

Appendix 1  
CORRESPONDENCE





## New York State Office of Parks, Recreation and Historic Preservation

Division for Historic Preservation  
P.O. Box 189, Waterford, New York 12188-0189  
518-237-8643

**Andrew M. Cuomo**  
Governor

**Rose Harvey**  
Commissioner

April 04, 2014

Michael E. Gillespie, P.E.  
Oswald & Gillespie  
1559 Route 82, Suite B  
Hopewell Junction, New York 12533

Re: SEQRA  
Hilltop Manor Subdivision  
Creek Bend Road  
EAST FISHKILL, Dutchess County  
02PR04354

Dear Mr. Gillespie, P.E.:

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 Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the Division for Historic Preservation and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

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 Register 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  
Deputy Commissioner for Historic Preservation

CC: Ann Cutignola



**TIM  
MILLER  
ASSOCIATES, INC.**

10 North Street, Cold Spring, New York 10516

(845) 265-4400

[www.timmillerassociates.com](http://www.timmillerassociates.com)

February 28, 2014

NYS Office of Parks, Recreation, and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island resource Center.  
PO Box 189  
Waterford, NY 12188-0189

Re: Proposed Development Plan  
Hilltop Manor Subdivision / Creek Bend Road  
Town of East Fishkill, Dutchess County, NY  
02PR04354

Dear Linda:

Tim Miller Associates is updating a 2002 SEQR environmental impact assessment for the above referenced project application (see attached). The proposed project would consist of a 21-lot single family residential development on approximately 41 acres of land that is entirely wooded. The property is generally located between Creek Bend Road and Carpenter Road, to the east and south of Fishkill Creek, in the Town of East Fishkill, Dutchess County. A location map (USGS Hopewell Junction quad) is enclosed for your reference.

Would you please advise whether your records indicate the presence of any archaeological or historic resources on the subject site or in the vicinity that may be impacted by the proposed action?

Thank you for your assistance in this matter. Please call me if you have any questions or need additional information.

Sincerely,



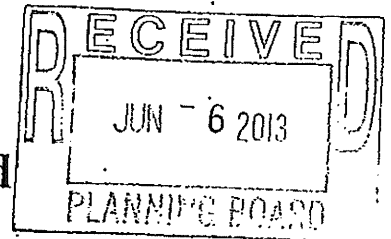
Ann Cutignola  
Senior Planner  
TIM MILLER ASSOCIATES, INC.

Enclosure: Location Map



# East Fishkill Fire Advisory Board

Town of East Fishkill  
Dutchess County, NY



March 5, 2013

Members Present: **Tim Paraskeva – Chairman**  
**John Jackson**  
**Jeff Qualters**  
**Mel Berkwitz**  
**Rich Jakob**

1. Hilltop Manor, 21 Lots, Creek Bend Rd.

We are not in favor of this plan. They must find a way to bring a thru road to Carpenter road. It is our concern that this area is already saturated with homes with just one entrance / exit. Road names and signs to be installed before building construction begins. We also require that house numbers, and lot numbers be clearly posted at the beginning of construction phase of each new home.

2. Stone Ridge Commons, Site Plan, Rt.52

Knox-Box rapid entry key system required for all Buildings. Occupants to supply and post all M.S.D.S. info on any hazardous materials that may be stored or used at this location and copy same to fire department. With central water adjacent to site, why not use it and install sprinkler systems.

3. Parkview, 3 Lots, Oak Ridge Rd.

The plan itself is acceptable as should, but the F.A.B. is not in favor of creating more building lots in this area do to the fact that there is only one way in and out of this area, and is susceptible to flooding.

4. Pizza Village, Rt82

Plan acceptable as shown.

Respectfully Submitted, **Tim Paraskeva**  
Chairman/Secretary E.F.F.A.B.





## East Fishkill Fire Advisory Board

Town of East Fishkill  
Dutchess County, NY



May 7, 2013

Members Present: Tim Paraskeva – Chairman  
John Jackson  
Jeff Qualters  
Mel Berkwitt  
Rich Jakob

1. Pires Group, Sketch Plan, Rt.82

Plan as presented is not clear enough to determine where addition is to be located. Resubmit with clearer plan.

2. Pizza Village, Sketch Plan, Rt.82

Knox-Box rapid entry key system required for Building. Occupant to supply and post all M.S.D.S. info on any hazardous materials that may be stored or used at this location and copy same to fire department. Plan otherwise presented is acceptable as shown.

3. Lehigh Lawn & Landscaping, ASP, Sprout Creek Ct.

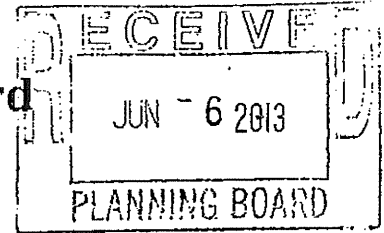
Plan lacks details on proposed use of building. More info needed.

4. Homesteads At Hopewell, Site Plan, Rt.82

A sprinkler system was previously discussed for this site, but there is no info shown on plan for one.

The F.A.B. stands by previous requirements submitted on June 5, 2012.

The F.A.B. reviewed plans with the Engineer And Builder to address F.D. needs as pertains to hydrants and locations of same, dumpster locations, building heights and pitches, and driveway radiuses. The Engineer agreed to 3 hydrants at specified locations with 8" mains, to shrink the center of the circle to increase pavement area, and provide M.S.D.S. info, Know-boxes and alarm systems for community center areas. Dumpster locations and building heights are acceptable as shown.



5. Hilltop Manor, 21 Lots, Creek Bend Rd.

We are not in favor of this plan. They must find a way to bring a thru road to Carpenter road. It is irresponsible to allow more home sites in this area with out a viable second access with two traffic. It is our concern that this area is already saturated with homes with just one entrance / exit, that is susceptible to flooding. We are also wondering why a meeting on site as held with no FAB members present.

Respectfully Submitted, Tim Paraskeva  
Chairman/Secretary E.F.F.A.B.



POLICE DEPARTMENT  
**TOWN OF EAST FISHKILL**

2468 ROUTE 52 HOPEWELL JCT., N.Y. 12533-6639 • (845) 221-2111 • (845) 221-3840 FAX

BRIAN C. NICHOLS  
Chief of Police

December 19, 2013

Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, New York 10516  
Attn.: Ms. Ann Cutignola

**Re: *Proposed Hilltop Manor Subdivision, Creek Bend Road, Town of East Fishkill, Dutchess County, New York***

Dear Ms. Cutignola:

This letter is in response to your letter for a proposed residential subdivision known as Hilltop Manor. I have read your request and am informing you that this department is presently understaffed. The department's current facilities and staff are not sufficient to handle your proposed project in the Town of East Fishkill.

The Town of East Fishkill Police Department is comprised of 32 – Full-time Sworn Police Officers including 1- Chief, 1-Captain, 2 -Lieutenants, 4 Sergeants, 5 Detectives and 19 Patrol Officers. We also employ 10 Civilians including 6 – Full-time Dispatchers, 1 – Part-time Dispatcher, 1 - Purchasing Clerk, 1 - Records Clerk and 1 - Building Maintenance person.

Our Headquarters is located at 2468 Route 52 in Hopewell Junction. We serve an area of 53 square miles with a population of approximately 30,000. Our current ratio is 1 officer to every 1,579 people. The national average is 1.8 officers per every 1000 people.

All the substantial growth in the community has caused a great burden on the department equipment and facilities. This growth does come with a cost in order to maintain the services to its residents at an acceptable level. A recommendation for increases is based on the present population of the town and does not take into account your proposed project or any other that may presently exist.

The following capital costs should be considered;

- Hiring a minimum of 2 Police Officers to respond to the project area. Training, equipment and transportation. Approximately \$81,000
- Improvements to the existing Police Station, (e.g.: expand the building, parking lot etc.)
- Traffic control; wider roads and traffic control at the intersections

Some other concerns are: Is there any additional development in the vicinity of the site such as, commercial locations, parks, civic center or places for gathering. Are there any rental units proposed?

In closing, I would have to say our existing facilities and staff is not adequate to serve your projected demands. Thank you for considering the impact your proposal may have on the Town and in particular this department.

Sincerely,



Brian C. Nichols  
Chief of Police  
Town of East Fishkill

CC: East Fishkill Town Board Members  
East Fishkill Planning Board Members

**CHARLES V. MARTABANO**  
Attorney at Law

9 Mekeel Street  
Katonah, New York 10536  
[cmartabano@gmail.com](mailto:cmartabano@gmail.com)  
(914) 242-6200 Telephone  
(914) 242-3291 Facsimile  
(914) 760-9241 Cell

September 9, 2013

Mr. Tom Wood  
Klarl and Wood  
2131 Albany Post Rd  
Montrose, NY 10548

Re: Application of ECFM Inc. for approval of  
Hilltop Manor Subdivision

Dear Tom:

Thank you for meeting with recently regarding the above referenced matter. I believe that our meeting was quite productive and hopefully my client can now move forward to obtain acceptance of the DEIS based upon the modified responses to outstanding issues outlined below. Before proceeding to revise the DEIS, I wanted to confirm the content of our conversation so that the modified responses to be set forth in the DEIS will conform to those discussions and therefore provide a basis for acceptance of the DEIS by the Planning Board.

With respect to the capacity of the Carol Drive bridge over the Fishkill Creek, you confirmed to me that you have received and reviewed the study of this bridge as conducted by Hudson Valley Engineering Associates and as referred to in the Planning Board minutes (hereinafter "HVEA Study"). You have further advised me that a copy of the report should be made available to me this week. You were, however, able to provide me with a synopsis of the content thereof. In this regard, you advised me that the report confirmed that the bridge in its current condition was appropriate for posting a capacity of 22 tons. Moreover, you indicated to me that the report describes a process by which borings could be conducted in order to verify the conditions of the bottom of the existing pilings and if the bottom of such pilings are not rotted, a process exists whereby the pilings can be reinforced through the bolting of steel plates to the sides thereof, a process which, if implemented, could increase the capacity of the bridge to 40 tons. You also indicated to me that the approximate cost associated with such process was \$40,000.00.

As we discussed, we agreed that under existing conditions, so long as the proposed construction associated with my client's subdivision could be completed with equipment weighing less than 22 tons, the content of the HVEA Study renders this issue moot in terms of the acceptance of my client's DEIS as complete. In this regard you pointed out that you consulted with a representative of the Town Highway Department and that the existing 22 ton

capacity of the bridge is sufficient to accommodate any equipment utilized by the Highway Department as well as other heavy vehicles presently utilizing the bridge to service existing homes such as oil delivery trucks. Subsequent to our discussion, my client contacted an excavation contractor to determine if equipment necessary to construct the homes and roadways could be safely transported over the bridge under existing conditions and he has been assured that the existing capacity of the bridge is indeed sufficient for necessary and appropriate excavation equipment and other construction vehicles.

Accordingly, as soon as the HVEA Study is made available to me it is my intention to request that Tim Miller Associates incorporate the content of the HVEA Study in the discussion of this issue in the DEIS and take the position that based upon the content of the HVEA Study, the bridge is capable of accommodating all vehicles which would be necessary to facilitate the construction of the infrastructure for my client's subdivision as well as to accommodate all vehicles related to the completed subdivision.

Moreover, as it is the Town of East Fishkill which has the responsibility to maintain and improve that bridge and therefore has sole authority to authorize investigation of the pilings and any improvements based upon such inspection, I will ask that Tim Miller Associates make note of this fact in the DEIS while taking the affirmative position that if the Town of East Fishkill elects to move forward to investigate and implement the reinforcement of the pilings as referenced above, then my client will agree to participate, in like manner to any other property owner utilizing that bridge for access, in any improvement district which the Town of East Fishkill may create in order to finance such improvements.

Turning to the issue of secondary access, I understand the desire of the Town of East Fishkill to provide alternate or secondary access for the benefit of all users of the Carol Drive Bridge. During our conversation you indicated to me that you were of the belief that, in addition to owning the Hilltop Manor property, my client was also the owner of property which could be utilized for providing alternate access for the subdivision and, by extension, for the other users of the Carol Drive Bridge, which such alternate access would be provided through existing roads in subdivisions located generally to the north of the Hilltop Manor subdivision. As I advised you however, the Hilltop Manor subdivision property is owned by ECFM Inc., which such entity does not own any other property in proximity to the Hilltop Manor property. Additionally, while it is true that one of the principals of ECFM Inc., Frank Marinaro, owns property located to the north of the Hilltop Manor property across the Central Hudson right-of-way, and has made known his willingness to consider alternate access through his property, such alternate access is infeasible utilizing only the Hilltop Manor land, the Central Hudson right-of-way and Mr. Marinaro's property.

Suggestions of alternate routes utilizing Marinaro's property were previously made by members of the Planning Board. Pursuant to such requests, my client explored two alternate routes for access which, upon the performance of engineering studies, turned out to be completely infeasible. These routes included traveling north over the Central Hudson right-of-way through Mr. Marinaro's property, directly to Carpenter Road. Another route involved exiting the subdivision and traveling east over the Central Hudson right-of-way to intersect with Carpenter Road. Both of these alternatives involved significant changes of grades and rock cuts

which, I am advised, in some cases were of a magnitude of approximately 50 feet, thereby rendering use of each of these alternatives to be completely infeasible, a conclusion verified by members of the Planning Board. I can, of course, supply you with the studies that were performed at the request of the Planning Board as referred to above.

Additional suggestions were made by Morris Associates in a letter dated May 10, 2013. On behalf of my client, Tim Miller Associates has investigated the possibility of providing secondary access but the results of such investigation illustrate that, once again, it would be the Town of East Fishkill who has the ability to provide what would appear to be the only feasible means of alternate access based upon the studies conducted by Tim Miller Associates to date as such alternate routes involve property owned by a totally unrelated third party. However, my client is willing to participate in a most meaningful manner to assist the Town in creating the potential for alternate access for all users of the Carol Drive Bridge.

I respectfully refer you in this regard to the attached exhibit illustrating the area located to the north of the Hilltop Manor subdivision property. Mr. Marinaro's property is shown thereon as parcel 899807 (the phrase "East Fishkill" appears on Mr. Marinaro's property). The Central Hudson right-of-way is to the South thereof, contiguous to the Hilltop Manor property. The possibility exists for access to either Hammer Drive or Carpenter Road but this access would be required to be implemented through a lot owned by a totally unrelated third party, which such lot is described as parcel number 960787 and consisting of approximately 1.15 acres as shown thereon. Assuming that this parcel could be acquired, it appears as though access is feasible through what appears to be a right-of-way parcel leading to Hammer Road (parcel number 948804), owned by the same individual who owns parcel number 960787 or possibly directly on to Carpenter Road. What is significant however is that neither of these parcels, which are necessary for access to Hammer Drive or Carpenter Road is owned by ECFM Inc. or any of the principals thereof. Further, my client has taken the initiative to contact the owner of these properties and the owner does not appear anxious to sell these properties nor, quite frankly, is my client in a position or inclined to purchase same if they were available.

