Town Board for purposes of SEQR compliance must also adopt a negative declaration prior to establishing the district.

Attached to the each petition is a map, plan and report, and metes and bounds description of the proposed district area. Additional copies of the map, plan and report and the petition are being simultaneously transmitted by copy of this letter to the Town attorney and Town engineer.

I also enclosed copies of drafts of an Order Setting a Public Hearing and Resolution and Order Forming the Drainage District, which I am providing to your Town Attorney to facilitate your review. I respectfully request that the Board consider this petition at your next available Town Board meeting.

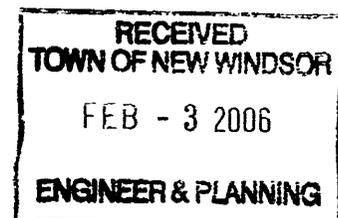
Please do not hesitate to contact me if you have any questions or comments regarding the same.

Very truly yours,

  
Michele L. Babcock

### Enclosures

cc: Michael Blythe, Esq. (w/enclosures)  
Mark Edsall, P.E. (w/enclosures)  
Richard McGoey, P.E. (w/enclosures)  
Client (w/enclosures)  
James C. Clearwater, PLS



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**IN THE MATTER OF THE ESTABLISHMENT OF THE  
MIDDLE EARTH SUBDIVISION DRAINAGE  
DISTRICT IN THE TOWN OF NEW WINDSOR,  
ORANGE COUNTY, NEW YORK**

**Petition to Establish the Middle Earth Subdivision  
Drainage District in the Town of New Windsor, Orange  
County, New York**  
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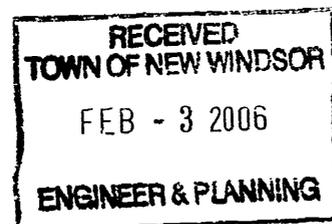
**TO: THE TOWN BOARD OF THE TOWN OF NEW WINDSOR,  
ORANGE COUNTY, NEW YORK**

The undersigned, being the owner of taxable real property situate in the territory proposed to comprise the Middle Earth Subdivision Drainage District, and owning in aggregate more than one half of the assessed valuation of taxable real property of said proposed district, as shown upon the latest completed assessment roll, does hereby petition your Honorable Board to establish the Middle Earth Subdivision Drainage District situate and located in your Town of New Windsor, County of Orange, and State of New York, outside of any incorporated village, and wholly within the said Town of New Windsor, so that said District shall include that portion of the Town of New Windsor which is bounded and described as set forth in the Engineering Report attached hereto.

Attached hereto as Exhibit "A" is a Map, Plan and Report entitled "Engineer's Report, Middle Earth Subdivision Drainage District, Town of New Windsor, Orange County, New York," dated January 2006, which Report is made a part of this petition.

That also attached to said Report is a map and plan which shows the boundaries of the proposed district, a general plan of the proposed drainage systems and all outlets and the terminus and course of each proposed drainage main, and the extent of all other drainage improvements proposed.

Said Report, map and plan has been prepared by MJS Engineering & Land Surveying, PC, competent engineer duly licensed by the State of New York.



The maximum amount proposed to be expended in the construction of the drainage facilities is zero (0.00) dollars since the expense of any necessary improvements shall be borne by the developer.

The owners and assessed values of those lands are as shown below:

Property Owner	Address	Tax Parcels	Assessed Value
Clay Clement	548 Station Road Rock Tavern, New York 12575	54-1-53.1	\$169,400
Total Assessed Value			\$169,400

Date: February 3<sup>rd</sup>, 2006

BY: Clay S. Clement  
Clay Clement

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

On the 3<sup>rd</sup> day of February, 2006 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared, Clay Clement personally known to me or provided 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 his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Joyce Guiliano  
NOTARY PUBLIC - STATE OF NEW YORK

JOYCE GUILIANO  
Notary Public, State of New York  
No. 0160023114  
Qualified in Orange County  
Term Expires July 19, 20 07

**RETAKE  
OF  
PREVIOUS  
DOCUMENT**

The maximum amount proposed to be expended in the construction of the drainage facilities is zero (0.00) dollars since the expense of any necessary improvements shall be borne by the developer.

The owners and assessed values of those lands are as shown below:

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Clay Clement	548 Station Road Rock Tavern, New York 12575	54-1-53.1	\$169,400
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Date: February 3<sup>rd</sup>, 2006

BY: Clay D. Clement  
Clay Clement

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

On the 3<sup>rd</sup> day of February, 2006 before me, the undersigned, a Notary Public in and for the State of New York, personally appeared, Clay Clement personally known to me or provided 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 his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

Joyce Guiliano  
NOTARY PUBLIC - STATE OF NEW YORK

JOYCE GUILIANO  
Notary Public, State of New York  
No. 01GUG023114  
Qualified in Orange County  
Term Expires July 19, 20 09



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

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MJE@MHEPC.COM

**MEMORANDUM**

**14 February 2006**

**TO: MICHAEL D. BLYTHE, ESQ., ATTORNEY FOR THE TOWN**

**FROM: MARK J. EDSALL, P.E., ENGINEER FOR THE PLANNING BOARD**

**SUBJECT: MIDDLE EARTH MAJOR SUBDIVISION  
REVIEW OF DESCRIPTIONS AND BOND ESTIMATE  
NEW WINDSOR P.B. APP. NO. 03-22**



Attached please find the final versions of the various descriptions, as well as the public improvement bond estimate for the Middle Earth Subdivision. Specifically attached are:

- Middle Earth Development Public Improvement Bond, dated 13 December 2005.
- Description of the Drainage District, dated 1 February 2006
- Description of the Detention Area, dated 27 October 2005
- Description of Station Road Dedication, dated 25 July 2005
- Description of Brandywine Road, dated 25 July 2005
- Description of Luthien Forest Road, dated 27 July 2005

Our office has reviewed each of the above and it is our opinion they are acceptable for use with the respective legal instruments.

Contact me should you need anything further.

cc: Myra Mason, Secretary for the PB (w/encl)  
Michele Babcock, Esq., Applicant's Attorney (via fax) (w/o encl)

**REGIONAL OFFICES**

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• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3391 •

## Middle Earth Development Town of New Windsor

### PUBLIC IMPROVEMENT BOND UNIT PRICES

13 December 2005

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QTY</u>	<u>TOTAL COST</u>
<b><u>Roadway</u></b>				
Clear & Grade Road ROW	SF	\$0.80		\$ -
Clear & Grade Road ROW	LF	\$17.00	4170	\$ 70,890.00
Erosion Control (vary w/conditions)	Unit			\$ 50,000.00
Roadway Subbase	CY	\$37.00		\$ -
Roadway Subbase (8" course)	SY	\$8.25		\$ -
Roadway Subbase (12" course)	SY	\$12.50	14425	\$ 180,312.50
Roadway Subbase (15" course)	SY	\$15.50		\$ -
Asphalt Pavement	Ton	\$75.00		\$ -
Asphalt Pavement (1.5" top)	SY	\$7.00	14425	\$ 100,975.00
Asphalt Pavement (2" top)	SY	\$8.50		\$ -
Asphalt Pavement (3" thick)	SY	\$12.50		\$ -
Asphalt Pavement (3.5" thick)	SY	\$14.50	14425	\$ 209,162.50
Asphalt Pavement (4" thick)	SY	\$16.00		\$ -
Asphalt Pavement (5" thick)	SY	\$19.00		\$ -
Tack Coat	SY	\$0.45		\$ -
Double Surface Treatment	SY	\$6.50		\$ -
Roadway ROW Topsoil (6") & Seeding	SY	\$13.00		\$ -
Roadway ROW Topsoil & Seeding	LF	\$35.00		\$ -
Concrete Monuments	EA	\$130.00	40	\$ 5,200.00
Roadway As-builts ROW	LF	\$1.00	4170	\$ 4,170.00
Street Signs (Traffic Control)	EA	\$130.00	4	\$ 520.00
Street ID Sign	EA	\$155.00		\$ -
Concrete Curbing	LF	\$28.00	8340	\$ 233,520.00
Concrete Sidewalk	SY	\$65.00		\$ -
Concrete Sidewalk (4' wide)	LF	\$21.00		\$ -
Concrete Sidewalk (5' wide)	LF	\$26.00		\$ -
Street Trees (2.5 caliper)	EA	\$400.00		\$ -
Street Trees w/frame & grate (2.5 caliper)	EA	\$1,000.00		\$ -
Street Lights (std. Luminair, U/G feed)	EA	\$7,000.00		\$ -
Guide Rail (W-Beam)	LF	\$25.00		\$ -
Guide Rail (Box Beam single rail)	LF	\$46.00		\$ -
End Section (W-Beam)	EA	\$830.00		\$ -
End Section (Box Beam Type 1,9' Taper)	EA	\$600.00		\$ -
End Section (Box Beam Type 2,18' Taper)	EA	\$1,000.00		\$ -

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>UNIT COST</u>	<u>QTY</u>	<u>TOTAL COST</u>
<b><u>Drainage</u></b>				
Stormwater Catch Basin	EA	\$2,000.00	32	\$ 64,000.00
Stormwater Manhole	EA	\$2,000.00	2	\$ 4,000.00
Connection to Existing Catch Basin	LF	\$1,000.00		\$ -
Stormwater Pipe (CMP - 15" coated)	LF	\$47.00		\$ -
Stormwater Pipe (CMP - 18" coated)	LF	\$53.00		\$ -
Stormwater Pipe (CMP - 24" coated)	LF	\$62.00		\$ -
Stormwater Pipe (CMP - 30" coated)	LF	\$70.00		\$ -
Stormwater Pipe (CMP - 36" coated)	LF	\$77.00		\$ -
Stormwater Pipe (CMP - 48" coated)	LF	\$93.00		\$ -
End Section (CMP coated)	EA	\$450.00		\$ -
Stormwater Pipe (HDPE - 15")	LF	\$62.00		\$ -
Stormwater Pipe (HDPE - 18")	LF	\$64.00	4260	\$ 272,640.00
Stormwater Pipe (HDPE - 24")	LF	\$72.00	65	\$ 4,680.00
Stormwater Pipe (HDPE - 30")	LF	\$85.00		\$ -
Stormwater Pipe (HDPE - 36")	LF	\$90.00	150	\$ 13,500.00
End Section (HDPE)	EA	\$600.00	11	\$ 6,600.00
Stormwater Pond	EA	\$20,000.00	1	\$ 20,000.00
Concrete Headwall	EA	\$6,100.00		\$ -
Rip Rap Drainage Channel	SY	\$62.00	230	\$ 14,260.00
Non-lined Drainage Channel	SY	\$11.00		\$ -
Perforated Pipe/Stone Underdrain	LF	\$11.00		\$ -
<b><u>Water</u></b>				
Watermain (DI - 8")	LF	\$75.00		\$ -
Gate Valve (8")	EA	\$1,500.00		\$ -
Tapping Sleeve and Valve (8")	EA	\$4,200.00		\$ -
Watermain (DI - 12")	LF	\$85.00		\$ -
Gate Valve (12")	EA	\$2,300.00		\$ -
Tapping Sleeve and Valve (12")	EA	\$5,600.00		\$ -
Hydrant Assembly	EA	\$3,300.00		\$ -
House Services (w/out licensed plumber)	EA	\$1,350.00		\$ -
Air Relief Valve & Vault	EA	\$3,100.00		\$ -
Pressure Reducing Valve & Vault	EA	\$10,300.00		\$ -
<b><u>Sewer</u></b>				
Sewer Main (PVC - 8")	LF	\$65.00		\$ -
Sewer Main (PVC - 12")	LF	\$82.00		\$ -
Sewer Main Manholes	EA	\$3,300.00		\$ -
Doghouse Sewer Manhole	EA	\$5,600.00		\$ -
House Lateral (w/out licensed plumber)	EA	\$1,250.00		\$ -
<b>Total</b>				<b>\$ 1,254,430.00</b>

Job Name: Middle Earth  
Job Number: 030118

Date: 9 January 2006  
Revised: 1 February 2006

DESCRIPTION OF THE DRAINAGE DISTRICT

BEGINNING at the most northerly corner of the herein described parcel being an iron pipe found in the southeasterly right-of-way line of Station Road, where the same is intersected by the common line of lands now or formerly of the Westminster Church on the east and the herein described parcel on the south, all as shown on a certain map entitled, "Drainage District, Middle Earth Development," dated January 4, 2006 revised February 1, 2006 and running; thence,

1. S. 65°-30'-09" E. 193.06 feet along said common line and a stone wall; thence,
2. S. 65°-03'-39" E. 291.04 feet along the same; thence,
3. S. 63°-30'-49" E. 333.51 feet to an iron pipe found; thence,
4. S. 63°-36'-02" E. 413.63 feet along the common line of the herein described parcel and lands now or formerly of Johnson, Kirchner and Clark and generally along a stone wall; thence,
5. S. 64°-25'-05" E. 376.14 feet along the same; thence,
6. S. 64°-03'-30" E. 847.30 feet along the same to an iron rod found at the most northerly corner of lands now or formerly of Defreese; thence,
7. S. 27°-44'-00" W. 640.51 feet along said lands of Defreese and continuing along lands now or formerly of Fitzgerald, Mulleavy and Pennings and generally along a wire fence; thence,
8. S. 28°-45'-01" W. 299.29 feet along said lands of Pennings to a fence corner; thence,
9. S. 65°-47'-49" E. 238.50 feet along the southwesterly line of said lands of Pennings and said wire fence to a stone wall corner at the most northerly corner of lands now or formerly of Cooper; thence,
10. S. 25°-56'-52" W. 378.08 feet along said lands of Cooper and a stone wall; thence,
11. S. 25°-08'-27" W. 498.24 feet along said lands of Cooper to the northeasterly line of lands now or formerly of Coleman; thence,

**MJS ENGINEERING, PC**

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Job Name: Middle Earth  
Job Number: 030118

Date: 9 January 2006  
Revised: 1 February 2006  
Page 2 of 2

12. N. 65°-18'-30" W. 49.64 feet along the northeasterly line of said lands of Coleman; thence,
13. Northwesterly on a curve to the left, having a radius of 1,535.32 feet (a line from the radius point to the beginning of this curve bears N. 39°-04'-23" E.), an arc distance of 770.85 feet along said lands of Coleman; thence,
14. N. 66°-04'-07" W. 194.62 feet along the same and generally along a stone wall; thence,
15. N. 65°-00'-18" W. 186.64 feet along said lands now or formerly of Poortman and Warnon and generally along a stone wall; thence,
16. N. 66°-08'-22" W. 192.41 feet along the same; thence,
17. N. 65°-30'-55" W. 223.85 feet along the same to the most southerly corner of lands now or formerly of Gledura as described in Liber 2877, Page 176; thence,
18. N. 11°-01'-12" E. 350.00 feet along the easterly line of said lands of Gledura; thence,
19. N. 56°-44'-42" W. 605.13 feet along the northeasterly line of said lands of Gledura; thence,
20. N. 62°-29'-16" W. 415.52 feet along the same and generally along a stone wall to the southeasterly right-of-way line of Station Road as widened to 25.00 feet from the centerline; thence,
21. N. 28°-35'-50" E. 368.53 feet along the said southeasterly right-of-way line Station Road; thence,
22. N. 26°-43'-42" E. 147.35 feet along the same; thence,
23. N. 28°-48'-31" E. 43.94 feet along the same; thence,
24. N. 26°-57'-41" E. 426.01 feet along the same; thence,
25. N. 28°-44'-24" E. 431.27 feet along the same to the point of BEGINNING.

Containing: 98.56 Acres

DONE BY: J.C.C.

CHECKED BY: B.C.

Job Name: Middle Earth  
Job Number: 030118

Date: 27 October 2005

DESCRIPTION OF DETENTION AREA

BEGINNING in the westerly right-of-way of Luthien Forest Road, 50 feet wide, where the same is intersected by the common line of lot #26 on the south and the herein described Detention Area on the northwest, said point being referenced the following two courses along the westerly line of Luthien Forest Road from the northerly right-of-way line of Brandywine Road:

1. N.  $03^{\circ}-58'-28''$  E. 183.57 feet to a point of curvature; thence,
2. Northerly, on a curve to the left having a radius of 700.00 feet, an arc distance of 102.79 feet along said line of Luthien Forest Road to the point of BEGINNING.

All as shown on a certain map entitled, "Middle Earth Development," filed in the Orange County Clerk's Office on \_\_\_\_\_ as map # \_\_\_\_\_ and running; thence,

1. Northerly and Northwesterly, on a curve to the left having a radius of 700.00 feet, an arc distance of 283.69 feet along the said right-of-way line of Luthien Forest Road to the most easterly corner of lot #24; thence,
2. S.  $62^{\circ}-20'-27''$  W. 178.80 feet along the common line of said lot #24 and the herein described Detention Area to the most northerly corner of lot #26; thence
3. S.  $28^{\circ}-49'-28''$  E. 186.26 feet along the common line of said lot #26 and the herein described Detention Area; thence,
4. S.  $72^{\circ}-56'-26''$  E. 97.82 feet along the same; thence,
5. N.  $85^{\circ}-33'-39''$  E. 53.10 feet along the same to the point of BEGINNING.

Containing: 39,155 Square Feet  
or  
0.8991 Acres

DONE BY: J.C.C.

CHECKED BY:

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

Job Name: Middle Earth  
Job Number: 030118

Date: 25 July 2005

DESCRIPTION OF STATION ROAD DEDICATION

BEGINNING in the easterly right-of-way line of Station Road, where the same is intersected by the common line of lands now or formerly of Gledura as described in Liber 2877, Page 176 on the south and the herein described parcel on the northeast, all as shown on a certain map entitled, "Subdivision Plat, Middle Earth Development," filed in the Orange County Clerk's Office on \_\_\_\_\_ as map # \_\_\_\_\_ and running; thence,

1. N. 28°-48'-31" E. 515.92 feet along said line of Station Road; thence,
2. S. 26°-43'-42" W. 147.35 feet forming a new easterly right-of-way line for Station Road; thence,
3. S. 28°-35'-50" W. 368.53 feet forming the same to the said line common with Gledura; thence,
4. N. 62°-29'-16" W. 6.71 feet along said common line to the point of BEGINNING.

Containing: 2,616 Square Feet

DONE BY: J.C.C.

CHECKED BY: C.N.

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

Job Name: Middle Earth  
Job Number: 030118

Date: 25 July 2005

DESCRIPTION OF BRANDYWINE ROAD

BEGINNING in the easterly right-of-way line of Station Road, said point being referenced N. 28°-35'-50" E. 269.34 feet along the easterly line of Station Road from the most northerly line of lands now or formerly of Gledura as described in Liber 2877, Page 176, all as shown on a certain map entitled, "Subdivision Plat, Middle Earth Development," filed in the Orange County Clerk's Office on \_\_\_\_\_ as map # \_\_\_\_\_ and running; thence,

1. N. 28°-35'-50" E. 99.19 feet along the easterly right-of-way line of Station Road; thence,
2. Southerly and Southeasterly on a curve to left, having a radius of 25.00 feet (a line from the radius point to the beginning of this curve bears N. 63°-16'-18" W.), an arc distance of 38.36 feet forming a curve return on the northerly right-of-way of Brandywine Road to a point of tangency; thence,
3. S. 61°-11'-29" E. 194.85 feet forming the right-of-way line of Brandywine Road to a point of curvature; thence,
4. Easterly and Northeasterly on a curve to the left, having a radius of 275.00 feet, an arc distance of 339.42 feet forming the same to a point of tangency; thence,
5. N. 48°-05'-24" E. 55.86 feet forming the same to a point of curvature; thence,
6. Easterly and Southeasterly on a curve to the right, having a radius of 325.00 feet, an arc distance of 479.59 feet forming the same to a point of tangency; thence,
7. S. 47°-21'-39" E. 197.04 feet forming the same to a point of curvature; thence,
8. Easterly on a curve to the left, having a radius of 175.00 feet, an arc distance of 118.10 feet forming the same to a point of tangency; thence,
9. S. 86°-01'-32" E. 56.72 feet forming the same to a point of curvature; thence,
10. Northerly on a curve to the left, having a radius of 20.00 feet, an arc distance of 31.42 feet forming a curve return with the westerly right-of-way line of Luthien Forest Road; thence,

**MJS ENGINEERING, PC**

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Job Name: Middle Earth  
Job Number: 030118

Date: 25 July 2005  
Page 2 of 2

DESCRIPTION OF BRANDYWINE ROAD

11. S. 03°-58'-28" W. 90.00 feet along the westerly right-of-way line of Luthien Forest Road; thence,
12. Northerly and Northwesterly on a curve to left, having a radius of 20.00 feet (a line from the radius point to the beginning of this curve bears S. 86°-01'-32" E.), an arc distance of 31.42 feet forming the right-of-way line of Brandywine Road to a point of tangency; thence,
13. N. 86°-01'-32" W. 56.72 feet forming the same to a point of curvature; thence,
14. Northwesterly on a curve to the right, having a radius of 225.00 feet, an arc distance of 151.84 feet forming the same to a point of tangency; thence,
15. N. 47°-21'-39" W. 197.04 feet forming the same to a point of curvature; thence,
16. Northwesterly and Westerly on a curve to the left, having a radius of 275.00, an arc distance of 405.81 feet forming the same to a point of tangency; thence,
17. S. 48°-05'-24" W. 55.86 feet forming the same to a point of curvature; thence,
18. Southwesterly and Westerly on a curve to the right, having a radius of 325.00 feet, an arc distance of 401.14 feet forming the same to a point of tangency; thence,
19. N. 61°-11'-29" W. 194.47 feet forming the same to a point of curvature; thence,
20. Southwesterly on a curve to the left, having a radius of 25.00 feet, an arc distance of 39.36 feet forming a curve return to Station Road and the point of BEGINNING.

Containing: 75,300 Square Feet  
or  
1.7287 Acres

DONE BY: J.C.C.

CHECKED BY: C.N.

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

Job Name: Middle Earth  
Job Number: 030118

Date: 27 July 2005

DESCRIPTION OF LUTHIEN FOREST ROAD

BEGINNING at an iron pipe found at a stone wall intersection on the easterly right-of-way line of Station Road, said stone wall intersection being on the common line of lands now or formerly of the Westminster Presbyterian Church on the northeast and the herein described property on the southeast, all as shown on a certain map entitled, "Subdivision Plat, Middle Earth Development," filed in the Orange County Clerk's Office on \_\_\_\_\_ as map # \_\_\_\_\_ and running; thence,

1. S. 65°-30'-09" E. 193.06 feet along the stone wall and the common line of the Westminster Presbyterian Church and the herein described property; thence,
2. S. 65°-03'-39" E. 291.04 feet along the same; thence,
3. S. 63°-30'-49" E. 137.65 feet along the same; thence,
4. S. 37°-36'-45" W. 41.61 feet forming the easterly right-of-way line of the herein described road; thence,
5. Southeasterly on a curve to the right, having a radius of 750.00 feet (a line from the radius point to the beginning of this curve bears N. 37°-36'-45" E), an arc distance of 737.78 feet forming the same to a point of tangency; thence,
6. S. 03°-58'-28" W. 723.02 feet forming the same to a point of curvature; thence,
7. Southeasterly on a curve to the left, having a radius of 975.00 feet, an arc distance of 350.03 feet forming the same to a point of tangency; thence,
8. S. 16°-35'-42" E. 4.09 feet forming the same to a point of curvature; thence,
9. Southeasterly on a curve to left, having a radius of 25.00 feet, an arc distance of 23.55 feet to a point of reverse curvature; thence,
10. Southeasterly, Southerly, and Northwesterly on a curve to the right, having a radius of 60.00 feet, an arc distance of 301.53 feet forming a cul-de-sac at the terminus of the herein described road to a point of reverse curvature; thence,

**MJS ENGINEERING, PC**

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Job Name: Middle Earth  
Job Number: 030118

Date: 27 July 2005  
Page 2 of 2

DESCRIPTION OF LUTHIEN FOREST ROAD

11. Northwesterly on a curve to the left, having a radius of 25.00, an arc distance of 23.55 feet forming the westerly right-of-way line of the herein described road to a point of tangency; thence,
12. N. 16°-35'-42" W. 4.09 feet forming the same to a point of curvature; thence,
13. Northerly on a curve to the right, having a radius of 1,025.00 feet, an arc distance of 367.98 feet forming the same to a point of tangency; thence,
14. N. 03°-58'-28" E. 723.02 feet forming the same to a point of curvature; thence,
15. Northwesterly on a curve to the left, having a radius of 700.00 feet, an arc distance of 848.82 feet forming the same to a point of tangency; thence,
16. N. 65°-30'-09" W. 506.15 feet forming the same to the easterly right-of-way line of Station Road; thence,
17. N. 28°-44'-24" E. 80.22 feet along said line of Station Road to the point of BEGINNING.

Containing: 155,466 Square Feet  
or  
3.5690 Acres

DONE BY: J.C.C.

CHECKED BY: C.N.



**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  
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□ Regional Office  
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e-mail: mhpc@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.: 09-22  
WORK SESSION DATE: 15 Feb 2006 PROJECT: NEW OLD X  
REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: No  
PROJECT NAME: Middle East  
REPRESENTATIVES PRESENT: Drew

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. \_\_\_\_\_  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED:  
May advise re possible denials  
Blw not req'd  
Final Appl  
request

STND CHECKLIST: PROJECT TYPE  
DRAINAGE \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
DUMPSTER \_\_\_\_\_ SPEC PERMIT \_\_\_\_\_  
SCREENING \_\_\_\_\_ L L CHG. \_\_\_\_\_  
LIGHTING \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
(Streetlights) \_\_\_\_\_ OTHER \_\_\_\_\_  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date 2/22

MIDDLE\_EARTH\_SUBDIVISION\_(03-22)

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MR. EDSALL: Middle Earth subdivision application 03-22 request for six month approval, apparently there was a letter that somehow wasn't acted on, asking for a six month extension and we're just merely letting that continue, they've got their outside agency approvals but we want to get the preliminary extension on the record.

MR. ARGENIO: Did you speak to that engineer today?

MR. EDSALL: Yes.

MR. SCHLESINGER: Who's that?

MR. EDSALL: MJS.

MR. ARGENIO: This is the one near us.

MR. SCHLESINGER: I thought that that was Kartiganer.

MR. EDSALL: It's MJS is the engineer, they've got Shadow Fax and Middle Earth they're working on.

MR. ARGENIO: Looking are for six month extension.

MR. SCHLESINGER: Make a motion to give them a six month extension.

MR. VAN LEEUWEN: Second it.

MR. ARGENIO: Motion has been made and seconded that the Middle Earth subdivision be given six month extension. No further extension, roll call.

ROLL CALL

MR. SCHLESINGER     AYE  
MR. MINUTA           AYE

February 8, 2006

42

MR. VAN LEEUWEN	AYE
MR. BROWN	AYE
MR. ARGENIO	AYE



**DEPARTMENT OF HEALTH**

**Jean M. Hudson, M.D., M.P.H.**  
*Commissioner of Health*  
124 Main Street  
Goshen, New York 10924-2199

**M.J. Schleifer, P.E.**  
*Assistant Commissioner*

**Edward A. Diana**  
*County Executive*

Environmental Health (845) 291-2331  
Fax: (845) 291-4078

January 5, 2006

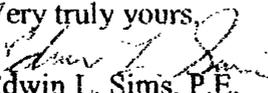
MJS Engineering & L.S., P.C.  
261 Greenwich Ave.  
Goshen, NY 10924

**Re:**  
**Middle Earth**  
**Realty Subdivision**  
**T. New Windsor**

Gentlemen:

In response to your request we are granting a 90 day extension for the above referenced project.

If additional time is needed, please request an additional extension prior to the expiration of this 90 day extension.

Very truly yours,  
  
**Edwin L. Sims, P.E.**  
Director, Bureau of  
Sanitary Engineering

ELS/ajc

cc: Applicant  
File



# DEPARTMENT OF HEALTH

Jean M. Hudson, M.D., M.P.H.  
Commissioner of Health  
124 Main Street  
Goshen, New York 10924-2199

M.J. Schleifer, P.E.  
Assistant Commissioner

Edward A. Diana  
County Executive

Environmental Health (845) 291-2331  
Fax: (845) 291-4078

September 8, 2005

MJS Engineering, P.C.  
261 Greenwich Ave.  
Goshen, NY 10924

**Re:**  
**Middle Earth**  
**Realty Subdivision**  
**T. New Windsor**

Dear Mr. Sandor:

We are in receipt of the plans dated April 3, 2003, latest revision August 26, 2005 regarding the above referenced project. All comments based on our technical review have been satisfactorily addressed.