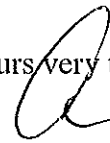
Of course, as we discussed, if the Town truly believes that a means of secondary access is indeed essential for the benefit of the Carol Drive property owners, my client is willing to assist in the provision of same as a condition of subdivision approval in the manner hereinafter described. The Hilltop Manor subdivision will provide for a right-of-way through the northerly portion of the subdivision, thereafter traversing the Central Hudson right-of-way. Mr. Marinaro will further agree to provide an easement across the southerly portion of his property to provide for a means of secondary access to parcel number 960787 in the event that the Town desires to subsequently (a) acquire parcel number 960787 to provide access to Carpenter Road or (b) acquire parcel number 960787 and parcel number 960787 to provide access to Hammer Drive. As we discussed, if the Town truly believes that alternate access for the benefit of the property owners on Carol Drive is necessary as a consequence of those property owners reliance on Carol Drive and the Carol Drive Bridge as the sole means of access for these 70 plus homes (as well as for the lots created by my client's subdivision), the Town has the requisite public need to exercise its powers of eminent domain to acquire those parcels which are necessary to provide access to Hammer Drive and/or Carpenter Road. My client and Mr. Marinaro will do the maximum that could be reasonably required of them in connection with the issue of providing

alternate access for the Carol Drive properties by providing for a right-of-way through the Hilltop Manor property and further by Mr. Marinaro providing an easement across his property to access parcel number 960787. It is respectfully submitted that nothing more can be required from my client at this juncture and, most assuredly, in order for my client to have its DEIS declared complete so as to be able to proceed to a public hearing with respect to same. I believe that you and I have agreed in this regard that where, as here, the DEIS is essentially a "identification and discussion" document pertaining to environmental issues, my client is not required to *resolve* these issues, most especially not as a condition of having the DEIS declared complete and ready for circulation.

As indicated above, before requesting that Tim Miller Associates modify the DEIS in the manner hereinabove provided for, I wanted to make certain that you and I were in agreement regarding the content thereof so that you could provide guidance to the Planning Board so that my client's DEIS, modified in the manner hereinabove referred to, will be declared complete so that we could proceed to a public hearing at this juncture. I would therefore request that you review the foregoing and the attached and provide me with confirmation that the content of this letter is consistent with our discussions so that I could provide the necessary direction to Tim Miller Associates at this juncture.

I thank you for taking the time to meet with me and I look forward to moving this matter forward at this juncture consistent with the foregoing. If you have any questions with respect to any aspect of the foregoing or any other matter or issue affecting the Hilltop Manor subdivision or the content of the DEIS, please contact me immediately.

Yours very truly,



Charles V. Martabano

cc: ECFM, Inc.  
Tim Miller Associates  
Frank Marinaro



Navigation Toolbar:  Parcels  Roads  Address

Identify:

Backgrounds:

Parcel Address Lists (Primary Owner):  Buffer(ft):

Coordinates: N:  Lat:  E:  Long:

Parcel Owner Address

LOT NUMBER: **960787**

130000 0000 00 000000 0000  
swis section block lot suffix

This search is within:  
Entire Dutchess County



TENTATIVE ROLL  
PARCEL IDENTITY

Parcel Number: 132800-6457-02-960787-0000

Parcel Address - 36 Carpenter Rd  
East Fishkill 1253300000

Owner Name on March 1:  
Waeifop, Ivo F Trustee (Primary)  
Waeifop, Barbara S Trustee (Additional)

Primary (P) Owner Mailing Address  
8316 Castine Ct  
Raleigh NC 276130000

Lot Size | Land Use (Land Use Code):  
1.15 Ac. | Res vac land ( 311)

Assessment Information:  
Land = \$87500 | Total = \$87500

Market Value:  
\$87500

School District:  
Wappingers CSD

Agricultural District:  
Roll Section: 1

(Taxable)  
Tax Code:  
H (Homesitead)

The following detailed information is available for this parcel:



**TIM  
MILLER  
ASSOCIATES, INC.**

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10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com

June 24, 2013

Mr. Ivo Waerlop  
8316 Castine Court  
Raleigh, North Carolina 27613

**Re: Tax parcels 960787 and 948804  
Town of East Fishkill, Dutchess County, NY**

Dear Mr. Waerlop,

Attached please find a tax map which shows two tax parcels listed under your ownership in the Town of East Fishkill, New York. I represent the adjacent property owner, Mr. Frank Marinaro and I would like to discuss the potential of securing access over your property.

Mr. Marinaro is your neighbor to the rear on the large triangular shaped parcel, number 899807. Mr. Marinaro is also a partner in a development application for the 40 acres located south of the utility easement designated in the Town of East Fishkill as parcel 885725.

Kindly contact me at the address or phone number above to discuss this matter. I can also be reached at [acutignola@timmillerassociates.com](mailto:acutignola@timmillerassociates.com).

I look forward to speaking to you about a mutually agreeable arrangement regarding your parcels.

Sincerely,



Ann Cutignola, AICP  
Senior Planner  
TIM MILLER ASSOCIATES, INC.

C. Frank Marinaro  
Charlie Martabano, Esq.



HELP

- Navigation Toolbar
- Identify
- Backgrounds
- Parcel Address Lists (Primary Owner)
  - Buffer(10): 100

Coordinates

N. Lat:

E. Long:



Parcel Owner Address

LOT NUMBER: 948804

130000 0000 00 000000 0000

swis section block lot suffix

This search is within:

Entire Dutchess County

[GO](#)

TENTATIVE ROLL  
PARCEL IDENTITY

Parcel Number: 132800-6457-02-948804-0000

Parcel Address - 18 Hammer Dr

East Fishkill 125330000

Owner Name on March 1: Waadlop, Ivo F Trustee (Primary)

(Additional) Waadlop, Barbara S Trustee

Primary (P) Owner Mailing Address 8316 Castine Ct

Raleigh NC 276130000

Lot Size | Land Use (Land Use Code): 53.1 X 240 AV | Res vac land (311)

Assessment Information: Land = \$5000 | Total = \$5000

Market Value: \$5000

School District: Weppingers CSD

Agricultural District: Agricultural District

Roll Section: 1

(Taxable)

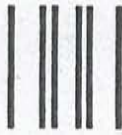
Tax Code: H (Homestead)

The following detailed information is available for this parcel:

- [Full property card](#)
- [Print Lot Dimensions](#)

Tax map #  
6457-02-948804-0000

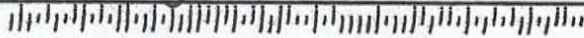




First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

ANN COTIGNOLA  
Tim Miller Assoc., Inc.  
10 North St  
Cold Spring, NY 10514



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

MR. IVO WAGELOP  
8316 CASTINE CT.  
Raleigh, NC 27613

COMPLETE THIS SECTION ON DELIVERY

A. Signature  Agent  
*Ivo Wagelop*  Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
if YES, enter delivery address below:  No



3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.

4. Restricted Delivery? (Extra Fee)  Yes

2. Article Number

(Transfer from service label)

7012 3050 0000 9339 9395







**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## Memorandum

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**To:** Ann Cutignola  
**From:** Michelle Robbins  
**Date:** May 16, 2013  
**Re:** Hilltop Manor  
**cc:** P. Baier, L. Gee, J. Dennis, S. Bryant, T. Wood

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This memo provides a bulleted summary of the outstanding completeness comments from Morris Associates (letter dated 5/10/13) and AKRF (letter dated 4/23/13). Please refer to above referenced letters for the full comments. The remaining completeness issues are listed below:

- Viable emergency access
- Revisions to the visual renderings of the site entrance
- New rendering of stormwater management basin
- Emergency Services Correspondence
- Drawing revisions to match text regarding location of acceptable haul road
- Identify in DEIS that a wetland permit needed from Town for stream buffer disturbance on Dutcher parcel
- Please check all appendices for proper content and reproduction quality





**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

May 5, 2013

Lori Gee, Chairwoman, and Members of the Planning Board  
Town of East Fishkill  
330 Route 376  
Hopewell Junction, NY 12533

Re: **Hilltop Manor DEIS Completeness Review**

Dear Ms. Gee and Members of the Planning Board:

AKRF reviewed the revised DEIS received on April 23, 2013, which was revised to include responses to the previous AKRF completeness letter dated March 21, 2013. The original comments from the January 26, 2013 and March 21, 2013 letter are included below with our responses (**in bold text**) to the applicant's revisions.

## **A. COMPLETENESS COMMENTS**

### **GENERAL COMMENTS**

The DEIS describes disturbance to a single property consisting of 40.95 acres for the creation of a 21-lot single-family residential subdivision. The proposed subdivision plans dated October 30, 2002 and last revised February 16, 2010 show disturbance to two adjacent parcels in addition to the subject parcel. The DEIS does not indicate that these are owned and controlled by the applicant or are part of the subdivision. The applicant should clarify the ownership of these parcels. If disturbance to these parcels is necessary as part of the proposed subdivision, the potential impacts of the proposed disturbance to these parcels should be analyzed and included in the DEIS. In addition, if these parcels are part of the proposed action, the parcels should be included in the subdivision application.

#### **AKRF Response to applicant's April 23, 2013 submission:**

**The applicant has included a discussion of the proposed easement in the DEIS. According to the DEIS, the drainage easement allows the stormwater from the site to cross Creek Bend Road, cross over 0.1 acre of the Dutcher parcel and discharge into Fishkill Creek. The applicant should indicate if disturbance to the stream bank will be required. Additionally, it appears a wetland permit for disturbance to the stream bank and/or buffer would be required from the Town (for disturbance within the 50 foot stream buffer) and possibly from NYSDEC depending on the class of the stream. The DEIS should indicate that a wetland permit from the Town will be required and should confirm if a permit from NYSDEC would also be required.**

Access to the site requires crossing the Carol Drive Bridge. The Planning Board may want to consider requiring secondary access to the site in the event the Carol Drive Bridge is impassable.

**AKRF Response to applicant's April 23, 2013 submission:**

The Scope requires that the applicant address emergency vehicle access to the project site. The applicant acknowledges that emergency access issues from the site need to be addressed. The revised DEIS includes alternatives for emergency access via the Central Hudson Gas & Electric Utility Easement along the eastern property boundary and from the private property lot (#899807) located east of the project site. However, the applicant states in the DEIS that these emergency access alternatives would not be feasible due to the grade of the sites and the rock cutting that would be required. Since the proposed subdivision would be creating a new public road serving new residents, it is our recommendation that a feasible emergency access route to and from this public road and serving this subdivision be provided.

**PROJECT DESCRIPTION**

1. On Page 3-5, the DEIS states the applicant currently owns the subject parcel (40.95 acres) and does not own any other land. Please clarify the land ownership and proposed disturbance to the adjacent lots shown on the subdivision plan. Any disturbance to these lots related to the proposed action should be included and analyzed in the DEIS.

**AKRF Response to applicant's April 23, 2013 submission:**

See response to comment above regarding the adjacent Dutcher property.

2. The pumping test report, included in Appendix 5, indicates that a "significant" precipitation event occurred shortly after the start of the 24-hour pumping test. The hydrographs show that the water level in the pumping wells was directly affected by the rain event. The report should include information on the rain event and how rain water recharge may have affected the yield analysis for the aquifer.

**AKRF Response to applicant's April 23, 2013 submission:**

The applicant has provided a response from the project's water supply engineer LBG in a letter dated March 8, 2013. This comment has been adequately addressed.

3. The capacity of the Police Department, Fire Department, and East Fishkill Rescue Squad to service the proposed development needs to be discussed in detail. Would the proposed project result in the need for additional staff, equipment, etc.?

**AKRF Response to applicant's April 23, 2013 submission:**

The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.

4. The Applicant should include correspondence or footnotes indicating that representatives from the East Fishkill Police Department, Fire Department, and Rescue Squad were contacted to verify if the proposed project would affect their ability to provide emergency services to town residents. The name and title of the representatives as well as the date of contact should be provided.

**AKRF Response to applicant's April 23, 2013 submission:**

The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.

5. The applicant should verify with the East Fishkill Police Department, Fire Department, and Rescue Squad that the proposed development will provide sufficient access to the site for emergency vehicles.

**AKRF Response to applicant's April 23, 2013 submission:**

The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.

6. This chapter does not address Item I.2.b. in the Scope of Work which states that the Applicant must include site components (including stormwater management facilities, etc.) and fencing and landscaping of such facilities in the analysis of potential impacts. A rendering of the proposed stormwater basin along Creek Bend Road should be included in the analysis.

**AKRF Response to applicant's April 23, 2013 submission:**

The applicant has provided a written description of the stormwater management basin proposed along Creek Bend Road. However, no rendering of the proposed stormwater basin along Creek Bend Road is provided. The DEIS does include a photograph of the stormwater facilities from another project constructed in Town. While these facilities may be similar in appearance to the stormwater management facilities proposed at the project site, it is not a rendering of the proposed stormwater basin along Creek Bend Road.

7. This chapter does not adequately address Item I.2.a. in the Scope of Work which states that the Applicant must include an analysis of altered views. While the applicant does provide photographs of the site's existing conditions, only one post construction rendering (Figure I.2-1) of the proposed subdivision entrance is included in the DEIS. The photographs in this rendering should be labeled to indicate the location and direction of the view (alternately a key could be provided). A photograph of the existing condition in this location should also be included for purposes of comparison. At least one additional rendering or other graphic representation of the site post construction condition should be provided.

**AKRF Response to applicant's April 23, 2013 submission:**

Labels have been added to the existing condition photographs Figures I.1-1 to I.1-5 in the revised DEIS. However, the existing condition photograph used to create Figure I.2-1 should be provided to provide a comparison of pre-construction and post-construction views. Figure I.2-1 should be labeled to indicate the location where the photograph was taken and the direction of the view. At least one additional rendering from one of the existing condition photographs should be provided to show pre-construction and post-construction conditions.

8. The correspondence from NYSOPRHP referenced and included in the DEIS is dated September 24, 2002. The correspondence states that the proposed project would not be expected to have any impacts upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Place. The applicant should provide an updated letter from NYSOPRHP for the SEQR record.

**AKRF Response to applicant's April 23, 2013 submission:**

**The applicant has requested an updated letter from OPRHP. The DEIS should be revised to include this information once it is received.**

**B. SUBDIVISION PLAN COMMENTS**

9. The Planning Board may want to consider the following when reviewing the subdivision plan:
  - a. Orientation of the proposed houses and the layouts of the lots. The proposed loop road would result in a number of homes being visible from the rear.
  - b. A large stormwater basin would be located in the side yard of Lot 19.
  - c. The shape of Lot 1 is awkward and would extend along the entire southern property line.
  - d. The proposed flag lots (Lots 9 and 10) do not appear to conform with the Flag Lot requirements set forth in Section 194-92.1. requiring that the main buildable portion of the lot, excluding the access strip, be at least fifty-percent greater (1.5 acres) than the minimum lot area in the underlying zoning district.

**C. SIGNIFICANT HABITATS OF THE TOWN OF EAST FISHKILL**

10. Hudsonia recently updated the mapping for the 2002 report titled *Significant Habitats of the Town of East Fishkill, New York*. This report identifies and maps ecologically significant habitats throughout the Town of East Fishkill, Dutchess County, New York. The goal of the report is to identify the areas of greatest ecological significance, develop conservation goals, and establish conservation policies and practices that will help protect biodiversity resources while serving other social, cultural, and economic needs of the human community. The project site contains the following significant habitats as identified by Hudsonia in *Significant Habitats of the Town of East Fishkill, New York*:

- Upland Hardwood Forest
- Upland Mixed Forest
- Upland Conifer Forest
- Calcareous Crest, Ledge, and Talus

The proposed project would result in disturbance to each of these habitat types. To preserve these habitat types, the report recommends minimizing fragmentation, soil erosion, and direct disturbance to wildlife in these habitat areas. The DEIS does provide a description of the vegetative cover types found on the project site and a list of the characteristic species generally found in these habitat types.

**D. RECOMMEDATIONS**

11. When addressing comments in the DEIS, the applicant should double underline or highlight any revisions or changes to the text so that the new and/or revised text is easy to identify.
12. It is recommended that the proposed landscape plan incorporate native species of vegetation that will provide habitat value for remaining birds and wildlife.
13. The Board may want to consider requesting that the applicant provide an alternative with alternate access or secondary access to the site.

If you have any questions or need any additional information please contact me at 845-632-1144.

Sincerely,

Michelle Robbins  
Technical Director

cc: Frank Marinaro  
Pam Baier  
Thomas Wood, Esq.  
Joe Dennis  
Scott Bryant  
Ann Cutignola  
Michael Gillespie







# MORRIS ASSOCIATES

ENGINEERING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

May 10, 2013

Town of East Fishkill  
Planning Board  
Town Hall  
330 Route 376  
Hopewell Junction, NY 12533

Attn: Ms. Lori Gee, Chair

**Re: Hilltop Manor - DEIS  
21- Lot subdivision  
Creek Bend Road  
Town of East Fishkill  
MA #202345.09**

Dear Ms. Gee:

On April 2, 2013 this office received:  
Tim Miller Associates response letter dated 3-27-2013 with attachments

On April 11, 2013 this office received:  
Tim Miller Associates emergency access letter dated 4-8-2013 with attachments

On April 24, 2013 this office received:  
Draft Environmental Impact Statement prepared by Tim Miller Associates, dated April 22, 2013.

This item is on the agenda for a completeness review and to possibly accept the DEIS for circulation. This office has reviewed the above mentioned and other pertinent materials and offers the following comments. It is recommended that comments 1 and 2 below are resolved before the DEIS is accepted as complete. Resolution of comment 3 as well as comments 4 and 5 (restated from the prior March 22nd letter) and the SWPPP review from the attached April 12, 2010 memo may be deferred until after the DEIS is deemed complete.

1. It appears that the question of public safety and the matter of an emergency access to serve not only the proposed development but all residents who must cross the Fishkill Creek on the Carol Drive bridge should be resolved in the DEIS before the document is accepted as complete.

**Re: Hilltop Manor - DEIS  
MA #202345.09**

- a. This office notes that TMA has discussed and described some alternatives in their letter dated 4-8-13 that were incorporated into the DEIS on page 3-1. It appears TMA concluded that the suggested alternatives are not feasible. However, this office suggests that another alternative should be explored. It appears it may be feasible to construct an emergency access along a route leaving the site in the r-o-w between proposed Lots 11 and 12, crossing the Central Hudson r-o-w and then turning northeasterly across the Marinaro parcel toward a vacant lot on Carpenter Road (tax map parcel 960787, Lot 6 on FM 5911) and from there through an unused r-o-w (tax map parcel 948804) to the turning circle on Hammer Drive. The route would continue down Hammer Drive to Carpenter Road and then to Beekman Road. Lot 6 and the r-o-w to Hammer Drive appear to be owned by the same parties and they should be contacted regarding an emergency access through their currently vacant lots.
  - b. Another possibility (if acceptable to the Town Engineer and the Town Traffic Consultant) may be to fund a dedicated escrow account with the Town to rent a "Bailey Bridge" or similar to provide a short term solution to a failed Carol Drive Bridge. Along that same line of thought, a "Bailey Bridge" could be placed over the existing Carol Drive bridge to protect it from the heavy traffic loads (e.g. equipment delivery trucks, gravel delivery trucks, asphalt paving mix delivery trucks, concrete delivery trucks, etc.) during construction of the Hilltop Manor infrastructure and homes. Temporary ramps would have to be constructed to raise the road level to place the "Bailey Bridge" deck above the current roadway bridge deck.
  - c. It appears the DEIS should discuss a cost sharing approach to include all properties that use the Carol Drive bridge (70± existing homes and the 21 proposed homes in the development), perhaps as a Town tax district, to fund a replacement for the Carol Drive bridge when it becomes deficient to the point that it needs to be replaced.
2. The text on page 3-2 *et seq* regarding moving material around on the site should be matched by drawing revisions to show the stockpiles and to show an acceptable haul road within the site. To be acceptable, the road grade must be practical for construction vehicles and the haul road and related grading must be included in the disturbance plans. Since the plans (Figures IIIA.1-2, 1-3, 1-4 and 1-5) have not been revised to match the text and show that the proposal is feasible, the DEIS cannot be accepted as complete on this matter.
  3. Figure IV.A-2 should be revised to correct some graphical errors.
    - a. The star and label for Hopewell Glen should be moved (northeasterly) to be within the shaded project limits.
    - b. The Sharbell project, Montage at East Fishkill, is on the south side of Route 52.

**Re: Hilltop Manor - DEIS  
MA #202345.09**

- c. The Summit Woods subdivision is generally south and east of the Montage site, and on the west side of Route 52 as it turns south (offsite of the map shown).
- d. The Saxon Woods subdivision is to the south of Route 52 (and offsite of the map shown).
- e. The Taconic Innovations project is to the south of Route 376 (and offsite of the map shown).

[Below is excerpted from letter dated March 22, 2013]

- 4. Assuming the DEIS is accepted, with the necessary revisions to resolve the comments above, the FEIS should resolve the following comments:
  - a. The FEIS should identify if a stream disturbance permit will be required for the outlet from the proposed drainage swale on the Dutcher parcel (the list on page 2-9 that simply says NYSDEC is not definitive). It appears that a Floodplain Development Permit from the Planning Board is required for the fill over the culvert and for the channel grading. This permit should also be listed in the DEIS/FEIS (the list on page 2-9 that simply says Planning Board is not definitive).
  - b. The DEIS makes strong statements about the non-development of the parcel to the north of the power line. The applicant should discuss with the Planning Board if the access connector r-o-w shown between Lots 11 and 12 should be removed, and revise the FEIS accordingly. If the access connector remains, a grading easement must be shown to allow for the required cut to construct an acceptable approach grade at the intersection with the proposed development loop road.
  - c. The previous SWPPP comments (see attached memo dated April 12, 2010), as revised and amended to match the new proposal, should be resolved with the FEIS or future plans approval. With regard to the convergence of the design point, some additional routing in HydroCAD may be warranted to define the separate reaches of the subareas.
  - d. There are several references to Greenspire Ash, and that choice of street tree should be reconsidered in light of the emerald ash borer threat. However, compare the plan on Sh IIIA.1-7 that does not show any ash trees (it shows catalpa, white oak and sycamore maple). From other recent subdivision plans, these species have been found to be difficult to obtain in this region. This office defers to AKRF and the Town in terms of street tree selection.
  - e. The applicant shall resolve whether the culvert construction and channel regrading on the Dutcher parcel will encroach onto the adjoining parcel, N/F Schara. A larger scale "blow-up" should be prepared to detail the grading and construction limits.

**Re: Hilltop Manor - DEIS  
MA #202345.09**

- f. A MPT plan should be developed for the open cut on Creek Bend Road for the proposed box culvert. Creek Bend Road should be built to 24' wide at the crossing, with guide rail and additional fill constructed as needed.
- g. The subdivision plan shows fencing at the top of slopes on Lots 14, 15 and 16. The steep slopes to the drainage ponds on Lots 12, 13, 14, 19 and 21 may also need protection and possibly full enclosure.
- h. Grading and road and drainage construction should be reviewed and the phase lines should match logical construction breaks both for road grading, other grading and for drainage pipes, basins and manholes. For example, it appears the rock cut, bottom and sides, should be in Phase 1, not Phase 2.
- i. The new curbs on Creek Bend Road should be set for an eventual roadway width of 24', not as shown at the current 18' width of Creek Bend Road. CB#1C and DMH-A should also be set for a future 24' road width.
- j. The Town Engineer and the Highway Superintendent should be consulted regarding the overflow spillway from Pond A discharging directly to the pavement of Creek Bend Road. It appears that this is also not acceptable from the standpoint of directing drainage toward the Dutcher house.
- k. The four foot shoulder along the rock cut should be widened to minimum 6 feet, and the swales should not drop off at the curb but rather be placed behind a minimum 1 foot wide "shelf" between the curb and the lip of the swale.
- l. It appears additional manholes will be required along the rock cut so that the manholes and connecting pipes are not set back into the rock face. It appears the cut for the culvert between CB#2B and the end section in Pond A will leave a small knob of rock standing. The culvert should be routed along the road to about Sta 1+00 and then to Pond A. The grading plan should be revised to cut the corner so that the pipe is not buried in a deep (and wide) rock cut that could not be suitably rebuilt to match the adjacent solid rock faces.
- m. It is recommended that if requested by the Town Engineer or the Highway Superintendent that the paved turning area at the end of Creek Bend Road should be enlarged to a true circle 80' in diameter (and a corresponding r-o-w dedication should be shown).
- n. The "Y" shaped feature shown on Sh IIIA.1-2 on Lots 4 and 5 (and other sheets and other lots) should be identified. Compare also Phase XII and the subdivision plan sheet and clarify the final length and extent of the feature.
- o. If the disturbance in Phase 1 will be a stockpile on Lots 4 and 5, typical contours and erosion controls should be shown for the stockpile. The related access route for large dump trucks should also be better defined leading to the stockpile area.

**Re: Hilltop Manor - DEIS  
MA #202345.09**

- p. As noted in the SWPPP response letter, the landscape plan should be revised to show the plantings proposed on the reclaimed slope at the back of Lots 3 → 7.
5. This plan review should not be misconstrued to be a complete and final review. Additional comments will be made as the plans and the related SWPPP are revised and further developed.

If you have any questions regarding this letter, please contact this office.

Very truly yours,

MORRIS ASSOCIATES, PLLC



Joseph P. Dennis, P. E.  
Senior Engineer

Attachment

JPD/dm

cc: Thomas F. Wood, Esq.  
Scott Bryant, P.E.  
Brian J. Stokosa, P.E.  
Ann Cutignola, AICP  
Michelle Robbins, AICP  
Brendan Fitzgerald, P.E.



## Memorandum

**Morris Associates PLLC**

To: Brian Stokosa, PE. M. Gillespie & Associates

From: Joseph Dennis, PE, Morris Associates *JDS*  
*4/14/10*

Date: April 12, 2010

Re: **Hilltop Manor Subdivision - SWPPP Review**  
MA Project No. 202345.09 Town of East Fishkill

This office has completed the review of the Engineer's Report - Stormwater Pollution Prevention Plan (SWPPP) for the above referenced project prepared by M. Gillespie & Associates Consulting Engineering, PLLC, dated April 14, 2005 last revised February 16, 2010 (and received on March 9<sup>th</sup>). As requested the review focused on the SWPPP in comparison with prior comments made by this office dated October 30, 2009 and the Engineer's response letter dated March 9, 2010.

It is the opinion of this office that the SWPPP and related drainage plans are at a level of completeness for potential DEIS approval with the understanding that further design and plan refinement is anticipated at the subdivision design phase. In addition, a reference to a letter from this office dated July 10, 2008 with regard to DEIS comments will need to be addressed as a separate matter. Based upon the SWPPP review the following comments are offered as the project proceeds toward subdivision review stage:

1. The following is a list of previous comments that did not appear to be satisfied:
  - a. There is a discrepancy between the plan and HydroCAD analysis with respect to the shallow concentrated flow calculation for drainage area 2b of the pre-developed conditions.
  - b. There are multiple discrepancies between the design drawings and the HydroCAD model with respect to the catch basin and drainage manhole invert and rim elevations. In addition, please include all warning messages within the HydroCAD output.
  - c. According to the NYS Stormwater Management Design Manual, the maintenance access to a stormwater practice shall be at least 12 ft wide. Please review the access roads and revise accordingly.
  - d. As previously noted, consideration should be given to assigning separate design points for drainage areas 1a, 1b, 1c and 1d in both pre- and post-developed conditions.
  - e. It appears that several of the drainage pipes, as analyzed within the HydroCAD model, have exceeded full flow during the 25-year 24-hour storm event. Please review and revise as necessary such that no flooding conditions will occur during the design storm.
2. The following are comments found with respect to the revised SWPPP:
  - a. The construction phases within Section VI of the SWPPP do not correspond to the phases and area of disturbance shown on the design plans.

- b. The construction phases within the SWPPP shall reference the updated SPDES General Permit, GP-0-10-001.
  - c. Some of the post-developed drainage areas do not appear to be clearly labeled on Sheet C.2.1 as the text is obscured by other line work.
  - d. The time of concentration (Tc) flow path for drainage areas SW1B and SW1C of the post-developed conditions is unclear and appears to flow thru delineated drainage boundaries.
  - e. It appears that the post-developed drainage areas to several of the proposed catch basins may be larger than shown. Please review and revise as necessary.
  - f. A starting water surface elevation should be applied to the WQ pond (Pond WQV-P) when modeled in HydroCAD. This elevation should be equal to the invert elevation of the lowest orifice.
  - g. There is a discrepancy with regards to the total area contributing to pond P2 when compared to the water quality volume calculations in Appendix C and the HydroCAD output.
  - h. The water quality pond installed to treat the 250 feet of paved roadway should include a form of pretreatment in accordance with the NYS Stormwater Management Design Manual.
  - i. A copy of the contractor certification forms shall be included within the SWPPP document in accordance Part III.A.6 of the General Permit and prior to MS4 signoff.
  - j. Similarly, additional information in regard to the various roles and responsibilities for implementing the SWPPP will need to be made more specific once the various parties (i.e. Owner, Contractor, subcontractor, etc) are identified.
3. The following are additional comments found with respect to the design plans:
- a. The proposed slope behind lots 3-6 is much steeper than what currently exists. As a result, runoff velocity will increase potentially impacting the adjacent downhill residence. Additional measures should be considered to minimize the runoff velocity from this slope.
  - b. In order to minimize human error, it is recommended that 3" diameter pipes with the gate valve fully open be used for pond P2 outlet structure.
  - c. There is a discrepancy with the outlet pipe within the WQV-Pond detail on Sheet 7.
  - d. Proposed grade elevations should be shown on all profiles.
  - e. An anti-seep collar for pond 2 should be shown and dimensioned on the profile.
4. The following are additional comments found with respect to the Erosion and Sediment Control Plans:
- a. The SWPPP certification shall be updated to the new SPDES General Permit GP-0-10-001 on all erosion control plans.
  - b. Note number 5 of Additional Site Specific Construction Notes on sheet EC1 shall be revised to reference Creek Bend Road.
  - c. Inlet protection shall be considered to be installed around the existing drainage structures down grade from the main project entrance.
  - d. A stabilized construction entrance shall be shown for Phases IV, IVA, V and VI as necessary.



**CHARLES V. MARTABANO**  
Attorney at Law

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(914) 242-3291 Facsimile  
(914) 760-9241 Cell

September 9, 2013

Mr. Tom Wood  
Klarl and Wood  
2131 Albany Post Rd  
Montrose, NY 10548

Re: Application of ECFM Inc. for approval of  
Hilltop Manor Subdivision

Dear Tom:

Thank you for meeting with recently regarding the above referenced matter. I believe that our meeting was quite productive and hopefully my client can now move forward to obtain acceptance of the DEIS based upon the modified responses to outstanding issues outlined below. Before proceeding to revise the DEIS, I wanted to confirm the content of our conversation so that the modified responses to be set forth in the DEIS will conform to those discussions and therefore provide a basis for acceptance of the DEIS by the Planning Board.

With respect to the capacity of the Carol Drive bridge over the Fishkill Creek, you confirmed to me that you have received and reviewed the study of this bridge as conducted by Hudson Valley Engineering Associates and as referred to in the Planning Board minutes (hereinafter "HVEA Study"). You have further advised me that a copy of the report should be made available to me this week. You were, however, able to provide me with a synopsis of the content thereof. In this regard, you advised me that the report confirmed that the bridge in its current condition was appropriate for posting a capacity of 22 tons. Moreover, you indicated to me that the report describes a process by which borings could be conducted in order to verify the conditions of the bottom of the existing pilings and if the bottom of such pilings are not rotted, a process exists whereby the pilings can be reinforced through the bolting of steel plates to the sides thereof, a process which, if implemented, could increase the capacity of the bridge to 40 tons. You also indicated to me that the approximate cost associated with such process was \$40,000.00.