Very truly yours,

Greg A. Moore, P.E.  
Sr. Public Health Engineer

GAM/ajc

cc: Applicant  
File

**FAXED**  
9/8/05  
TO DREW



**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 125  
(845) 567-3100  
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Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhempa@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.: 03-22  
WORK SESSION DATE: 4 Jan 05 PROJECT: NEW OLD   
REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: Final plans  
PROJECT NAME: Middle Earth Subdiv.  
REPRESENTATIVES PRESENT: ~~Don Hartigan~~ Jim Clements  
MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. \_\_\_\_\_  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

ITEMS DISCUSSED: Stable Rd.  
\* bond est ck - \* MJE ck  
- Drainage Audit - MJE to Gr-  
Plan + description + pet. (John Hicker)  
- OCSM approved.  
- \* MJE ck final plan  
set rec'd for ck "  
look @ price to OCSM stage.  
- ACOE not acting - will  
apply by NO I

STND CHECKLIST: PROJECT  
TYPE

<u>DRAINAGE</u> _____	<u>SITE PLAN</u>
<u>DUMPSTER</u> _____	<u>SPEC PERMIT</u>
<u>SCREENING</u> _____	<u>L I CHG.</u>
<u>LIGHTING</u> _____	<u>SUBDIVISION</u>
<u>(Streetlights)</u>	<u>OTHER</u>
<u>LANDSCAPING</u> _____	
<u>BLACKTOP</u> _____	
<u>ROADWAYS</u> _____	
<u>APPROVAL BOX</u> _____	

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date \_\_\_\_\_



# ERS CONSULTANTS, INC.

ENVIRONMENTAL RESOURCE SPECIALISTS

# COPY

December 09, 2005

Brian Orzel  
 Regulatory Branch  
 Department of the Army  
 Western Permits Section  
 New York District Corps of Engineers  
 26 Federal Plaza  
 Jacob Javits Federal Building  
 New York, NY 10278-0090

**Applicant:** Middle Earth Development  
**Town:** New Windsor  
**County:** Orange      **State:** New York  
**Tax Lot:** Section 54, Block 1, Lot 53.1

**RE: Nationwide Permit 39, Permit Application number 2004-00778-YS**

Dear Mr. Orzel:

This is in regard to a Pre-Construction Notice (PCN) that was submitted to you under Nationwide Permit 39 for a proposed residential subdivision at the Middle Earth Development Project. The subject property is located east of Station Road in the Town of New Windsor, Orange County, New York.

ERS Consultants Inc. represents Drew Kartiganer of Middle Earth Development Co. Corp. located at 555 Blooming Grove Turnpike, New Windsor, New York 12553, with respect to this submission. On behalf of the applicant I previously submitted a Pre-Construction Notice (PCN) on October 19, 2005 in support of authorization from the Department of the Army Corps of Engineers under nationwide permit 39 for approximately 0.26 acres of impact to wetlands and subsequent creation of approximately 0.55 acres of wetland.

Nationwide Permit Condition 13, "Notification", section (a) (3), states, "The prospective permittee shall not begin the activity...unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be

modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

As discussed with you in person on November 15, 2005, you reviewed the permit request and mitigation plan, stating that the permit request was complete and the mitigation plan appeared adequate. Additionally, you stated that to save time you would allow us to proceed under Nationwide Permit Condition 13, after the 45 days has transpired.

ERS Consultants, Inc. has not received any comments from your agency in the 45 days since your agency received the PCN. As such, this project therefore has authorization to proceed under the federal program, and that this right to proceed may be modified, suspended or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

Do not hesitate to contact me if you have any questions.

Sincerely,



David Griggs  
ERS Consultants, Inc.

Cc: Middle Earth Development



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

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY & NJ)  
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**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

03-22

**TOWN/ VILLAGE OF:** New Windsor **P/B APP. NO.:** \_\_\_\_\_

**WORK SESSION DATE:** Dec 7 2005 **PROJECT:** NEW \_\_\_\_\_ OLD X

**REAPPEARANCE AT W/S REQUESTED:** Prob No **RESUB. REQ'D:** SEE K

**PROJECT NAME:** Middle Earth

**REPRESENTATIVES PRESENT:** Don K / Mike Sador

**MUNICIPAL REPS PRESENT:**

BLDG INSP.	_____	FIRE INSP.	_____
ENGINEER	<u>X</u>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

**ITEMS DISCUSSED:**

- = getting a default approval from ACOE - did address all
- = Bond amts. = TB Y4 comments
- = road sed.
- = offers are @ Phil C.
- = do Final Check.

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_

DUMPSTER \_\_\_\_\_

SCREENING \_\_\_\_\_

LIGHTING \_\_\_\_\_  
(Streetlights)

LANDSCAPING \_\_\_\_\_

BLACKTOP \_\_\_\_\_

ROADWAYS \_\_\_\_\_

APPROVAL BOX \_\_\_\_\_

**PROJECT TYPE:**

SITE PLAN \_\_\_\_\_

SPEC PERMIT \_\_\_\_\_

L L CHG. \_\_\_\_\_

SUBDIVISION

OTHER \_\_\_\_\_

Mike sending 1 copy of ret to mje directly to look @ prior to DDH

**PROJECT STATUS:**

ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N \_\_\_\_\_

Ready For Meeting X Y \_\_\_\_\_ N \_\_\_\_\_

\* Send MJS cost breakdown unit costs (new update)

Recommended Mtg Date Request 1/11/06





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

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Writer's E-mail Address:  
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11:00

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

TOWN/ VILLAGE OF: New Windsor P/B APP. NO.: 03-22

WORK SESSION DATE: 5 Jan 2005 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: when they want RESUB. REQ'D: later

PROJECT NAME: Middle Earth

REPRESENTATIVES PRESENT: Tim C / Ann K

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_  
ENGINEER X FIRE INSP. \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ PLANNER \_\_\_\_\_  
OTHER HK; Bill Skide

ITEMS DISCUSSED:  
- went to DOH  
- drilled 3 wells. => info went  
to DOH; water sample @ lab.

STND CHECKLIST: PROJECT TYPE  
DRAINAGE \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
DUMPSTER \_\_\_\_\_ SPEC PERMIT \_\_\_\_\_  
SCREENING \_\_\_\_\_ L L CHG. \_\_\_\_\_  
LIGHTING \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_ OTHER \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

\* Get prev copy of deed restrictions for Cornwall -  
MJE

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date \_\_\_\_\_

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Andrew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 27 lot residential subdivision.

MR. CLEARWATER: It's 26.

MR. PETRO: You took one out? Why did you take the one out?

MR. CLEARWATER: It's been 26 for quite some time. In any case, the plan is near same as it was last time the board reviewed it.

MR. PETRO: Let me read in just so you know why so when people read it they know that we're not here one night and just letting it go because it's important to know that that application proposes subdivision of 96 acre parcel into 26 single family lots. The plan was previously reviewed at the 23 July, 2003, 25 February, 2004 April 14, 2004, 26 May, 2004 and 23 June, 2004 planning board meetings. Seems like whenever you're involved with this quite a few visits but anyway the property's located in R-1 zone district of the Town, required bulk information shown on the plan is correct for the zone and use the plans have been revised for previous comments and discussions at work sessions. We have the following comments regarding the latest plans submitted and their status of various items, I guess, Mark, you can go over those, no sense of me reading what you wrote.

MR. EDSALL: Well, at this point, I guess the not major issue but the next issue we have to make sure gets finalized is the storm water pollution prevention plan. Pat Hines had some comments, they're attached to my report, we just need to have that resolved and hopefully we can have a meeting of the minds and get

that finalized. Other than that, they have, I know they're working with Andy on the restrictive covenants and they've got some outside agency reviews potentially and they did get a release from Orange, from New York State Office of Parks, Recreation and Historic Preservation so that's out of the way.

MR. PETRO: Let me ask who's talking?

MR. KARTIGANER: I was asking whether we need the review prior to preliminary.

MR. EDSALL: The only thing that I believe needs to be resolved before you can issue a negative dec or any preliminary approval would be the storm water pollution prevention plan that should be resolved before the negative dec.

MR. PETRO: I still have again on 9/22/2004, I have highway disapproved, again need drainage study reviewed, again this is back to Mr. Kroll, I know it does say here that you're working with him. What's this story here? This is like five times. What's going on?

MR. CLEARWATER: With all due respect, we submitted the drainage report back in June, actually back in May, I think we made some revisions in June and here, you know, I realize everybody's got a lot on their plate and things are busy but, you know--

MR. PETRO: Sight distance is resolved, drainage is the last problem?

MR. ARGENIO: Wait a second, not to soften your point at all but, Mark, wasn't there also an issue a couple of lots had like a two minute perc or some ridiculous thing. Wasn't there something going on there as well?

MR. KARTIGANER: There was, correct, and the response

that we had from Mr. Edsall was that's an Orange County Department of Health review issue and my engineer believes that the percs are going to work because they're the ones doing the final review.

MR. SCHLESINGER: His engineer thinks that it's going to work but it's up to the Department of Health.

MR. ARGENIO: Mark, that's right, that's a D.O.H. issue?

MR. EDSALL: Once it's a realty subdivision under state law we don't have any jurisdiction on the sanitary and wells, they may lose lots at the health department.

MR. ARGENIO: You're talking about the storm water?

MR. EDSALL: I don't and I don't have the date here that I passed it on to Pat, I'm not quite sure but Jim is correct that there are quite a number of large projects currently under review and some of the technical reviews aren't as expeditious as I'd love to have but just the way the development is in Town there's a lot going on.

MR. PETRO: Well, you've got to get that resolved so call him again.

MR. EDSALL: I think it would probably pay to work with Pat and with Henry to get both their okays or approvals before they come back at this point those are the only two I believe that are prohibiting the negative dec and the preliminary approval which would mean you can go on to the outside agencies.

MR. PETRO: Didn't we have a public hearing on this? Is this the one with the street lighting?

MR. ARGENIO: Yes, we did.

MR. PETRO: They didn't want the street lights.

MR. KARTIGANER: They didn't want the sidewalks and street lights.

MR. PETRO: That's how that was resolved.

MR. SCHLESINGER: It's not required?

MR. KARTIGANER: It is required by Town Code, according to the engineer street light is required.

MR. SCHLESINGER: I think another issue was the sidewalks.

MR. PETRO: We have sidewalks on one side.

MR. KARTIGANER: It's in there, it's at the discretion of your planning board as to whether we remove them or not.

MR. CLEARWATER: It's not a Town Board issue.

MR. KARTIGANER: We'd love to have them out but that's something--

MR. PETRO: No, we have been requiring them on one side. What else? I'm just trying to think back to the public hearing. Well, you have the two issues so, I mean, one is not holding up the other so if we had Mr. Kroll's blessing we still have the other issues.

MR. KARTIGANER: They're the same issue.

MR. CLEARWATER: It's the same issue.

MR. EDSALL: They're related because what it comes down to is properly collecting the storm water from the Town roadway and then discharging it and treating it in an acceptable manner and that overlaps with Pat so it is

the same issue in effect.

MR. KARTIGANER: It's the only issue left.

MR. PETRO: All right, thank you.

MR. KARTIGANER: The only other issue to go back with the deed restrictions and that was I discussed that with Andy Krieger, we were talking about providing the deed restrictions to the Orange County Citizens Foundation and we got a letter from them which they asked for a significant addition to what they originally discussed with me. So at this point, the way the deeded restrictions are going to be followed and I discussed with Andy is that it's going to be provided to common lot line, people in the subdivision that the deeded restrictions will be part of the deed and people in the subdivision will have those restrictions enforced on their own, he seems to feel there will always be one person within the subdivision that will act to make sure those deeded restrictions for both the viewshed along Station Road and the wetlands area in the back always be one person in there who will make sure.

MR. ARGENIO: Or somebody outside of the subdivision.

MR. KARTIGANER: We were trying to get somebody from the outside, we had somebody who we were in discussion with developing this plan and close association, they were talking about we have a couple lots that are huge as opposed to a number of lots that are equal and they came back and said that they wanted in essence they were telling me to lose three lots and to establish restrictions on about another 6 lots and what they talked about and they did, so after the public hearing and it's just not viable, they're basically saying reduce the entire subdivision because we've changed our mind and I forwarded a letter, I'm still willing to discuss it with them subject to them going along with

what we originally talked about but until then the restrictions will be provided to common lot owners who will be responsible for and have the right to enforce those restrictions. Is that clear?

MR. ARGENIO: Yes.

MR. PETRO: We have a note says check buildable area on lot 23, also check septic on 23, 22 and 29, anything lost to the wetlands needs a long form EAF. Has any of that been done? Check the septic system on lot 23, 22?

MR. ARGENIO: That's what I was referring to, Jim, and Mark is saying that's D.O.H. not us, 22, 23 and I think it was 21.

MR. CLEARWATER: There is no 29.

MR. ARGENIO: Bill was the one who actually brought it to our attention.

MR. PETRO: We can't even get there until we resolve this other issue. Get together with Mr. Kroll, Pat Hines, get this other matter resolved so we can send you on your way to get these other issues moving.

REGULAR ITEMS:

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 13 lot residential subdivision.

MR. KARTIGANER: Twenty-six lot.

MR. PETRO: Application proposes subdivision of 96 acre parcel into 26 single family lots 26, yeah, okay, sorry, I looked at the one underneath. It's R-1 zone, we've seen this about five or six times, the public hearing was held in this project in June. Applicant is seeking negative declaration. You desire that, huh?

MR. CLEARWATER: Yes, sir.

MR. PETRO: Why don't you go over what we did at the last meeting, don't start from scratch, again, we've seen this how many times I'm going to send it a Christmas card.

MR. CLEARWATER: When we left off last one, the two outstanding items, the drainage report was prepared, few little things that Mr. Edsall's office had wanted revised changed which we have taken care of and I don't want to put words in his mouth but I think we've got that taken care of.

MR. EDSALL: I agree with you.

MR. CLEARWATER: Secondly, the highway superintendent you recall had a couple questions, comments, revisions that you wanted, I met with Henry yesterday, reviewed with him the changes that he wanted, we came to terms on what was to be done and these plans don't reflect that because they were just done but basically he

wanted two catch basins out on Station Road and some pipe connection that up. He also had some concern about the slope on the Brandy Wine Road, fill slope and he was concerned, we conveyed to him that that slope's a three to one slope and that basically the Town shouldn't accept the road until he was fine with that and he should have submitted some comments.

MR. PETRO: He called me prior to the meeting so we'll get to that so something other than Mr. Kroll, what else do you have?

MR. CLEARWATER: That's it.

MR. PETRO: We had fire approval on 5/20/2004. Mark, other than Mr. Kroll who tells me that he's satisfied enough to do a preliminary and he can do a further review as they move along to final, what else do you have? I know we're going to take a negative dec.

MR. EDSALL: Under comment 3 you've got some very minor corrections that just need to be done relative to the road detail. And under comment 4, I'm just indicating that I do agree that preliminary approval would be appropriate if the board so agrees and then I have a couple items that they need to work on while they're between preliminary and final so I think it's in much improved condition, I have reviewed all the issues the board asked me to review and Henry as well I met with him a couple times and he seems to be happy now.

MR. PETRO: Required bulk information shown on the plan is correct for the zone and use, you're going to have a couple comments even from the preliminary to take care of, you can do that with Mark, when he tells me the plan is ready to be signed, I'll sign it. Motion for negative dec.

MR. ARGENIO: So moved

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare negative dec for the Middle Earth subdivision. Any further discussion? If not, roll roll.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. SCHLESINGER: Question on lighting was settled, what was one issue, the lighting?

MR. KARTIGANER: They wanted the lighting.

MR. SCHLESINGER: Just for my understanding on the deed restriction you can deed, you can have restrictions on some lots different than other lots?

MR. EDSALL: Yes, that's basically a voluntary thing they're trying to include in this subdivision to protect visual aspects, something they're putting in at their own choice. It's just going to end up being a restrictive covenant in the deed that's enforceable by the other homeowners that they, that's a benefit to everyone and you can't disturb those areas.

MR. SCHLESINGER: My question on that is that with deed restrictions that I've been familiar with if we say all the houses have to be red then everybody knows all the houses have to be red but on this one we're only referring to five lots, I think it is and how do the other people, how are they aware of the fact that there's a deed restriction on those five lots?

MR. EDSALL: We can probably work with Andy on having in the other deeds the non-affected lots having them be aware that there is a benefit, a visual benefit being granted along the highway for buffering.

MR. SCHLESINGER: So that should be some way legally that everybody's aware of it cause that's the way it's going to be policed.

MR. EDSALL: That's a great point, the lots that are affected have to be told the lots that are benefited have to be told that there's this benefit.

MR. KARTIGANER: We can give that to the Town of New Windsor too cause then they can implement it.

MR. EDSALL: We have until final to work that out but that's a real good point.

MR. KRIEGER: I should note Mr. Chairman that while it's not in final form I've had a number of discussions with Mr. Kartiganer as with respect to what form it should take and I think for purposes of preliminary approval it could be best characterized as on track and I think the applicant is aware that it needs to be finalized before the plan can be finally approved.

MR. PETRO: Okay, any other outstanding comments from the board members? We're going to take a roll call for preliminary approval.

MR. ARGENIO: Form of a motion?

MR. PETRO: Yes.

MR. ARGENIO: I'll make a motion for preliminary approval for Middle Earth Development major subdivision on Station Road.

MR. SCHLESINGER: Pending the finalized issues that

we're taking about.

MR. PETRO: He has two or three with Mark that's on these sheets and Henry already said that he's willing to sign off on the preliminary ones after that they're going to come back for a regular final then work together, pick that up again.

MR. SCHLESINGER: So I'll second that subject to Mark's comments.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant preliminary approval to the Middle Earth Development major subdivision on Station Road. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: How wide are the roads?

MR. CLEARWATER: Thirty feet, pavement is 30 feet.



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

**PROJECT NAME:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 13 OCTOBER 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003,  
25 FEBRUARY 2004, 14 APRIL 2004, 26 MAY 2004, 23 JUNE 2004 AND  
22 SEPTEMBER 2004 PLANNING BOARD MEETINGS.

1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use.
2. The Public Hearing was held for this project in June. The applicant is seeking a negative declaration for SEQRA, and desires Preliminary Approval such that the application can proceed to the Orange County Department of Health for review and approval. Action in this regard was held pending resolution of the Stormwater Pollution Prevention Plan (SPPP) and an approval from the Highway Superintendent.

We have received an updated SPPP. We find the report generally acceptable, with only minor final comments remaining. The report is adequate for supporting a negative declaration if the Board is comfortable that no other SEQRA issues remain.

I am not aware of the approval status from the Highway Superintendent.

3. We have reviewed the latest plans submitted for the project. Some minor comments are as follows (these can be corrected on the plans following Preliminary Approval):
  - Road crown should be minimum 4" (not 2% slope)
  - Maximum slope within right-of-way (behind curb) is 3/4" per foot (not 8%)

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4. I have no objection to the Board considering Preliminary Approval. The applicant is reminded of the following, which should be addressed while the application is at OCDOH seeking approval, and resolved prior to return to the Planning Board:

- Final format for the declaration for the restrictive covenants for the lots, for the Conservation Easement for lots 1-5, should be resolved.
- Any outside agency approvals or permits (in addition to OCDOH) should be obtained, including (but possibly not limited to), a SPDES General Permit for Stormwater Discharges from Construction Activities, and a possible 401 Water Quality Certification required (pending ACOE determination).
- The applicant is reminded that a drainage district will be required. They should coordinate this item with the Town Attorney's office.

Respectfully Submitted,



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

MJE/st  
NW03-22-13Oct04.doc



**McGOEY, HAUSER and EDSALL  
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**TOWN OF NEW WINDSOR**  
**PLANNING BOARD**  
**REVIEW COMMENTS**

**PROJECT NAME:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 22 SEPTEMBER 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003,  
25 FEBRUARY 2004, 14 APRIL 2004, 26 MAY 2004 AND 23 JUNE 2004  
PLANNING BOARD MEETINGS.

1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use.
2. The plans have been revised per previous comments and discussions at worksessions. We have the following comments regarding the latest plans submitted and the status of various items:
  - We have reviewed the revised Stormwater Pollution Prevention Plan (SPPP). Corrections are still needed. Our comments regarding the plan are attached.
  - It is my understanding that the declaration for the restrictive covenants for the lots, with the restrictions for the Conservation Easement for lots 1-5, is still under review. Can we get an update from the Applicant and Andy Krieger?
  - It is still our understanding that outstanding outside agency permits and approvals include Orange County DOH Realty Subdivision approval, a SPDES General Permit for Stormwater Discharges from Construction Activities, and a possible 401 Water Quality Certification required (pending ACOE determination).

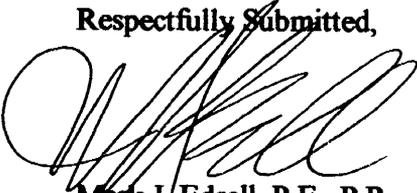
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- We have received a copy of the letter from NYS Office of Parks, Recreation and Historic Preservation, dated 7-30-04, which indicates the proposed project will have "No Impact". This is a closed issue.

3. In general, once the Stormwater Management issues are resolved, and an approval from the Highway Superintendent is obtained, we will proceed with the detailed review of the submittal. Once these issues are resolved, a SEQRA determination can be considered, as well as Preliminary Approval considered.
4. The applicant is reminded that a drainage district will be required. They should begin to arrange for this item.

Respectfully Submitted,



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

MJE/m  
NW03-22-22Sept04.doc



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

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

**PROJECT NAME:** MIDDLE EARTH DEVELOPMENT  
**PROJECT LOCATION:**  
**P.B. PROJECT NO.:** 03-22  
**APPLICANT'S REPRESENTATIVE:** MJS ENGINEERING  
**PREPARATION DATE:** 1 SEPTEMBER 2004  
**MEETING DATE:** 22 SEPTEMBER 2004

1. Show pipe sizes for hydraulic connection between Federal Jurisdictional Wetland areas.
2. The detention pond No. 1 identified on Lot 26, contains conflicting low flow orifice elevations.
3. The applicant's representative should identify the pond treatment type in accordance with New York State Stormwater Management Design Manual. It appears the applicant is proposing a micro pool extended detention pond (P-1). This does not allow credit for the micro pool areas in the water quality volume calculations as shown in the stormwater management model. The model depicts available storage below the low flow orifice (water quality orifice), which would not otherwise be available.
4. It is requested the applicant provide a narrative report in response to comment letters for future submissions.
5. Details of the outlet control structures for both stormwater management facilities should be provided.
6. Operation and maintenance of the pond facilities should be addressed.
7. The hydrograph summary report for the 100 year storm event identifies a maximum water surface elevation of 437.76. However, the model does not identify the grate in full function as an inlet. The discharge culvert must be modeled as an outlet to the detention pond to assure that adequate discharge is available.

Respectfully submitted,

**MCGOEY, HAUSER & EDSALL**  
**CONSULTING ENGINEERS, P.C.**

Patrick J. Hines  
Associate

Pjh:klh

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# Town of New Windsor

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## OFFICE OF THE PLANNING BOARD

October 14, 2004

MJS Engineering, P.C.  
261 Greenwich Avenue  
Goshen, NY 10924

ATTN: JAMES CLEARWATER, PLS

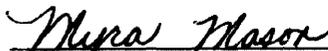
SUBJECT: PRELIMINARY APPROVAL FOR FILE # 03-22  
TAX MAP # 54-1-53.1  
PROJECT NAME: MIDDLE EARTH SUBDIVISION  
LOCATION: STATION ROAD - NEW WINDSOR, NY

Dear Mr. Clearwater:

This letter is to confirm that at the regularly scheduled Planning Board meeting of October 13, 2004, a Negative Declaration was declared and Preliminary Approval was granted to subject project.

If you have any questions with regard to this matter, please contact our office.

Very truly yours,

  
\_\_\_\_\_  
Myra Mason, Secretary to the  
New Windsor Planning Board

MLM



**ERS** CONSULTANTS, INC.  
ENVIRONMENTAL RESOURCE SPECIALISTS

February 8, 2006

James Clearwater  
MJS Engineering  
261 Greenwich Avenue  
Goshen, NY 10924

**Applicant:** Middle Earth Development  
**Town:** New Windsor  
**County:** Orange      **State:** New York  
**Tax Lot:** Section 54, Block1, Lot 53.1

**RE: Nationwide Permit 39, Permit Application number 2004-00778-YS**

Dear Mr. Clearwater:

This is in regard to a Pre-Construction Notice (PCN) that was submitted to the US Army Corps of Engineers (ACOE) under Nationwide Permit 39 for a proposed residential subdivision at the Middle Earth Development Project. The subject property is located east of Station Road in the Town of New Windsor, Orange County, New York.

ERS Consultants Inc. previously submitted a Pre-Construction Notice (PCN) on October 19, 2005 in support of authorization from the Department of the Army Corps of Engineers under nationwide permit 39 for approximately 0.26 acres of impact to wetlands and subsequent creation of approximately 0.55 acres of wetland.

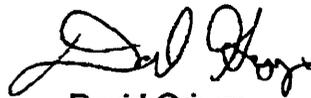
Nationwide Permit Condition 13, "Notification", section (a) (3), states, "The prospective permittee shall not begin the activity...unless 45 days have passed from the District Engineer's receipt of the complete notification and the prospective permittee has not received written notice from the District or Division Engineer. Subsequently, the permittee's right to proceed under the NWP may be modified, suspended, or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

As discussed with representatives of the ACOE on November 15, 2005, the ACOE reviewed the permit request and mitigation plan, stating that the permit request was complete and the mitigation plan appeared adequate. Additionally, they stated that in order to save time they would allow us to proceed under Nationwide Permit Condition 13, after the 45 days has transpired.

ERS Consultants, Inc. has not received any comments from the ACOE in the 45 days since the agency received the PCN. As a courtesy, ERS Consultants, Inc. issued a letter to the ACOE on December 8, 2005 stating that the project will move forward as planned. As such, this project therefore has authorization to proceed under the federal program, and that this right to proceed may be modified, suspended or revoked only in accordance with the procedure set forth in 33 CFR 330.5(d)(2).

Do not hesitate to contact me if you have any questions.

Sincerely,  
ERS Consultants, Inc.



David Griggs  
Professional Wetland Scientist



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 563-4630  
Fax: (845) 563-4693

## Attorney for the Town

October 17, 2005

John S. Hicks, Esq.  
158 Orange Ave.  
P.O. Box 367  
Walden, NY 12586-0367

Re: Middle Earth Subdivision  
Your File No.: 1171-6

Dear John:

I have reviewed your letter dated October 6, 2005.

Regarding the Irrevocable Offer of Dedication, I have sent one copy of that instrument to the Planning Board Engineer. You should now send one copy of the map to the Town Engineer for review. I would appreciate a copy of the map also.

From my standpoint I request that all roads be on one deed, and all easements be on another document.

Have you checked with the Planning Board Engineer, Mark Edsall, P.E., as to whether the subdivision needs to form a drainage district.

Very Truly Yours,

  
Philip A. Crotty

Cc: Mark Edsall, P.E. (with enclosure)

## **AGREEMENT AND IRREVOCABLE OFFER OF DEDICATION**

**AGREEMENT**, made this \_\_\_ day of \_\_\_\_\_, 2005, by and between Drew Kartiganer, 555 Blooming Grove Turnpike, New Windsor, NY 12553, hereinafter called the **Developer**, and **THE TOWN OF NEW WINDSOR**, a municipal corporation of the State of New York, having its principal office at 555 Union Ave, New Windsor, NY 12553, hereinafter designated as the **Town**.

**WHEREAS**, the Planning Board of the Town has approved a subdivision entitled "Subdivision Plan for Middle Earth Development" which map was or will be filed in the Office of the Clerk of Orange County on \_\_\_\_\_, as Map No. \_\_\_\_\_; and

**WHEREAS**, said map designates certain public improvements consisting of a proposed road and drainage easements to be dedicated to the Town, free and clear of all encumbrances and liens, pursuant to the regulations and requirements of the Town; and

**WHEREAS**, the Developer, simultaneously herewith, shall comply with performance bond requirements of the Town for the construction, maintenance and dedication of said improvements; and

**WHEREAS**, the Developer is desirous of offering for dedication the said improvements and land to the Town, more particularly described in Schedules "A", "B", and "C", attached hereto; and

**WHEREAS**, the Developer has delivered deed of conveyance to the Town for said land improvements as described herein.

**NOW, THEREFORE**, in consideration of the sum of ONE DOLLAR (\$1.00) lawful money of the United States, paid by the Town to the Developer, and other good and valuable consideration, it is mutually **AGREED** as follows:

1. The Developer herewith delivered to the Town, a deed of conveyance for the premises described in Schedules "A", "B" and "C" attached hereto, said delivery being a formal offer of dedication to the Town.
2. The Developer agrees that said formal offer of dedication is irrevocable and can be accepted by the Town at any time.
3. The Developer to complete the construction and maintenance of the land and improvements pursuant to the performance bond requirement and the requirements of the Planning Board of the Town and any ordinances, regulations, requirements, covenants and agreements that may be imposed by the Town with respect thereto. Developer further agrees to be responsible for snow removal of subdivision roads until such time as the roads are accepted for dedication by the Town.
4. The Developer agrees that within thirty (30) days after written notice of acceptance of this offer of dedication by the Town the developer shall furnish to the Town a title insurance policy issued by a licensed title insurance company authorized to do business in the State of New York, in a minimum amount of TEN THOUSAND DOLLARS (\$10,000.00), certifying that

the premises are free and clear of all liens and encumbrances and shall furnish to the Town a check for all necessary fees and taxes to record the deed heretofore delivered. A title insurance report shall be provided by the developers to the Town at the time th Offer of Dedication is presented.