As we discussed, we agreed that under existing conditions, so long as the proposed construction associated with my client's subdivision could be completed with equipment weighing less than 22 tons, the content of the HVEA Study renders this issue moot in terms of the acceptance of my client's DEIS as complete. In this regard you pointed out that you consulted with a representative of the Town Highway Department and that the existing 22 ton

capacity of the bridge is sufficient to accommodate any equipment utilized by the Highway Department as well as other heavy vehicles presently utilizing the bridge to service existing homes such as oil delivery trucks. Subsequent to our discussion, my client contacted an excavation contractor to determine if equipment necessary to construct the homes and roadways could be safely transported over the bridge under existing conditions and he has been assured that the existing capacity of the bridge is indeed sufficient for necessary and appropriate excavation equipment and other construction vehicles.

Accordingly, as soon as the HVEA Study is made available to me it is my intention to request that Tim Miller Associates incorporate the content of the HVEA Study in the discussion of this issue in the DEIS and take the position that based upon the content of the HVEA Study, the bridge is capable of accommodating all vehicles which would be necessary to facilitate the construction of the infrastructure for my client's subdivision as well as to accommodate all vehicles related to the completed subdivision.

Moreover, as it is the Town of East Fishkill which has the responsibility to maintain and improve that bridge and therefore has sole authority to authorize investigation of the pilings and any improvements based upon such inspection, I will ask that Tim Miller Associates make note of this fact in the DEIS while taking the affirmative position that if the Town of East Fishkill elects to move forward to investigate and implement the reinforcement of the pilings as referenced above, then my client will agree to participate, in like manner to any other property owner utilizing that bridge for access, in any improvement district which the Town of East Fishkill may create in order to finance such improvements.

Turning to the issue of secondary access, I understand the desire of the Town of East Fishkill to provide alternate or secondary access for the benefit of all users of the Carol Drive Bridge. During our conversation you indicated to me that you were of the belief that, in addition to owning the Hilltop Manor property, my client was also the owner of property which could be utilized for providing alternate access for the subdivision and, by extension, for the other users of the Carol Drive Bridge, which such alternate access would be provided through existing roads in subdivisions located generally to the north of the Hilltop Manor subdivision. As I advised you however, the Hilltop Manor subdivision property is owned by ECFM Inc., which such entity does not own any other property in proximity to the Hilltop Manor property. Additionally, while it is true that one of the principals of ECFM Inc., Frank Marinaro, owns property located to the north of the Hilltop Manor property across the Central Hudson right-of-way, and has made known his willingness to consider alternate access through his property, such alternate access is infeasible utilizing only the Hilltop Manor land, the Central Hudson right-of-way and Mr. Marinaro's property.

Suggestions of alternate routes utilizing Marinaro's property were previously made by members of the Planning Board. Pursuant to such requests, my client explored two alternate routes for access which, upon the performance of engineering studies, turned out to be completely infeasible. These routes included traveling north over the Central Hudson right-of-way through Mr. Marinaro's property, directly to Carpenter Road. Another route involved exiting the subdivision and traveling east over the Central Hudson right-of-way to intersect with Carpenter Road. Both of these alternatives involved significant changes of grades and rock cuts

which, I am advised, in some cases were of a magnitude of approximately 50 feet, thereby rendering use of each of these alternatives to be completely infeasible, a conclusion verified by members of the Planning Board. I can, of course, supply you with the studies that were performed at the request of the Planning Board as referred to above.

Additional suggestions were made by Morris Associates in a letter dated May 10, 2013. On behalf of my client, Tim Miller Associates has investigated the possibility of providing secondary access but the results of such investigation illustrate that, once again, it would be the Town of East Fishkill who has the ability to provide what would appear to be the only feasible means of alternate access based upon the studies conducted by Tim Miller Associates to date as such alternate routes involve property owned by a totally unrelated third party. However, my client is willing to participate in a most meaningful manner to assist the Town in creating the potential for alternate access for all users of the Carol Drive Bridge.

I respectfully refer you in this regard to the attached exhibit illustrating the area located to the north of the Hilltop Manor subdivision property. Mr. Marinaro's property is shown thereon as parcel 899807 (the phrase "East Fishkill" appears on Mr. Marinaro's property). The Central Hudson right-of-way is to the South thereof, contiguous to the Hilltop Manor property. The possibility exists for access to either Hammer Drive or Carpenter Road but this access would be required to be implemented through a lot owned by a totally unrelated third party, which such lot is described as parcel number 960787 and consisting of approximately 1.15 acres as shown thereon. Assuming that this parcel could be acquired, it appears as though access is feasible through what appears to be a right-of-way parcel leading to Hammer Road (parcel number 948804), owned by the same individual who owns parcel number 960787 or possibly directly on to Carpenter Road. What is significant however is that neither of these parcels, which are necessary for access to Hammer Drive or Carpenter Road is owned by ECFM Inc. or any of the principals thereof. Further, my client has taken the initiative to contact the owner of these properties and the owner does not appear anxious to sell these properties nor, quite frankly, is my client in a position or inclined to purchase same if they were available.

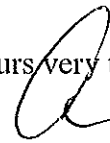
Of course, as we discussed, if the Town truly believes that a means of secondary access is indeed essential for the benefit of the Carol Drive property owners, my client is willing to assist in the provision of same as a condition of subdivision approval in the manner hereinafter described. The Hilltop Manor subdivision will provide for a right-of-way through the northerly portion of the subdivision, thereafter traversing the Central Hudson right-of-way. Mr. Marinaro will further agree to provide an easement across the southerly portion of his property to provide for a means of secondary access to parcel number 960787 in the event that the Town desires to subsequently (a) acquire parcel number 960787 to provide access to Carpenter Road or (b) acquire parcel number 960787 and parcel number 960787 to provide access to Hammer Drive. As we discussed, if the Town truly believes that alternate access for the benefit of the property owners on Carol Drive is necessary as a consequence of those property owners reliance on Carol Drive and the Carol Drive Bridge as the sole means of access for these 70 plus homes (as well as for the lots created by my client's subdivision), the Town has the requisite public need to exercise its powers of eminent domain to acquire those parcels which are necessary to provide access to Hammer Drive and/or Carpenter Road. My client and Mr. Marinaro will do the maximum that could be reasonably required of them in connection with the issue of providing

alternate access for the Carol Drive properties by providing for a right-of-way through the Hilltop Manor property and further by Mr. Marinaro providing an easement across his property to access parcel number 960787. It is respectfully submitted that nothing more can be required from my client at this juncture and, most assuredly, in order for my client to have its DEIS declared complete so as to be able to proceed to a public hearing with respect to same. I believe that you and I have agreed in this regard that where, as here, the DEIS is essentially a "identification and discussion" document pertaining to environmental issues, my client is not required to *resolve* these issues, most especially not as a condition of having the DEIS declared complete and ready for circulation.

As indicated above, before requesting that Tim Miller Associates modify the DEIS in the manner hereinabove provided for, I wanted to make certain that you and I were in agreement regarding the content thereof so that you could provide guidance to the Planning Board so that my client's DEIS, modified in the manner hereinabove referred to, will be declared complete so that we could proceed to a public hearing at this juncture. I would therefore request that you review the foregoing and the attached and provide me with confirmation that the content of this letter is consistent with our discussions so that I could provide the necessary direction to Tim Miller Associates at this juncture.

I thank you for taking the time to meet with me and I look forward to moving this matter forward at this juncture consistent with the foregoing. If you have any questions with respect to any aspect of the foregoing or any other matter or issue affecting the Hilltop Manor subdivision or the content of the DEIS, please contact me immediately.

Yours very truly,



Charles V. Martabano

cc: ECFM, Inc.  
Tim Miller Associates  
Frank Marinaro



POLICE DEPARTMENT  
**TOWN OF EAST FISHKILL**

2468 ROUTE 52 HOPEWELL JCT., N.Y. 12533-6639 • (845) 221-2111 • (845) 221-3840 FAX

BRIAN C. NICHOLS  
Chief of Police

December 19, 2013

Tim Miller Associates, Inc.  
10 North Street  
Cold Spring, New York 10516  
Attn.: Ms. Ann Cutignola

**Re: *Proposed Hilltop Manor Subdivision, Creek Bend Road, Town of East Fishkill, Dutchess County, New York***

Dear Ms. Cutignola:

This letter is in response to your letter for a proposed residential subdivision known as Hilltop Manor. I have read your request and am informing you that this department is presently understaffed. The department's current facilities and staff are not sufficient to handle your proposed project in the Town of East Fishkill.

The Town of East Fishkill Police Department is comprised of 32 – Full-time Sworn Police Officers including 1- Chief, 1-Captain, 2 -Lieutenants, 4 Sergeants, 5 Detectives and 19 Patrol Officers. We also employ 10 Civilians including 6 – Full-time Dispatchers, 1 – Part-time Dispatcher, 1 - Purchasing Clerk, 1 - Records Clerk and 1 - Building Maintenance person.

Our Headquarters is located at 2468 Route 52 in Hopewell Junction. We serve an area of 53 square miles with a population of approximately 30,000. Our current ratio is 1 officer to every 1,579 people. The national average is 1.8 officers per every 1000 people.

All the substantial growth in the community has caused a great burden on the department equipment and facilities. This growth does come with a cost in order to maintain the services to its residents at an acceptable level. A recommendation for increases is based on the present population of the town and does not take into account your proposed project or any other that may presently exist.

The following capital costs should be considered;

- Hiring a minimum of 2 Police Officers to respond to the project area. Training, equipment and transportation. Approximately \$81,000
- Improvements to the existing Police Station, (e.g.: expand the building, parking lot etc.)
- Traffic control; wider roads and traffic control at the intersections

Some other concerns are: Is there any additional development in the vicinity of the site such as, commercial locations, parks, civic center or places for gathering. Are there any rental units proposed?

In closing, I would have to say our existing facilities and staff is not adequate to serve your projected demands. Thank you for considering the impact your proposal may have on the Town and in particular this department.

Sincerely,



Brian C. Nichols  
Chief of Police  
Town of East Fishkill

CC: East Fishkill Town Board Members  
East Fishkill Planning Board Members

**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*(845) 265-4400*

*www.timmlerassociates.com*

February 5, 2013

Information Services  
New York Natural Heritage Program  
625 Broadway, 5th Floor  
Albany, NY 12233-4757

Re: Proposed Development Plan  
Hilltop Manor Subdivision / Creek Bend Road  
Town of East Fishkill, Dutchess County, NY

Dear Sir:

Tim Miller Associates is updating a 2005 SEQR environmental impact assessment for the above referenced project application. The proposed project would consist of a 21-lot single family residential development on approximately 41 acres of land that is entirely wooded. The property is generally located between Creek Bend Road and Carpenter Road, to the east and south of Fishkill Creek, in the Town of East Fishkill, Dutchess County. A location map (USGS Hopewell Junction quad) is enclosed for your reference.

Would you please advise whether your records indicate the presence of any rare or endangered plant or animal species or significant habitat on the subject site or in the vicinity that may be impacted by the proposed action?

Thank you for your assistance in this matter. Please call me if you have any questions or need additional information.

Yours truly,

Frederick Wells  
Senior Planner  
TIM MILLER ASSOCIATES, INC.

Enclosure: Location Map





**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*(845) 265-4400*

*www.timmlerassociates.com*

February 5, 2013

NYS Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
Peebles Island Resource Center, PO Box 189  
Waterford NY 12188-0189

Re: Proposed Development Plan  
Hilltop Manor Subdivision / Creek Bend Road  
Town of East Fishkill, Dutchess County, NY  
**02PR04354**

Dear Sir:

Tim Miller Associates is updating a 2002 SEQR environmental impact assessment for the above referenced project application. The proposed project would consist of a 21-lot single family residential development on approximately 41 acres of land that is entirely wooded. The property is generally located between Creek Bend Road and Carpenter Road, to the east and south of Fishkill Creek, in the Town of East Fishkill, Dutchess County. A location map (USGS Hopewell Junction quad) is enclosed for your reference.

Would you please advise whether your records indicate the presence of archaeological or historic resources on the subject site or in the vicinity that may be impacted by the proposed action?

Thank you for your assistance in this matter. Please call me if you have any questions or need additional information.

Yours truly,

Frederick Wells  
Senior Planner  
TIM MILLER ASSOCIATES, INC.

Enclosure: Location Map



**TIM  
MILLER  
ASSOCIATES, INC.**

*10 North Street, Cold Spring, New York 10516*

*(845) 265-4400*

*www.timillerassociates.com*

February 5, 2013

US Department of the Interior  
Fish & Wildlife Service  
3817 Luker Rd  
Cortland, NY 13045

Re: Proposed Development Plan  
Hilltop Manor Subdivision / Creek Bend Road  
Town of East Fishkill, Dutchess County, NY

Dear Sir:

Tim Miller Associates is updating a 2005 SEQR environmental impact assessment for the above referenced project application. The proposed project would consist of a 21-lot single family residential development on approximately 41 acres of land that is entirely wooded. The property is generally located between Creek Bend Road and Carpenter Road, to the east and south of Fishkill Creek, in the Town of East Fishkill, Dutchess County. A location map (USGS Hopewell Junction quad) is enclosed for your reference.

Would you please advise whether your records indicate the presence of any rare or endangered plant or animal species or significant habitat on the subject site or in the vicinity that may be impacted by the proposed action?

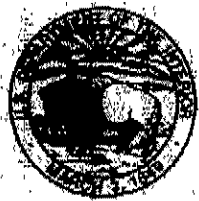
Thank you for your assistance in this matter. Please call me if you have any questions or need additional information.

Yours truly,

Frederick Wells  
Senior Planner  
TIM MILLER ASSOCIATES, INC.

Enclosure: Location Map





## United States Department of the Interior

### FISH AND WILDLIFE SERVICE

New York Field Office

3817 Luker Road

Cortland, NY 13045

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo>



Project Number: 130266

To: Frederick Wells

Date: Feb 12, 2013

Regarding: Hilltop Manor Subdivision, Creek Bend Road

Town/County: Town of East Fishkill / Dutchess County

We have received your request for information regarding occurrences of Federally-listed threatened and endangered species within the vicinity of the above-referenced project/property. In an effort to streamline project reviews, species lists may now be obtained from our website at <http://www.fws.gov/northeast/nyfo/es/section7.htm>. Please go to our website and print the appropriate portions of our county list of endangered, threatened, proposed, and candidate species, and the official list request response. Step-by-step instructions are found on our website.

As a reminder, Section 9 of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*) prohibits unauthorized taking\* of listed species and applies to Federal and non-Federal activities. Additionally, endangered species and their habitats are protected by Section 7(a)(2) of the ESA, which requires Federal agencies, in consultation with the U.S. Fish and Wildlife Service (Service), to ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of listed species or result in the destruction or adverse modification of critical habitat. An assessment of the potential direct, indirect, and cumulative impacts is required for all Federal actions that may affect listed species.

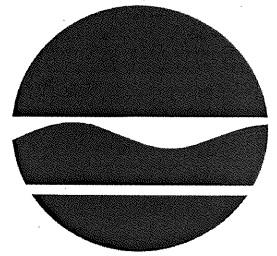
For projects not authorized, funded, or carried out by a Federal agency, we provide technical assistance to individuals and other non-Federal entities to assist with project planning to avoid the potential for "take," or when appropriate, to provide assistance with their application for an incidental take permit pursuant to Section 10(a)(1)(B) of the ESA.

Project construction or implementation should not commence until all requirements of the ESA have been fulfilled. If you have any questions or require further assistance regarding threatened or endangered species, please contact the Endangered Species Program at (607) 753-9334. Please refer to the above document control number in any future correspondence.

\*Under the Act and regulations, it is illegal for any person subject to the jurisdiction of the United States to *take* (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect; or to attempt any of these), import or export, ship in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any endangered fish or wildlife species and most threatened fish and wildlife species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. "Harm" includes any act which actually kills or injures fish or wildlife, and case law has clarified that such acts may include significant habitat modification or degradation that significantly impairs essential behavioral patterns of fish or wildlife.



**NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION**  
**Division of Fish, Wildlife & Marine Resources**  
**New York Natural Heritage Program**  
625 Broadway, 5<sup>th</sup> Floor, Albany, New York 12233-4757  
**Phone:** (518) 402-8935 • **Fax:** (518) 402-8925  
**Website:** [www.dec.ny.gov](http://www.dec.ny.gov)



Joe Martens  
Commissioner

February 19, 2013

Frederick Wells  
Tim Miller Associates, Inc  
10 North Street  
Cold Spring, NY 10516

Dear Mr. Wells:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the Proposed Hilltop Manor Subdivision/Creek Bend Road Development Plan – 41 Acres, area as indicated on the map you enclosed, located in the Town of East Fishkill, Dutchess County.

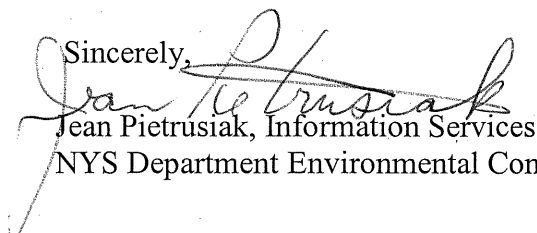
Enclosed is a report of rare or state-listed animals and plants, and significant natural communities, which our database indicates occur, or may occur, on your site or in the immediate vicinity of your site. For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement as to the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.

The enclosed report may be included in documents that will be available to the public. However, any maps displaying locations of rare species are considered sensitive information, and should not be included in any document that will be made available to the public, without permission from the New York Natural Heritage Program.

The presence of the plants and animals identified in the enclosed report may result in this project requiring additional review or permit conditions. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, as listed at [www.dec.ny.gov/about/39381.html](http://www.dec.ny.gov/about/39381.html).

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,



Jean Pietrusiak, Information Services  
NYS Department Environmental Conservation

Enc.  
cc: Reg. 3, Wildlife Mgr.

# 136



**The following state-listed animals have been documented at your project site, or in its vicinity.**

The following list includes animals that are listed by NYS as Endangered, Threatened, or Special Concern; and/or that are federally listed or are candidates for federal listing. The list may also include significant natural communities that can serve as habitat for Endangered or Threatened animals, and/or other rare animals and rare plants found at these habitats.

**For information about potential impacts of your project on these populations, how to avoid, minimize, or mitigate any impacts, and any permit considerations, contact the Wildlife Manager or the Fisheries Manager at the NYSDEC Regional Office for the region where the project is located. A listing of Regional Offices is at <http://www.dec.ny.gov/about/558.html>.**

**The following species and habitats have been documented at or near the project site, generally within 0.5 mile. Potential onsite and offsite impacts from the project may need to be addressed.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Reptiles</b>			
<b>Blanding's Turtle</b>	<i>Emydoidea blandingii</i>	Threatened	6876

**The following species and habitats have been documented at or near the project site, generally within 0.5 mile. Potential onsite and offsite impacts from the project may need to be addressed.**

<i>COMMON NAME</i>	<i>SCIENTIFIC NAME</i>	<i>NY STATE LISTING</i>	<i>FEDERAL LISTING</i>
<b>Mammals</b>			
<b>Indiana Bat</b> <i>Maternity colony</i>	<i>Myotis sodalis</i>	Endangered	Endangered 11287

**This report only includes records from the NY Natural Heritage databases. For most sites, comprehensive field surveys have not been conducted, and we cannot provide a definitive statement as to the presence or absence of all rare or state-listed species. This information should not be substituted for on-site surveys that may be required for environmental impact assessment.**

If any rare plants or animals are documented during site visits, we request that information on the observations be provided to the New York Natural Heritage Program so that we may update our database.

Information about many of the listed animals in New York, including habitat, biology, identification, conservation, and management, are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NYSDEC at <http://www.dec.ny.gov/animals/7494>.

Information about many of the rare plants and animals, and natural community types, in New York are available online in Natural Heritage's Conservation Guides at [www.guides.nynhp.org](http://www.guides.nynhp.org), and from NatureServe Explorer at <http://www.natureserve.org/explorer>.





**Environmental and Planning Consultants**

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

March 21, 2013

Lori Gee, Chairwoman, and Members of the Planning Board  
Town of East Fishkill  
330 Route 376  
Hopewell Junction, NY 12533

Re: **Hilltop Manor DEIS Completeness Review**

Dear Ms. Gee and Members of the Planning Board:

AKRF, Inc. reviewed the Draft Environmental Impact Statement (DEIS) prepared by Tim Miller Associates, Inc. for the proposed Hilltop Manor Subdivision located off of Creek Bend Road. The Applicant proposes to construct a 21-lot subdivision on a currently forested and undeveloped lot. The DEIS was previously reviewed for completeness by AKRF, Inc. in a letter dated July 10, 2008 and additional informal comments were provided to the applicant on April 12, 2010. On December 21, 2012, the applicant submitted a revised DEIS responding to comments received from AKRF, Inc. and Morris Associates. AKRF reviewed the revised DEIS dated December 20, 2012 for completeness in a letter dated January 26, 2013. AKRF's comments are listed below. On March 1, 2013 the Town received a response letter dated February 28, 2013 from the applicant. This letter addressed the comments received from AKRF in the letter dated January 26, 2013. AKRF has reviewed this letter and noted where we believe comments have been adequately addressed or additional information is needed from the applicant.

This completeness letter addresses the responses received from the applicant to AKRF comments on the revised DEIS dated December 20, 2012. The original comments from the January 26, 2013 letter are included below with our responses (in bold text) to the applicant's revisions.

## **A. COMPLETENESS COMMENTS**

### **GENERAL COMMENTS**

The DEIS describes disturbance to a single property consisting of 40.95 acres for the creation of a 21-lot single-family residential subdivision. The proposed subdivision plans dated October 30, 2002 and last revised February 16, 2010 show disturbance to two adjacent parcels in addition to the subject parcel. The DEIS does not indicate that these are owned and controlled by the applicant or are part of the subdivision. The applicant should clarify the ownership of these parcels. If disturbance to these parcels is necessary as part of the proposed subdivision, the potential impacts of the proposed disturbance to these parcels should be analyzed and included in the DEIS. In addition, if these parcels are part of the proposed action, the parcels should be included in the subdivision application.

### **AKRF Response to applicant's March 1, 2013 submission:**

**The applicant states that there is no proposed disturbance to the adjacent Dutcher parcel and that the applicant has a drainage easement which allows the stormwater from the project site to cross under Creek Bend Road via a culvert and discharge into Fishkill Creek. However, the site plans appear to show disturbance to the Dutcher parcel associated with this discharge. If no disturbance to the Dutcher parcel is proposed, the site plans should be revised. However, if disturbance to the Dutcher parcel will be required the DEIS and subdivision application should be revised accordingly.**

Access to the site requires crossing the Carol Drive Bridge. The Planning Board may want to consider requiring secondary access to the site in the event the Carol Drive Bridge is impassable.

**AKRF Response to applicant's March 1, 2013 submission:**

**The Scope requires that the applicant address emergency vehicle access to the project site. The applicant acknowledges that emergency access issues from the site need to be addressed. The applicant is requesting that the Board allow the SEQOR process to move forward as these issues are vetted through the environmental review. The Planning Board should be aware that the subdivision plan may need to be modified depending on how this issue is resolved. Further, it is also possible additional analysis will be required.**

**PROJECT DESCRIPTION**

1. The description of the number of lots to be constructed by phase detailed on pages 3-2 to 3-3 totals 22 lots. Please revise to reflect a total lot count of 21 lots.

**AKRF Response to applicant's March 1, 2013 submission:**

**This comment has been adequately addressed for completeness.**

2. On Page 3-5, the DEIS states the applicant currently owns the subject parcel (40.95 acres) and does not own any other land. Please clarify the land ownership and proposed disturbance to the adjacent lots shown on the subdivision plan. Any disturbance to these lots related to the proposed action should be included and analyzed in the DEIS.

**AKRF Response to applicant's March 1, 2013 submission:**

**See response to comment above regarding the adjacent Dutcher property.**

**SETTINGS, ANTICIPATED IMPACTS, AND MITIGATION**

3. The "Other Major Developments" listed on Page 4-4 should be updated and revised to reflect the current development projects being contemplated in East Fishkill. The project site and location of the pending projects should be shown on a figure.

**AKRF Response to applicant's March 1, 2013 submission:**

**The list should be revised to include the following projects:**

**Other Major Developments**

<b>Project Name</b>	<b>Address</b>	<b>Size</b>	<b>Description</b>
Arthursburg Corners	Route 82 & TSP	6500 SF	2 commercial buildings
Four Corners	Philips Road	264 lots	residential (crd) - single family
Four Corners Retail	Philips Road	9,600 SF	Retail space & professional office space
Hopewell Glen	Fishkill Road	248 lots 42 townhomes	residential (crd) - single family & townhomes
Meli	945 Route 82	2 lots & LLR	residential
Montage	Routes 52 & 216	124 lots	residential - single family
Saxon Woods	1886 Route 52	12 lots	residential - single family
Sprainbrook Meadows	50 Townsend Road	11 Lots	residential - single family
Summit Woods	3162 Route 52 - Stormville	175 lots	residential - single family
Taconic Innovations	877 Route 376	6441 SF	commercial building - school of children with autism

4. The East Fishkill Town Code defines and regulates steep slopes as ground areas with greater than a 3:1 slope or 33.3% grade and that cover a minimum area of 5,000 square feet with one orthogonal dimension (i.e., either length or width) a minimum of 25 feet. Page 4-8 provides a steep slopes analysis, but does not indicate if any of the steep slope areas are greater than 33.3 percent grade and would be subject to a steep slopes permit from the Town. The analysis should be revised to show if any of the steep slope areas to be disturbed would require a steep slopes permit from the Town. Figure IV.B.1-2 should also be revised to show any slopes greater than 33.3 percent.

**AKRF Response to applicant's March 1, 2013 submission:**

**This comment has been adequately addressed for completeness.**

5. The description of the number of lots to be constructed by phase detailed on page 4-10 totals 22 lots. Please revise to reflect a total lot count of 21 lots.

**AKRF Response to applicant's March 1, 2013 submission:**

**This comment has been adequately addressed for completeness.**

6. The pumping test report, included in Appendix 5, indicates that a "significant" precipitation event occurred shortly after the start of the 24-hour pumping test. The hydrographs show that the water level in the pumping wells was directly affected by the rain event. The report should include information on the rain event and how rain water recharge may have affected the yield analysis for the aquifer.

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has requested a response from the project's water supply engineer LBG.**

7. Previous correspondence from the NYSDEC (dated 8/29/05) and USFWS (dated 9/23/05) indicates the site may have potential habitat for Indiana bat and Blandings Turtle. The applicant should contact NYSDEC and USFWS to update the correspondence and should revise the DEIS accordingly. The applicant should coordinate with NYSDEC and USFWS to determine if additional information such as an updated habitat assessment will be required (a previous habitat assessment for the subject property was completed by Mike Nowicki on 8/24/08). Any correspondence received from NYSDEC or the USFWS should be summarized in the DEIS text and included in the appendices.

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has provided correspondence from the NYSDEC and USFWS and will include these letters in Appendix 1. The DEIS text should be revised to reflect this correspondence and any potential analysis that may be required should be included in the DEIS.**

8. The capacity of the Police Department, Fire Department, and East Fishkill Rescue Squad to service the proposed development needs to be discussed in detail. Would the proposed project result in the need for additional staff, equipment, etc.?

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.**

9. The Applicant should include correspondence or footnotes indicating that representatives from the East Fishkill Police Department, Fire Department, and Rescue Squad were contacted to verify if the proposed project would affect their ability to provide emergency services to town residents. The name and title of the representatives as well as the date of contact should be provided.

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.**

10. The applicant should verify with the East Fishkill Police Department, Fire Department, and Rescue Squad that the proposed development will provide sufficient access to the site for emergency vehicles.

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has requested information from the Town's emergency service providers. The DEIS should be revised to include this information once it is received.**

11. This chapter does not address Item I.2.b. in the Scope of Work which states that the Applicant must include site components (including stormwater management facilities, etc.) and fencing and landscaping of such facilities in the analysis of potential impacts. A rendering of the proposed stormwater basin along Creek Bend Road should be included in the analysis.

**AKRF Response to applicant's March 1, 2013 submission:**

**The DEIS should include a descriptive analysis of the site components.**

12. This chapter does not adequately address Item I.2.a. in the Scope of Work which states that the Applicant must include an analysis of altered views. While the applicant does provide photographs of the site's existing conditions, only one post construction rendering (Figure 1.2-1) of the proposed subdivision entrance is included in the DEIS. The photographs in this rendering should be labeled to indicate the location and direction of the view (alternately a key could be provided). A photograph of the existing condition in this location should also be included for purposes of comparison. At least one additional rendering or other graphic representation of the site post construction condition should be provided.

**AKRF Response to applicant's March 1, 2013 submission:**

**Photographs of existing conditions should be provided. In addition, the photographs should be labeled to indicate the location and direction of the views.**

13. The correspondence from NYSOPRHP referenced and included in the DEIS is dated September 24, 2002. The correspondence states that the proposed project would not be expected to have any impacts upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Place. The applicant should provide an updated letter from NYSOPRHP for the SEQ record.

**AKRF Response to applicant's March 1, 2013 submission:**

**The applicant has requested an updated letter from OPRHP. The DEIS should be revised to include this information once it is received.**

## **B. SUBDIVISION PLAN COMMENTS**

14. The Planning Board may want to consider the following when reviewing the subdivision plan:
  - a. Orientation of the proposed houses and the layouts of the lots. The proposed loop road would result in a number of homes being visible from the rear.
  - b. A large stormwater basin would be located in the side yard of Lot 19.
  - c. The shape of Lot 1 is awkward and would extend along the entire southern property line.
  - d. The proposed flag lots (Lots 9 and 10) do not appear to conform with the Flag Lot requirements set forth in Section 194-92.1. requiring that the main buildable portion of the lot, excluding the access strip, be at least fifty-percent greater (1.5 acres) than the minimum lot area in the underlying zoning district.

## **C. RECOMMENDATIONS**

15. When addressing comments in the DEIS, the applicant should double underline or highlight any revisions or changes to the text so that the new and/or revised text is easy to identify.
16. It is recommended that the proposed landscape plan incorporate native species of vegetation that will provide habitat value for remaining birds and wildlife.

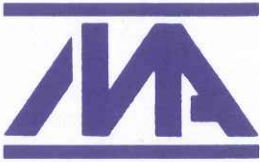
17. The Board may want to consider requesting that the applicant provide an alternative with alternate access or secondary access to the site.

If you have any questions or need any additional information please contact me at 845-632-1144.

Sincerely,

Michelle Robbins  
Technical Director

cc: Frank Marinaro  
Pam Baier  
Thomas Wood, Esq.  
Joe Dennis  
Scott Bryant  
Ann Cutignola  
Michael Gillespie



# MORRIS ASSOCIATES

ENGINEERING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 64 Green Street, Suite 1, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963

March 22, 2013

Town of East Fishkill  
Planning Board  
Town Hall  
330 Route 376  
Hopewell Junction, NY 12533

Attn: Ms. Lori Gee, Chair

**Re: Hilltop Manor - DEIS  
21- Lot subdivision  
Creek Bend Road  
Town of East Fishkill  
MA #202345.09**

Dear Ms. Gee:

On January 3, 2013 this office received:

Draft Environmental Impact Statement prepared by Tim Miller Associates,  
dated last revised December 20, 2012

Plan set prepared by M. Gillespie & Associates, cover sheet dated last  
revised 2-16-2010

On March 6, 2013 this office received:

Tim Miller Associates response letter dated 2-28-2013.

This item is on the agenda for a completeness review and to possibly accept the DEIS for circulation. This office has reviewed the above mentioned and other pertinent materials and offers the following comments. The comments below should be resolved before the DEIS is accepted as complete.

1. Contrary to the Tim Miller response to the AKRF item A, (and matching statements in the proposed DEIS text revisions on page 3-6), there will in fact be ground disturbance on the Dutcher property to allow construction of the culvert and discharge stream rip-rap. The proposed disturbance to the bed of Creek Bend road is acknowledged. Plan Sh IIIA.1-2, that shows the Phase 1 disturbance areas, correctly shows the disturbance areas associated with the drainage revision from the original proposal. The DEIS text should be revised as needed.
2. The text change on page 3-2 regarding moving material around on the site should be matched by drawing revisions to show the stockpile and to show an acceptable

**Re: Hilltop Manor - DEIS  
MA #202345.09**

haul road within the site. To be acceptable, the road grade must be practical for construction vehicles and the haul road and related grading must be included in the disturbance plans. As written and shown, the proposal is not acceptable.

3. Page 4-3 should be revised to correct some misunderstandings.
  - a. Four Corners (the marketing name) is in fact the same development as the Moore Property (the name used during the PB approval process and shown on the filed map) 275 lot subdivision at Moore Road listed in a line below. Further, the subdivision is also adjacent to Phillips Road.
  - b. It appears that the Sharbell project, Montage at East Fishkill, which is off Route 52 and adjacent to the listed Summit Woods subdivision, should be included in the list.
  - c. The "Figure 1"- referenced in the text should be included, and should be corrected to match the corrections noted above.
  
4. Assuming the DEIS is accepted, with the necessary revisions to resolve the comments above, the FEIS should resolve the following comments:
  - a. The FEIS should identify if a stream disturbance permit will be required for the outlet from the proposed drainage swale on the Dutcher parcel. It appears that a Floodplain Development Permit is required for the fill over the culvert and for the channel grading. This permit should also be listed in the DEIS/FEIS.
  - b. The DEIS makes strong statements about the non-development of the parcel to the north of the power line. The applicant should discuss with the Planning Board if the access connector r-o-w shown between Lots 11 and 12 should be removed, and revise the FEIS accordingly. If the access connector remains, a grading easement must be shown to allow for the required cut to construct an acceptable approach grade at the intersection with the proposed development loop road.
  - c. The previous SWPPP comments (see attached memo dated April 12, 2010), as revised and amended to match the new proposal, should be resolved with the FEIS or future plans approval. With regard to the convergence of the design point, some additional routing in HydroCAD may be warranted to define the separate reaches of the subareas.
  - d. There are several references to Greenspire Ash, and that choice of street tree should be reconsidered in light of the emerald ash borer threat. However, compare the plan on Sh IIIA.1-7 that does not show any ash trees (it shows catalpa, white oak and sycamore maple). From other recent subdivision plans, these species have been found to be difficult to obtain in this region. This office defers to AKRF and the Town in terms of street tree selection.
  - e. The applicant shall resolve whether the culvert construction and channel regrading on the Dutcher parcel (listed in 1. above) will not encroach onto the adjoining parcel, N/F Schara.



**Re: Hilltop Manor - DEIS  
MA #202345.09**

- f. A MPT plan should be developed for the open cut on Creek Bend Road for the proposed box culvert. Creek Bend Road should be built to 24' wide at the crossing, with guide rail and additional fill constructed as needed.
- g. The subdivision plan shows fencing at the top of slopes on Lots 14, 15 and 16. The steep slopes to the drainage ponds on Lots 12, 13, 14, 19 and 21 may also need protection and possibly full enclosure.
- h. Grading and road and drainage construction should be reviewed and the phase lines should match logical construction breaks both for road grading, other grading and for drainage pipes, basins and manholes. For example, it appears the rock cut, bottom and sides, should be in Phase 1, not Phase 2.
- i. The new curbs on Creek Bend Road should be set for an eventual roadway width of 24', not as shown at the current 18' width of Creek Bend Road. CB#1C and DMH-A should also be set for a future 24' road width.
- j. The Town Engineer and the Highway Superintendent should be consulted regarding the overflow spillway from Pond A discharging directly to the pavement of Creek Bend Road. It appears that this is also not acceptable from the standpoint of directing drainage toward the Dutcher house.
- k. The four foot shoulder along the rock cut should be widened to minimum 6 feet, and the swales should not drop off at the curb but rather be placed behind a minimum 1 foot wide "shelf" between the curb and the lip of the swale.
- l. It appears additional manholes will be required along the rock cut so that the manholes and connecting pipes are not set back into the rock face. It appears the cut for the culvert between CB#2B and the end section in Pond A will leave a small knob of rock standing. The culvert should be routed along the road to about Sta 1+00 and then to Pond A. The grading plan should be revised to cut the corner so that the pipe is not buried in a deep (and wide) rock cut that could not be suitably rebuilt to match the adjacent solid rock faces.
- m. It is recommended that if requested by the Town Engineer or the Highway Superintendent that the paved turning area at the end of Creek Bend Road should be enlarged to a true circle 80' in diameter (and a corresponding r-o-w dedication should be shown).
- n. The "Y" shaped feature shown on Sh IIIA.1-2 on Lots 4 and 5 (and other sheets and other lots) should be identified. Compare also Phase XII and the subdivision plan sheet and clarify the final length and extent of the feature.
- o. If the disturbance in Phase 1 will be a stockpile on Lots 4 and 5, typical contours and erosion controls should be shown for the stockpile. The related access route for large dump trucks should also be better defined leading to the stockpile area.

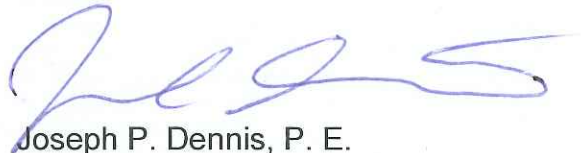
**Re: Hilltop Manor - DEIS  
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- p. As noted in the SWPPP response letter, the landscape plan should be revised to show the plantings proposed on the reclaimed slope at the back of Lots 3 → 7.
5. This plan review should not be misconstrued to be a complete and final review. Additional comments will be made as the plans are revised and further developed.

If you have any questions regarding this letter, please contact this office.

Very truly yours,

MORRIS ASSOCIATES, PLLC



Joseph P. Dennis, P. E.  
Senior Engineer

Enclosure

JPD/dm

cc: Thomas F. Wood, Esq.  
Scott Bryant, P.E.  
Brian J. Stokosa, P.E.  
Ann Cutignola, AICP  
Michelle Robbins, AICP  
Brendan Fitzgerald, P. E.

## Memorandum

**Morris Associates PLLC**

**To:** Brian Stokosa, PE. M. Gillespie & Associates  
**From:** Joseph Dennis, PE, Morris Associates  
**Date:** April 12, 2010  
**Re:** **Hilltop Manor Subdivision - SWPPP Review**  
MA Project No. 202345.09 Town of East Fishkill

---

This office has completed the review of the Engineer's Report - Stormwater Pollution Prevention Plan (SWPPP) for the above referenced project prepared by M. Gillespie & Associates Consulting Engineering, PLLC, dated April 14, 2005 last revised February 16, 2010 (and received on March 9<sup>th</sup>). As requested the review focused on the SWPPP in comparison with prior comments made by this office dated October 30, 2009 and the Engineer's response letter dated March 9, 2010.

It is the opinion of this office that the SWPPP and related drainage plans are at a level of completeness for potential DEIS approval with the understanding that further design and plan refinement is anticipated at the subdivision design phase. In addition, a reference to a letter from this office dated July 10, 2008 with regard to DEIS comments will need to be addressed as a separate matter. Based upon the SWPPP review the following comments are offered as the project proceeds toward subdivision review stage:

1. The following is a list of previous comments that did not appear to be satisfied:
  - a. There is a discrepancy between the plan and HydroCAD analysis with respect to the shallow concentrated flow calculation for drainage area 2b of the pre-developed conditions.
  - b. There are multiple discrepancies between the design drawings and the HydroCAD model with respect to the catch basin and drainage manhole invert and rim elevations. In addition, please include all warning messages within the HydroCAD output.
  - c. According to the NYS Stormwater Management Design Manual, the maintenance access to a stormwater practice shall be at least 12 ft wide. Please review the access roads and revise accordingly.
  - d. As previously noted, consideration should be given to assigning separate design points for drainage areas 1a, 1b, 1c and 1d in both pre- and post-developed conditions.
  - e. It appears that several of the drainage pipes, as analyzed within the HydroCAD model, have exceeded full flow during the 25-year 24-hour storm event. Please review and revise as necessary such that no flooding conditions will occur during the design storm.
  
2. The following are comments found with respect to the revised SWPPP:
  - a. The construction phases within Section VI of the SWPPP do not correspond to the phases and area of disturbance shown on the design plans.

- b. The construction phases within the SWPPP shall reference the updated SPDES General Permit, GP-0-10-001.
  - c. Some of the post-developed drainage areas do not appear to be clearly labeled on Sheet C.2.1 as the text is obscured by other line work.
  - d. The time of concentration (Tc) flow path for drainage areas SW1B and SW1C of the post-developed conditions is unclear and appears to flow thru delineated drainage boundaries.
  - e. It appears that the post-developed drainage areas to several of the proposed catch basins may be larger than shown. Please review and revise as necessary.
  - f. A starting water surface elevation should be applied to the WQ pond (Pond WQV-P) when modeled in HydroCAD. This elevation should be equal to the invert elevation of the lowest orifice.
  - g. There is a discrepancy with regards to the total area contributing to pond P2 when compared to the water quality volume calculations in Appendix C and the HydroCAD output.
  - h. The water quality pond installed to treat the 250 feet of paved roadway should include a form of pretreatment in accordance with the NYS Stormwater Management Design Manual.
  - i. A copy of the contractor certification forms shall be included within the SWPPP document in accordance Part III.A.6 of the General Permit and prior to MS4 signoff.
  - j. Similarly, additional information in regard to the various roles and responsibilities for implementing the SWPPP will need to be made more specific once the various parties (i.e. Owner, Contractor, subcontractor, etc) are identified.
3. The following are additional comments found with respect to the design plans:
- a. The proposed slope behind lots 3-6 is much steeper than what currently exists. As a result, runoff velocity will increase potentially impacting the adjacent downhill residence. Additional measures should be considered to minimize the runoff velocity from this slope.
  - b. In order to minimize human error, it is recommended that 3" diameter pipes with the gate valve fully open be used for pond P2 outlet structure.
  - c. There is a discrepancy with the outlet pipe within the WQV-Pond detail on Sheet 7.
  - d. Proposed grade elevations should be shown on all profiles.
  - e. An anti-seep collar for pond 2 should be shown and dimensioned on the profile.
4. The following are additional comments found with respect to the Erosion and Sediment Control Plans:
- a. The SWPPP certification shall be updated to the new SPDES General Permit GP-0-10-001 on all erosion control plans.
  - b. Note number 5 of Additional Site Specific Construction Notes on sheet EC1 shall be revised to reference Creek Bend Road.
  - c. Inlet protection shall be considered to be installed around the existing drainage structures down grade from the main project entrance.
  - d. A stabilized construction entrance shall be shown for Phases IV, IVA, V and VI as necessary.



February 28, 2013

Ms. Lori Gee, Chairwoman  
Town of East Fishkill Planning Board  
330 Route 376  
Hopewell Junction, NY 12533

*Re: Hilltop Manor Subdivision Draft Environmental Impact Statement*

Dear Ms. Gee and Members of the Planning Board:

HVEA has received and reviewed the following documents for adequacy of existing driveway, vehicle accessibility, and traffic impact:

- Hilltop Manor Subdivision Draft Environmental Impact Statement (Resubmitted 12-20-12)

#### **COMMENTS**

1. The intersections within the subdivision and at Creek Bend Road do not show traffic control devices. No stop signs are showed on the plans.
2. All standards must be updated to reflect current standards. *The Highway Capacity Manual 2000* must be updated to the *Highway Capacity Manual 2010*. *The Trip Generation Manual 7<sup>th</sup> Edition* must be updated to the current *Trip Generation Manual 9<sup>th</sup> Edition*.
3. The sight distance table shown on page 4-35 (Figure F.1-1) requires a specific reference to where in the *AASHTO A Policy on Geometric Design of Highways and Streets 2011* the sight distances come from.
4. The bridge on Carol Drive over Fishkill Creek (BIN 2262780) requires a review of its structural adequacy to handle construction vehicle traffic. Based on the 2011 NYS Bridge Inspection Rating, the rating was 4.86 which is a decrease from 5.51, as stated in DEIS. A letter also needs to be supplied stating the official record from the NYSDOT.
5. Emergency access to the site still has still not been addressed by the traffic impact study.

If you have any questions, please contact our office.

Sincerely,  
**Hudson Valley Engineering Associates, PC**

Brendan Fitzgerald, P.E.

cc: Thomas F. Wood, Esq  
Scott Bryant, PE  
Michelle Robbins, AICP  
Joseph P. Dennis, PE  
Michael Gillespie, PE



***Environmental and Planning Consultants***

34 South Broadway  
Suite 401  
White Plains, NY 10601  
tel: 914 949-7336  
fax: 914 949-7559  
[www.akrf.com](http://www.akrf.com)

## **DRAFT**

January 28, 2013

Lori Gee, Chairwoman, and Members of the Planning Board  
Town of East Fishkill  
330 Route 376  
Hopewell Junction, NY 12533

Re: **Hilltop Manor DEIS Completeness Review**

Dear Ms. Gee and Members of the Planning Board:

AKRF, Inc. reviewed the Draft Environmental Impact Statement (DEIS) prepared by Tim Miller Associates, Inc. for the proposed Hilltop Manor Subdivision located off of Creek Bend Road. The Applicant proposes to construct a 21-lot subdivision on a currently forested and undeveloped lot. The DEIS was previously reviewed for completeness by AKRF, Inc. in a letter dated July 10, 2008 and additional informal comments were provided to the applicant on April 12, 2010. On December 21, 2012, the applicant submitted a revised DEIS responding to comments received from AKRF, Inc. and Morris Associates.

This completeness letter addresses the revised DEIS dated December 20, 2012 and examines whether the revised document follows the adopted scope of work and sufficiently analyzes and accurately presents all relevant information. We have prepared the following comments on the DRAFT DEIS for the Proposed Hilltop Manor Residential Subdivision, Town of East Fishkill New York dated December 20, 2012.

### **A. COMPLETENESS COMMENTS**

#### **GENERAL COMMENTS**

The DEIS describes disturbance to a single property consisting of 40.95 acres for the creation of a 21-lot single-family residential subdivision. The proposed subdivision plans dated October 30, 2002 and last revised February 16, 2010 show disturbance to two adjacent parcels in addition to the subject parcel. The DEIS does not indicate that these are owned and controlled by the applicant or are part of the subdivision. The applicant should clarify the ownership of these parcels. If disturbance to these parcels is necessary as part of the proposed subdivision, the potential impacts of the proposed disturbance to these parcels should be analyzed and included in the DEIS. In addition, if these parcels are part of the proposed action, the parcels should be included in the subdivision application.

Access to the site requires crossing the Carol Drive Bridge. The Planning Board may want to consider requiring secondary access to the site in the event the Carol Drive Bridge is impassable.

**PROJECT DESCRIPTION**

1. The description of the number of lots to be constructed by phase detailed on pages 3-2 to 3-3 totals 22 lots. Please revise to reflect a total lot count of 21 lots.
2. On Page 3-5, the DEIS states the applicant currently owns the subject parcel (40.95 acres) and does not own any other land. Please clarify the land ownership and proposed disturbance to the adjacent lots shown on the subdivision plan. Any disturbance to these lots related to the proposed action should be included and analyzed in the DEIS.