5. That this irrevocable offer of dedication shall run with the land and shall be binding on all assignees, grantees, successors, or heirs of the Developer.

\_\_\_\_\_  
Drew A. Kartiganer, President

**TOWN OF NEW WINDSOR**

By: \_\_\_\_\_  
George J. Meyers, Town Supervisor

State of New York    )  
                                  )    ss.:  
County of Orange    )

On \_\_\_\_\_, 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared Drew Kartiganer, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public, State of New York

State of New York    )  
                                  )    ss.:  
County of Orange    )

On \_\_\_\_\_, 2005 before me, the undersigned, a Notary Public in and for said State, personally appeared George J. Meyers, 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 she executed the same in her capacity, and that by her signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

\_\_\_\_\_  
Notary Public, State of New York

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

---

MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

030118

29 September 2004

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
555 Union Avenue  
New Windsor, NY 12553

RE: Middle Earth Development — Station Road

Dear Ms. Mason:

Enclosed are eight sets of plans for the above referenced project, revised to reflect the comments received at the September 22<sup>nd</sup> Planning Board meeting. The Stormwater Pollution Prevention Plan (SPPP), last submitted on June 10<sup>th</sup>, was reviewed by MHE by letter dated September 1, 2004, also received 9/22/04. The following seven items are in response to the SPPP review:

1. The pipe sizes for the hydraulic connection between the Federal Jurisdictional Wetland areas are shown on the Site Plan.
2. The detention pond #1 identified on lot #26 feature a 6 inch diameter orifice at elevation 430.2. This is shown on the drawings and described in the SPPP.
3. The detention pond shown on the drawings and described in the SPPP is a Pocket Pond (P-5). This type of pond allows credit for the water quality volume (WQ<sub>v</sub>) in the permanent pool. The Stormwater Management model begins the calculations for the routing of the detention pond at elevation 430.2. This corresponds to the invert of the orifice and represents the top of the permanent pool. This is described in the SPPP.
4. We will provide a narrative report in response to future comment letters, if necessary.
5. Details of the outlet control structure for the detention pond on lot #26 are shown on the drawings. The temporary pipe spillways for the sediment basins on lots #21 and #26 are also shown on the drawings. The temporary pipe spillways as described in the *NYS Stormwater Management Design Manual*. These temporary structures are shown on the drawings.

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
29 September 2004

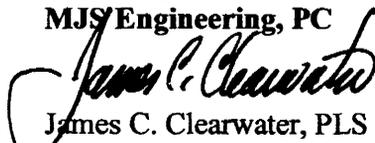
6. During construction, the operation of the erosion control features is described in the SPPP under Section VIII, Erosion and Sediment Control. This section describes the proposed practices. Section IX, Implementation Schedule and Maintenance describes the implementation and operation of the stormwater management facilities. Section B, Description of Arrangements (Long-Term Maintenance) described the anticipated cleaning of the detention pond.
7. The model utilizes a grate set to elevation 434.5 as an inlet. This is described in the SPPP. A detail of the control structure is also shown on the drawings.

The following is the response to their September 22<sup>nd</sup> letter, using the same numbering system:

1. The deed-restricted area covering a portion of lots #1 through #5 will grant rights to the owners of each of the five lots. No outside agency has been found which is willing to take on the responsibility of policing the restrictions listed in each deed.
2. Approvals from the outside agencies will be applied for following preliminary approval.
3. Enclosed is a copy of the Long Environmental Assessment Form updated to reflect the subdivision as currently laid out. This EAF should be substituted for the one previously submitted.
4. Following the review of the Stormwater Pollution Prevention Plan by Mark Edsall, we will meet (if necessary) with Henry Kroll to review his concerns.

If you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Very truly yours,  
MJS Engineering, PC

  
James C. Clearwater, PLS  
Project Manager

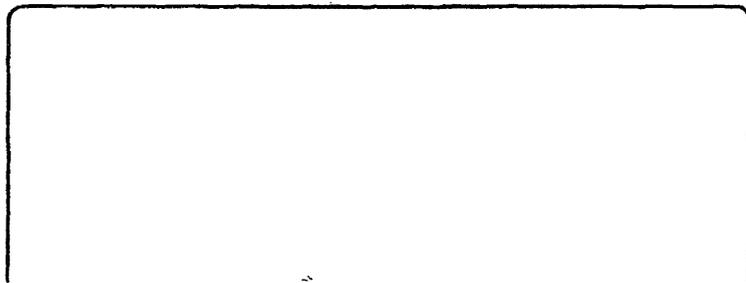
JCC/gl  
Enc.

cc: D. Kartiganer

5. MAP REFERENCE:  
BEING LOT #1 AS SHOWN ON MAP ENTITLED "CLEMENT  
SUBDIVISION" FILED IN THE ORANGE COUNTY CLERK'S  
OFFICE ON SEPTEMBER 29, 1986 AS MAP #7847.
6. TOPOGRAPHIC SURVEY PREPARED BY GEODETIC ASSOCIATES  
INTERNATIONAL, ANDOVER, NJ FROM AERIAL PHOTOGRAPHY  
DATED DECEMBER 2002. VERTICAL DATUM IS NVD83, CONTOUR  
INTERVAL TWO FEET.
7. WETLANDS FIELD DELINEATED AND LOCATED BY ERS CONSULTANTS, INC.,  
BELLVALE, NY, APRIL 10, 2003.
8. PARCEL AREA: 98.62 ACRES
9. ACCESS TO LOTS 1-6 IS RESTRICTED TO THE INTERNAL ROADWAY.  
NO ACCESS DIRECTLY FROM STATION ROAD IS PERMITTED.
10. A 200 FT. WIDE CONSERVATION AREA IS PROVIDED ALONG STATION ROAD  
AND EFFECTS LOTS 1-5. NO STRUCTURES OR VEGETATIVE CLEARING IS  
PERMITTED WITH THE EXCEPTION OF THE DRIVEWAY SHOWN ON LOT 5.
11. STREET LIGHTS ARE PROPOSED IN SIX LOCATIONS AND WILL BE INSTALLED  
IN ACCORDANCE WITH TOWN OF NEW WINDSOR STANDARDS.

### SHEET INDEX

C-1	OVERALL PLAN
C-2	SUBDIVISION PLAN
C-3	SITE PLAN- LOTS 1-5, 9, 25-27
C-4	SITE PLAN- LOTS 6-8
C-5	SITE PLAN- LOTS 10, 21-24, 26
C-6	SITE PLAN- LOTS 11-20
C-7	PROFILE
C-8	PROFILE
C-9	DETAIL SHEET
C-10	DETAIL SHEET
C-11	EROSION AND SEDIMENT CONTROL PLAN
C-12	EROSION AND SEDIMENT CONTROL PLAN DETAILS
C-13	EROSION AND SEDIMENT CONTROL PLAN DETAILS



617.20  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

24 SEPT. 2004

**Purpose:** The full EAF is designed to help applicants and agencies determine, in an orderly manner, whether a project or action may be significant. The question of whether an action may be significant is not always easy to answer. Frequently, there are aspects of a project that are subjective or unmeasurable. It is also understood that those who determine significance may have little or no formal knowledge of the environment or may not be technically expert in environmental analysis. In addition, many who have knowledge in one particular area may not be aware of the broader concerns affecting the question of significance.

The full EAF is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible enough to allow introduction of information to fit a project or action.

**Full EAF Components:** The full EAF is comprised of three parts:

- Part 1:** Provides objective data and information about a given project and its site. By identifying basic project data, it assists a reviewer in the analysis that takes place in Parts 2 and 3.
- Part 2:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially-large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part 3:** If any impact in Part 2 is identified as potentially-large, then Part 3 is used to evaluate whether or not the impact is actually important.

**THIS AREA FOR LEAD AGENCY USE ONLY**

**DETERMINATION OF SIGNIFICANCE -- Type 1 and Unlisted Actions**

Identify the Portions of EAF completed for this project:

Part 1

Part 2

Part 3

Upon review of the information recorded on this EAF (Parts 1 and 2 and 3 if appropriate), and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- A. The project will not result in any large and important impact(s) and, therefore, is one which **will not** have a significant impact on the environment, therefore a **negative declaration will be prepared**.
- B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required, therefore a **CONDITIONED negative declaration will be prepared.\***
- C. The project may result in one or more large and important impacts that may have a significant impact on the environment, therefore a **positive declaration will be prepared**.

\*A Conditioned Negative Declaration is only valid for Unlisted Actions

MIDDLE EARTH DEVELOPMENT

\_\_\_\_\_  
Name of Action

\_\_\_\_\_  
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

**PART 1--PROJECT INFORMATION**  
**Prepared by Project Sponsor**

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form, Parts A through E. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts 2 and 3.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

Name of Action MIDDLE EARTH DEVELOPMENT

Location of Action (include Street Address, Municipality and County)

East side of Station Road, 2200 feet south of NYS 207. Tax map reference SEction 54 Block 1 Lot 53.1

Name of Applicant/Sponsor Middle Earth Development, c/o Drew Kartiganer

Address 555 Blooming Grove Turnpike

City / PO New Windsor State NY Zip Code 12553

Business Telephone 845-562-4499

Name of Owner (if different) Clay Clement, Dorothy Clement and John Clement

Address 548 Station Road

City / PO Rock Tavern State NY Zip Code 12575

Business Telephone \_\_\_\_\_

Description of Action:

Subdivision of 98.6 acres to create 26 single family residential lots. One lot will contain the existing house. All lots will have access to Station Road via two new public streets. Each lot will be served by individual wells and septic. The site is encumbered by 58.62 acres of US Army Corps freshwater wetlands. Wetlands will remain undisturbed with the exception of 0.25 acre which will be filled for the two road crossings.

Please Complete Each Question--Indicate N.A. if not applicable

**A. SITE DESCRIPTION**

Physical setting of overall project, both developed and undeveloped areas.

1. Present Land Use:  Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Other WSAC FRESHWATER WETLAND

2. Total acreage of project area: 98.6 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	<u>5</u> acres	<u>21.21</u> acres
Forested	<u>8.9</u> acres	<u>6</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	<u>25</u> acres	<u>0</u> acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	<u>58.62</u> acres	<u>58.37</u> acres
Water Surface Area	<u>0</u> acres	<u>0</u> acres
Unvegetated (Rock, earth or fill)	<u>0</u> acres	<u>0</u> acres
Roads, buildings and other paved surfaces	<u>0.05</u> acres	<u>4.42</u> acres
Other (Indicate type) <u>LAWN - 26 LOTS 0.33 ACRE PER LOT</u>	<u>1.0</u> acres	<u>8.6</u> acres

3. What is predominant soil type(s) on project site? MARDIN, ERIE, CARLISLE

- a. Soil drainage:  Well drained 35 % of site  Moderately well drained 6 % of site.  
 Poorly drained 59 % of site

b. If any agricultural land is involved, how many acres of soil are classified within soil group 1 through 4 of the NYS Land Classification System? \_\_\_\_\_ acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock >5 (in feet) GREATER THAN 5 FT. AS PER SOIL CONSERVATION SERVICE

5. Approximate percentage of proposed project site with slopes:

- 0-10% 80 %  10- 15% 13 %  15% or greater 7 %

6. Is project substantially contiguous to, or contain a building, site, or district, listed on the State or National Registers of Historic Places?  Yes  No

7. Is project substantially contiguous to a site listed on the Register of National Natural Landmarks?  Yes  No

8. What is the depth of the water table? \_\_\_\_\_ (in feet) MARDIN: PERCHED MAR-MAY; ERIE: PERCHED DEC-MAY  
CARLISLE: APPARENT SEP-JUNE

9. Is site located over a primary, principal, or sole source aquifer?  Yes  No

10. Do hunting, fishing or shell fishing opportunities presently exist in the project area?  Yes  No

11. Does project site contain any species of plant or animal life that is identified as threatened or endangered?  Yes  No

According to:

UNDETERMINED

Identify each species:

12. Are there any unique or unusual land forms on the project site? (i.e., cliffs, dunes, other geological formations?)

Yes  No

Describe:

13. Is the project site presently used by the community or neighborhood as an open space or recreation area?

Yes  No

If yes, explain:

14. Does the present site include scenic views known to be important to the community?  Yes  No

Applicant proposes to deed restrict portions of five lots to prevent development that would block view. Driveways are restricted to internal roads.

15. Streams within or contiguous to project area:

Wetlands and Un-named tributary to Beaver Dam Lake

a. Name of Stream and name of River to which it is tributary

Beaver Brook

16. Lakes, ponds, wetland areas within or contiguous to project area:

58.62 acres of US Army Corps wetlands on site

b. Size (in acres):

17. Is the site served by existing public utilities?  Yes  No
- a. If YES, does sufficient capacity exist to allow connection?  Yes  No
- b. If YES, will improvements be necessary to allow connection?  Yes  No
18. Is the site located in an agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304?  Yes  No
19. Is the site located in or substantially contiguous to a Critical Environmental Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 6177?  Yes  No
20. Has the site ever been used for the disposal of solid or hazardous wastes?  Yes  No

**B. Project Description**

1. Physical dimensions and scale of project (fill in dimensions as appropriate).
- a. Total contiguous acreage owned or controlled by project sponsor: 98.6 acres.
- b. Project acreage to be developed: 40.2 acres initially; 40.2 acres ultimately.
- c. Project acreage to remain undeveloped: 58.37 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. 0 %
- f. Number of off-street parking spaces existing 4; proposed 52
- g. Maximum vehicular trips generated per hour: 52 (upon completion of project)?
- h. If residential: Number and type of housing units:
- |            | One Family | Two Family | Multiple Family | Condominium |
|------------|------------|------------|-----------------|-------------|
| Initially  | <u>26</u>  | <u>0</u>   | <u>0</u>        | <u>0</u>    |
| Ultimately | <u>26</u>  | <u>0</u>   | <u>0</u>        | <u>0</u>    |
- i. Dimensions (in feet) of largest proposed structure: 35 height; 35 width; 75 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 1420 ft.
2. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 0 tons/cubic yards.
3. Will disturbed areas be reclaimed  Yes  No  N/A
- a. If yes, for what intended purpose is the site being reclaimed?
- Public streets and single family residential building sites
- b. Will topsoil be stockpiled for reclamation?  Yes  No
- c. Will upper subsoil be stockpiled for reclamation?  Yes  No
4. How many acres of vegetation (trees, shrubs, ground covers) will be removed from site? 4.37 acres.

5. Will any mature forest (over 100 years old) or other locally-important vegetation be removed by this project?

Yes  No

6. If single phase project: Anticipated period of construction: 3 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated 1 (number)

b. Anticipated date of commencement phase 1: 5 month 2005 year, (including demolition)

c. Approximate completion date of final phase: 11 month 2007 year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No UNDETERMINED, BUT NOT LIKELY

9. Number of jobs generated: during construction 10; after project is complete

10. Number of jobs eliminated by this project 0.

11. Will project require relocation of any projects or facilities?  Yes  No

If yes, explain:

12. Is surface liquid waste disposal involved?  Yes  No

a. If yes, indicate type of waste (sewage, industrial, etc) and amount \_\_\_\_\_

b. Name of water body into which effluent will be discharged \_\_\_\_\_

13. Is subsurface liquid waste disposal involved?  Yes  No Type Household septic

14. Will surface area of an existing water body increase or decrease by proposal?  Yes  No

If yes, explain:

15. Is project or any portion of project located in a 100 year flood plain?  Yes  No

16. Will the project generate solid waste?  Yes  No

a. If yes, what is the amount per month? 2.6 tons 200 LBS/HOUSE/MONTH  $\frac{200(26)}{2000} = 2.6 \text{ TONS/MONTH}$

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name Orange County Transfer STATION; location Rt 17K Newburgh, NY

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

Mandatory recycling

17. Will the project involve the disposal of solid waste?  Yes  No
- a. If yes, what is the anticipated rate of disposal? \_\_\_\_\_ tons/month.
- b. If yes, what is the anticipated site life? \_\_\_\_\_ years.
18. Will project use herbicides or pesticides?  Yes  No
19. Will project routinely produce odors (more than one hour per day)?  Yes  No
20. Will project produce operating noise exceeding the local ambient noise levels?  Yes  No
21. Will project result in an increase in energy use?  Yes  No

If yes, indicate type(s)

Normal household electric and heating fuel

22. If water supply is from wells, indicate pumping capacity 5 gallons/minute./MIN. PER HOUSE
23. Total anticipated water usage per day 13520 gallons/day. 520 GAL/DAY/HOUSE  $520(26) = 13520$
24. Does project involve Local, State or Federal funding?  Yes  No

If yes, explain:

**25. Approvals Required:**

		Type	Submittal Date
City, Town, Village Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Drainage district and Offer</u> <u>of Dedication for roads</u>	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Subdivision</u>	<u>MAY 2003</u>
City, Town Zoning Board	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
City, County Health Department	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>Orange County Health Dept.</u> <u>for well and septic</u> <u>Orange Co. Planning</u>	_____
Other Local Agencies	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	_____	_____
State Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>OPRHP</u> <u>Historical review</u>	<u>"NO IMPACT LETTER" RECEIVED</u> <u>FROM OPRHP 7-30-04</u>
Federal Agencies	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<u>US Army Corps for</u> <u>Jursd. Determination and</u> <u>Nationwide Permit w/ Mitig</u>	<u>J.D. IS PENDING</u>

**C. Zoning and Planning Information**

1. Does proposed action involve a planning or zoning decision?  Yes  No

If Yes, indicate decision required:

- |   |   |  |   |
|---|---|--|---|
| <input type="checkbox"/> Zoning amendment | <input type="checkbox"/> Zoning variance    | <input type="checkbox"/> New/revision of master plan | <input checked="" type="checkbox"/> Subdivision |
| <input type="checkbox"/> Site plan        | <input type="checkbox"/> Special use permit | <input type="checkbox"/> Resource management plan    | <input type="checkbox"/> Other                  |

2. What is the zoning classification(s) of the site?

R-1, Single family residential

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

26 lots

4. What is the proposed zoning of the site?

No change proposed

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

N/A

6. Is the proposed action consistent with the recommended uses in adopted local land use plans?  Yes  No

7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?

Single family residential; Church; Agriculture

8. Is the proposed action compatible with adjoining/surrounding land uses with a ¼ mile?  Yes  No

9. If the proposed action is the subdivision of land, how many lots are proposed? 26

a. What is the minimum lot size proposed? 80000 sq. ft.

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

Drainage district

11. Will the proposed action create a demand for any community provided services (recreation, education, police, fire protection)?  Yes  No

a. If yes, is existing capacity sufficient to handle projected demand?  Yes  No

12. Will the proposed action result in the generation of traffic significantly above present levels?  Yes  No

a. If yes, is the existing road network adequate to handle the additional traffic.  Yes  No

**D. Informational Details**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

**E. Verification**

I certify that the information provided above is true to the best of my knowledge.

Applicant/Sponsor Name MJS Engineering PC, Date 9.24.04

Signature *James C. Clearwater*

Title James C. Clearwater, PLS, MJS Engineering PC

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

## PART 2 - PROJECT IMPACTS AND THEIR MAGNITUDE

### Responsibility of Lead Agency

**General Information (Read Carefully)**

- ! In completing the form the reviewer should be guided by the question: **Have my responses and determinations been reasonable?** The reviewer is not expected to be an expert environmental analyst.
- ! The **Examples** provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- ! The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- ! The number of examples per question does not indicate the importance of each question.
- ! In identifying impacts, consider long term, short term and cumulative effects.

**Instructions (Read carefully)**

- a. Answer each of the 20 questions in PART 2. Answer **Yes** if there will be **any** impact.
- b. **Maybe** answers should be considered as **Yes** answers.
- c. If answering **Yes** to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an Impact will be potentially large (column 2) does not mean that it is also necessarily **significant**. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the **Yes** box in column 3. A **No** response indicates that such a reduction is not possible. This must be explained in Part 3.

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	--

#### Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO  YES

**Examples that would apply to column 2**

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year.                         | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

NO  YES

• Specific land forms:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
------------------------	--------------------------	--------------------------	--

**Impact on Water**

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

NO  YES

**Examples that would apply to column 2**

• Developable area of site contains a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Dredging more than 100 cubic yards of material from channel of a protected stream.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Extension of utility distribution facilities through a protected water body.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated freshwater or tidal wetland.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Will Proposed Action affect any non-protected existing or new body of water?

NO  YES

**Examples that would apply to column 2**

• A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction of a body of water that exceeds 10 acres of surface area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

NO  YES

**Examples that would apply to column 2**

- Proposed Action will require a discharge permit.    Yes  No
- Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.    Yes  No
- Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.    Yes  No
- Construction or operation causing any contamination of a water supply system.    Yes  No
- Proposed Action will adversely affect groundwater.    Yes  No
- Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.    Yes  No
- Proposed Action would use water in excess of 20,000 gallons per day.    Yes  No
- Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions.    Yes  No
- Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.    Yes  No
- Proposed Action will allow residential uses in areas without water and/or sewer services.    Yes  No
- Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.    Yes  No
- Other impacts:    Yes  No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

NO       YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action would change flood water flows                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion.                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON AIR**

7. Will Proposed Action affect air quality?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use.                                       | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas.               | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON PLANTS AND ANIMALS**

8. Will Proposed Action affect any threatened or endangered species?

NO       YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|

- |   | 1<br>Small to<br>Moderate<br>Impact | 2<br>Potential<br>Large<br>Impact | 3<br>Can Impact Be<br>Mitigated by<br>Project Change     |
|---|-------------------------------------|-----------------------------------|--|
| • Removal of any portion of acritical or significant wildlife habitat.                                | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Application of pesticide or herbicide more than twice a year, other than for agricultural purposes. | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/>            | <input type="checkbox"/>          | <input type="checkbox"/> Yes <input type="checkbox"/> No |

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

- NO  YES

Examples that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species.                          | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

**IMPACT ON AGRICULTURAL LAND RESOURCES**

10. Will Proposed Action affect agricultural land resources?

- NO  YES

Examples that would apply to column 2

- |  |                          |                          |  |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.)                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff).	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON AESTHETIC RESOURCES**

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

NO  YES

**Examples** that would apply to column 2

• Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Project components that will result in the elimination or significant screening of scenic views known to be important to the area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

**IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES**

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

NO  YES

**Examples** that would apply to column 2

• Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Any impact to an archaeological site or fossil bed located within the project site.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

• Other impacts:

Yes  No

**IMPACT ON OPEN SPACE AND RECREATION**

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

NO  YES

Examples that would apply to column 2

• The permanent foreclosure of a future recreational opportunity.

Yes  No

• A major reduction of an open space important to the community.

Yes  No

• Other impacts:

Yes  No

**IMPACT ON CRITICAL ENVIRONMENTAL AREAS**

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

NO  YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

• Proposed Action to locate within the CEA?

Yes  No

• Proposed Action will result in a reduction in the quantity of the resource?

Yes  No

• Proposed Action will result in a reduction in the quality of the resource?

Yes  No

• Proposed Action will impact the use, function or enjoyment of the resource?

Yes  No

• Other impacts:

Yes  No

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

**IMPACT ON TRANSPORTATION**

15. Will there be an effect to existing transportation systems?

NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Alteration of present patterns of movement of people and/or goods. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in major traffic problems.             | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**IMPACT ON ENERGY**

16. Will Proposed Action affect the community's sources of fuel or energy supply?

NO  YES

**Examples** that would apply to column 2

- |   |                          |                          |                              |                             |
|---|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

**NOISE AND ODOR IMPACT**

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

NO  YES

**Examples** that would apply to column 2

- |  |                          |                          |                              |                             |
|--|--------------------------|--------------------------|------------------------------|-----------------------------|
| • Blasting within 1,500 feet of a hospital, school or other sensitive facility.  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Odors will occur routinely (more than one hour per day).   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will remove natural barriers that would act as a noise screen.   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Other impacts:   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

1  
Small to  
Moderate  
Impact

2  
Potential  
Large  
Impact

3  
Can Impact Be  
Mitigated by  
Project Change

**IMPACT ON PUBLIC HEALTH**

18. Will Proposed Action affect public health and safety?

NO  YES

- Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission.    Yes  No
- Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.)    Yes  No
- Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids.    Yes  No
- Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste.    Yes  No
- Other impacts:    Yes  No

**IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD**

19. Will Proposed Action affect the character of the existing community?

NO  YES

**Examples** that would apply to column 2

- The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%.    Yes  No
- The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project.    Yes  No
- Proposed Action will conflict with officially adopted plans or goals.    Yes  No
- Proposed Action will cause a change in the density of land use.    Yes  No
- Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community.    Yes  No
- Development will create a demand for additional community services (e.g. schools, police and fire, etc.)    Yes  No

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?

NO       YES

**If Any Action in Part 2 Is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact, Proceed to Part 3**

## Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

### Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

**Instructions** (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.



**McGOEY, HAUSER and EDSALL**  
**CONSULTING ENGINEERS P.C.**  
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Writer's E-mail Address:  
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**PLANNING BOARD WORK SESSION**  
**RECORD OF APPEARANCE**

**TOWN/VILLAGE OF:** New Windsor **P/B APP. NO.:** 03 22

**WORK SESSION DATE:** 6 Oct 2004 **PROJECT:** NEW        OLD X

**REAPPEARANCE AT W/S REQUESTED:** later **RESUB. REQ'D:** later

**PROJECT NAME:** Middle EAST

**REPRESENTATIVES PRESENT:** Brewer / J.C.

**MUNICIPAL REPS PRESENT:**

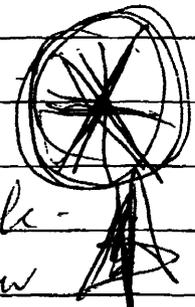
BLDG INSP.	<u>      </u>	FIRE INSP.	<u>      </u>
ENGINEER	<u>X</u>	PLANNER	<u>      </u>
P/B CHMN	<u>      </u>	OTHER	<u>      </u>

**ITEMS DISCUSSED:** Station

**STND CHECKLIST:**

DRAINAGE	<u>      </u>	<b>PROJECT TYPE</b>
DUMPSTER	<u>      </u>	SITE PLAN
SCREENING	<u>      </u>	SPEC PERMIT
LIGHTING	<u>      </u>	L L CHG.
(Streetlights)	<u>      </u>	SUBDIVISION
LANDSCAPING	<u>      </u>	OTHER
BLACKTOP	<u>      </u>	
ROADWAYS	<u>      </u>	

PJM SPP issues  
need  
mid late last week  
has it been review  
need - CARRA - ck rev / review  
need prelim



**APPROVAL BOX**       

**PROJECT STATUS:**  
 ZBA Referral:        Y        N

Ready For Meeting        Y        N

Recommended Mtg Date       

shir  
4  
Opp  
or  
Station

to road slopes  
side drives of driveway so to front - flooding  
ret basemat clear 22/23



August 19, 2004

**Andrew Krieger, Esq.**  
Attorney for the Planning Board, Town of New Windsor c/o  
Town of New Windsor Planning Board  
555 Union Avenue  
New Windsor, NY 12553

**Project:** Middle Earth Subdivision/ Station Road, New Windsor

**Subject:** Proposed  
Scenic Easement along Station Road and  
Environmental Easement of wetlands at rear of site

**Reference:** Issue of who easement is written in favor of

Dear Mr. Krieger,

Consistent with our conversation of today related to the proposed easements in the Middle Earth Subdivision, this letter is to notify you that I expect that the easements will be established in favor of other common property owners in the subdivision development as opposed to a third party entity as was my original goal.

This position is based on my failure to find an acceptable independent third party for either of the proposed scenic or environmental easements. This position might change if I am able to find an acceptable qualified stable third party entity, but at this point I am not optimistic of that occurring. I still believe, and am committed to the proposed easements because they positively enhance the quality of the Middle Earth subdivision and future development and open space protection in the Town of New Windsor.

In the mean time, I will forward proposed easement language when it has been formally established by my attorney for your review and comment as we take the project forward

**Old Forest Development Company, Inc.**

555 Blooming Grove Turnpike

New Windsor, NY 12553.

Phone: (845) 562-449



in the design, approval and planning stages.

If you have any questions or issues with the above, please feel free to contact me at your convenience.

Sincerely yours,  
Middle Earth Development Limited Partnership by  
Old Forest Development, as GP by



Drew Kartiganer, President, OF

cc: Jim Clearwater, MJS Engineering  
John Hicks, Jacobowitz and Gubit, Developer attorney  
Mark Edsall, Planning Board Engineer, Town of New Windsor

Saved as: Middle Earth. Ltr 8 19 04. Revised Easement statement. Letter to Krieger, PB attorney/  
on: DAK dell, 03/  
in: development projects; old forest development file

August 18, 2004

Mr. Herb Stein  
Land Protection Committee

c/o  
Orange County Land Trust  
PO Box 2442  
Middletown, NY 10940

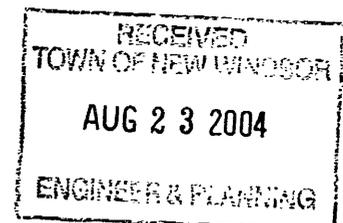
Project: Middle Earth Subdivision  
Station Road, New Windsor

Subject: OCLT Letter of August 2, 2004

Dear Mr. Stein,

I am in receipt of the letter of August 2, 2004 related to our discussions on wetlands preservation at the Middle Earth Subdivision. The letter and the additional conditions OCLT expects to have established related to a wetlands conservation easement for the project catches me pretty much off guard.