**SETTINGS, ANTICIPATED IMPACTS, AND MITIGATION**

3. The "Other Major Developments" listed on Page 4-4 should be updated and revised to reflect the current development projects being contemplated in East Fishkill. The project site and location of the pending projects should be shown on a figure.
4. The East Fishkill Town Code defines and regulates steep slopes as ground areas with greater than a 3:1 slope or 33.3% grade and that cover a minimum area of 5,000 square feet with one orthogonal dimension (i.e., either length or width) a minimum of 25 feet. Page 4-8 provides a steep slopes analysis, but does not indicate if any of the steep slope areas are greater than 33.3 percent grade and would be subject to a steep slopes permit from the Town. The analysis should be revised to show if any of the steep slope areas to be disturbed would require a steep slopes permit from the Town. Figure IV.B.1-2 should also be revised to show any slopes greater than 33.3 percent.
5. The description of the number of lots to be constructed by phase detailed on page 4-10 totals 22 lots. Please revise to reflect a total lot count of 21 lots.
6. The pumping test report, included in Appendix 5, indicates that a "significant" precipitation event occurred shortly after the start of the 24-hour pumping test. The hydrographs show that the water level in the pumping wells was directly affected by the rain event. The report should include information on the rain event and how rain water recharge may have affected the yield analysis for the aquifer.
7. Previous correspondence from the NYSDEC (dated 8/29/05) and USFWS (dated 9/23/05) indicates the site may have potential habitat for Indiana bat and Blandings Turtle. The applicant should contact NYSDEC and USFWS to update the correspondence and should revise the DEIS accordingly. The applicant should coordinate with NYSDEC and USFWS to determine if additional information such as an updated habitat assessment will be required (a previous habitat assessment for the subject property was completed by Mike Nowicki on 8/24/08). Any correspondence received from NYSDEC or the USFWS should be summarized in the DEIS text and included in the appendices.
8. The capacity of the Police Department, Fire Department, and East Fishkill Rescue Squad to service the proposed development needs to be discussed in detail. Would the proposed project result in the need for additional staff, equipment, etc.?
9. The Applicant should include correspondence or footnotes indicating that representatives from the East Fishkill Police Department, Fire Department, and Rescue Squad were contacted to verify if the proposed project would affect their ability to provide emergency services to town residents. The name and title of the representatives as well as the date of contact should be provided.
10. The applicant should verify with the East Fishkill Police Department, Fire Department, and Rescue Squad that the proposed development will provide sufficient access to the site for emergency vehicles.



11. This chapter does not address Item I.2.b. in the Scope of Work which states that the Applicant must include site components (including stormwater management facilities, etc.) and fencing and landscaping of such facilities in the analysis of potential impacts. A rendering of the proposed stormwater basin along Creek Bend Road should be included in the analysis.
12. This chapter does not adequately address Item I.2.a. in the Scope of Work which states that the Applicant must include an analysis of altered views. While the applicant does provide photographs of the site's existing conditions, only one post construction rendering (Figure 1.2-1) of the proposed subdivision entrance is included in the DEIS. The photographs in this rendering should be labeled to indicate the location and direction of the view (alternately a key could be provided). A photograph of the existing condition in this location should also be included for purposes of comparison. At least one additional rendering or other graphic representation of the site post construction condition should be provided.
13. The correspondence from NYSOPRHP referenced and included in the DEIS is dated September 24, 2002. The correspondence states that the proposed project would not be expected to have any impacts upon cultural resources in or eligible for inclusion in the State and National Registers of Historic Place. The applicant should provide an updated letter from NYSOPRHP for the SEQR record.

## **B. SUBDIVISION PLAN COMMENTS**

14. The Planning Board may want to consider the following when reviewing the subdivision plan:
  - a. Orientation of the proposed houses and the layouts of the lots. The proposed loop road would result in a number of homes being visible from the rear.
  - b. A large stormwater basin would be located in the side yard of Lot 19.
  - c. The shape of Lot 1 is awkward and would extend along the entire southern property line.
  - d. The proposed flag lots (Lots 9 and 10) do not appear to conform with the Flag Lot requirements set forth in Section 194-92.1. requiring that the main buildable portion of the lot, excluding the access strip, be at least fifty-percent greater (1.5 acres) than the minimum lot area in the underlying zoning district.

## **C. RECOMMENDATIONS**

15. When addressing comments in the DEIS, the applicant should double underline or highlight any revisions or changes to the text so that the new and/or revised text is easy to identify.
16. It is recommended that the proposed landscape plan incorporate native species of vegetation that will provide habitat value for remaining birds and wildlife.
17. The Board may want to consider requesting that the applicant provide an alternative with alternate access or secondary access to the site.

If you have any questions or need any additional information please contact me at 845-632-1144.

Sincerely,

Michelle Robbins  
Technical Director

cc: Frank Marinaro  
Pam Baier  
Thomas Wood, Esq.  
Joe Dennis  
Scott Bryant  
Ann Cutignola  
Michael Gillespie

DRAFT

January 29, 2013

Town of East Fishkill  
Planning Board  
Town Hall  
330 Route 376  
Hopewell Junction, NY 12533

Attn: Ms. Lori Gee, Chair

**Re: Hilltop Manor**  
**21- Lot subdivision**  
**Creek Bend Road**  
**Town of East Fishkill**  
**MA #202345.09**

Dear Ms. Gee:

On January 3, 2013 this office received:

Draft Environmental Impact Statement prepared by Tim Miller Associates,  
dated last revised December 20, 2012

Plan set prepared by M. Gillespie & Associates, cover sheet dated last  
revised 2-16-2010

Tim Miller Associates response letter dated 12-20-2012.

This office has reviewed the above mentioned and other pertinent materials and offers the following comments.

1. This item is on the agenda for a completeness review and accepting the DEIS for circulation.
  - a. This office recommends that, strictly speaking, the DEIS is complete for the items that this office reviewed. However, this office recommends that the DEIS should not be declared complete for the reasons detailed in comment 2 below. In addition, the review being conducted by AKRF may have a different recommendation.
  - b. It appears that the Planning Board need not accept public comments until the Planning Board declares the DEIS to be complete and schedules a public hearing on the DEIS.
  
2. Referring to the Scoping Document:
  - a. It appears there has been a project change from the proposal used to develop the Scoping Document as shown on the plans but not disclosed in the DEIS. The Planning Board may wish to discuss if the current DEIS

**Re: Hilltop Manor  
MA #202345.09**

- should be revised to address changes and impacts associated with the revised proposal, or if the discussion and analysis of the changes should be made in the FEIS. It appears that unless the changes and impacts are discussed in the current DEIS that the Planning Board will not have a true representation of the now revised project and its impacts. AKRF should advise if a revised Scoping Document should be prepared or if the applicant should just make the necessary revisions to the DEIS based on comments by this office and AKRF.
- b. If the Planning Board agrees that the DEIS should be revised to match the current proposal as shown on the plans, even where such changes are not included in the Scoping Document, then
    - i. The narrative and values regarding the project disturbance area should be revised. The new proposal shows disturbance outside of the 40.95 acre principal project site, and the narrative should identify the three areas that will be disturbed, namely the 40.95 acre project site, Creek Bend Road and the n/f Dutcher property.
    - ii. The project narrative should be revised to clarify the n/f Dutcher parcel. The Dutcher parcel is typically shown with a solid line, the same as the 40.95 acre parcel, and thus looks like part of the development holdings, but the DEIS says the applicant does not own any adjacent parcels. According to both the plans and DC Parcel Access, the parcel is still owned by Dutcher. Therefore, unless the applicant has purchased the parcel, it seems that a drainage easement will be required from Dutcher for the box culvert and the rip rap outlet channel.
    - iii. The DEIS should identify if a stream disturbance permit will be required for the outlet from the proposed drainage swale on the Dutcher parcel. It appears that a Floodplain Development Permit is required for the fill over the culvert and for the channel grading. This permit should also be listed in the DEIS.
    - iv. The DEIS makes strong statements about the non-development of the parcel to the north of the power line. The applicant should discuss with the Planning Board if the access connector r-o-w shown between Lots 11 and 12 should be removed. If it remains, a grading easement must be shown to allow for the required cut to construct an acceptable approach grade at the intersection with the development loop road.
  - c. With respect to the SWPPP, this office recommends that the DEIS can be accepted. The previous SWPPP comments (see attached memo dated April 12, 2010), as revised and amended to match the new proposal, can be resolved with the FEIS or future plans approval. With regard to the convergence of the design point, some additional routing in HydroCAD may be warranted to define the separate reaches of the subareas.

**Re: Hilltop Manor  
MA #202345.09**

3. If the DEIS is accepted as complete, the following comments should be addressed in the FEIS. Otherwise, the comments should be addressed in the next revision of the DEIS.
  - a. There are several references to Greenspire Ash, and that choice of street tree should be reconsidered in light of the emerald ash borer threat. However, compare the plan on Sh IIIA.1-7 that does not show any ash trees (it shows catalpa, white oak and sycamore maple). From other recent subdivision plans, these species have been found to be difficult to obtain in this region. This office defers to AKRF and the Town in terms of street tree selection.
  - b. The plans should be reviewed regarding the floodplain. For example, Sh IIA.1-1 has a note in the upper left that refers to a 2012 FIRM but the same sheet has a note in the legend that the 1984 FIRM floodplain is shown. It appears the 2012 floodplain delineation is shown.
  - c. The applicant shall resolve whether the culvert construction and channel regrading on the Dutcher parcel (listed in 2.b.ii. above) will not encroach onto the adjoining parcel, N/F Schara.
  - d. A MPT plan should be developed for the open cut on Creek Bend Road for the proposed box culvert. Creek Bend Road should be built to 24' wide at the crossing, with guide rail and additional fill constructed as needed.
  - e. The subdivision plan shows fencing at the top of slopes on Lots 14, 15 and 16. The steep slopes to the drainage ponds on Lots 12, 13, 14, 19 and 21 may also need protection and possibly full enclosure.
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**Re: Hilltop Manor  
MA #202345.09**

- deep (and wide) rock cut that could not be suitably rebuilt to match the adjacent solid rock faces.
- k. It is recommended that if requested by the Town Engineer or the Highway Superintendent that the paved turning area at the end of Creek Bend Road should be enlarged to a true circle 80' in diameter (and a corresponding r-o-w dedication should be shown).
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  - n. As noted in the SWPPP response letter, the landscape plan should be revised to show the plantings proposed on the reclaimed slope at the back of Lots 3 → 7.
4. This plan review should not be misconstrued to be a complete and final review. Additional comments will be made as the plans are revised and further developed.

If you have any questions regarding this letter, please contact this office.

Very truly yours,

MORRIS ASSOCIATES, PLLC

Joseph P. Dennis, P. E.  
Senior Engineer

JPD/sg

cc: Thomas F. Wood, Esq.  
Scott Bryant, P.E.  
Brian J. Stokosa, P.E.  
Ann Cutignola, AICP  
Michelle Robbins, AICP  
Brendan Fitzgerald, P. E.

## Memorandum

## Morris Associates PLLC

To: Brian Stokosa, PE. M. Gillespie & Associates

From: Joseph Dennis, PE, Morris Associates *JDJ*  
*4/14/10*

Date: April 12, 2010

Re: Hilltop Manor Subdivision - SWPPP Review  
MA Project No. 202345.09 Town of East Fishkill

This office has completed the review of the Engineer's Report - Stormwater Pollution Prevention Plan (SWPPP) for the above referenced project prepared by M. Gillespie & Associates Consulting Engineering, PLLC, dated April 14, 2005 last revised February 16, 2010 (and received on March 9<sup>th</sup>). As requested the review focused on the SWPPP in comparison with prior comments made by this office dated October 30, 2009 and the Engineer's response letter dated March 9, 2010.

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  - d. As previously noted, consideration should be given to assigning separate design points for drainage areas 1a, 1b, 1c and 1d in both pre- and post-developed conditions.
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2. The following are comments found with respect to the revised SWPPP:
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- b. The construction phases within the SWPPP shall reference the updated SPDES General Permit, GP-0-10-001.
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  - j. Similarly, additional information in regard to the various roles and responsibilities for implementing the SWPPP will need to be made more specific once the various parties (i.e. Owner, Contractor, subcontractor, etc) are identified.
3. The following are additional comments found with respect to the design plans:
- a. The proposed slope behind lots 3-6 is much steeper than what currently exists. As a result, runoff velocity will increase potentially impacting the adjacent downhill residence. Additional measures should be considered to minimize the runoff velocity from this slope.
  - b. In order to minimize human error, it is recommended that 3" diameter pipes with the gate valve fully open be used for pond P2 outlet structure.
  - c. There is a discrepancy with the outlet pipe within the WQV-Pond detail on Sheet 7.
  - d. Proposed grade elevations should be shown on all profiles.
  - e. An anti-seep collar for pond 2 should be shown and dimensioned on the profile.
4. The following are additional comments found with respect to the Erosion and Sediment Control Plans:
- a. The SWPPP certification shall be updated to the new SPDES General Permit GP-0-10-001 on all erosion control plans.
  - b. Note number 5 of Additional Site Specific Construction Notes on sheet EC1 shall be revised to reference Creek Bend Road.
  - c. Inlet protection shall be considered to be installed around the existing drainage structures down grade from the main project entrance.
  - d. A stabilized construction entrance shall be shown for Phases IV, IVA, V and VI as necessary.



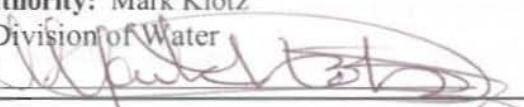
# DOW – 1.2.5: New York State Stormwater Management Design Manual 2010 Update Transition Policy

New York State Department of Environmental Conservation, Division of Water

## Division of Water Policy

**Issuing Authority:** Mark Klotz

Director, Division of Water

Signature: 

**Title:** New York State Stormwater Management Design Manual 2010 Update Transition Policy

**Date Issued:** December 1, 2011

**Latest Date Revised:** New

**Originator:** Carol Lamb-LaFay

### \*\*\* NOTICE \*\*\*

This document has been developed to provide Department staff with guidance on how to ensure compliance with the statutory and regulatory requirements, including case law interpretations, and to provide consistent treatment of similar situations. This document may also be used by the public to gain technical guidance and insight regarding how Department staff may analyze an issue and factors in their consideration of particular facts and circumstances. This guidance document is not a fixed rule under the State Administrative Procedures Act subsection 102(2)(a)(I). Furthermore, nothing set forth herein prevents staff from varying from this guidance as the specific facts and circumstances may dictate, provided staff's actions comply with applicable statutory and regulatory requirements. This document does not create any enforceable rights for the benefit of any party.

**I. Summary:** This guidance clarifies the criteria an owner or operator of a construction project, subject to the requirements of the *SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)* ["CGP"], must meet in order to continue to use a Stormwater Pollution Prevention Plan ["SWPPP"] that was designed in conformance with the 2008 version of the New York State Stormwater Management Design Manual or its equivalent["Design Manual"].

**II. Policy:** The Department acknowledges that the 6 month transition period for construction projects to use the 2010 version of the Design Manual did not fully consider the economic impact to certain construction activities that had already started the planning, design and review process with another review authority. With consideration for the cost and environmental benefit provided by the 2008 version of the Design Manual, and consistent with past application of other new requirements in the CGP, construction activities that meet either one of the following may obtain CGP coverage with a final SWPPP prepared in

conformance with the 2008 version of the Design Manual or its equivalent (see “2008 Stormwater Management Design Manual” at <http://www.dec.ny.gov/chemical/29072.html>):

- Construction activities subject to local government subdivision or site plan review and approval requirements where the owner or operator made application to the local government for preliminary approval, or made application for final approval to a local government with no preliminary approval phase, prior to March 1, 2011 and the application included a preliminary<sup>1</sup>SWPPP developed using the 2008 version of the Design Manual.
- Construction activities that are subject to governmental review and approval (other than those construction activities listed above) where the owner or operator made any application to that governmental entity prior to March 1, 2011 and the application included a preliminary SWPPP developed using the 2008 version of the Design Manual.