With regard to establishing a "conservation easement for all the wetlands on the eastern side of the site," this will require easements conditions being established on 4 additional lots (20, 21, 22 & 23) than the current plan. This is an significant cost issue with reference to the fact the subdivision layout is a result from discussions with your representatives request to put as much of the wetlands as possible on the minimum number of lots. For reference, that the subdivision layout would have had a significantly different lot configuration if I was NOT prepared to provide the environmental easement on three lots as previously discussed.



**Old Forest Development Company, Inc.**  
555 Blooming Grove Turnpike

New Windsor, NY 12553.

Phone: (845) 562-445

Putting that planning, easement and layout issue aside, your requirement that a **ADDITIONAL 50' easement along the wet lands on the project be required for the Conservation Easement with OCLT** is, simply, not viable. In simple terms, you will kill at least 4 lots in this subdivision of 100 acres in which I have proposed a mere 26 lots.

The fact is the legal requirements of wet land protection are established as a technical engineering limitation related to the placement of the buildings and septic systems. I find it difficult to understand why OCLT would seek to impose an increase in this technical limitation at, literally, my expense. I note there are no other reasons except my voluntary desire to provide quality open space preservation in Orange County requiring me to establish a deeded environmental easement on this project. To expect me to voluntarily set up an additional 50' of easement and kill 4 lots in the subdivision layout is silly.

The next point is that for these requirements to be added at this late date in the subdivision process effectively ends any chance of establishing a conservation easement with your group on the project site. For reference, I have already gone through the formal Public Hearing with the New Windsor Planning Board as well as requested Preliminary Approval for the design and layout. In essence, the design layout process is pretty much complete. I have neither the time or interest of going back to the NW Planning Board, which is already packed with projects, to revamp a project they have already signed off on. They won't want to spend the time (they serve as volunteers) and for me to revise the subdivision at this late date will impose a major cost and time limitation on the project that is not feasible to consider.

My last point is the interest in developing a relationship with the Orange County Land Trust for Conservation Easements of wet lands notwithstanding, I find it particularly frustrating to have new conditions developed at the last minute such as suggested in the letter of August 2, 2004. We started discussion on this project in near the beginning of 2004. I went over the plan numerous times with your people. I suggest next time OCLT know what they want at the start rather than changing positions in the middle of the process. It will present a more professional image.

In closing, I wish to state my interest in establishing Conservation Easements on this subdivision is strictly voluntary and would have established minimal financial benefits at a significant cost of time and money. It does not make any sense for me to impose additional, expensive and more costly conditions on this project in excess of the standard and typical limitations of governmental oversight agencies. Your letter of August 2, 2004 requires each of those items for an easement to happen on this project.

Given the position of the Orange County Land Trust established in the letter of August 2, 2004, I no longer consider it viable to continue trying to establish the proposed conservation easement for the Middle Earth subdivision for the wet lands protection with your group. As such, I will simply allow the wet lands on the subdivision site to remain in an "as is" condition and trust in the state and local ordinance and oversight for the enforcement of the wetland protection in this area. I am not sure exactly what level of protection that will result in with the individual property owners who will have wetlands on each site. I am sure, however, it will NOT be as good as wet lands protection for future generations if an easement maintained and protect by an quality independent third party was in place, as I had hoped.

As far as my other subdivisions site at Shadowfax Run is concerned, I will assume the limitations outlined in the August 2 letter will be of similar scope and review the proposed development layout accordingly, unless I am informed otherwise. I note, however, that if my voluntary desire to establish wetlands conservation easements undermines the development proposal for the site, I very much doubt I will be able to consider it.

I also would add that I doubt other land developers, such as myself, will find working with your group difficult, at best, if the standards OCLT impose are costly or significantly limit their ability to develop property while establishing quality open space protection. I would ask that you consider that in your review of other projects and establishment of guidelines for this type of effort.

I am available to discuss the above if you care to contact me.

Sincerely yours,  
Middle Earth Development Limited Partnership by  
Old Forest Development, as GP by



Drew Kartiganer, President

Enclosed: Orange County Land Trust letter of August 2, 2004

cc: Mike Sandor, MJS Engineering  
Jim Clearwater, MJS Engineering  
Mark Edsall, Planning Board Engineer, Town of New Windsor  
Andrew Krieger, Planning Board Attorney, Town of New Windsor  
John Gebhard, Executive Director, Orange County Land Trust

Saved as: Middle Earth. Ltr 8 18 04. Revised Land Trust communication  
Saved on: DAK dell, 03  
Saved in: development projects; old forest development file

August 2, 2004

Mr. Drew A. Kartiganer  
555 Blooming Grove Turnpike  
New Windsor, NY 12553

Re: Middle Earth Development

Dear Mr. Kartiganer:

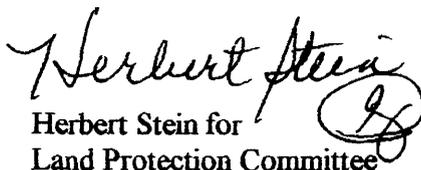
Thank you for your interest in preserving the open space and wetland in this development, and for allowing us the opportunity to work with you on this important property. We appreciate that this is causing you additional work, but we trust it will not delay your project.

We have seriously and thoroughly considered your development plan. We appreciate that you are trying to simplify our preservation efforts by putting most of the wetlands into just three parcels, but after more thorough review we cannot accept this solution. It would be deliberately turning our back on the remaining wetlands of the development, which would be antithetical to our purposes.

For the Land Trust to be involved, we feel we need to protect all the wetlands on the eastern side of the property. To do this, we would need a conservation easement consisting of all the wetlands, as well as a minimum 50-foot buffer between the wetland and the buildings and drain fields. Any less would risk damage to the wetlands from runoff of the drain field effluent. We normally require a 100-foot setback, but as complex as this layout already is, we wish to minimize the changes required. We would also require that the buffer line be flagged so that we may post it.

Again, thank you for allowing us the opportunity to work with you on this major development. We sincerely hope that we will see it brought through to fruition, and that we can continue to work together in the future.

Yours truly,



Herbert Stein for  
Land Protection Committee

PUBLIC HEARINGS:

MIDDLE EARTH SUBDIVISION (03-33)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 27 lot residential subdivision. This application proposes subdivision of 96 plus acre parcel into 26 single family lots. The plan was previously reviewed at the 23 July, 2003, 25 February, 2004, 14 April, 2004, 26 May, 2004 planning board meetings. Application is before the board tonight for a public hearing. It's in an R-1 zone, which is the permitted use in the zone, bulk information shown on the plan is correct for the zone and the use. The plans have been revised per previous comments and discussions at work sessions. The applicant has outlined changes in the engineer's letter dated 3/19/04. We still have some concerns which we're going to go over. This storm water pollution prevention plan SWPPP, I wouldn't know that if I just didn't read it, our office has not completed the review at this time so that's an open item. Folks, this is a public hearing, the way we do it we're going to review it first, turn that back to the board, please, the plans, during such time as we're done looking at it, I will open it up to the public who can comment, come up, state your name and address and make your comment. I will close the public hearing, the board will review it again, they'll have a chance but let the board look at it first. Okay? Mr. Clearwater, why don't you bring us up to date?

MR. CLEARWATER: For the benefit of the public and to refresh our memories, this is a 96 acre parcel proposed to be divided into 26 single family residential lots. The lots would be served by public roads that have access at two locations and Station Road. One road ends in a cul-de-sac at the far end of the property.

Of course, they are all wells and septics. This is a major subdivision and needs to be reviewed by the Orange County Health Department for septic design and well design, all of which will be done after preliminary approval. Health department will not review it until then. The wetlands on site there are Army Corps of wetlands mostly in the back, very large piece of wetlands. There's also an additional piece of wetlands at the base of the hill about halfway back, we're crossing wetlands in two locations with the roads. As you're aware, the disturbance to the wetlands exceeds what's allowable by nationwide permit and the applicant will need to apply to the Army Corps for what they call an individual permit that could possibly be avoided if there was only one entrance out onto Station but for health and safety reasons mostly two accesses are always better and that's what's being proposed. As far as the comments Mr. Edsall made in his letter, the report that was issued to the offices of Parks, Recreation, Historic Preservation we have not heard back from them yet, they have a couple months to review things. And we will certainly supply that when we get it. We did receive a letter from the highway superintendent today approving the location of the two entrances out onto Station Road.

MR. PETRO: I talked to him, I called him directly myself to ask him about this. We have under review here we're not taking action tonight anyway as far as the final but he said that he had made progress with you as far as the locations and there's a couple pipes or something he wanted to talk about but there's definitely been progress since the last time so which was good because it was in the beginning it was not so good. All right, do any of the members have any questions? We've seen this seven times, I'd like to open it up to the public. On the 10th day of June, 2004, 34 addressed envelopes containing the notice of public hearing were mailed out. Is there anyone here who would like to speak for or against, make a comment

on this application, be recognized by the Chair, come forward and state your name and address. We have a sign-in sheet that Mr. Schlesinger has. Bill, can you come up first because you have already signed in? I believe you wanted to speak, correct?

MR. STEIDLE: Yes, thanks very much. I appreciate the opportunity to speak tonight. My name is Bill Steidle, I live at 575 Jackson Avenue where I operate a choose and cut Christmas tree farm. As you know, I'm interested in, primarily interested in Mr. Kartiganer's project that being the Shadow Fax subdivision located on Jackson Avenue adjacent to my farm. Nevertheless, there are a number of issues I think that are applicable to both sites and that should be considered by the board both when considering this project as well as the Shadow Fax subdivision site. Now, let me just spend a moment talking about the similarities between the two sites if I might. Both sites are located within an agricultural district, both sites are rural and scenic in nature, both sites are undeveloped, the interior boundaries are undeveloped, the Jackson Avenue site has no development surrounding the site whatsoever. The sites, as you know, are located in the rural residential zone, the intent I believe of the zoning was to maintain a rural character of the area and certainly that's my intent as a farm owner. Now let me, before I discuss a couple of issues, let me just mention that I have no problems with the developer developing the site, he's conscientious and he's certainly been courteous to me and likewise my belief is that he's picked a good consultant, I know Sandor Engineering, it's a good firm and I know Mr. Clearwater is certainly a top professional, so I have no problem in that regard either. But let me just discuss a couple issues, some of which may seem unimportant but in my mind they are all important. The first issue deals with lighting. You have discussed at previous board meetings requirements for lighting. As a result, the engineer has incorporated lighting at several

locations, two new lights on Station Road and a number of lights on interior roads. Now, let me say that lighting is certainly appropriate in certain subdivisions and I think it has to be looked at on a case-by-case basis but I would question the need for lighting, first of all, the lights on Station Road I have no idea what the folks that live there think but the fact is once those lights go in, those people will never see the stars again, they will never have, they will never be without light, they will have light 24 hours a day. Now, if you were to put a street light next to my farm, I'd move upstate, I'll tell you that right now, I would not live in that type of situation. The interior lights, if we look at these homes, they're going to be expensive homes, those homes have lights everywhere, they have a raccoon within a hundred feet and lights go on all over the place. I question the need for street lighting. If anything, what you're going is you're going to have underground utilities and then all of a sudden you're going to require lights and require poles and you're going to have poles up and down the streets and I would question the need for lighting on this particular subdivision and certainly on the Jackson Avenue site as well. The other one of the other amenities you discussed was the need for sidewalks. Now, again, sidewalks are appropriate in many instances, certainly in your R-3, R-4 or R-5 zones sidewalks are appropriate, sidewalks are appropriate on certain through streets, they're appropriate when they lead to parks or libraries or that type of thing but let's face it, this is a subdivision on a cul-de-sac, the lot sizes are 2 to 18 acres, sidewalks are going to serve no purpose, they're going to cause the taxpayer to fund repairs in future years and I would question the need for that. I also don't as a tax payer don't want to pay for lights for these people that are more than capable of putting up their own lights. Now just one other issue dealing with sort of generic in design, the roads that are proposed as I understand it having looked at the plans are 30 feet wide, that's about 8

feet wider than Station Road. Do you really need 30 foot wide roads on a cul-de-sac going into some lots? You have a rural road design in your code, it might be appropriate to use that for rural subdivisions. So those are sort of generic issues that deal with both sites, both sites also include wetlands. I wanted to address a couple of issues related to wetlands, land protection, the first deals with a proposal by Mr. Kartiganer. When he first came in on both sites, he proposed to at least in this case considering giving easements to the Orange County Land Trust to cover the wetlands. I think that's an excellent idea. I think it's one that will help protect the wetlands. I think it will help protect problems in the future. Now, we didn't get a lot of encouragement as I saw anyway and my hope is that he'll go back to the Orange County Land Trust and work with them on both this site and the site that adjoins my farm. Now, if we look at wetlands on this site, there's some issues. If we look at lot number 23, the house is about 10 feet from the wetland boundary. Now, I can tell you there's no way that you are going to build a home there and have a 10 foot separation to wetlands, I mean, people are not going to accept that as a back yard. Now, if you look at lot 23 as well, if you look at the buildable area, my belief is that that lot does not meet the intent of the zoning ordinance, nor does it meet the letter of the zoning ordinance. You have nowhere near 48,000 square feet of buildable area on that lot in my judgment. So I would question the design. If you look at lot 23, between 22 and 23, you have a discharge from the detention basin. Now it doesn't take too much to envision problems in the future if you build on lot 22, you have drainage going out into the wetlands because you're throughout the wetland and lot 23 comes along and they start filling the wetland, well, the owner of lot 22 is going to become pretty upset cause all of a sudden, the drainage is not discharging through the wetlands, it's going on.

MR. PETRO: Let me check, Mike, the 48,000 feet part of the wetlands can be used in the calculation for the lot, is that correct?

MR. BABCOCK: Yes, that's correct, I think the lot 23 is a very large lot is where the difference comes in.

MR. PETRO: You're allowed to utilize some of the wetlands in the larger lot sizes, part of that also did allow the wetlands to be used in part of the lot because you had such a large lot that some of the wetlands if it was in the back of the lot that would be okay and it would be a good way to use up some of the wetlands instead of people just leaving them in lots and letting them go to the County. So that's incorporated part of the wetlands in the back of lots and you don't need the whole lot to be buildable.

MR. STEIDLE: Well, no, that meets the 80,000 minimum square footage, no question there, but if the entire lot was wetlands you couldn't say well, it's 80,000 square feet, therefore we can build on it, you don't have an acre of buildable property, you have wetland in the front, wetland in the back, you have grading in the front, you have a house that's 10 feet from the wetlands.

MR. PETRO: How did you plot that on there?

MR. CLEARWATER: The house?

MR. PETRO: Yeah, how did you come up to where that house is plotted? How did you get it together on that spot and my second question would be also where he didn't even go yet is the septic system, did you do a perc on that lot?

MR. CLEARWATER: Percs on lot 23 were excellent, they're like three minutes.

MR. PETRO: How did the come to put the house in that particular spot?

MR. CLEARWATER: It fits. It needs to meet, obviously, the front yard setback of 45, there's no minimum setback for the wetlands, septic needs to go near--

MR. PETRO: You're not up on the wetlands so you're, it fits on that particular spot is what you're saying?

MR. CLEARWATER: The wetlands we're not talking cat tails and ducks, it's an area that's qualifies as wetlands, of course wetlands it only needs to be wet for two weeks during the growing season to start qualifying it as wetlands.

MR. PETRO: Well, it's classified, we can't split hairs, either it isn't or it is but--

MR. CLEARWATER: It's not wet all the time.

MR. PETRO: If it was wet two weeks, you couldn't have the house two weeks you couldn't say we can't go in there.

MR. BABCOCK: The lot's 185,000 square feet total and it's got 119 square feet of, wetlands that's rounding off, so it's got a net area of 65,000 square feet.

MR. STEIDLE: Again, I would question that, I would ask you to, you know, I've calculated the buildable area in that building envelope and I'm telling you that it's considerably less than 65,000 square feet.

MR. BABCOCK: We can check that.

MR. PETRO: Let's not argue it now, just make a note, have Mark check into that.

MR. STEIDLE: I don't want to argue and I'm not

suggesting that, I'm suggesting that the design can be improved, that's all. Let me just say, comment on the septic systems, some of the septic systems are as close as 10 or 15 feet to the wetland and some of them do have very, very fast perc rates, very fast. Now, in a prior life, I can tell you that we became very concerned when percs were very, very fast in wetlands because what happens is the effluent peculates into the wetland and then all of a sudden, you have wetlands that transcend property boundaries and you have the potential for contamination not only transcending lots but going onto other people's farms and properties as well.

MR. PETRO: Mike, make a note there also for the septic because I did take notice, it's right on the borderline.

MR. STEIDLE: The other one is 22, 10, 25, 9, there's a number of lots that have septic systems that are very, very close that I scaled off at 10 to 15 feet and I checked some of the perc rates.

MR. PETRO: Check them all, anything that's close.

MR. BABCOCK: Okay.

MR. PETRO: Cause I knew what he was going to say when you have a good perc, it's because it's going somewhere.

MR. STEIDLE: So again, my hope would be that we refine this to better protect the wetland both on a permanent basis through an easement as well as some refinements through helping ensure that there's not future conflicts with property owners. So enough on wetlands. I did want to next talk about the archeological survey, I was very pleased that the board is requiring Stage 1-A or as I understand it requiring Stage 1-A and 1-B archeological surveys both sites have high potential

and I think those things are very interesting when they're done properly and I would support the board on the requirement.

MR. ARGENIO: Why do you say both very high potential?

MR. STEIDLE: Well, I know a little bit about parks and recreation, first of all, there's locations both close to both sites where significant archeological finds have already been made.

MR. ARGENIO: What location?

MR. STEIDLE: I can't tell you that, I can tell you that the--

MR. ARGENIO: Is it confidential or you don't know?

MR. STEIDLE: No, no, they use a system whereby, well first of all, his archeologist said that there was sites nearby and what they do is they check New York, there's two sources, one is the New York Museum and the other is some other entity, I can't think of it.

MR. PETRO: What do you mean, arrowhead or dinosaur bone, what is it?

MR. STEIDLE: Archeological, right.

MR. KARTIGANER: I'm Drew Kartiganer, the developer. When this was referred to SHPO, State Historic Preservation Office, they came back and said that there are some prehistoric or Indian sites someplace within a specified distance. Because of that, they wanted the Phase 1 and then if necessary, Phase 2 afterwards. Phase 1 is done in such a way that areas that are going to be disturbed are checked. Our archeologist came back and said there's no area in the disturbance area that seems to have some potential for Indian artifacts.

MR. ARGENIO: I don't want to go into the whole thing because there's professionals that will do this. The only reason I ask the question is I'm familiar with that area, I've heard the comments about the prehistoric business before in this area of the Town but I have never heard in this area of the Town of any issue with Indian artifacts, I thought maybe you had some information that I would like to know about. That's the only reason I asked the question.

MR. STEIDLE: The only thing they look at the topography and soils and setting and both sites have high elevations, the Jackson Avenue site has a water source, fairly large stream, both of those help to indicate that there might be significant past habitation so if the reports have been done, I wish you'd provide them to the Town so I can look at it.

MR. PETRO: They're in progress, they're not done yet. Anything else?

MR. STEIDLE: One other thing, State Environmental Quality Review Act, the project is a Type I action by virtue of its location within the AG District, requires a long form EAF, I think the filing is a short form now, long or short form, the important thing is that you evaluate it and you consider impacts and I think that there are some significant impacts at least with the design as it relates to wetlands and I would ask that you require the long form and that you evaluate it and take a hard look at impacts, undertake a reasoned evaluation and make a decision.

MR. PETRO: I will tell you that we're not going to take any action tonight on the SEQRA process until we look at some more information.

MR. STEIDLE: So let me just say in closing again both sites I am very concerned about the Jackson Avenue site because it affects my life and my livelihood, but that

we will discuss on another night. But I would ask that Mr. Kartiganer considerate leasing to Orange County Land Trust with respect to the easements. I know they're interested in the back wetlands on the site and they're certainly interested in the wetlands adjacent to my farm and I would ask the board to carefully look at both sites. You don't, Mr. Kartiganer, 26 lots what you owe is the residents of the Town of New Windsor the best possible project, so I ask that you do that.

MR. PETRO: Thank you.

MR. CLEARWATER: You want us to speak to the conservation easement in the front?

MR. PETRO: Speak to what your plan is to do with them.

MR. KARTIGANER: Right now, the plan, we have talked to the Orange County Land Trust and until it moves further along, it's pretty much they have told me what they want and we have pretty much developed the lots to meet those necessary requirements subject to it working in the finance end because it's going to cost money but there may not be any cross benefits. So I can talk to the existing owner, which is really not an issue to the board, if we can make the deal work, we're going to give it to them. In terms of the front easement, not easements, deed restrictions we're, we need to find somebody who will take responsibility for them for the people here who have an interest along Station Road, along the front the road goes up and then it comes down and we have proposed taking 200 lineal feet along the front by Station Road everywhere except on the last single lot and making that a no build zone so that the rural character and the farm type image is maintained and we're forcing the houses to all come to the other side of the hill so along Station Road you won't be seeing the houses. The only reason we didn't do the last one is because the lot was not large enough to do it and we also weren't getting any benefit from the

rise of the hill to stop the image in looking down.

MR. SCHLESINGER: That's going to be done by deed restriction?

MR. KARTIGANER: Deed restriction but we're also trying to find somebody who will take that deed restriction because what I have discovered in previous deed restrictions they're only as strong as somebody who is going to enforce them and if nobody is going to enforce it, they'll basically fail over time.

MR. SCHLESINGER: Also with the deed restrictions I know on a minor subdivision everybody has to agree to it, on a major subdivision how does that work?

MR. KARTIGANER: It will be part of the deed, it will be in the deed.

MR. SCHLESINGER: That individual lot?

MR. KARTIGANER: It will be in the deed.

MR. SCHLESINGER: You'll hope that it will sell, in other words.

MR. KARTIGANER: It will sell, that's the way it will sell. But my experience in the recent subdivision I did is the builder didn't give a hoot about the deeded restrictions and none of the lawyers kept it on line.

MR. SCHLESINGER: How do you go about putting that in stone?

MR. KARTIGANER: I need to have somebody who I can deed these restrictions to who will be part of the group that holds it, that's what the Orange County Land Trust, that they specifically stated they don't want the front ones, they're only interested in the wetlands. I have not at this time been able to find

anybody which is part of the reason why there's a financial consideration to the Orange County Land Trust.

MR. BABCOCK: If someone built a shed, it would only be enforced by the people in that area and if nobody does nothing--

MR. ARGENIO: That's who it's designed to benefit, it's aesthetic more than anything else.

MR. BABCOCK: Right.

MR. ARGENIO: My point is I think the issue enforces itself, that's my point.

MR. PETRO: But you have five houses, why can't one of the houses take it over and enforce it or have the interest in it?

MR. KARTIGANER: It's a potential way to go but typically, you try to find something like a not-for-profit that has a vested interest in maintaining those particular deeded restrictions such as the Orange County Land Trust, one of the ones that I thought about and I'm not sure where they're at right now because until this gets through the preliminary stage I'm treading on a lot of water, but the Temple Hill Association, you have Orange County Citizens Group is being considered but they're not going to take it, the only one that I have found that will take the deed restrictions is Orange County Land Trust and they aren't interested in the 200 feet back from the road. The Town of New Windsor would be great one but I don't know if the Town wants to be responsible.

MR. BABCOCK: No, we wouldn't do that.

MR. PETRO: I still think one of the homeowners that's by there, maybe more than one, maybe two or three as

you go along.

MR. KARTIGANER: Well, they'll all benefit from it. The problem once again is not so much holding them to the restrictions as enforcing it because somebody puts it in, you've got yourself into a situation where you have to go through a lawsuit to enforce it. Who is going to be willing to put in the money and time to enforce it?

MR. PETRO: Let us know about the one in the back and the one in the front. Now I know there was five people all talking at the same time.

MR. DOLAN: Tom Dolan, I live at 515 Station Road. For one, it has a driveway right in the conservation easement drawn up as it is so who's going to enforce that?

MR. CLEARWATER: That driveway was planned to be there because it's the best location for the driveway to come out for grades and whatnot. We have already discussed that with the Town engineer, that would be the only thing allowed.

MR. DOLAN: One of the concerns I have, Brandy Wine Road, it's right across the street from two driveways and it's also right passed the ridge on the road, people fly down our road 50 miles an hour no problem and coming over that easement, we pull out our neighbor's driveway, we're scared to death because people come flying over the hill, somebody's going to have a bad accident right there and I don't like the idea of having street lights either.

MR. PETRO: Where did the street lights come from?

MR. CLEARWATER: Mark.

MR. PETRO: Sidewalks are usually my idea, it's also

the Town Code at this point. To not have a sidewalk is a requirement from the Town Board, to get a waiver they'd have to go to the Town Board for a waiver because what was happening is we didn't put enough sidewalks in probably from what you're saying because we felt it wasn't necessary so the Town Board had under advisement decided it was their empowerment as to whether or not the sidewalks should go, so what we have been doing is requiring it on one side, just as a, trying to meet in the middle.

MR. ARGENIO: That's not on Station Road, that's sidewalks in the subdivision.

MR. DOLAN: I understand but I mean you're going to be driving up Station Road 45 miles an hour on a thin road and turn in this like major development with sidewalks and lights and it doesn't fit what's already built there.

MR. PETRO: Sidewalks also should benefit somebody wants to, I mean, say the school bus is going to pick up at a certain spot, children walk along the sidewalk instead of in the road, I don't know how the school buses work in the rural area.

MR. DOLAN: They go to each house. Are they going to continue going to each house cause they should if they go to one student's house, they should go to everybody's.

MR. PETRO: One spot, I grew up on Mt. Airy Road, we used to like five or six of us met in one spot.

MR. DOLAN: They don't do this on our road.

MR. ARGENIO: It's so rural out there we, don't even have buses, we have carts.

MR. CLEARWATER: If I can speak to the street lights,

there were no street lights originally, the Town engineer asked that we add street lights to the intersection on an existing pole out front halfway down each street and at the intersection here and in the back.

MR. DOLAN: There's no street lights there now.

MR. CLEARWATER: That's right.

MR. DOLAN: On the whole street.

MR. PETRO: You're saying it's a requirement of the planning board.

MR. CLEARWATER: That's why they're there, Mark Edsall suggested that they be in.

MR. DOLAN: How many street lights?

MR. CLEARWATER: Six altogether.

MR. DOLAN: I think it will make it too bright at night, I really enjoy sight sitting out in the back yard having no lights and only seeing the cars fly by.

MR. PETRO: Is it a Town requirement for the lights?

MR. BABCOCK: I don't know.

MR. PETRO: Unfortunately, the engineer isn't here to answer your question but let's look into that also, we'll find out because obviously, the builder doesn't want to do them, so don't worry about them wanting them, they don't want them. It was a requirement of the planning board, let's look into it, find out why Mark felt it was necessary. If it's not necessary and just thought it was a good idea, maybe we can backtrack so let's add that to the other list that we're doing.

MR. DOLAN: That's probably about all I have right now.

MR. CLEARWATER: Which is yours?

MR. DOLAN: Right on the corner. I don't know why you can't come this way?

MR. CLEARWATER: The ridge is here.

MR. DOLAN: There's one other question, you guys said it's 27 lot?

MR. CLEARWATER: 26.

MR. DOLAN: Says 27 and announced as a 27.

MR. CLEARWATER: 26.

MR. KARTIGANER: I have 26.

MR. SCHLESINGER: Are the driveways staked at all, do you have those marked out so you can drive by?

MR. CLEARWATER: The road is coming out, they were painted on the pavement.

MR. SCHLESINGER: Tom, where do you live?

MR. DOLAN: I live right here.

MR. SCHLESINGER: You know for a fact where the driveway is?

MR. DOLAN: Chilson and McKallen, the driveway's going to be right there and that's right over the ridge.

MR. SCHLESINGER: And the other one?

MR. DOLAN: That's down at Brittany Hill which is the dirt road going back.

MR. SCHLESINGER: That's the existing dirt road but those roads were approved, you said you got a letter today?

MR. CLEARWATER: The location was approved by the highway superintendent.

MR. DOLAN: I think they should take another look because it's right over a ridge, they got the speed limit from 30 to 40 and it comes right over a ridge and it's a tough area.

MR. PETRO: Thank you. Anybody else?

MS. MC KALLEN: I'm Ann McKallen, I actually own the driveway exactly across where that road is going to be. I'm very concerned because I have lived there for over a decade and coming over that hill is a very dangerous spot, you come up Station Road, it's a nice hill, all of a sudden, you hit the bump and it's straight and you can't see people coming over the hill, that's one concern. I'm absolutely opposed to lighting that area, absolutely.

MR. PETRO: Mike, if it's not, like I said--

MS. MC KALLEN: That would be like putting a big spotlight on the top of the hill.

MR. BABCOCK: I think there's a requirement for lights but I'll let you know.

MS. MC KALLEN: And my home is right there, that's where my children's bedrooms are right there.

MR. PETRO: Tell me about the requirement.

MR. BABCOCK: I don't know, I don't have the book with me, Jim.

MS. MC KALLEN: I'd like to know the impact on the school district and the property taxes and what kind of impact that would have for us as, you know, people who have been there and have older homes.

MR. PETRO: I can only tell you that as an educated guess more but--

MS. MC KALLEN: Again, Washingtonville's already an overcrowded school district.

MR. PETRO: We agree with you.

MS. MC KALLEN: Our children are going through it right now.

MR. PETRO: I pay \$23,000 a year taxes on my house and I sit here and approve things as a board.

MS. MC KALLEN: I'm concerned are there going to be services in this development? Is it going to be like us, we don't get garbage pickup for our taxes, we get snow removal, basically.

MR. ARGENIO: I have the exact same thing, I live down the road, identical same thing and you get police, too.

MS. MC KALLEN: That's true, I'm not disputing that but those are the issues that I have and with my driveway being exactly opposite that road.

MR. PETRO: I want to talk about that because I don't want to talk about the school taxes because I probably get more upset than you do, let's talk about the site distance at that exit, you have spoken with Mr. Kroll, he's been on the site I don't know how many times, what's the sight distance on what's the name of it right there?

MR. CLEARWATER: Brandy Wine.

MR. BABCOCK: 625 feet, Mr. Chairman towards 207, this is the Brandy Wine Road and 800 feet the opposite direction.

MR. PETRO: What's required?

MR. CLEARWATER: Less than that.

MR. PETRO: I know, what's the number of required feet for sight distance, it's 450. The point I'm making to you is that it's required 450 feet, I'm sure that's the number of sight distance required here showing 680 and 800, so they meet the requirement in excess, actually. Later on, I would suggest if you do see or other people see that there's speeding, call the police.

MS. MC KALLEN: We've had the, I don't know what they call the thing where they're checking the speed, it's always at the bottom of the hill, it's never at the top of the hill, that's fine, but take in mind that if there's an accident, it's happening in front of my home and in front of my children.

MR. SCHLESINGER: Mike, the only thing I have to say is that I live right up the road and I'm sure that Henry's gone out and looked at this and everything but that's a steep hill and there's a crest on top of that hill that there's a lot you can't see what's coming and what's going, I didn't know.

MR. PETRO: To make you feel better, I have a letter dated June 21, 2004 from the Superintendent of Highways, Mr. Kroll, the plans for Middle Earth have preliminary review and appears to be acceptable at this time, a further in-depth review must still be performed by Mark Edsall, Town of New Windsor engineer and myself for the roads, so it's not in concrete.

MS. MC KALLEN: Make sure that it is a concern.

MR. PETRO: We know that they meet the sight distance.

MS. MC KALLEN: It's a concern for me because, you know, that's where my home is, that's where my children are and, you know, I don't want an accident, I don't want to see accidents.

MR. PETRO: We're working on it.

MS. MC KALLEN: I have almost had an accident there pulling out of my driveway, I mean, I wouldn't bring it up if it wasn't an issue, you know, my neighbor's lilac bush, we have to trim it back so we can make sure we have the proper amount of getting in and out of the driveway so it's a concern, I just wanted you to know.

MR. PETRO: Thank you.

MR. DOLAN: What about, I mean the one road there already exists, just has to be widened, why can't they have a cul-de-sac coming up the hill and into here and not have Brandy Wine come all the way out, have Brandy Wine Court and have a cul-de-sac like they have down here on the bottom of it?

MR. PETRO: I'm not positive, but I'd say they'd probably lose some lots. What's your answer?

MR. ARGENIO: I don't think that--

MR. KARTIGANER: You're going to have 1,800 or 2000 feet of a single cul-de-sac, it's probably longer.

MR. SCHLESINGER: It wouldn't be an acceptable thing because of the other services, emergency services and things like that.

MR. CAROLAN: Steve Carolan, I live 565 Station Road.

I guess my driveway is right at the end of that first road. One of the questions, this is the first I was notified of the meeting, I didn't know this was planned or anything like that, I haven't had time to look at the plans and it's true about the traffic on that road, I don't know if that road is wide enough, cars coming out of there trying to make the turn onto Station Road, the speed limit, that's a whole other factor. Now, I don't know if there's time, how far along this is, but again, I knew nothing about it until tonight so you talk about lights, you're talking about a lot of things here.

MR. PETRO: Again, the sight distance requirement is 450 feet, you're providing 625 feet, I think the other road is 800 and something feet, is that correct?

MR. CLEARWATER: The road that we're looking down from the down towards the church is 800, looking back the other way is 530 to the left.

MR. PETRO: So the highway superintendent and the engineer on site they actually measure it, they review it, go over it a number of times, I just read in the letter they're going to do it again going to go out because there are some questions what this woman talked about with her driveway, they're going to go do it again.

MR. CAROLAN: With Station Road?

MR. PETRO: It's a Town road, whatever the Town road's width is, that's what it is.

MR. CAROLAN: I just bring up a fact I haven't seen it.

MR. PETRO: They have every right to access the Town road same as you would or he would.

MR. CAROLAN: I'm just talking about all the other

things, about the lights, everything else just brought up tonight, first I'm hearing about it but it's--

MR. PETRO: Well, you probably wouldn't here about it unless you knew something was going on or you saw somebody but you have a notice of public hearing, that's when people usually hear about it, but the notice comes out a week or so ahead of time and then it's posted, this plan is posted here on the bulletin board for the ten days for review.

MR. CAROLAN: But, I mean, we're talking about lighting and everything that's not--

MR. PETRO: First of all, nothing is done, so there's no action been taken and the reason for the public hearing is to get information such as maybe the septic system is too close as Bill said to the wetlands, we're going to look at that, the lighting seems like a lot of people don't like the lighting if it's not required by law because again this is an advisory board, not a judiciary board, we don't make the law, we're just going to apply it. So if it's not required by law, maybe we can take action and remove it and other items that have been mentioned, so that's what we're doing, we're gathering information at the public hearing, we're going to take it in our brains, they're going to listen, we're going to review it and get back to you.

MR. CAROLAN: So that's all the public, ten days, that's how much I have to review the plan?

MR. PETRO: No, it's already been ten days.

MR. CAROLAN: Like I said, I didn't know.

MR. PETRO: After the public hearing basically your job is done, it comes back to the planning board, I would say they're going to be here a couple more times in weeks ahead because they have quite a few outside

agencies other than this board that are involved, even the historic one, so there's quite a process that they have to go through and during that time, our engineer who's not, who's absent tonight will make an assessment on what we just talked about again, I will repeat it again, the sight distances with the highway superintendent, the lighting, the sidewalk I think is going to stay the way it is cause I happen to like that and I think the board does too, I think that's just good planning, septic design, we want to look into a couple other comments that Bill made which was perc tests, where is it going if it's percing so quick, so I want to talk to Mark about that. So we're gathering information and we appreciate you input as long as it's legitimate questions. Sometimes I get questions that are not quite so easy to answer.

MR. CAROLAN: I just didn't know what the thing was like how long the thing was up for review or anything like that, like I said, it's the first I heard about it.

MR. PETRO: Okay. Girls?

MS. DOLAN: Patti Dolan, 515 Station Road. After all this happens, do we get another opportunity or you decide sidewalks are okay so they're okay if you guy's decide street lights are okay, you're done?

MR. PETRO: The public is done after this, there won't be another public hearing.

MRS. DOLAN: I know the driveway issue you're saying on paper it looks good, I would advise somebody to pull into one of their driveways and pull out and see if you get creamed, I know on paper the distance is all right, we live with it and you're just leaving yourself open.

MR. ARGENIO: You know, Mr. Chairman, just for one second if I could, you know what the problem is there,

the problem is the sight distances work around Town, Station Road the people speed so bad on that Station Road where 450 feet typically may work in 95 percent of the instances, that little run is about half a mile long and they speed. That's it.

MR. PETRO: Okay, to answer your question directly, again, no, you're not going to have further comment. The board is here to speak on your behalf, we have to meet the law, they have to meet the law and they also have rights the same as you have rights. So we have to get it altogether and make sure it works for everybody. The people already there, the man who has a farm here since 1908, these people pay taxes on the land so we have got to make it work. But what you can do is watch the agenda, Myra has the agenda all the time, if you'd like to come whenever they're here to speak to present this cause I'm sure they're going to be here a few more times because there's so many outside agencies, you can always listen and frankly, if somebody is really back there waving their hand, even though it's not a public hearing, a lot of times I will say what's on your mind and people who come here a lot would agree with me, right, Bill? Somebody really wants to say something that's important. If you get up and say where are the deer going to go, I'll ask you to just not waste our time. Not that I hate the deer but that's not a legitimate thing, I can't do anything about about.

MRS. DOLAN: Is there anything done to check the well reservoirs underground, you know, if they're getting low, can they accommodate?

MR. PETRO: I can save you time. No.

MR. CLEARWATER: If I may speak to that just for a moment, the Orange County Health department has to review septics as well as wells as part of their review, the applicant will have to drill at least two wells on site and they have to be tested for quantity

and quality prior to the health department's approval so it's not just ignored.

MR. PETRO: Yeah but that's, you know, I know what she means because that same question I'm here 13 years, I've heard it 1,300 times, she's not really interested in that, even though it's a good thing you're doing that she wants to know if it's going affect the wells already in the area, there's so many aquifers, there's no way anybody can tell, you know, know if one aquifer it can be 15 feet away and be a different water source, there's no way we can tell anybody they can't drill a well. They have the same right as you do, that's not a clear answer that everybody loves but that's the bottom line, there's no way to effectively tell them they can't drill a well, no. Motion to close the public hearing.

MR. ARGENIO: So moved.

MR. KARNEVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Middle Earth development major subdivision. Any further comments from board members? If not, roll call.

#### ROLL CALL

MR. SCHLESINGER	AYE
MR. GALLAGHER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: I'll reopen it back up to the board for further comment. We've had quite a bit of comment tonight from these ladies here, from Bill, do any of the members want to say anything before I do a little

recap?

MR. ARGENIO: Recap it.

MR. PETRO: Mike, you're going to talk with Mark, I'm going to talk with Mark, we're going to go over the lighting, number one, I want to find out if it's required, if it's not required, let's just get it the hell out of there, they don't want it, they certainly don't want to pay for it and nobody wants it. Later on, if the people who move in there want to have a little lighting district or want to do something with it, we'll address it at that time. But let's not force it down anybody's throats. Sidewalks are discussed and get together with Mark and check on the percs. I want to check them along the boundary lines where all the wetlands are for two reasons, one, make sure they're in the right areas, also find out why they're percing in such a manner. And maybe we need to have Mark go out and witness some testing. And the third, I guess the third or fourth item which is very important we'll check again with the sight distances with Mr. Kroll and Mark, I know they're scheduled to go out there again one more time, I may even want to go myself and any of the board members who feel like they want to go. Another thing that you can do and I will speak to the people again is maybe with signage out there through the police department, children at play, I don't know, some of the signage that you may be able to put up to try to get people to slow down in that area because I know what Jerry's saying, it's pretty fast moving cars out there. And a lot of times when you were saying the law says that it's correct and I don't want to be smarter than the law but sometimes it's not really a hundred percent, the sight distance is 450, maybe sometimes that's bull crap, you get there too quick. I exit and enter down on 32 going towards Vails Gate and that 450 feet is like a blink of an eye and if you don't time it just right, you've got a problem. So the law means well, that's why it says 450 but we'll take a

look at it one more time. That's it. Do you have anything else for tonight?

MR. KARTIGANER: No.

MR. PETRO: I'm not going to take any action. Mark's got a lot to look at. You want to ask me something, I can tell.

MR. CLEARWATER: No.

MR. PETRO: You have a good night.



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

**PROJECT NAME:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 23 JUNE 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003,  
25 FEBRUARY 2004, 14 APRIL 2004 AND 26 MAY 2004 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 "required" bulk information shown on the plan is correct for the zone and use.
2. The plans have been revised per previous comments and discussions at worksessions. The applicant has outlined changes in their engineer's letter dated 03-19-04. We have the following comments regarding the latest plans submitted and the status of various items:
  - We have just received a re-submittal of the revised Stormwater Pollution Prevention Plan (SPPP). Our office has not completed our review at this time.
  - It is my understanding that the declaration for the restrictive covenants for the lots, with the restrictions for the Conservation Easement for lots 1-5, is still under review.
  - It is still our understanding that outstanding outside agency permits and approvals include Orange County DOH Realty Subdivision approval, a SPDES General Permit for Stormwater Discharges from Construction Activities, and a possible 401 Water Quality Certification required (pending ACOE determination).
  - We are awaiting clearance from NYS Office of Parks, Recreation and Historic Preservation.

**REGIONAL OFFICES**

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3. Inasmuch as the stormwater review is not complete and clearance has not been received from OPRHP, I would not recommend any action under SEQRA at this time.

Also, until such time that all outstanding issues are resolved, including a preliminary approval from the Highway Superintendent, I would not recommend that Preliminary Subdivision Approval be granted.

4. If there are any concerns noted at the Public Hearing, I would be pleased to review same, as deemed appropriate by the Planning Board.

Respectfully Submitted,



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

MJE/st  
NW03-22-23June04.doc



RESULTS OF P.B. MEETING OF:

June 23, 2004

PROJECT: Middle Earth Sub.

P.B.# 03-22

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y \_\_\_ N \_\_\_

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

TAKE LEAD AGENCY: Y \_\_\_ N \_\_\_

CARRIED: Y \_\_\_ N \_\_\_

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

CARRIED: Y \_\_\_ N \_\_\_

PUBLIC HEARING:

WAIVED: \_\_\_

CLOSED:

M) A \_\_\_ S) K \_\_\_

VOTE: A 5 N 0

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: Y \_\_\_ N \_\_\_

APPROVAL:

M) \_\_\_ S) \_\_\_

VOTE: A \_\_\_ N \_\_\_

APPROVED: \_\_\_

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

CONDITIONS - NOTES:

Bill Stiedle spoke re: Street Lights and the need for it.
Sidewalks and the need for it.
30' wide roads and the need for such
Wetlands - easements for O.C. Land Trust.
Wetland boundaries in relation to house - Lot 23
Mark - Check Buildable area on lot #23 - Also check septic system
Lot 23, 22, 29 - Anything close to wetlands.
Need for Long form EAF
Tom Dolan - 515 Station Rd: Spoke re driveway in construction case.
Bridgeway Rd. & Street lights
Have Mark check on street lights
Anne McCallum - spoke re: traffic + hill - distance + lighting
Impact of school taxes + schools

OVER

Steve Carroll - Station Rd: Spoke re: Roads + Traffic

Mark: Check

Lighting required or not?

sidewalks

perc's - boundary lines -

site distances - Mark, Henry, Jimmy to look at it

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Proposed 27 lot residential subdivision. This application proposes subdivision of 96 acre parcel into 26 single family lots. Plan was previously reviewed at the 23 July, 2003, 25 February, 2004 and 14 April, 2004 planning board meetings. R-1 zone, required bulk information on the plan is correct for the zone and use. Plans have been revised per our previous comments, discussions at work sessions. Sidewalks are now depicted on the plans one side of each road, we have asked that of the applicant, glad to see it's there. Records do not reflect resubmittal of the revised storm water pollution prevention plan, has that happened?

MR. CLEARWATER: Yeah, we did send that in.

MR. PETRO: Did you get it, Mark?

MR. EDSALL: I believe Jim sent a letter just responding, I don't know that we got a report, I think it was just a transmittal letter that outlined some responses, really need to get a regular report on file that deals with storm water management.

MR. CLEARWATER: He responded to your comments.

MR. EDSALL: Just a revised report so that when it's finally accepted, there's something that the public comes in, they can look at one document, just have that available for the public hearing.

MR. CLEARWATER: Okay.

MR. PETRO: We have a disapproval from the fire inspector, do you have any reason, Mark, do you know

about this?

MR. EDSALL: No, it was--

MR. BABCOCK: Did you meet with him?

MR. CLEARWATER: Yeah, he gave us the lot number, 911 numbers and we've got the road names approved, he sent me a plan with the marked up 911 numbers.

MR. PETRO: Well, we can straighten that out because we're not going to get an approval tonight anyway. Report signed by a professional engineer to be on file for public review, storm water prevention plan before a public hearing is held. So get that prepared, if we can have that set up, this will be posted outside on the bulletin board the week of the public hearing and it would be good to have the plan also posted with this.

MR. CLEARWATER: Storm water pollution prevention plan?

MR. PETRO: Right, is that what you're saying?

MR. EDSALL: Right, I think when it comes time for the public hearing, I'd like to have the plans on that report available for review.

MR. CLEARWATER: Okay.

MR. PETRO: Restrictive covenants for the lots with the restrictions for the conservation easement for lots 105 is still under review. It is still our understanding that the outside agency permits and approvals include Orange County DOH Realty Subdivision approval, a SPDES general permit for storm water discharges and construction activities and a possible 401 water quality certification required pending ACOE determination. So we're still looking for outside agencies to respond. Board should require applicant--

MR. EDSALL: I don't think that's, you can skip that one.

MR. PETRO: Omit that?

MR. EDSALL: Yeah, omit 3. There's one of the comments I had, Jim, was relative to the new ordinance that was just adopted by the Town for the subdivision regulations, they include a definitive list of elements and information that must be on a preliminary plan for the public hearing so I'm just asking that as I will be checking the plans for content that they make sure the once they submit, they check that list before they submit it.

MR. PETRO: Is this a new packet?

MR. EDSALL: No, Myra and I discussed that we need to update the application package because the subdivision regulations have changed and there's a long list now defining what's part of a major subdivision preliminary package.

MR. ARGENIO: And this plan is not in compliance with that now?

MR. EDSALL: I'm just saying doublecheck, I'm asking them to doublecheck, I'm going to do the same, we're all dealing with a regulation that's very new.

MR. PETRO: Highway is still under review.

MR. BABCOCK: Did you meet with them?

MR. CLEARWATER: Couple times, he promised me a letter at least twice and he didn't have a problem with it, he did give me a letter.

MR. PETRO: What's the date of this, 4/12?

MR. KARTIGANER: That was previous to the last time we were coming to you.

MR. PETRO: It's not going to hold us up tonight but I think why don't you try one more time, if you have a problem, call me directly, my number is 565-0769 and I will ask Mr. Kroll myself because from 4/12 to now we should have some sort of response. Okay?

MR. KARTIGANER: We met with him several times.

MR. PETRO: If you have a problem--

MR. BABCOCK: We may have that, as you can see, Myra's not here tonight, I'm trying my best here.

MR. PETRO: It's not holding us up, it's not going to change anything for tonight but I want to know what's going on over there.

MR. CLEARWATER: We sent in a Phase 1-A.

MR. KARTIGANER: It wasn't completed but it was from the archeologist who basically said he doesn't expect any impact based upon Phase 1-A and Phase 2-B and he's completing the report now which will be sent to SHIPO.

MR. PETRO: Anything else about the plan you want to tell us, update, nothing that we've already seen? Is there anything that's changed, anything different from two weeks ago?

MR. CLEARWATER: No, you mentioned sidewalks which are on, I also put street lights on that were asked of us at the three intersections, the two intersections on Station Road, an intersection in the back here and then a light midway down each road and one at the cul-de-sac, those are on also.

MR. PETRO: All right, seems like the plan is in better shape than the response from outside agencies, so we're just basically waiting to get everything in order.

MR. KRIEGER: With respect to the restrictive covenants and the covenants, that conservation easement, I'm somewhat confused as to what the board wants in that regard.

MR. PETRO: Mark?

MR. EDSALL: My understanding is that there's, the applicant is proposing a restrictive covenant along Station Road to prohibit any development of that area or any accesses through that area. I don't know that there's any other specific requirements the board has put forth but if that's what we're trying to do, eliminate the possibility of clearing but allow them if there's a diseased or dead tree to remove it.

MR. KARTIGANER: They'll have that. The only thing we want to do is stop any residential construction up to the top of the ridge, if you drive along Station Road the 200 feet just about gets to the top of the ridge, therefore, it will keep it pretty much free in the image of development, that's what we're trying to maintain.

MR. KRIEGER: The reason I ask is the terms restrictive covenant and easements are sometimes used apparently interchangeably and lumped together and while I understand the requirements of the board's wish for a restrictive covenant and the developer's expression of what he wants seems to fit within the restrictive covenant as well, I'm unclear as to what the board wants in terms of an easement, to whom this easement is supposed to run in favor.

MR. PETRO: Maybe easement isn't the right word. Why don't, you heard what Mark said, and I'm not ignoring

you, Andy, I can't turn good over there, I guess I can go like this.

MR. KRIEGER: Don't worry about it, I'll deem you turned.

MR. ARGENIO: He'll give you a pain in the neck.

MR. PETRO: He's a pain in the neck tonight. Get together with Mark and write up what he needs for this number there.

MR. ARGENIO: The intent is that there's no structures or driveways in that area depicted on the plan?

MR. EDSALL: The only encroachment that I believe we have acknowledged that because of the grading conditions of lot 5, the drive does have that minor encroachment, that's the only one that we have pretty much agreed they want to have permitted.

MR. PETRO: I don't think we can do anything else, we just went through all kinds of things here so what else would you ask of the board, anything?

MR. CLEARWATER: Well, we want to schedule a public hearing.

MR. PETRO: We can schedule the public hearing, we can authorize the public hearing. We didn't do that last time?

MR. CLEARWATER: No.

MR. PETRO: We wanted to get the plan forward but you need to have the other part missing with the storm water so in other words if we authorize a public hearing, don't set your plan up without having the other part that we're talking about.

MR. CLEARWATER: Of course.

MR. PETRO: You have to be prepared, bring the whole thing in at one time!

MR. EDSALL: We can verify that they've got the reports done, they just have to update it and secondly, we have to make sure the plan that's what's required in the new subdivision regulations that you want to authorize it.

MR. PETRO: Motion to have a public hearing for the Middle Earth subdivision on Station Road.

MR. ARGENIO: I'll make the motion.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion's been made and seconded that the New Windsor Planning Board have a public hearing for the Middle Earth subdivision on Station Road. Any further discussion from any of the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: Get together with Mr. Kroll and fire department, try and get those approvals.

MR. CLEARWATER: Fire should be fine because he sent me the plan all marked up the way he wanted it.

MR. PETRO: Like Mike says, that can be sitting on Myra's desk.

MR. BABCOCK: 5/19 is my last printout, if we have

May 26, 2004

19

something after that, I don't have it with me tonight.

MR. PETRO: For the public hearing, try to have both of them including Mr. Kroll, if you have a problem with him, get in touch with me so we can try and work it out before the public hearing. 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)  
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:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 26 MAY 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003,  
25 FEBRUARY 2004 AND 14 APRIL 2004 PLANNING BOARD  
MEETINGS.

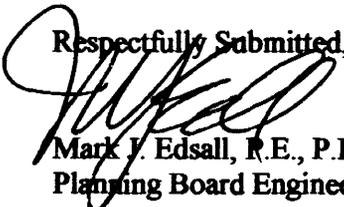
1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use.
2. The plans have been revised per previous comments and discussions at worksessions. The applicant has outlined changes in their engineer's letter dated 03-19-04. We have the following comments regarding the latest plans submitted and the status of various items:
  - Sidewalks are now depicted on the plans; one side of each road.
  - My records do not reflect a re-submittal of a revised Stormwater Pollution Prevention Plan (SPPP). Our office previously prepared comments dated 03-15-04, regarding stormwater management. The applicant appears to have provided some response as part of a letter to the Board; this is *not* the desired format. A report, signed by a professional engineer, should be prepared and on file for public review. These should all be addressed *before* a Public Hearing is held.
  - The plans now include road names and 911 address numbering. A memo of approval should be on file from the Fire Inspector.

**REGIONAL OFFICES**

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

- It is my understanding that the declaration for the restrictive covenants for the lots, with the restrictions for the Conservation Easement for lots 1-5, is still under review.
  - It is still our understanding that outstanding outside agency permits and approvals include Orange County DOH Realty Subdivision approval, a SPDES General Permit for Stormwater Discharges from Construction Activities, and a possible 401 Water Quality Certification required (pending ACOE determination).
3. The Board should require that the Applicant or their authorized representative waive the (thirty) (forty-five) (ninety) day deadline for Board action.
  4. The applicant should be aware that the Town recently adopted new subdivision regulations. Attention is directed to Chapter 257. The applicant should review the Chapter, and specifically Article IV, which outlines submittal requirements for preliminary plans proposed for public hearing. All information required by that Article should be included.
  5. The Highway Superintendent previously had concern regarding this application. Is an approval now on record?
  6. The applicant should update the board on the status of their response to OPRHP.

Respectfully Submitted,



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

MJE/st  
NW03-22-26May04.doc



**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 **JUNE 23, 2004** at 7:30 P.M. on the approval of the proposed Subdivision for **MIDDLE EARTH SUBDIVISION**

Located at **STATION ROAD** (Tax Map #Section **54**, Block **1**, Lot **53.1**) .

Map of the proposed project 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: JUNE 8, 2004

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

## Superintendent of Highways

Henry J. Kroll

June 21, 2004

Mr. Mark Edsall, Town Engineer  
Town of New Windsor Planning Board  
555 Union Ave.  
New Windsor, N.Y. 12553

Re: File # 0322 – Middle Earth

Dear Sir:

The plans for Middle Earth have had a preliminary review and it appears to be acceptable at this time. A further, in-depth review must still be performed by Mark Edsall, Town of New Windsor Engineer, and myself. .

If you have any other questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in cursive script that reads "Henry J. Kroll".

Henry J. Kroll  
Superintendent of Highways

HJK/mvz

Cc: file





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

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

**PROJECT NAME:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 14 APRIL 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003 AND  
25 FEBRUARY 2004 PLANNING BOARD MEETINGS.

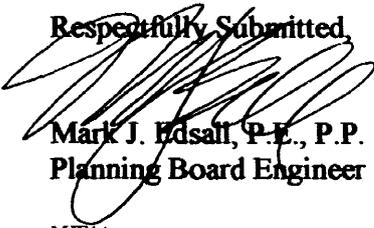
1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use.
2. The plans have been revised per previous comments and discussions at worksessions. The applicant has outlined changes in their engineer's letter dated 03-19-04. We have the following comments regarding the latest plans submitted:
  - The approval box has been added as requested, but not to all the sheets of the plans. Please add to all drawing sheets.
  - Sidewalks are not depicted on the plans. The Board should discuss this requirement with the applicant.
  - There are outstanding comments from our office regarding stormwater management (comments dated 03-15-04, additional copy attached for convenience). A revised Stormwater Pollution Prevention Plan (SPPP) should be submitted.
  - The applicant should proceed with the 911 coordination in accordance with Town Policy. Street names and 911 address numbering should be on the plans submitted for Preliminary Public Hearing.

**REGIONAL OFFICES**

- 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- A draft of the declaration for the restrictive covenants for the lots, with the restrictions for the Conservation Easement for lots 1-5, should be prepared and submitted for review.
  - Outstanding outside agency permits are a SPDES General Permit for Stormwater Discharges from Construction Activities, and a possible 401 Water Quality Certification required (pending ACOE determination).
3. I am not aware of any approval from the Highway Superintendent. This should be on file before the plan is scheduled for a public hearing.
  4. The applicant should update the board on the status of their response to OPRHP.
  5. The Board is reminded that this application will require submittal to and approval from the Orange County Department of Health (referral is made following Preliminary Approval).
  6. The applicant is reminded that all subdivision plans should include the signature and seal of a licensed land surveyor.

Respectfully Submitted,



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

MJE/st  
NW03-22-14Apr04.doc



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

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

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e-mail: mhpa@pjd.net

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

<b>PROJECT NAME:</b>	<b>MIDDLE EARTH DEVELOPMENT</b>
<b>P.B. PROJECT NO.:</b>	<b>NWPB 03-22</b>
<b>APPLICANT'S REPRESENTATIVE:</b>	<b>MJS ENGINEERING</b>
<b>PREPARATION DATE:</b>	<b>15 MARCH 2004</b>
<b>MEETING DATE:</b>	<b>22 MARCH 2004</b>

1. A review of the predevelopment versus post development runoff curve numbers identifies Meadow Woods lawn and roads in the post development condition. It does not appear to depict impervious surfaces associated with driveways and house sites. This should be clarified.
2. It appears that the detention pond system has been designed as a wet pond with a lowest discharge elevation of 430.0. The detention pond model assumes that the system will function as a dry pond with available storage capacity between elevation 426 and 430, which would contain the wet pool. Calculations identify the sediment forebay volume as well as water quality volume being available below 430 elevation.
3. Portions of the lot not tributary to the drainage system should have best management practices implemented in order to mitigate discharge to the wetland areas.
4. Areas crossing the federal jurisdictional wetlands with roadways should be provided with piping to assure ponding of water does not occur at the wetland crossing and to provide for hydraulic connection between the wetland areas.
5. The discharge location for the pond identified with a water surface elevation of 445 located west of the proposed detention pond should be identified on the plan.
6. Evaluate pond grading and geometry with regard to the New York State Stormwater Management Design Guidelines.

7. Predevelopment Area B identifies 21.4 acres when a post development Area B identifies 18.5 acres. It is unclear where the transferred reduced acreage is tributary to in the post development condition, as the area tributary to the detention pond is identified as 19.5 acres, in both the pre and post development conditions.

Respectfully submitted,

***MCGOEY, HAUSER & EDSALL  
CONSULTING ENGINEERS, P.C.***

---

Patrick J. Hines  
Associate

PJH/pr

REGULAR ITEMS:

MIDDLE EARTH SUBDIVISION (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Major subdivision on Station Road. Application proposes subdivision of 96 acre parcel into 26 single family lots. This plan was previously reviewed at the 23 July, 2003 and the 25 February, 2004 planning board meetings, R-1 zone required, bulk information shown on the plan is correct, highway is under review and we still have fire as disapproved. So you're going to have to contend with the fire department, fire says need three sets of sketch plans with the E-911 numbering, driveway layout and sketch plan show E-911 numbers on sketch plan confirmed roads meet town road specs, that's from fire and as I said, highway is under review. Why don't you go over it briefly?

MR. CLEARWATER: This property is located on the east side of Station Road just south of the Westminster Presbyterian Church. As Mr. Petro said, it's 26 single family residential lots on 98 acres. There's approximately 35 acres of wetlands mostly in the back, both Army Corps of Engineers and it's all Army Corps wetlands, the site is accessed in two locations, both off Station Road. Mr. Kroll, the Highway Superintendent that did reservations back in February about sight distance, we met with him on the site on March 1st and satisfied his concern. Now I wrote to him after that, I haven't heard back, I haven't unless you have, maybe you got a letter from him but I haven't got a letter.

MR. PETRO: 4/12/2004 under review, so I have nothing additional from the highway.

MR. ARGENIO: How did you satisfy his concern?

MR. CLEARWATER: He was confused apparently where the location of Road A comes out so he wasn't sure that we had the sight distance that we show. He was also concerned about the slope, the side slopes on the new roads and I pointed, I told him that side slopes were all three to one and that was--he didn't have any real concern after that. As you're aware, of course this is health department review for wells and septics, as well as the Army Corps needs to approve the delineation of the wetlands which has been sent in, we haven't heard back from them yet.

MR. LANDER: Crossing the wetlands with the road?

MR. CLEARWATER: In two locations, that's right, the two smallest locations. We're above the maximum that's allowed under a nationwide permit so we have to file the permit. Now if we did serve the whole place with one access then we'd be underneath 4,000 but with two accesses it makes it better and safer.

MR. PETRO: Applicant is reminded that the subdivision plan should be included, that the signature and seal of a licensed land surveyor, again, do we have that on this plan?

MR. CLEARWATER: Not in this play, we'll get it. Dan Yanosh did it. We're ready for public hearing next month.

MR. PETRO: Outside agency permits, including SPDES permit for storm water discharge is going to be required and the other comments Mark made about all the outside agencies. We already went over the highway superintendent, there's nothing on file, the applicant should update the board on the status of the response of Orange County OPRHP, drafted declaration of the restricted covenants for the lots with the restriction

of the conservation easements for lots one through five should be prepared and submitted for review, Andy, get that in and take a look at it, okay?

MR. KRIEGER: Yes, as soon as it's submitted, I'll look at it.

MR. PETRO: Applicant should proceed with the 911 coordination in accordance with the Town policy. Street names, 911 addresses and numbering should be on the plan for preliminary public hearing, should be done before the public hearing.

MR. CLEARWATER: We'll have it on there before that.

MR. PETRO: I'm trying to get you moving in the right direction so we can schedule a public hearing which we can't do yet.

MR. ARGENIO: The easements are retained by the individual lots owners, is that correct, the conservation easements?

MR. CLEARWATER: That's right.

MR. KARTIGANER: We're not yet sure who's going to be owning the first five in terms of conservation easement, we may be trying to give that to different agencies to maintain them.

MR. ARGENIO: For instance?

MR. KARTIGANER: We've talked to the Orange County Land Trust, they have an interest particularly in this part, they have suggested this, that they are not interested in the conservation easement along Station Road, who might be interested, I'm not sure, the reason we're putting it there is specifically to try and maintain the open space character of Station Road because it goes to just about the top of the rise, I'm not sure

what agency we'd be giving it to, if we can't find somebody, we may not do it, although we will put in a requirement that they don't build in that area.

MR. EDSALL: Drew, by giving, it's still going to be owned by the individual lots?

MR. KARTIGANER: Right, the easement will be basically prohibiting building or construction in the area.

MR. EDSALL: So you're giving the restrictive rights or the protection to someone else?

MR. KARTIGANER: To someone else.

MR. EDSALL: Just wanted to make sure the board was clear they're not giving the land away because it won't meet zoning again.

MR. CLEARWATER: That's what I meant, the land was going to be kept.

MR. KARTIGANER: I'm sorry.

MR. PETRO: The approval box has been added but not on all the sheets, sidewalks are not on the plans, you need to have sidewalks on one side of the street, do not ask me to waive it, if you feel that it's unnecessary and you can't do it for some reason, you have to go to the Town Board to get a waiver. I do not believe you'll be successful. And you will not have a positive recommendation from this board. Planning board wants sidewalks on one side of the street, not both. But you're welcome to make application to the Town Board, petition the Town Board who since about 2003 has been empowered to make that decision. That's all I have. Does anybody else have anything? I would suggest you get a packet from Mark, probably already have that, right?

April 14, 2004

19

MR. KARTIGANER: We just got it.

MR. PETRO: Just go over his comments and get together with Mr. Kroll and get his comments, get that straightened out so we can schedule a public hearing. Get the plans stamped before we have a public hearing.

MR. CLEARWATER: It will be.

MR. PETRO: Thank you.

MIDDLE EARTH DEVELOPMENT (03-22)

Mr. James Clearwater and Mr. Drew Kartiganer appeared before the board for this proposal.

MR. PETRO: Property is located in the R-1 zoning district of the Town. The required bulk information shown on the plan is correct for the zone and use. Minimum livable area and maximum developmental coverage values must be added to the bulk table. This is still not done so we'll get back to all that. I have a letter, before we even start, I have a letter from Mr. Kroll, the Highway Superintendent, disapproving the access point off of Station Road because of a sight distance problem that needs to be resolved.

MR. KARTIGANER: We just got that today.

MR. PETRO: We'll proceed but I want you to know that that point of access to Station Road may be changed or has to be changed, I don't know that it will or won't and that anything we're doing tonight will be predicated on the plan that you're showing us and we may have to come back and start again with the new entranceway. I don't know whether that's the case or not, but it's disapproved where it is but I'm willing to continue and look at it, it's not a problem at this time but you're proceeding at your own time and risk. Okay?

MR. SCHLESINGER: Which entrance for the north?

MR. CLEARWATER: He doesn't specify.

MR. KARTIGANER: One is a pre-existing.

MR. PETRO: I'm not sure which one, he just just read the letter.

MR. CLEARWATER: He doesn't indicate which one he's

speaking about, we got that note this morning and he says in the note that he made that request previously. I'm unaware that he had made that request previously but that's fine, whatever he wants we'll meet with him in the field or in the office.

MR. PETRO: I would suggest that you contact him directly, meet him in the field, go to the office first, find out what it is and get it straightened out because you don't want to continue, continue, continue and then know that you've got to move it over 40 feet or something. It's a waste of time and effort.

MR. CLEARWATER: I called him this morning but he's out so I'll catch up with him tomorrow. In any case, as you said, this is a 98 acre site, 26 lots, it's located on the east side of Station Road and we access the site in two locations on the wetlands on site, it's all Army Corps wetlands, there's no DEC wetlands, the wetlands line shown here has been delineated and surveyed and plan has been sent to the Army Corps for a jurisdictional determination. We haven't heard back from them yet. We cross the wetlands in two locations, one for each of the roads. Now, if we crossed at the narrowest point but even still the disturbance is greater than what's allowable under the nationwide permit so we'll need to go to the Army Corps for a permit for that. We wanted two access points, we felt it was better for safety and for emergency access and whatnot, even though it increases the disturbance to the wetlands. This plan has been updated considerably since we were here before and shows all the grading for the roads, shows septic designs, well locations, driveways and so on. We also submitted a drainage report, storm water pollution prevention plan just last week, I'm sure that Mark probably hasn't had a chance to review it, it's quite lengthy but in any case, it has been submitted and we already spoke about the sight distance and the question that Mr. Kroll had and we'll speak to him and address that.

MR. PETRO: Where is 22 and 23?

MR. CLEARWATER: Up at the top here.

MR. PETRO: The conservation easement, does it go down, look, is it a big hole there?

MR. CLEARWATER: No, it's high, this is the highest point of the property and what the idea was to preserve that strip along Station Road so that it didn't, so that there was no houses there so as you're driving down Station Road, the look of the property would remain the same as it is now, albeit two roads coming in.

MR. KARTIGANER: Except for the one house on the lower lot, there would be no houses along the top of the ridge.

MR. PETRO: All be serviced by well and septic?

MR. CLEARWATER: Right, it's all in the 80,000 square foot zone.

MR. SCHLESINGER: What about the grading on the lower road?

MR. CLEARWATER: Yeah, it drops down quite steep here and it's necessitated--

MR. SCHLESINGER: Did you evaluate that?

MR. CLEARWATER: No, he hasn't, he hasn't completed.

MR. PETRO: What's this area here, retention pond?

MR. CLEARWATER: Adjacent to lot 26, yeah, it's a detention pond.

MR. PETRO: Where is the outflow for the pond into a little pond?

MR. CLEARWATER: It flows across the road to the east into the wetland.

MR. PETRO: The pond would go into the retention pond and then flow the other way?

MR. CLEARWATER: Right, it flows that way now to the east, it's easier to see on the 50 scale plan.

MR. PETRO: We have received responses from the New York State DEC, you know you need the other permits we've mentioned earlier, possible 401 water quality certification required, lot of comments here, so we'll take lead agency. Motion to do that.

MR. ARGENIO: So moved.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare itself lead agency under the SEQRA process for the Middle Earth Development subdivision on Station Road. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. ARGENIO	AYE
MR. BRESNAN	AYE
MR. PETRO	AYE

MR. PETRO: Does anybody have any comment on just the layout of the subdivision? Do you want to make any broad statements about anything because I don't want to get into too much detail, he's got a lot to do here. I

guess the board conceptually doesn't have a problem the way it looks, I guess once you get along a little further with some of these comments, talk to Mark and get some of the outside agencies' input, we can look at it again. It's going to take a while, I think sidewalks and street lights will be required within the subdivision unless waived, obviously, they're not going to be waived, the sidewalks will be required at least one side, you don't have to do both sides. Storm water, Mark, anything you want to discuss? I think he's got enough to do here for a while.

MR. EDSALL: The next big step to confirm the layout is to resolve the road grading issues with Henry as well as the access issues.

MR. PETRO: Why don't you get that straightened out, do some of these other ones and we'll look at it again. Anything else?

MR. CLEARWATER: It's premature to authorize public hearing?

MR. PETRO: Yes, we don't even know the road's going to be there.

MR. CLEARWATER: Okay.

MR. KARTIGANER: We might want some supporting letter Mark said he'd give subject to planning board for the permit that we're going to have to go for for the DEC wetlands disturbance, the reason that we're disturbing the wetlands we're putting in two roads, so we can cut down the length of the cul-de-sac which is forcing us to go over the 4,500 square foot.

MR. EDSALL: We discussed that issue, I think from a general layout issue, the board can confirm that you'd really want to have two accesses to this subdivision, you wouldn't want to go with a long cycle access.

MR. ARGENIO: The original plan that we saw only had two?

MR. EDSALL: It had two but the DEC definitely will have an issue as to the disturbance and I think that it should be on record that the board really didn't want to have this number of lots served with a long single road.

MR. PETRO: He wants a supporting letter to that effect.

MR. EDSALL: As long as we have it on record, I can say the board discussed it and that's your preference, double access.

MR. PETRO: Yes. Thank you.

MR. CLEARWATER: Actually, it's the Army Corps, not DEC.

MR. EDSALL: Yes, Army Corps.

**MJS ENGINEERING**  
**CIVIL/ENVIRONMENTAL**

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MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

030118

22 April 2004

Mr. John McDonald, Fire Inspector  
Town of New Windsor  
555 Union Avenue  
New Windsor, NY 12553

RE: Middle Earth  
Section 54, Block 1, Lot 53.1

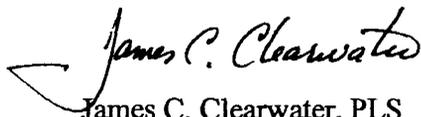
Dear Mr. McDonald:

Enclosed are 3 sets of plans for the above referenced project for your review regarding 911 numbering. Sheets #1 through #6 are included; Sheets #7 through #10 are the Road Profiles and Construction Details which are not included. The two street names selected, Weathertop Drive and Luthien Forest Road, are shown on Sheet C-2. Assuming those names are acceptable, they will be added to the other sheets.

The applicant, Mr. Drew Kartiganer, and I met with Mr. Henry Kroll, the Highway Supt., on March 1<sup>st</sup> at the project site to review the road intersection locations. Mr. Kroll indicated his acceptance of the locations. The two new roads themselves will be built to Town spec, both in width and material.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,  
**MJS Engineering, PC**

  
James C. Clearwater, PLS  
Project Manager

JCC/gl  
Enc.

cc: Drew Kartiganer  
Myra Mason, Pl. Bd. Secretary ✓

**FIRE INSPECTOR'S  
INTER-OFFICE CORRESPONDENCE**

**TO:** James Petro, Planning Board Chairman

**FROM:** John McDonald, Fire Inspector

**SUBJECT:** PB2004-22  
Middle Earth Subdivision



**DATE:** April 15, 2004

Planning Board Reference Number: PB2004-22

Dated: 03-29-2004

Fire Prevention Reference Number: FPS-04-018

The above referenced plans were reviewed and found to be unacceptable. Deficiencies noted in February 24, 2004 memorandum have not been addressed.

- 1) Three sets of sketch plans and lot layouts scaled 1"=50' shall be provided for E-911 numbering. Driveway and house layouts must be shown on plans.
- 2) E-911 Coordinators assigned E-911 numbers shall be included on all plans.
- 3) Street names must be submitted to E-911 Coordinator for approval. Once approval has been received the street names shall be included on all plans.
- 4) Confirm that roads will meet town road specifications.





# Town of New Windsor

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Telephone: (845) 563-4615  
Fax: (845) 563-4693

## OFFICE OF THE PLANNING BOARD

### PROJECT REVIEW SHEET

TO: **HIGHWAY DEPARTMENT**

P.B. FILE #03-22

DATE RECEIVED: 04-12-04

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: \_\_\_\_\_ TO BE ON AGENDA FOR THE \_\_\_\_\_ PLANNING BOARD MEETING.

THE MAPS AND/OR PLANS FOR:

### MIDDLE EARTH SUBDIVISION

Applicant or Project Name

SITE PLAN \_\_\_\_\_, SUBDIVISION XXX, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: under review  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Henry J. Kuehl 4/12/04  
Reviewed by \_\_\_\_\_ date

**MJS ENGINEERING**  
CIVIL/ENVIRONMENTAL

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MJS Engineering, PC  
261 Greenwich Avenue  
Goshen, NY 10924  
(845) 291-8650 Fax (845) 291-8657

030118

19 March 2004

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
555 Union Avenue  
New Windsor, NY 12553

RE: Middle Earth

Dear Ms. Mason:

Enclosed are 10 sets of prints revised to reflect the comments of the Planning Board at the February 2004 meeting. In particular, the plans have been revised to reflect the following:

1. The addition of street lights at six locations on the project; one at each of the intersections of the proposed Roads "A" and "B" with Station Road, the intersection of Roads "A" and "B" near lot #21, the terminus of the cul-de-sac near lot #16, and midway on both Roads "A" and "B" near lots #24 and #9.
2. An approval box with the Town of New Windsor file number has been added to the plan sheets.
3. The applicant, Mr. Drew Kartiganer, and I met with Mr. Henry Kroll, the Highway Superintendent on March 1<sup>st</sup> at the site to review the available sight distance at each of the two new road intersections. The end result of our discussion was that the available sight distance would be adequate as presented. I am not yet in receipt of a note from Mr. Kroll to that effect.
4. Notes have been added to the plan regarding restricting access from Station Road for lots #1 through #6, and a note regarding the Conservation Easement for lots #1 through #5.
5. A Stormwater Pollution Prevention Plan was included in the February submission. We will be available at any time to review it with the Planning Board's Engineer, if necessary.
6. As soon as road names are determined, I will submit the plan to Mr. John McDonald for assignment of 911 numbers for each lot.

Town of New Windsor Planning Board  
Attn: Ms. Myra Mason, Secretary  
19 March 2004

7. The applicant is cognizant of the need for a drainage district and he will be preparing the requisite documentation.

Please place this application on the Planning Board's agenda for discussion. We would like to see this project scheduled for a Public Hearing for preliminary approval as soon as possible. The public's input is important and their concerns should be addressed as early on in a project as possible.

If you have any questions, please do not hesitate to contact the undersigned.

Very truly yours,  
**MJS Engineering, PC**

James C. Clearwater, PLS  
Project Manager

JCC/gl  
Enc.

cc: D. Kartiganer

PLANNING BOARD  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Appl No: 1-42

File Date:05/23/2001

SEC-BLK-LOT:65-1-61-1

Project Name:MEADOWBROOK ESTATES

Type:1

Owner's Name:ETRUSCAN ENT. C/O FRANK CAVALARI

Phone:(845) 561-8119

Address:10 MEADOWBROOK RD. - NEW WINDSOR NY 12553

Applicant's Name:WEINBERG, DAVID

Phone:(908) 301-1818

Address:940 SOUTH AVE - WESTFIELD, NJ 07091

Preparer's Name:TECTONIC ENGINEERING

Phone:(845) 534-5959

Address:P.O. BOX 37 - MOUNTAINVILLE, NY 10952

Proxy/Attny's Name:WOLINSKY, LARRY

Phone:(845) 778-2121

Address:158 ORANGE AVE - WALDEN, NY 12586

Notify:SAMUELSON, JANE

Phone:(845) 534-5959

Location:RT. 94

Acreage	Zoned	Prop-Class	Stage	Status
129.760	R-1&3	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	CORN			

Appl for:74 LOT RESIDENTIAL SUBDIVISIOIN WITH RELATED INFRASTRUCTURE

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 9/16/03*

*Has Preliminary Approval*

PLANNING BOARD  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Appl No: 0-6

File Date:03/14/2000

SEC-BLK-LOT:37-1-45-1

Project Name:CORNWALL COMMONS LLC - SUBDIVISION

Type:1

Owner's Name:CORNWALL COMMONS, LLC

Phone:(914) 928-9121

Address:615 ROUTE 32, P.O. BOX 502 - HIGHLAND MILLS, N Y 10930

Applicant's Name:CORNWALL COMMONS, LLC

Phone:(914) 928-9121

Address:615 ROUTE 32, P.O. BOX 502 - HIGHLAND MILLS, NY 10930

Preparer's Name:LA GROUP

Phone:(518) 587-8100

Address:40 LONG ALLEY, SARATOGA SPRINGS, NY 12866

Proxy/Attny's Name:JACOBOWITZ & GUBITS, LLP

Phone:(914) 778-2121

Address:158 ORANGE AVE - PO BOX 367 WALDEN, NY 12586

Notify:GERALD JACOBOWITZ, ESQ

Phone:(914) 778-2121

Location:NYS RT. 9W

Acreage	Zoned	Prop-Class	Stage	Status
52.800	R-3	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	CORN			

Appl for:60 LOT RESIDENTIAL SUBDIVISION

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 8/27/03  
has Preliminary Approval*

PLANNING BOARD  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Appl No: 3-23

File Date:07/15/2003

SEC-BLK-LOT:54-1-44-2

Project Name:SHADOW FAX RUN SUBDIVISION PA2003-0371

Type:1

Owner's Name:WAUGH, SUSAN & JOHN

Phone:(845) 564-4538

Address:637 JACKSON AVENUE - NEW WINDSOR, NY

Applicant's Name:SHADOW FAX RUN (DREW KARTIGANER)

Phone:(845) 562-4499

Address:555 BLOOMING GROVE TPK. - NEW WINDSOR, NY

Preparer's Name:MJS ENGINEERING

Phone:(845) 291-8650

Address:261 GREENWICH AVE - GOSHEN, NY 10924

Proxy/Attny's Name:

Phone:

Address:

Notify:JAMES CLEARWATER

Phone:(845) 291-8650

Location:JACKSON AVENUE

Acreeage	Zoned	Prop-Class	Stage	Status
69.500	R-1	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	WASH			

Appl for:PROPOSED RESIDENTIAL SUBDIVISION OF 22 BUILDING LOTS

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 3/30/04 -  
has no approvals*

PLANNING BOARD  
TOWN OF NEW WINDSOR  
555 UNION AVENUE  
NEW WINDSOR, N.Y. 12553

Appl No: 3-22

File Date:07/15/2003

SEC-BLK-LOT:54-1-53-1

Project Name:MIDDLE EARTH DEVELOPMENT PA2003-0342

Type:1

Owner's Name:CLEMENT, JOHN & CLAY, DOROTHY

Phone:(845) 496-4938

Address:248 STATION ROAD - ROCK TAVERN, NY 12575

Applicant's Name:MIDDLE EARTH DEVELOPMENT (KARTIGANER)

Phone:(845) 562-4499

Address:555 BLOOMING GROVE TPK - NEW WINDSOR, NY 12553

Preparer's Name:MJS ENGINEERING

Phone:(845) 291-8650

Address:261 GREENWICH AVE - GOSHEN, NY 10924

Proxy/Attny's Name:JOHN HICKS, ESQ.

Phone:(845) 778-2121

Address:158 ORANGE AVE - WALDEN, NY

Notify:JAMES CLEARWATER (MJS ENGINEERING)

Phone:(845) 291-8650

Location:STATION ROAD

Acreage	Zoned	Prop-Class	Stage	Status
96.620	R-1	0		0
Printed-on	Schl-Dist	Sewr-Dist	Fire-Dist	Light-Dist
03/30/2004	WASH			

Appl for:SUBDIVISION PROPOSAL FOR 27 RESIDENTIAL BUILDING LOTS.

Addl Municipal Services:

Streets:

Water:

Sewer:

Garbage:

*As of 3/30/04 -  
has no approvals*



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: mhempa@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.: 03-22

WORK SESSION DATE: 03-16-04

PROJECT: NEW \_\_\_\_\_ OLD X

REAPPEARANCE AT W/S REQUESTED: later

RESUB. REQ'D: yes

PROJECT NAME: Middle Earth Subdiv

REPRESENTATIVES PRESENT: J. Clearwater

MUNICIPAL REPS PRESENT:  
BLDG INSP. \_\_\_\_\_  
ENGINEER X  
P/B CHMN \_\_\_\_\_

FIRE INSP. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

ITEMS DISCUSSED: Ratio Rd

STND CHECKLIST:

PROJECT TYPE

- they met w/ Kroll - he OK'd right dist - road loc
- 1:3 side slopes OK w/ HK (ck plan)
- 1-6 for drive reduction
- add expanded re-provision re conservation easel
- SHPO wants Phase I
- ck w/ PCH re stormwater T&E
- S/w waiver? - still waiting ACOE
- add streetlights hill x2 + culdesac
- OCSOU after Prelim. ck @ station x2
- 9/11 - Pick names - send 2x to JCM.
- Drainage dist Prelim/final

- DRAINAGE to be reviewed
- DUMPSTER N/A
- SCREENING N/A
- LIGHTING OK
- (Streetlights) LANDSCAPING N/A
- BLACKTOP ck
- ROADWAYS ck
- APPROVAL BOX ADD.

- SITE PLAN
- SPEC PERMIT
- L L CHG.
- SUBDIVISION
- OTHER

PROJECT STATUS:

ZBA Referral: \_\_\_\_\_ Y X N

Ready For Meeting XY \_\_\_\_\_ N

Recommended Mtg Date next avail



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:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 - BLOCK 1-- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 25 FEBRUARY 2004  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SIX (26) SINGLE-FAMILY LOTS. THE  
PLAN WAS PREVIOUSLY REVIEWED AT THE 23 JULY 2003  
PLANNING BOARD MEETING.

1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use.

My July 2003 comments requested that required "Minimum Livable Area" and "Maximum Development Coverage" values must be added to the bulk table. This is still not done.

With regard to lot compliance, lot # 14 would appear to have a lot width compliance problem. Also, the Board may wish to discuss lots #22 and #23 which have very limited use (great majority of lot is wetlands). They do appear to just meet minimum net area requirements.

2. We previously discussed, with the applicant, access restrictions for lots 1 thru 6, to be from the internal roadways (as shown on the plan), rather than direct access to Station Road. This should be confirmed with a note on the plan, and included in the restrictive covenants for the lots, with the restrictions for the Conservation Easement for lots 1-5.
3. The Planning Board previously authorized a Lead Agency Coordination letter, which was circulated on 8-5-03. We have received responses from NYSOPRHP and NYSDEC. The Board should formally assume the role of Lead Agency at this meeting. (see next comment).

**REGIONAL OFFICES**

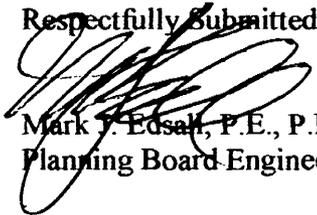
• 507 Broad Street • Milford, Pennsylvania 18337 • 570-296-2765 •  
• 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

**FAXED**

4. Some additional information is required or permits needed (as noted in the responses from outside agencies) are as follows:
- Submit additional information to OPRHP for determination.
  - SPDES General Permit for Stormwater Discharges from Construction Activities required.
  - Possible 401 Water Quality Certification required (pending ACOE determination).
5. I have performed a follow-up review of the submittal and have the following comments:

- A Stormwater Pollution Prevention Plan (SPPP) has been submitted and is currently in review at our office.
- The driveway from lot #5 encroaches in the conservation easement. Relocate.
- A draft of the restrictive covenants for the conservation easement and access restrictions should be submitted to the Board and consultants as soon as available.
- Sidewalks and streetlights will be required within the subdivision unless waived.
- Once the Board believes the general layout is acceptable on a preliminary basis, and the Highway Superintendent has approved the layout, we will continue our review of the proposed roadway and lot grading, driveway slopes,
- It is my understanding that the Highway Superintendent still has concerns with sight distance from the access points of the subdivision. Field measurements by a land surveyor, in conformance with established standards were previously requested. Although values are indicated on the plan, methodology or verification with the Superintendent should be clarified.
- The Board and applicant are reminded that this application will be referred to the Orange County Department of Health for review and approval.
- As per the 911 Policy of the Town, this project will require the assignment of a street names and 911 address numbering at the Preliminary approval stage of the subdivision review. The applicant should begin to coordinate this with the Fire Inspector's Office.
- The applicant is reminded that a drainage district will be required. They should begin to arrange for this item.

Respectfully Submitted,

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



RESULTS OF P.B. MEETING OF: February 25, 2004  
 PROJECT: Middle Earth Subdivision P.B.# 03-22

**LEAD AGENCY:**

**NEGATIVE DEC:**

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

M) \_\_\_ S) \_\_\_ VOTE: A \_\_\_ N \_\_\_  
 CARRIED: Y \_\_\_ N \_\_\_

M) A S) 5 VOTE: A 5 N 0  
 CARRIED: Y  N \_\_\_

PUBLIC HEARING: WAIVED: \_\_\_ CLOSED: \_\_\_

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

**APPROVAL:**

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

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

**CONDITIONS - NOTES:**

<i>Plans have been sent to Army Corp of Engineers</i>
<i>Need Drainage District</i>
<i>Need sidewalks &amp; street lights</i>
<i>Address Mark's comments</i>
<i>Solve problems with Highway Dept.</i>
<i>Mark to issue letter</i>



# Town of New Windsor

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

## Assessor's Office

July 24, 2003

Drew Kartiganer  
555 Blooming Grove Tpke  
New Windsor, NY 12553

Re: 54-1-53.1 PB#03-22

Dear Mr. Kartiganer:

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

Parcels marked with one asterisk (\*) represent abutting parcels, two asterisks (\*\*) represent that the parcel is located within an Agricultural District, and three asterisks (\*\*\*) represent that the parcel is both abutting and located within an Agricultural District.

Please be advised that the subject parcel is also located within an Agricultural District.

The charge for this service is \$55.00, minus your deposit of \$25.00.

Please remit the balance of \$30.00 to the Town Clerk's Office.

Sincerely,

*J. Todd Wiley BAW*

J. Todd Wiley  
Assessor

JTW/baw  
Attachments

CC: Myra Mason, PB

29-1-20.11 \*  
Kevin & Amy Lynn Goggin  
553 Station Rd  
Rock Tavern, NY 12575

29-1-20.12 \*  
Thaddeus & Joanne McCourt  
559 Station Rd  
Rock Tavern, NY 12575

29-1-20.13 \*  
Stephen & Mary Ellen Carolan  
565 Station Rd  
Rock Tavern, NY 12575

29-1-20.14 \*  
Mark & Marcel Milstein  
571 Station Rd  
Rock Tavern, NY 12575

29-1-21.3 \*  
Philip & Carrie Rodriguez  
4 Kale Lane  
Rock Tavern, NY 12575

29-1-22 \*  
Arthur & Esther Riffard  
549 Station Rd  
Rock Tavern, NY 12575

29-1-49 \*\*  
Suzanne Munzer  
503 Station Rd  
Rock Tavern, NY 12575

29-1-50 \*\*  
Thomas & Patricia Dolan  
515 Station Rd  
Rock Tavern, NY 12575

29-1-51 \*\*\*  
Clement & Gwen Villa  
521 Station Rd  
Rock Tavern, NY 12575

29-1-52 \*\*\*  
Edward & Anne McKallen  
525 Station Rd  
Rock Tavern, NY 12575

29-1-53.21 \*\*  
Vince & Linda McAdon  
8 Beech Acres Drive  
Rock Tavern, NY 12575

29-1-53.22 \*\*  
James & Joanne Cacioppo  
10 Beech Acres Drive  
Rock Tavern, NY 12575

29-1-53.23 \*\*  
Nancy Tienken  
12 Beech Acres Drive  
Rock Tavern, NY 12575

29-1-54 \*\*\*  
Kenneth & Hannah Chilson  
P.O. Box 46  
Salisbury Mills, NY 12577

29-1-55 \*\*\*  
Robert Folkl  
539 Station Rd  
Rock Tavern, NY 12575

29-1-56 \*\*\*  
Barry & Beverly Johnson  
545 Station Rd  
Rock Tavern, NY 12575

29-1-57 \*\*  
Edward & April Levy  
6 Beech Acres Drive  
Rock Tavern, NY 12575

29-1-58 \*\*  
Manuel & Theresa Heredia  
4 Beech Acres Drive  
Rock Tavern, NY 12575

29-1-66 \*\*  
Janet Seaman  
Woodcock Mt.Rd  
Salisbury Mills, NY 12577

54-1-1.12 \*  
Westminster Church  
560 Station Rd  
Rock Tavern, NY 12575

54-1-2.2 \*\*\*  
Fox Hill Associates  
108 Old Mountain Rd  
Upper Nyack, NY 10960

54-1-4 \*\*\*  
Steven & Jacqueline Cooper  
451 Lake Rd  
New Windsor, NY 12553

54-1-48.222 \*\*\*  
Francis Coleman  
431 Lake Rd  
New Windsor, NY 12553

54-1-52.2 \*  
Maurice Wamon & Joanne Poortman  
460 Station Rd  
Rock Tavern, NY 12575

54-1-53.2 \*\*\*  
Bruce & Kathleen Richmond  
476 Station Rd  
Rock Tavern, NY 12575

54-1-71 \*\*\*  
Carmine & Patricia DeFreese  
41 Dutchman Drive  
New Windsor, NY 12553

54-1-72 \*\*\*  
Edmond & Wendy Fitzgerald  
37 Dutchman Drive  
New Windsor, NY 12553

54-1-73 \*\*\*  
Robert & Barbara Mulleavy  
23 Buckingham Drive  
Newburgh, NY 12550

54-1-74 \*\*\*  
Edward & Frederick Pennings  
c/o Pennings Enterprises  
15 Shore Drive  
New Windsor, NY 12553

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

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

Andrew Krieger, ESQ  
219 Quassaick Ave  
New Windsor, NY 12553

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

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

cc: M. Edsall  
10/20



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

October 10, 2003

Mark Edsall  
New Windsor Town Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Re: SEORA  
Middle Earth Subdivision/Station Road South of  
NY 207  
New Windsor, Orange County  
03PR04523

Dear Mr. Edsall:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP) concerning your project's potential impact/effect upon historic and/or prehistoric cultural resources. Our staff has reviewed the documentation that you provided on your project. Preliminary comments and/or requests for additional information are noted on separate enclosures accompanying this letter. A determination of impact/effect will be provided only after ALL documentation requirements noted on any enclosures have been met. Any questions concerning our preliminary comments and/or requests for additional information should be directed to the appropriate staff person identified on each enclosure.

In cases where a state agency is involved in this undertaking, it is appropriate for that agency to determine whether consultation should take place with OPRHP under Section 14.09 of the New York State Parks, Recreation and Historic Preservation Law. In addition, if there is any federal agency involvement, Advisory Council on Historic Preservation's regulations, "Protection of Historic and Cultural Properties" 36 CFR 800 requires that agency to initiate Section 106 consultation with the State Historic Preservation Officer (SHPO).

When responding, please be sure to refer to the OPRHP Project Review (PR) number noted above.

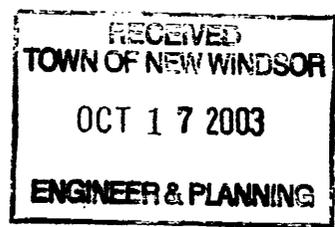
Sincerely,

*Ruth L. Pierpont*

Ruth L. Pierpont  
Director

RLP:cmp

03-22



10/20/03  
**FAXED**  
*Jim Cleaver*  
291-8657

**ARCHEOLOGY COMMENTS**  
**03PR04523**

Based on reported resources, there is an archeological site in or adjacent to your project area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase 1 archeological survey is warranted for all portions of the project to involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

A Phase 1 survey is designed to determine the presence or absence of archeological sites or other cultural resources in the project's area of potential effect. The Phase 1 survey is divided into two progressive units of study including a Phase 1A sensitivity assessment and initial project area field inspection, and a Phase 1B subsurface testing program for the project area. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

Our office does not conduct cultural resources surveys. A 36 CFR 61 qualified archeologist should be retained to conduct the Phase 1 survey. Many archeological consulting firms advertise their availability in the yellow pages. The services of qualified archeologists can also be obtained by contacting local, regional, or statewide professional archeological organizations. Phase 1 surveys can be expected to vary in cost per mile of right-of-way or by the number of acres impacted. We encourage you to contact a number of consulting firms and compare examples of each firm's work to obtain the best product.

Documentation of ground disturbance should include a description of the disturbance with confirming evidence. Confirmation can include current photographs and/or older photographs of the project area which illustrate the disturbance (approximately keyed to a project area map), past maps or site plans that accurately record previous disturbances, or current soil borings that verify past disruptions to the land. Agricultural activity is not considered to be substantial ground disturbance and many sites have been identified in previously cultivated land.

If you have any questions concerning archeology, please contact Michael Schifferli at 518-237-8643. ext 3281

**03-22**

**BUILDINGS/STRUCTURES/DISTRICTS  
EVALUATION COMMENTS**

**PROJECT NUMBER 03PR04523**

**( Middle Earth Subdivision/Station Road south of NY 207/T/NEW WINDSOR )**

---

- There are no properties listed in the State or National Register of Historic Places within or adjacent to your project site.
  - The following properties listed in the State/National Registers of Historic Places are located within or adjacent to your project area:
  - Your project area has not been comprehensively surveyed for historic resources. If you would like the NYS Office of Parks, Recreation and Historic Preservation (OPRHP) to comment regarding properties potentially eligible for inclusion in the State or National Register of Historic Places, please submit original photographs of structures over fifty years old within or adjacent to the project area and key them to a site map.
  - Other: If any state or federal agencies are involved in this project, further review may be required in accordance with section 14.09 of the New York State Parks, Recreation and Historic Preservation Law or Section 106 of the National Historic Preservation Act of 1966.
- 

If you have any questions concerning this information, please call William Krattinger at 5182378643. ext 3265

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN  
RESPONDING TO THIS REQUEST**

03-22

New York State Department of Environmental Conservation  
Division of Environmental Permits, Region 3  
21 South Putt Corners Road, New Paltz, New York 12561-1696  
Phone: (845) 256-3054 FAX: (845) 255-3042  
Website: www.dec.state.ny.us



Erin M. Crotty  
Commissioner

September 10, 2003

Mark J. Edsall  
T. of New Windsor P.B. Engineer  
555 Union Ave.  
New Windsor, NY 12553

Re: Middle Earth Subdivision  
DEC Project No. 3 96<sup>+</sup> parcel off Station Road

Dear Mr. Edsall:

We have reviewed the SEQR lead agency coordination request for the above referenced project which our office received on August 15, 2003.

Based upon our review of the circulated documents, it appears that the project will require the following Department permits:

SPDES General Permit for Stormwater

Discharges from Construction Activity -

Permit No. GP-02-01; possibly a 401 Water  
Quality Certification pending ACOE determination.

By copy of this letter, we are advising project representatives of the potential need for these permits. It is possible that the New York State Department of Environmental Conservation permit requirements noted above may change based upon additional information received or as project modifications occur.

This letter also serves to confirm that we have no objection to your board/agency assuming lead agency status for this project.

Questions pertaining to the Department's jurisdiction or related matters should be directed to the undersigned analyst assigned to the project. Please refer to the DEC project number identified above in all correspondence to the Department. Thank you.

Sincerely,

Lee Kassin

Division of Environmental Permits  
(845) 256-3184

J. Clearwater/MJS Engineers, PC  
Middle Earth Development  
261 Greenwich Ave.  
Goshen, NY 10924

CC:

DCSZSEQRSEQRALA.LTR 401



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:** MIDDLE EARTH DVMT. MAJOR SUBDIVISION  
**PROJECT LOCATION:** STATION ROAD  
SECTION 54 BLOCK 1- LOT 53.1  
**PROJECT NUMBER:** 03-22  
**DATE:** 23 JULY 2003  
**DESCRIPTION:** THE APPLICATION PROPOSES THE SUBDIVISION OF THE 96+  
ACRE PARCEL INTO TWENTY-SEVEN (27) SINGLE-FAMILY LOTS.  
THE PLAN WAS REVIEWED ON A CONCEPT BASIS ONLY.

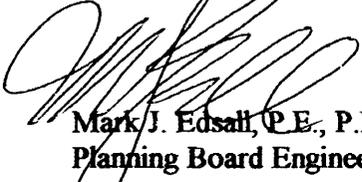
1. The property is located in the R-1 zoning district of the Town. The "required" bulk information shown on the plan is correct for the zone and use, although "Minimum Livable Area" and "Maximum Development Coverage" values must be added. The "provided" values indicate compliance for each lot for area and lot width. Verification of compliance for all lots for frontage is also important.
2. The Board should discuss (with the Applicant) the design intent that all lots access the site internally (from new roads, with no driveways from Station Road) and the visually protective conservation easement noted on the plan. I think these are "good" design elements worth discussing. Each of these protective measures will need to be included as Restrictive Covenants in the deeds of record for each effected lot.
3. The Planning Board may wish to authorize the issuance of a Lead Agency Coordination letter for the project, to begin the SEQRA review process. The only Involved agency would appear to be OCDOH. The applicant should submit eight (8) sets of drawings and the long environmental form for this purpose.
4. I have made a conceptual review of the plans and note the following comments:
  - The profiles include stations along the roadway, but no stations are included on the plan. These should be added.

**REGIONAL OFFICES**

- 507 Broad Street • Millford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

- The profiles indicate compliance with Town road specification. Subsequent plans should have the grading associated with the development of the roadway shown as proposed rough grading on the plans.
- Subsequent plans should include proposed driveway locations, roadway improvement details, drainage, etc. for review by the Highway Superintendent.

Respectfully Submitted,



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

MJE/st  
NW03-22-23Jul03.doc

MIDDLE EARTH DEVELOPMENT (03-22)

Mr. David Clearwater from MJS Engineering appeared before the board for this proposal.

MR. PETRO: Application proposes subdivision of 96 plus acre parcel into 27 single family lots. The plan was reviewed on a concept basis only. R-1 zone, bulk information shown on the plan is correct for the zone, although minimum livable area and maximum development coverage values must be added. So you can over Mark's comments same as everybody else. It is the design intent that all lots access the site internally. Let's go over that first.

MR. CLEARWATER: Let me just run through the plan. My name is James Clearwater, I'm a land surveyor with MJS Engineering. And this plan as you know is very preliminary and we're here for the board's input regarding the lot layout and the road pattern. There obviously is no proposed houses shown or driveways or soil tests or anything of that nature is shown. The second sheet, the third sheet are road profiles, again, very preliminarily shown so that merely for the purpose to demonstrate that the roads can be built meeting the maximum of 10% on grade. Now, this site is impacted by Federal wetlands and we'll be crossing the wetlands in two places, one spot for each of the roads and the intention is that we not go over the 4,000 square feet that's permitted for a nationwide permit. We're right on the cusp of that 4,000 now and as the plan is developed, we'll refine that to make sure that it doesn't impinge on that. This site is also impacted by the hundred year flood plan which is in the back, it's not shown on this map but we'll add it and it affects only lot 19 which is also impacted by the wetlands. So it will not be disturbed. Beyond that, we're open to whatever the board has to add. There's an existing house out here which would be on lot 27. There are other outbuildings also.

MR. SCHLESINGER: Where is the driveway for lot 27?

MR. CLEARWATER: The existing one?

MR. SCHLESINGER: Yes.

MR. CLEARWATER: Where Road B is now and the lot, the existing house would have access over the new when they're built.

MR. SCHLESINGER: This is on the cusp of the hill.

MR. CLEARWATER: The applicant, Drew Kartiganer, is intending the frontage of the property, frontage from lots 1 through 5 to be left undeveloped to be encumbered with an easement so that that area is not disturbed so that when you're driving down Station Road, you don't, you wouldn't even see this except for the road in the back.

MR. SCHLESINGER: What's the purpose of that?

MR. CLEARWATER: To preserve the look of the area.

MR. ARGENIO: I think that's so you and I don't have to look at a bunch of brand new houses.

MR. PETRO: Why didn't you think of that?

MR. LANDER: So you're not going to build on the first five lots?

MR. CLEARWATER: First 200 feet of depth.

MR. BABCOCK: They're going to build but enter from the back way.

MR. CLEARWATER: They'll have their access off new roads.

MR. EDSALL: He's got adequate frontage to meet the code along station, but he's created a reverse flag so that he's got access internal but it's not a flag lot

cause he's got the frontage on the Station Road portion and it's purely, I asked him what the heck you're doing it for, his comment was that aesthetically, I don't want to disturb the area which is I guess a good thing.

MR. PETRO: Did you take this off another map or you've got a lot of time on your hands? Did you do that?

MR. CLEARWATER: The site is difficult.

MR. PETRO: Did you really do all them?

MR. CLEARWATER: It's aerial. In any case, there are as the application progresses, I'm sure that the lot count will drop because there are some very difficult sites.

MR. SCHLESINGER: Very difficult, I'm sorry?

MR. CLEARWATER: Difficult sites, in other words, because of topo or wetlands or whatever and like I said, as it progresses.

MR. SCHLESINGER: Any initial percolation tests been done or anything?

MR. CLEARWATER: No.

MR. SCHLESINGER: It's going to be well and septic?

MR. CLEARWATER: Well and septic, sure.

MR. PETRO: All right, gentlemen, this is just basically conceptual. Does anybody have any problem with the idea or conceptual idea of this? And I would also like to issue a lead agency coordination letter if I can have that motion.

MR. LANDER: All these lots here conform to the new zoning?

MR. CLEARWATER: Yes.

MR. PETRO: What's the size of the smallest lot?

MR. CLEARWATER: They're all listed on the right-hand side here, smallest one is 80,000 is the smallest required, 82,000 on lot 7, lot 21 is the smallest.

MR. PETRO: That's the net area?

MR. CLEARWATER: That's the gross area.

MR. LANDER: Do you have to take into consideration the wetlands when you do those calculations?

MR. CLEARWATER: Yes, they're shown, the net area is on here next to it.

MR. LANDER: We're still in the ballpark.

MR. CLEARWATER: Right.

MR. PETRO: Need a motion while you're talking anyway

MR. SCHLESINGER: You did this work on behalf of Drew Kartiganer?

MR. CLEARWATER: Yes.

MR. SCHLESINGER: And the land is owned by Gradora (phonetic) or you don't know?

MR. CLEARWATER: It's owned by Clement.

MR. PETRO: Dorothy J. and John Clement.

MR. CLEARWATER: Drew Kartiganer and his company is the contract vendee.

MR. PETRO: Do you have a proxy?

MS. MASON: Yes.

MR. PETRO: Motion please.

MR. ARGENIO: Motion we circulate lead agency coordination letter.

MR. LANDER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board authorize the issuance of a lead agency coordination letter for Middle Earth Development. Is there any further discussion? If not, roll call.

ROLL CALL

MR. MASON	AYE
MR. SCHLESINGER	AYE
MR. LANDER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: That's as far as we're going to go tonight, get together with Mark and he can start some of his reviews.

MR. CLEARWATER: Does anybody have any serious problem with the road layout?

MR. PETRO: Not as long as you can get it in at 10%, you have to get together with Mr. Kroll and he had a few comments here, so get together with sight distance, drainage, there's a few things, but you have to go see him anyway so or Mark.

MR. EDSALL: We'll work together then we'll get a set to Henry to review. They didn't want to go ahead and start the design until conceptually the board felt it was reasonable, just a note and SEQRA, we won't send out the letter until you get the sets of plans and stuff in so as soon as that's in, Myra will let me know.

MR. CLEARWATER: We may not be here next month because of the amount of work that we have to do.

MR. EDSALL: Just get us the plans as they currently exist, we can get the lead agency out and get the clock running, just get it out of the way.

MR. CLEARWATER: Fine.

MR. PETRO: The manner in which you're going to make those lots in the front remain as empty lots, why are you cutting them up as lots to start with, why not leave them as one parcel?

MR. EDSALL: You don't want it to go as a single parcel because then it's going to end up being sold. What it is the lot is going to run straight through and there will be a deed restriction, restrictive covenant on the portion along Station Road.

MR. BABCOCK: They're going to build a house.

MR. PETRO: I thought they were leaving them all empty.

MR. CLEARWATER: Each lot will have a house but the front of each lot will be encumbered.

MR. PETRO: I got it now. Very good.



PLANNING BOARD  
TOWN OF NEW WINDSOR

AS OF: 07/16/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
ESCROW

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/15/2003	REC. CK. #1007	PAID		2325.00	
		TOTAL:	0.00	2325.00	-2325.00

  
7/18/03

P. B. #03-22 Application fee

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

**RECEIPT  
#701-2003**

**07/17/2003**

**Old Forest Development Lp**

**Received \$ 100.00 for Planning Board Fees, on 07/17/2003. 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: 07/16/2003

PAGE: 1

LISTING OF PLANNING BOARD FEES  
OTHER

FOR PROJECT NUMBER: 3-22  
NAME: MIDDLE EARTH DEVELOPMENT PA2003-0342  
APPLICANT: MIDDLE EARTH DEVELOPMENT (KARTIGANER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/15/2003	AGRICULTURAL LIST DEPOSIT	CHG	25.00		
07/15/2003	REC. CK. #1005	PAID		25.00	
		TOTAL:	25.00	25.00	0.00

# TOWN OF NEW WINDSOR REQUEST FOR NOTIFICATION LIST

DATE: 07-15-03 PROJECT NUMBER: ZBA# \_\_\_\_\_ P.B. # 03-22

APPLICANT NAME: MIDDLE EARTH DEVELOPMENT

PERSON TO NOTIFY TO PICK UP LIST:

DREW KARTIGANER  
555 BLOOMING GROVE TPK.  
NEW WINDSOR, NY 12553

TELEPHONE: 562-4499

TAX MAP NUMBER: SEC. 54 BLOCK 1 LOT 53.1  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_  
SEC. \_\_\_\_\_ BLOCK \_\_\_\_\_ LOT \_\_\_\_\_

PROPERTY LOCATION: STATION ROAD  
ROCK TAVERN, NY

THIS LIST IS BEING REQUESTED BY:

NEW WINDSOR PLANNING BOARD: XX

SITE PLAN OR SUBDIVISION: (ABUTTING AND ACROSS ANY STREET) XX

SPECIAL PERMIT ONLY: (ANYONE WITHIN 500 FEET) \_\_\_\_\_

AGRICULTURAL DISTRICT:  
(ANYONE WITHIN THE AG DISTRICT WHICH IS WITHIN 500'  
OF SITE PLAN OR SUBDIVISION PROJECT) XXX



NEW WINDSOR ZONING BOARD \_\_\_\_\_

LIST WILL CONSIST OF ALL PROPERTY WITHIN 500 FEET OF PROJECT \_\_\_\_\_



AMOUNT OF DEPOSIT: 25.00 CHECK NUMBER: 1005

TOTAL CHARGES: \_\_\_\_\_

**OLD FOREST DEVELOPMENT LP**  
 555 BLOOMING GROVE TURNPIKE  
 NEW WINDSOR, NY 12553  
 (845) 562-4499

EXPLANATION	AMOUNT

1007  
 29-7003/2213  
 469

AMOUNT *Two thousand three hundred and twenty-five* / 100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/03	Town of New Windsor	Essex Subdivision	1007

CHECK AMOUNT  
 \$ 2,325.<sup>00</sup>

CHARTER ONE BANK  
 VAILS GATE BRANCH

⑈001007⑈ ⑆221370030⑆ ⑈4690093436⑈

**OLD FOREST DEVELOPMENT LP**  
 555 BLOOMING GROVE TURNPIKE  
 NEW WINDSOR, NY 12553  
 (845) 562-4499

EXPLANATION	AMOUNT

1006  
 29-7003/2213  
 469

AMOUNT *One Hundred* / 100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/03	Town of New Windsor	Application Subdivision	1006

CHECK AMOUNT  
 \$ 100.<sup>00</sup>

CHARTER ONE BANK  
 VAILS GATE BRANCH

⑈001006⑈ ⑆221370030⑆ ⑈4690093436⑈

**OLD FOREST DEVELOPMENT LP**  
 555 BLOOMING GROVE TURNPIKE  
 NEW WINDSOR, NY 12553  
 (845) 562-4499

EXPLANATION	AMOUNT

1005  
 29-7003/2213  
 468

AMOUNT *Twenty-five* / 100 DOLLARS

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/03	Town of New Windsor	Agricultural	1005

CHECK AMOUNT  
 \$ 25.<sup>00</sup>

CHARTER ONE BANK  
 VAILS GATE BRANCH

⑈001005⑈ ⑆221370030⑆ ⑈4690093436⑈

JUL 15 2003  
 ENGINEER & PLANNING

03-22

2025-0-121  
B.#03-22

**OLD FOREST DEVELOPMENT LP**

555 BLOOMING GROVE TURNPIKE  
NEW WINDSOR, NY 12553

(845) 562-4499

EXPLANATION	AMOUNT

1005

29-7003/2213  
469

AMOUNT Twenty - Five 00/100 DOLLARS

CHECK AMOUNT

\$ 25.00

Security features are indicated on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
8/03	Town of New Windsor	Agricultural	1005

CHARTER ONE BANK  
VALENTINE GATE BRANCH

⑆001005⑆ ⑆221370030⑆ ⑆4690093436⑆

2. #03-22 Escrow

**OLD FOREST DEVELOPMENT LP**

555 BLOOMING GROVE TURNPIKE  
NEW WINDSOR, NY 12553

(845) 562-4499

EXPLANATION	AMOUNT

1007

29-7003/2213  
469

AMOUNT Two thousand three hundred and twenty - Five 00/100 DOLLARS

CHECK AMOUNT

\$ 2,325.00

Security features are indicated on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/13	Town of New Windsor	Escrow Subdivision	1007

CHARTER ONE BANK  
VALENTINE GATE BRANCH

⑆001007⑆ ⑆221370030⑆ ⑆4690093436⑆

3. #03-22 Application fee

**OLD FOREST DEVELOPMENT LP**

555 BLOOMING GROVE TURNPIKE  
NEW WINDSOR, NY 12553

(845) 562-4499

EXPLANATION	AMOUNT

1006

29-7003/2213  
469

AMOUNT One Hundred 00/100 DOLLARS

CHECK AMOUNT

\$ 100.00

Security features are indicated on back.

DATE	TO THE ORDER OF	DESCRIPTION	CHECK NUMBER
7/23	Town of New Windsor	Application Subdivision	1006

CHARTER ONE BANK  
VALENTINE GATE BRANCH

⑆001006⑆ ⑆221370030⑆ ⑆4690093436⑆



# 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: HIGHWAY DEPARTMENT**

P.B. FILE #03-22      DATE RECEIVED: \_\_\_\_\_      TAX MAP #

**PLEASE RETURN COMPLETED FORM TO MYRA  
BY: a.s.a.p. TO BE ON AGENDA FOR THE \_\_\_\_\_ PLANNING BOARD MEETING.**

THE MAPS AND/OR PLANS FOR:

### MIDDLE EARTH SUBDIVISION

Applicant or Project Name

SITE PLAN \_\_\_\_\_, SUBDIVISION XXX, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

**APPROVED:**

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**DISAPPROVED:**

Notes: waiting for drainage study  
\_\_\_\_\_  
\_\_\_\_\_

Signature: Shirley J. Grall      9/22/04  
Reviewed by      date



New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Pebbles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

July 30, 2004

Mark Edsall  
New Windsor Town Planning Board  
555 Union Avenue  
New Windsor, New York 12553

Re: SEORA  
Middle Earth Subdivision  
Station Road south of NY 207  
New Windsor, Orange County  
03PR04523

Dear Mr. Edsall:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Parks, Recreation and Historic Preservation Law, Section 14.09.

Based upon this review, it is the OPRHP's opinion that your project will have No Impact upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Places.

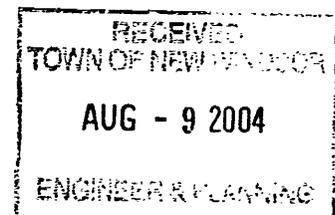
If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

Ruth L. Pierpont  
Director

RLP:bsa

cc: Drew A. Kartiganer  
Stephen J. Oberon



cc: M.E.



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

Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhupa@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.: 03-22  
WORK SESSION DATE: 21 July 2004 PROJECT: NEW OLD X  
REAPPEARANCE AT W/S REQUESTED: \_\_\_\_\_ RESUB. REQ'D: \_\_\_\_\_

PROJECT NAME: Middle Earth Subdiv  
REPRESENTATIVES PRESENT: Mike Sander + Jim Charvata

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. \_\_\_\_\_  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER \_\_\_\_\_

**ITEMS DISCUSSED:**

=> Streetlights - need to review w/ Henry.  
=> S/W - P/B can waive but doubtful  
- CK w/ P/H re station stormwater review  
- OPRHP has not responded on this  
=> AC DOT after prelim  
=> ACOE still pending.  
- mje to do better supporting 2 X's  
\* verify 4A circ & DOT resp.  
MYRA. P/H was closed re dec need to do for meter app'l.

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_  
DUMPSTER \_\_\_\_\_  
SCREENING \_\_\_\_\_  
LIGHTING \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

**PROJECT TYPE**

SITE PLAN  
SPEC PERMIT  
L L CHG.  
SUBDIVISION  
OTHER

**PROJECT STATUS:**  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting: \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg 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)

Main Office  
33 Airport Center Drive  
Suite #202  
New Windsor, New York 12553  
(845) 567-3100  
e-mail: mhenny@mhepc.com

Regional Office  
507 Broad Street  
Milford, Pennsylvania 18337  
(570) 296-2765  
e-mail: mhempa@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.: 03 22

WORK SESSION DATE: 1 Sept 2004

PROJECT: NEW \_\_\_\_\_ OLD

REAPPEARANCE AT W/S REQUESTED: Not now

RESUB. REQ'D: new plan

PROJECT NAME: Middle Earth

REPRESENTATIVES PRESENT: \_\_\_\_\_

**MUNICIPAL REPS PRESENT:**

BLDG INSP. \_\_\_\_\_  
ENGINEER   
P/B CHMN \_\_\_\_\_

FIRE INSP. \_\_\_\_\_  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

**ITEMS DISCUSSED:**

~~ck~~ ck w/ P/H re S/PP status  
~~%~~ % Trust easement or  
just restrictive covenants  
~~slw~~ slw + street lts.  
- P/H closed - need to  
work toward rep dec  
- shed for my hr beloni  
- ask to do utility indic  
that 2 crossings/roads  
desired  
- Mike will send me  
set of dwgs

**STND CHECKLIST:**

DRAINAGE \_\_\_\_\_  
DUMPSTER \_\_\_\_\_  
SCREENING \_\_\_\_\_  
LIGHTING \_\_\_\_\_  
(Streetlights)  
LANDSCAPING \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

**PROJECT TYPE**

SITE PLAN  
SPEC PERMIT  
L L CHG.  
 SUBDIVISION  
OTHER

**PROJECT STATUS:**

ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date next  
avail



# 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: SEWER/WATER DEPT

P.B. FILE #03-22 DATE RECEIVED: 05-07-04

PLEASE RETURN COMPLETED FORM TO MYRA  
BY: A.S.A.P. TO BE ON AGENDA FOR THE 05-26-04 PLANNING BOARD  
MEETING.

THE MAPS AND/OR PLANS FOR:

### MIDDLE EARTH SUBDIVISION

Applicant or Project Name

SITE PLAN \_\_\_\_\_, SUBDIVISION XXX, 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: [Signature] 5-19-04  
Reviewed by \_\_\_\_\_ date



# Town of New Windsor

555 Union Avenue  
New Windsor, New York 12553  
Telephone: (845) 564-6660  
Fax: (845) 564-5102

## Superintendent of Highways

Henry J. Kroll

TO: James Petro, Planning Board Chairman

FROM: Henry Kroll, Superintendent of Highways <sup>HK</sup>

DATE: February 25, 2004

SUBJECT: Middle Earth Subdivision: (Station Road)

ShadowFax Run Development ( Jackson Avenue)

In reviewing the plans for both developments, there seems to be inaccuracies in the sight distance. During the field review, the distances I estimated did not coincide with the sight distance on the maps. In the last review, I requested sight distance studies. To date, I have not received either study. I recommend that the Planning Board make no further reviews of these developments until they have complied with the sight distance requests. These sight distance problems I feel are material and may impact the design of the developments.

If you have any question please contact me.

HJK/bam

CC file





**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: mhenry@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.: 03 22  
WORK SESSION DATE: 21 Jan 04 PROJECT: NEW OLD X  
REAPPEARANCE AT W/S REQUESTED: Not now RESUB. REQ'D: New plans  
PROJECT NAME: Middle earth  
REPRESENTATIVES PRESENT: Drew / J. = C.

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_ FIRE INSP. \_\_\_\_\_  
ENGINEER X PLANNER \_\_\_\_\_  
P/B CHMN \_\_\_\_\_ OTHER Bill Skille

ITEMS DISCUSSED: less 1 ft  
no DEC ACOE 74000sq  
need indiv permit.  
need district + parcels.  
5 to minute work  
roadside ditcher system?  
2x10%

STND CHECKLIST: PROJECT TYPE  
DRAINAGE \_\_\_\_\_ SITE PLAN \_\_\_\_\_  
DUMPSTER \_\_\_\_\_ SPEC PERMIT \_\_\_\_\_  
SCREENING \_\_\_\_\_ L L CHG. \_\_\_\_\_  
LIGHTING \_\_\_\_\_ SUBDIVISION \_\_\_\_\_  
(Streetlights) LANDSCAPING \_\_\_\_\_ OTHER \_\_\_\_\_  
BLACKTOP \_\_\_\_\_  
ROADWAYS \_\_\_\_\_  
APPROVAL BOX \_\_\_\_\_

letter re two crossings needed  
for support ACOE permit

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y X N  
Ready For Meeting X Y \_\_\_\_\_ N

Recommended Mtg Date 2/11  
ark for 1/11  
probably 3/10



# 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: WATER DEPARTMENT**

P.B. FILE #03-22      DATE RECEIVED: 07-15-03

PLEASE RETURN COMPLETED FORM TO MYRA BY: 07-21-03

THE MAPS AND/OR PLANS FOR:

### MIDDLE EARTH DEVELOPMENT

Applicant or Project Name

SITE PLAN \_\_\_\_\_, SUBDIVISION XX, LOT LINE CHANGE \_\_\_\_\_,  
SPECIAL PERMIT \_\_\_\_\_

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DISAPPROVED:

Notes: No Utility Detail  
\_\_\_\_\_  
\_\_\_\_\_

Signature: [Signature]      7/30/03  
Reviewed by: \_\_\_\_\_      Date



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Millford, Pennsylvania 18337  
(570) 298-2765  
e-mail: mhupa@mhepc.com

Writer's E-mail Address:  
mje@mhepc.com

**PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE**

1-3

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: \_\_\_\_\_

WORK SESSION DATE: 7 MAY 03 PROJECT: NEW  OLD \_\_\_\_\_

REAPPEARANCE AT W/S REQUESTED: Yes RESUB. REQ'D: Yes

PROJECT NAME: Middle Earth (New K)

REPRESENTATIVES PRESENT: Jim C / Drew

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_  
ENGINEER  FIRE INSP. B.L. @  
P/B CHMN \_\_\_\_\_ PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

ITEMS DISCUSSED: Station Rd  
40 lots row 31-  
next to Westminster Church

STND CHECKLIST: PROJECT TYPE

DRAINAGE _____	SITE PLAN _____
DUMPSTER _____	SPEC PERMIT _____
SCREENING _____	L L CHG. _____
LIGHTING _____	SUBDIVISION _____
(Streetlights)	OTHER _____
LANDSCAPING _____	
BLACKTOP _____	
ROADWAYS _____	
APPROVAL BOX _____	

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y \_\_\_\_\_ N  
Ready For Meeting \_\_\_\_\_ Y \_\_\_\_\_ N  
Recommended Mtg Date \_\_\_\_\_

**INTER-OFFICE CORRESPONDENCE**

**TO:** Town Planning Board  
**FROM:** Wm. Horton Asst. Fire Inspector  
**SUBJECT:** Middle Earth Development  
**DATE:** July 17, 2003

Planning Board Reference Number: PB-03-22  
Date Received: 07-15-03  
Fire Prevention Reference Number: FPS-03-34

A review of the above referenced subdivision plan was conducted on July 17, 2003.

This subdivision plan is acceptable.

Plans Dated: April 3, 2003.

A handwritten signature in black ink, appearing to be 'WH' with a flourish and a small 'EH' or similar mark below it.

Wm. Horton  
Asst. Fire Inspector

WH/dh



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Writer's E-mail Address:  
mje@mhepc.com

PLANNING BOARD WORK SESSION  
RECORD OF APPEARANCE

03-22

TOWN/VILLAGE OF: New Windsor

P/B APP. NO.: \_\_\_\_\_

WORK SESSION DATE: 18 June 03

PROJECT: NEW X OLD \_\_\_\_\_

REAPPEARANCE AT W/S REQUESTED: later

RESUB. REQ'D: Full App

PROJECT NAME: Middle Earth Subdiv.

REPRESENTATIVES PRESENT: Jim Clearwater

MUNICIPAL REPS PRESENT: BLDG INSP. \_\_\_\_\_  
ENGINEER X  
P/B CHMN \_\_\_\_\_

FIRE INSP. Frank  
PLANNER \_\_\_\_\_  
OTHER \_\_\_\_\_

ITEMS DISCUSSED: Station Rd.

- add profiles  
- 911 street names → Frank  
get back into 1/0  
then go w/ SDS designs

STND CHECKLIST:	PROJECT TYPE
DRAINAGE _____	SITE PLAN
DUMPSTER _____	SPEC PERMIT
SCREENING _____	L L CHG.
LIGHTING _____ (Streetlights)	SUBDIVISION
LANDSCAPING _____	OTHER
BLACKTOP _____	
ROADWAYS _____	
APPROVAL BOX _____	

PROJECT STATUS:  
ZBA Referral: \_\_\_\_\_ Y X N

Ready For Meeting X Y \_\_\_\_\_ N

Recommended Mtg Date next mail to State

# TOWN OF NEW WINDSOR

555 UNION AVENUE  
NEW WINDSOR, NEW YORK 12553  
Telephone: (845) 563-4615  
Fax: (845) 563-4695

## PLANNING BOARD APPLICATION

### TYPE OF APPLICATION (check appropriate item):

Subdivision  Lot Line Change  Site Plan  Special Permit

Tax Map Designation: Sec. 54 Block 1 Lot 53.1

BUILDING DEPARTMENT REFERRAL NUMBER PA2003.0342

1. Name of Project MIDDLE EARTH DEVELOPMENT  
2. Owner of Record DOROTHY & JOHN CLAY CLEMENT Phone 496 4938

Address: 24B STATION ROAD, ROCK TAVERN, NY 12575  
(Street Name & Number) (Post Office) (State) (Zip)

3. Name of Applicant MIDDLE EARTH DEVELOPMENT by DREW A. KARTISANER Phone 562.4499  
PREPARED

Address: 555 BLOOMING GROVE TPK, NEW WINDSOR, NY 12553  
(Street Name & Number) (Post Office) (State) (Zip)

4. Person Preparing Plan MJS Engineering Phone 291.8650

Address: 261 GREENWICH AVE, GOSHEN, NY 10924  
(Street Name & Number) (Post Office) (State) (Zip)

5. Attorney John Hicks Esq. Phone 772.2121

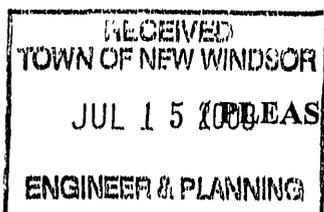
Address: JACOBOWITZ & GUBITZ / 158 ORANGE AVE, P.O. Box 367  
WALDEN, NY 12586  
(Street Name & Number) (Post Office) (State) (Zip)

6. Person to be notified to appear at Planning Board meeting:

JAMES CLEARWATER MJS Engineering 291.8650 291.8657  
(Name) (Phone) (fax) fax

7. Project Location: On the EAST side of STATION ROAD  
(Direction) (Street)

8. Project Data: Acreage 98.62 Zone R-1 School Dist. WASHINGTONVILLE



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 X No \_\_\_\_\_

**\*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. Detailed description of Project: (Use, Size, Number of Lots, etc.) Subdivision Proposal for 27 Residential Building Lots

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

**IF THIS APPLICATION IS SIGNED 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.**

*Attached*

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.

*MIDDLE EARTH DEVELOPMENT*

SWORN BEFORE ME THIS:

*Drew A. Kartiganer*  
(OWNER'S SIGNATURE)

9<sup>th</sup> DAY OF July 2003

Drew A. Kartiganer  
(AGENT'S SIGNATURE)

JOYCE GUILIANO  
Notary Public, State of New York  
No. 01GU6028114  
Qualified in Orange County  
Term Expires July 19, 2005

Drew A. Kartiganer  
Please Print Agent's Name as Signed

NOTARY PUBLIC

\*\*\*\*\*

TOWN USE ONLY:

RECEIVED  
TOWN OF NEW WINDSOR  
JUL 15 2003  
ENGINEER & PLANNING

DATE APPLICATION RECEIVED

**03-22**

APPLICATION NUMBER

AGENT/OWNER PROXY STATEMENT  
(for professional representation)

for submittal to the:  
TOWN OF NEW WINDSOR PLANNING BOARD

CLAY CLEMENT, deposes and says that he resides  
(OWNER)

at 548 STATION ROAD, NEW WINDSOR in the County of ORANGE  
(OWNER'S ADDRESS)

and State of NEW YORK and that he is the owner of property tax map

(Sec. 54 Block 1 Lot 53.1)  
designation number (Sec. \_\_\_\_\_ Block \_\_\_\_\_ Lot \_\_\_\_\_) which is the premises described in  
the foregoing application and that he designates:

<sup>Engineer</sup>  
MNS ENGINEERING, 261 GREENWICH AVE, GOSHEN, NY  
(Agent Name & Address) 10924

<sup>Agent:</sup>  
DREW KARTIGANER, OLD FOREST DEVELOPMENT, MIDDLE EARTH  
(Name & Address of Professional Representative of Owner and/or Agent) DEVELOPMENT  
40 555 BLOOMING GROVE DR, NEW WINDSOR, NY  
as his agent to make the attached application. 12553

**THIS DESIGNATION SHALL BE EFFECTIVE UNTIL WITHDRAWN BY THE OWNER OR  
UNTIL TWO (2) YEARS FROM THE DATE AGREED TO, WHICHEVER IS SOONER.**

SWORN BEFORE ME THIS:

\*\* Clay Clement  
Owner's Signature (MUST BE NOTARIZED)

8<sup>th</sup> DAY OF July 2003

Drew Kartiganer  
Agent's Signature (If Applicable)

JOYCE GUILIANO  
Notary Public, State of New York  
No. 01GU6028114  
Qualified in Orange County  
Term Expires July 19, 2004

Joyce Guiliano  
NOTARY PUBLIC Professional Representative's Signature

\*\* PLEASE NOTE: ONLY OWNER'S SIGNATURE MUST BE NOTARIZED.

THIS PROXY SHALL BE VOID TWO (2) YEARS AFTER AGREED TO BY THE OWNER

TOWN OF NEW WINDSOR  
JUL 15 2003  
ENGINEER & PLANNING

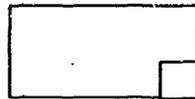
03-22

# TOWN OF NEW WINDSOR PLANNING BOARD SUBDIVISION/LOT LINE CHANGE CHECKLIST

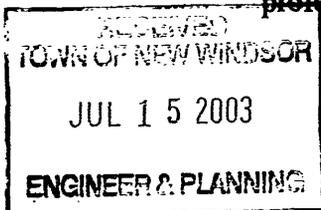
The following checklist items shall be incorporated on the Subdivision Plan prior to consideration for being placed on the Planning Board Agenda:

- 1.  Name and address of Applicant.
- \* 2.  Name and address of Owner.
- 3.  Subdivision name and location
- 4. \_\_\_\_\_ Provide 4" wide X 2" high box (IN THE LOWEST RIGHT CORNER OF THE PLAN) for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SUBDIVISION PLAN)

SAMPLE:

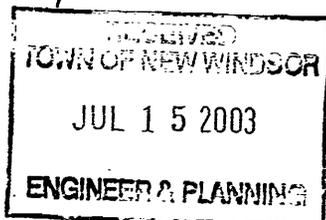


- 5.  Tax Map Data (Section, Block & Lot).
- 6.  Location Map at a scale of 1" = 2,000 ft.
- 7.  Zoning table showing what is required in the particular zone and what applicant is proposing.
- 8.  Show zoning boundary if any portion of proposed subdivision is within or adjacent to a different zone.
- 9.  Date of plat preparation and/or date of any plat revisions.
- 10.  Scale the plat is drawn to and North arrow.
- 11.  Designation (in title) if submitted as sketch plan, preliminary plan or final plan.
- 12.  Surveyor's certificate.
- 13. \_\_\_\_\_ Surveyor's seal and signature.
- 14.  Name of adjoining owners.
- 15.  Wetlands and 100 foot buffer zone with an appropriate note regarding DEC requirements.
- \* 16. \_\_\_\_\_ Flood land boundaries.
- 17. \_\_\_\_\_ 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.



NOT DESIGNED YET

18. \_\_\_\_\_ Final ~~maps~~ and bounds. *NOT DESIGNED*
19. \_\_\_\_\_ 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. *see 18*
20. \_\_\_\_\_ Include existing or proposed easements. *see 18*
21. \_\_\_\_\_ Right-of-way widths. *see 18*
22.  Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 16 ft. wide).
23.  Lot area (in square feet for each lot less than 2 acres).
24.  Number the lots including residual lot.
25.  Show any existing waterways.
- \*26. *N/A* A note stating a road (or any other type) maintenance agreement is to be filed in the Town Clerk's Office and County Clerks Office.
27. \_\_\_\_\_ Applicable note pertaining to owner's review and concurrence with plat together with owners signature.
28. \_\_\_\_\_ Show any existing or proposed improvements, i.e., drainage systems, water lines, sewer lines, etc. (including location, size and depths).  
*NOT DESIGNED YET*
29.  Show all existing houses, accessory structures, existing wells and septic systems within 200 ft. of the parcel to be subdivided.
30. \_\_\_\_\_ Show all and proposed on-site A septic system and well locations; with percolation and deep test locations and information, including date of test and name of professional who performed test. *NOT DESIGNED YET*
31. \_\_\_\_\_ Provide A septic system design notes as required by the Town of New Windsor. *NOT DESIGNED YET*
32.  Show existing grade by contour (2 ft. interval preferred) and indicate source of contour data.
33.  Indicate percentage and direction of grade.
34.  Indicate any reference to previous, i.e., file map date, file map number and previous lot number.
35. *n/a* Indicate location of street or area lighting (if required).



REFERRING TO QUESTION 9 ON THE APPLICATION FORM, IS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

36.       ✓       Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

37.                      A disclosure Statement, in the form set below, must be inscribed on all subdivision maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

Prior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasor shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

**PREPARER'S ACKNOWLEDGMENT:**

THE PLAT FOR THE PROPOSED SUBDIVISION HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

BY: James P. Chauvate PLS 7/11/03  
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘ **PLEASE NOTE:** ⌘ ⌘ ⌘ ⌘ ⌘ ⌘

**THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.**

TOWN OF NEW WINDSOR  
JUL 15 2003  
ENGINEER & PLANNING

03-22

FOR OFFICIAL USE ONLY

Permit No. \_\_\_\_\_  
Fee Received \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ County, New York

Permit Application for Development  
in  
Flood Hazard Areas

- A. General instructions page 4 (Applicant to read and sign)
- B. For assistance in completing or submittal of this application contact:  
\_\_\_\_\_, Floodplain Administrator,  
(Name)  
\_\_\_\_\_  
(Address)  
\_\_\_\_\_, NY ( ) \_\_\_\_\_ - \_\_\_\_\_

1. Name and Address of Applicant

MIDDLE EARTH DEVELOPMENT / DREW KARTKIANER  
(First Name) (MI) (Last Name)

Street Address: 555 Rt. 94

Post Office: New Windsor State: ny Zip Code: 12553

Telephone: (845) 562-4499

2. Name and Address of Owner (If Different)

DOROTHY CLEMENT et al.  
(First Name) (MI) (Last Name)

Street Address: 548 STATION RD

Post Office: ROCK TAVERN State: ny Zip Code: 12575

Telephone: ( ) \_\_\_\_\_ - \_\_\_\_\_

3. Engineer, Architect, Land Surveyor (If Applicable)

MJS ENGINEERING, PC / JAMES C. CLEARWATER, PLS, MICHAEL J. SANGOR, PE  
(First Name) (MI) (Last Name)

Street Address: 261 GREENWICH AVE

Post Office: GOSHEN State: ny Zip Code: 10924

Telephone: ( 845 ) 291 - 8650

TOWN OF NEW WINDSOR  
JUL 15 2003  
ENGINEER & PLANNING

03-22

PROJECT LOCATION

Street Address: 542 STATION RD  
New Windsor

Tax Map No. 54-1-53.1

Name of, distance and direction from nearest intersection or other landmark  
200 ft South of Rt. 207 on east side of Station Rd

Name of Waterway: UNNAMED TRIB. TO BEAVER BROOK

PROJECT DESCRIPTION (Check all applicable boxes and see Page 4, Item 3)

Structures

Structure Type

- New Construction
- Addition
- Alteration
- Relocation
- Demolition
- Replacement

- Residential (1-4 family)
- Residential (More than 4 family)
- Commercial
- Industrial
- Mobile Home (single lot)
- Mobile Home (Park)
- Bridge or Culvert

Estimated value of improvements if addition or alteration: \_\_\_\_\_

Other Development Activities **NO DEVELOPMENT WITHIN FLOOD PLANE**

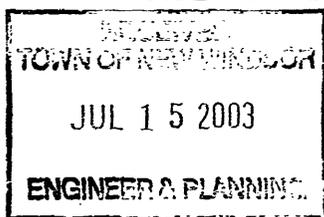
- Fill       Excavation       Mining       Drilling       Grading
- Watercourse alteration       Water System       Sewer System
- Subdivision (New)       Subdivision (Expansion)
- Other (Explain)

CERTIFICATION

Application is hereby made for the issuance of a floodplain development permit. The applicant certifies that the above statements are true and agrees that the issuance of the permit is based on the accuracy thereof. False statements made herein are punishable under law. As a condition to the issuance of a permit, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project described herein and agrees to indemnify and save harmless to the community from suits, actions, damages and costs of every name and description resulting from the said project. Further, the applicant agrees that the issuance of a permit is not to be interpreted as a guarantee of freedom from risk of future flooding. The applicant certifies that the premises, structure, development, etc. will not be utilized or occupied until a Certificate of Compliance has been applied for and received.

7/7/03  
Date

James P. Chauwater for  
Signature of applicant  
Middle Earth Development



03-22

ZONE A FLOOD PLANE IS LOCATED ON LOT #19, WITHIN AN INCUMBERED  
BY US ARMY CORPS WETLANDS. NO DEVELOPMENT IS PROPOSED

\_\_\_\_\_ of \_\_\_\_\_  
Flood Hazard Development Permit

Administrative Action  
Completed by Floodplain Administrator

Proposed project located in \_\_\_\_\_ "A" zone with elevation \_\_\_\_\_  
 "A" zone without elevation \_\_\_\_\_  
\_\_\_\_\_ Floodway \_\_\_\_\_  
\_\_\_\_\_ Coastal High Hazard Area (V-Zone) \_\_\_\_\_

Base flood elevation at site is \_\_\_\_\_

Source documents: FEMA FLOOD INSURANCE RATE MAP 360628 0005 B

---

PLAN REVIEW N/A

Elevation to which lowest floor is to be elevated \_\_\_\_\_ ft. (NGVD)  
Elevation to which structure is to be floodproofed \_\_\_\_\_ ft. (NGVD)  
Elevation to which compacted fill is to be elevated \_\_\_\_\_ ft. (NGVD)

---

ACTION

\_\_\_\_\_ Permit is approved, proposed development in compliance with applicable floodplain management standards.

\_\_\_\_\_ Additional information required for review. Specify: (i.e., encroachment analysis)

\_\_\_\_\_ Permit is conditionally granted, conditions attached.

\_\_\_\_\_ Permit is denied. Proposed development not in conformance with applicable floodplain management standards. Explanation attached. A variance, subject to Public Notice and Hearing, is required to continue project.

Signature \_\_\_\_\_ Date \_\_\_\_\_  
(Permit Issuing Officer)

This permit is valid for a period of one year from the above date of approval.

---

BUILDING CONSTRUCTION DOCUMENTATION

The certified "As Built" elevation of lowest floor (including basement) of structure is \_\_\_\_\_ ft. NGVD.

Certification of registered professional engineer, land surveyor or other recognized agent, documenting these elevations is attached.

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CERTIFICATE OF OCCUPANCY/COMPLIANCE

Certificate of Occupancy and/or Compliance Issued:

Date \_\_\_\_\_ Signature \_\_\_\_\_

TOWN OF NEW BRIDGTON  
JUL 15 2003  
ENGINEER & PLANNING

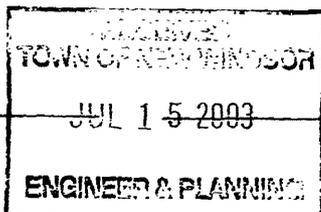
03-22

\_\_\_\_\_ of \_\_\_\_\_  
\_\_\_\_\_ County, New York

Development in Flood Hazard Areas  
Instructions

1. Type or print in ink
2. Submit \_\_\_\_\_ copies of all papers including detailed construction plans and specifications.
3. Furnish plans drawn to scale, showing nature, dimension and elevation of area in question; existing or proposed structures, fill, storage of materials, drainage facilities and the location of the foregoing. Specifically the following is required: (A) NGVD (Mean Sea Level) elevation of lowest floor including basement of all structures; (B) description of alterations to any watercourse; (C) statement of techniques to be employed to meet requirements to anchor structures, use flood resistant materials and construction practices; (D) show new and replacement potable water supply and sewage systems will be constructed to minimize flood damage hazards; (E) Plans for subdivision proposal greater than 50 lots or 5 acres (whichever is least) must provide base flood elevations if they are not available; (F) Additional information as may be necessary for the floodplain administrator to evaluate application.
4. Where a non-residential structure is intended to be made watertight below the base flood level, a registered professional engineer or architect must develop and/or review structural design, specifications, and plans for the construction and certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of the local floodplain management regulations.
5. No work on the project shall be started until a permit has been issued by the floodplain administrator.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory compliance.
7. Applicant will provide all required elevation certifications and obtain a certificate of compliance prior to any use or occupancy of any structure or other development.

Applicant's signature \_\_\_\_\_ Date \_\_\_\_\_



CERTIFICATE OF COMPLIANCE  
for  
FLOODPLAIN DEVELOPMENT

\_\_\_\_\_ of \_\_\_\_\_  
County, N.Y.  
(Applicant shall fill in all pertinent information in Section A including 1 or 2)

<p><b>SECTION A</b></p> <p>Premises location _____ _____ _____</p> <p>Applicant Name &amp; Address _____ _____</p> <p>Telephone No. _____</p>	<p>Permit No. _____ Variance No. _____ Date _____</p> <p style="text-align: center;">CHECK ONE</p> <p>New Building _____ Existing Building _____ Other (List) _____</p>
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1. I certify that I have completed the above project in accordance with the Community's floodplain management regulations and have met all the requirements which were conditions of my permit. I now request completion of this Certificate of Compliance by the program administrator.

Signed \_\_\_\_\_  
Date \_\_\_\_\_

2. I certify that I have completed the above project in accordance with conditions of variance number \_\_\_\_\_, dated \_\_\_\_\_ to the Community's floodplain management regulations and have met all requirements which were a condition of the variance. I now request completion of this certificate of compliance by the program administrator.

Signed \_\_\_\_\_  
Date \_\_\_\_\_

**SECTION B** (Local Administrator will complete, file, and return a copy to the applicant.)

Final Inspection Date \_\_\_\_\_ by \_\_\_\_\_

This certifies that the above described floodplain development complies with requirements of Flood Damage Prevention Local Law No. \_\_\_\_\_, or has a duly granted variance.

Signed \_\_\_\_\_  
(Local Administrator)  
Date \_\_\_\_\_

Supporting Certifications: Floodproofing, elevation, hydraulic analysis, etc: (List).

\_\_\_\_\_

\_\_\_\_\_

**TOWN OF WINDSOR**  
5 2003  
**ENGINEER & PLANNING**

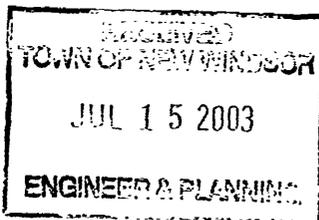
03-22

IF APPLICABLE "XX"

\*\*This form to be completed only if you answer "yes" to question #9 on the application form.

AGRICULTURAL DATA STATEMENT

1. Name and Address of Applicant:  
MIDDLE EARTH DEVELOPMENT / c/o DREW KARTIGANER  
555 Rt. 74 NEW WINDSOR NY 12553
  
2. Description of proposed project and its locations:  
SUBDIVISION OF 98.6 AC. PARCEL INTO 27 SINGLE FAMILY  
RESIDENTIAL LOTS
  
3. Name and address of any owner of land within the Agricultural District:  
\_\_\_\_\_  
\_\_\_\_\_
  
4. Name and address of any owner of land containing farm operations located within 500 feet of the boundary of the subject property.  
\_\_\_\_\_  
\_\_\_\_\_
  
5. A map is submitted herewith showing the site of the proposed project relative to the location of farm operations identified in this statement.



03-22

AGRICULTURAL DISTRICT NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York has before it an application for Subdivision Site Plan \_\_\_\_\_ for the proposed CLEMENT PROPERTY LOCATED AT 548 STATION RD. (briefly describe project)

As this project may be located within 500' of a farm operation located within an Agricultural District, the TOWN OF NEW WINDSOR is required to notify property owners of property containing a farm operation within this Agricultural District and within 500' of the proposed project.

OWNER: DOROTHY CLEMENT, CLAY S. CLEMENT & JOHN M. CLEMENT, Jr.

Owner/Applicant APPLICANT: MIDDLE EARTH DEVELOPMENT / DREW KARTIGANER  
Name

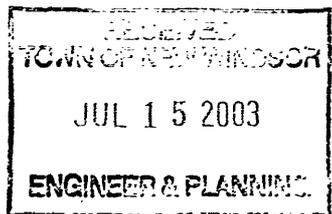
Address: 555 Rt. 94  
NEW WINDSOR, NY 12553

Project Location: SEC. 54 BLOCK 1 LOT 53.1  
Tax Map # Sec., Block, Lot

Street: 548 STATION RD.

A map of this project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, N.Y.

Date: July 1, 2003



TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr.,  
Chairman

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 <i>MIDDLE EARTH DEVELOPMENT</i>	2. PROJECT NAME <i>MIDDLE EARTH DEVELOPMENT</i>
3. PROJECT LOCATION: Municipality <i>Town of New Windsor</i> County <i>Orange</i>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>548 STATION ROAD, 2100 ft South of Rt. 207 on east side of Station Road. Tax Map Section 54 Block 1 lot 53.1</i>	
5. IS PROPOSED ACTION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>27 single family residential lot subdivision of 98.6 Acre parcel. Access by two new municipal streets</i>	
7. AMOUNT OF LAND AFFECTED: Initially <u>98.6</u> acres    Ultimately <u>98.6</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 checked="" 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: <i>Middle Earth Development / Drew A. Kartiganer Jr</i> Date: <i>7/11/03</i>	
Signature: <i>James C. Clewate / JMS Engineering PC / Project Engineering Firm</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the 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