This guidance applies only to projects obtaining coverage under the CGP. Permit conditions and SWPPP requirements for projects authorized under an individual permit will be established based on the site specific conditions and the best professional judgment of the permit writer.

**III. Purpose and Background:** The purpose of this guidance is to clarify the criteria that construction activities, subject to the requirements of the CGP, must meet in order to continue to use a SWPPP designed using the 2008 version of the Design Manual or its equivalent.

Urban Stormwater Runoff has been noted as the major source of use impairment for one third of all impaired waters in New York State. In order to mitigate the water quality impacts of urbanization on receiving waters, construction activities that will ultimately disturb one or more acres must obtain coverage and comply with the requirements of the CGP. The CGP requires certain projects design and construct stormwater management practices that will

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<sup>1</sup> Preliminary SWPPP is referenced in the CGP (Part II.B. Permit Authorization) as the level of detail needed for projects required to obtain UPA permits at the time of application for such permits.

mitigate the project water quality impacts after construction is completed. In accordance with the CGP, these stormwater management practices must be designed in conformance with the criteria in the Design Manual or its equivalent.

A revised version of the Design Manual was finalized and made available to the public on August 4, 2010. The updated Design Manual represents a substantial change in project design whereby post construction treatment practices must reduce the volume of runoff to mimic the pre-developed hydrology. Prior versions of the Design Manual required that post construction treatment practices provide treatment and rate control for specific storm events.

As per requirements in the CGP, an owner or operator of a regulated construction activity is required to begin using the new version (2010) of the Design Manual six (6) months from the final revision date; by March 1, 2011. However, the 6 month transition period did not fully consider the economic impact to projects that had already started the planning, design and review process with another review authority prior to March 1, 2011. Therefore, with consideration for the re-design cost and the fact that construction activities whose stormwater management practices designed in conformance with the previous version (2008) of the Design Manual, or its equivalent, are generally protective of the receiving water bodies, the Department is clarifying that such construction activities, as defined in the Policy section of this document, may obtain CGP coverage with a SWPPP prepared in conformance with the 2008 version of the Design Manual or its equivalent.

**IV. Responsibility:** *Department* staff responsible for the implementation of the CGP will update this guidance document, as necessary. The owners or operators of the project site are responsible for documenting that their construction activities are eligible to use the 2008 version of the Design Manual in developing their SWPPP, as outlined in this guidance document and incorporating such documentation into their SWPPPs. Municipalities authorized under the 2010 *SPDES General Permit for Municipally Owned Separate Storm Sewer Systems (MS4s) (GP-0-10-002)* are responsible for confirming that SWPPPs for such construction activities have included the documentation demonstrating that the project meets the criteria set forth in this guidance document.

## V. Procedure:

Owner or Operator: When completing the Notice of Intent (NOI) for a construction activity that meets the criteria listed in this guidance document, an owner or operator must answer question 23 as “No” since the post-construction stormwater management practice component of the SWPPP has not been developed in conformance with the 2010 version of the Design Manual. As per Part III.B.2.d of the CGP, an owner or operator must also include the reason for this nonconformance and provide supporting information or documentation in the SWPPP. Such documentation could be in the form of planning board meeting minutes, letters acknowledging receipt of the application or other correspondence providing comments on the application. In addition, the owner or operator must indicate which of the criteria listed in this guidance document they meet when completing the NOI (use the space provided in question 39 of the NOI).

Department Staff: When processing the NOI for a construction project seeking coverage under the CGP with a SWPPP developed in conformance with the 2008 Design Manual or its equivalent, the Department will ensure that the owner or operator has answered question 23 as “No” and has indicated which of the criteria listed in this guidance document they meet in the space provided in Question 39. When reviewing the SWPPP, staff will confirm that the owner or operator has identified the reason for the nonconformance in the SWPPP and has included documentation supporting that the project complies with one of the criteria listed in this guidance document.

MS4s: When reviewing SWPPPs, the MS4 will confirm that the construction project meets the criteria for the nonconformance listed in this guidance document and the SWPPP has included the supporting documentation. When completing the MS4 Acceptance Form, under Section VI. Additional Information, the MS4 will note that the owner or operator has applied for preliminary or final approval prior to March 1, 2011 and that application included a preliminary SWPPP designed using the 2008 version of the Design Manual. The MS4 should also note that the final SWPPP for which the MS4 Acceptance Form is being submitted was reviewed for conformance with the 2008 version of the Design Manual or its equivalent.

## VI. Related References:

- NYS Stormwater Management Design Manual (2008 and August 2010 versions). See <http://www.dec.ny.gov/chemical/29072.html> for both versions.
- SPDES General Permit for Stormwater Discharges from Construction Activity (GP-0-10-001)



## Brian Stokosa

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**From:** Patrick Ferracane [plferrac@gw.dec.state.ny.us]  
**Sent:** Friday, November 16, 2012 2:53 PM  
**To:** Brian Stokosa  
**Subject:** Re: NYSDEC SWPPP Transition Policy - 12-1-11

Brian,

Both positions are correct.

Sorry for the delay in responding.

Pat

Patrick Ferracane  
NYSDEC  
Division of Water  
100 Hillside Ave. Suite 1W  
White Plains, N.Y. 10603-2860

Phone: (914)428-2505 Ext 359

Fax: (914)428-0323

email: [plferrac@gw.dec.state.ny.us](mailto:plferrac@gw.dec.state.ny.us)>>> Brian Stokosa <[bstokosa@mgaengrs.com](mailto:bstokosa@mgaengrs.com)> 10/22/2012 10:19 AM >>>

Pat,

We have two applications which I was wondering if you could provide calcification on..

1. We have an application where a 23 lot subdivision was issued a positive declaration was issued in 2004... The DEIS process has been slow due to the economic conditions... The stormwater aspect of the project began prior to the 2004 positive declaration, the stormwater analysis was refined between 2009 and early part of 2011 with the town engineers office achieving a level of completeness for DEIS submission... The stormwater was designed around the 2008 design manual...

In reading the NYSDEC transition policy, it would appear the project could move forward with the NYSDEC 2008 stormwater design manual methodology..

2. We have several subdivisions that have been filed with the County Clerk's office but not constructed... Our applicant is contemplating beginning construction activity in the near future... The subdivisions have been designed around the 2008 design manual... In reviewing the NYSDEC transition policy it would appear they could begin construction under the 2008 design manual providing the NOI is submitted with notations referenced in the transition policy..

Hope all is well..

Thanks

**Brian J. Stokosa, P.E.**

M. Gillespie & Associates, Consulting Engineering P.L.L.C.

847 State Route 376

Wappingers Falls, New York 12590

(p)845-227-6227

(f)845-226-1430

[www.mgaengrs.com](http://www.mgaengrs.com)





**TIM  
MILLER  
ASSOCIATES, INC.**

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*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

November 21, 2012

Brian C. Nichols - Chief of Police  
East Fishkill Police Department  
2468 Route 52  
Hopewell Junction, New York, 12533  
(845) 221-2111

**Re: Proposed Hilltop Manor Subdivision, Creek Bend Road  
Town of East Fishkill, Dutchess County, NY**

Dear Chief Nichols,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential subdivision known as Hilltop Manor. I have enclosed a site map for your reference. As shown on the site location map, the site is located on Creek Bend Road in the Town of East Fishkill.

The proposed development consists of 21 new single family lots. Based on four bedrooms per home, we have projected a total future population of approximately 80 people, including 18 school age children.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response on the ability of the Police Department to provide police protection services to this property. Information which would be useful in that regard would include:

- the number of police calls per year
- service ratio (police officers to population served)
- your typical response time to a site in this location
- your current manpower and equipment levels
- any anticipated staff or facility expansion or equipment procurement plans

Your input is important. Should you not be able to provide written correspondence, I can be reached at [acutignola@timmillerassociates.com](mailto:acutignola@timmillerassociates.com), or by telephone at the number shown above, during the weekdays. Please include any departmental publications you feel might provide useful information on the Town of East Fishkill Police Department.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

Ann Cutignola, AICP  
Senior Planner  
TIM MILLER ASSOCIATES, INC.



**TIM  
MILLER  
ASSOCIATES, INC.**

-----  
*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

November 21, 2012

Chief Scott Post  
East Fishkill Fire District  
2502 Route 52  
Hopewell Junction, New York 12533  
(845) 223-3859

**Re: Proposed Hilltop Manor Subdivision, Creek Bend Road  
Town of East Fishkill, Dutchess County, NY**

Dear Chief Post,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential subdivision known as Hilltop Manor. I have enclosed a site map for your reference. As shown on the site location map, the site is located on Creek Bend Road in the Town of East Fishkill.

The proposed development consists of 21 new single family lots. Based on four bedrooms per home, we have projected a total future population of approximately 80 people, including 18 school age children.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response on the ability of the Fire Department to provide fire protection services to this property. Information which would be useful in that regard would include:

- your current service area/population served
- the number of emergency calls per year
- service ratio (emergency personnel to population served)
- your typical response time to a site in this location
- the location of fire station(s) near the site
- your current manpower and equipment levels
- any anticipated staff or facility expansion or equipment procurement plans
- any overlap in jurisdiction with other fire departments or backup service provided by neighboring communities

Your input is important. Should you not be able to provide written correspondence, I can be reached at [acutignola@timmillerassociates.com](mailto:acutignola@timmillerassociates.com), or by telephone at the number shown above.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

Ann Cutignola, AICP  
Senior Planner  
TIM MILLER ASSOCIATES, INC.



**TIM  
MILLER  
ASSOCIATES, INC.**

-----  
*10 North Street, Cold Spring, NY 10516 (845) 265-4400 265-4418 fax www.timmillerassociates.com*

November 21, 2012

Chief Steven Conklin  
Hopewell Hose Co #1  
320 Route 376  
Hopewell Junction, New York 12533  
(845) 221-2481

**Re: Proposed Hilltop Manor Subdivision, Creek Bend Road  
Town of East Fishkill, Dutchess County, NY**

Dear Chief Conklin,

Tim Miller Associates is preparing a Draft Environmental Impact Statement (DEIS) for a proposed residential subdivision known as Hilltop Manor. I have enclosed a site map for your reference. As shown on the site location map, the site is located on Creek Bend Road in the Town of East Fishkill.

The proposed development consists of 21 new single family lots. Based on four bedrooms per home, we have projected a total future population of approximately 80 people, including 18 school age children.

As part of the environmental review process, we wish to include any concerns your office may have relative to this proposed project. We would appreciate your written response on the ability of the Fire Department to provide fire protection services to this property. Information which would be useful in that regard would include:

- your current service area/population served
- the number of emergency calls per year
- service ratio (emergency personnel to population served)
- your typical response time to a site in this location
- the location of fire station(s) near the site
- your current manpower and equipment levels
- any anticipated staff or facility expansion or equipment procurement plans
- any overlap in jurisdiction with other fire departments or backup service provided by neighboring communities

Your input is important. Should you not be able to provide written correspondence, I can be reached at [acutignola@timmillerassociates.com](mailto:acutignola@timmillerassociates.com), or by telephone at the number shown above.

Thank you for your assistance in this matter. Please do not hesitate to call me should you have any questions or need additional information. I look forward to hearing from you.

Sincerely,

Ann Cutignola, AICP  
Senior Planner  
TIM MILLER ASSOCIATES, INC.





# MORRIS ASSOCIATES

ENGINEERING CONSULTANTS, PLLC

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962  
 187 Church Street, Poughkeepsie, New York 12601 Tel: (845) 471-7900 Fax: (845) 471-7901  
 389 Fairview Avenue, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963  
E-Mail: morrisassociates@aol.com

July 10, 2008

Town of East Fishkill  
Planning Board  
Town Hall  
330 Route 376  
Hopewell Junction, NY 12533

Attn: Ms. Norma Drummond, Chair

Re: Hilltop Manor  
23- Lot subdivision  
Creek Bend Road  
Town of East Fishkill  
MA #202345.09

Dear Ms. Drummond:

On May 19, 2008 this office received:  
Cover Letter from Ecological Solutions, LLC dated May 16, 2008.  
Letter of Receipt of the DEIS dated May 19, 2008.  
Draft Environmental Impact Statement dated May 14, 2008.

This office has reviewed the above mentioned and other pertinent materials and offers the following comments.

## GENERAL COMMENTS

1. This item is on the agenda for a completeness review and accepting the DEIS for circulation.
  - a. This office recommends that the DEIS is not complete, for at least the reasons noted in comment 2 below (some of which may duplicate the AKRF review).
  - b. It appears that the Planning Board need not accept public comments, until the Planning Board declares the DEIS to be complete.
  - c. The applicant should provide written responses to the comments provided to the original DEIS review from both Morris Associates, PLLC and BFJ.
2. Referring to the Scoping Document:
  - a. Per section I.10 of the Final Scoping Document a list of the consultant's professional qualifications is not provided either in the appendix or within each professional's report for each section. This information shall be included.

Re: Hilltop Manor  
MA #202345.09

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Project 5/11/07

- b. The applicant has not identified how sections 194-14.1(B) and 163-19.C applies to the project. The original local law should be researched and a determination should be how they apply to the project. The applicable local law in its' entirety should be included along with a section covering such added to the DEIS.
- c. Per section IV,F,e of the Final Scoping Document, an analysis of the existing road conditions should be included in regards to the crossing of Fishkill Creek along Creek Bend Road. This analysis and discussion shall include the condition of the existing crossing and any recommendations or mitigation measures and changes that should be made in order to adequately service the proposed development and existing users along Creek Bend Road and included per Section IV,F,3 of the Final Scoping Document.
- d. Per Section IV,C,2,a and IV,C,3,b of the Final Scoping Document an analysis and sizing computations of the pipe sizes for drainage networks shall be provided.
- e. Page 51 of the DEIS refers to a net 18,534 cubic yards of excess cut material to be removed offsite. Per section III,D,e of the scoping document this information should pertain to the amount of truck trips generated by the proposed development and such information should be included in section III,D,e of the DEIS.
- f. Page 52 of the DEIS states that 21.62 acres of impervious area will be created as a result of the development. This number appears to be incorrect as the total site disturbance is given as 21.62 acres. Some of this disturbed area will inevitably be comprised of lawns and landscaped areas. The acreage of impervious area as a result of the proposed development shall be corrected.
- g. Page 71 of the DEIS does not include the analysis of the 1-year runoff event. This should be added in both the DEIS and SWPPP and associated tables as required by the New York State Stormwater Design Manual (latest edition).
- h. Appendix 4 of the DEIS contains a full Stormwater Pollution Prevention Plan (SWPPP). The following is a list of deficiencies and comments regarding the SWPPP report:
  - i. ✓ The SWPPP does not contain a list of the existing soils on site. Please provide a description of the on-site soil characteristics, including the degree of suitability for various aspects of development within the SWPPP.
  - ii. ✓ A description should be added to include the pollution prevention measures to be used during construction. Additionally, a description of all the proposed pollution prevention measures shall be included.
  - iii. ✓ The SWPPP does not specify the receiving water(s) or water bodies. This information should be included in the SWPPP. The site should be investigated and a determination should be made if Shenandoah Creek is a receiving water body.

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Fishkill  
Creek



Re: Hilltop Manor  
MA #202345.09

- iv. ✓ The SWPPP report does not make any mention of the permanent or temporary stormwater management practices to be used. A description of all permanent and temporary stormwater management practices shall be included. These descriptions should include the performance criteria for feasibility, conveyance, pretreatment, treatment, landscaping and maintenance as per the NYS Stormwater Management Design Manual (latest revision).
- v. ✓ The SWPPP does not include a description or make mention of the permanent and temporary sediment and erosion control measures to be used on site. Additionally, a maintenance schedule should be included along with the frequency of maintenance and the entity responsible for such maintenance.
- vi. ✓ A construction maintenance schedule shall be included on both the plans and in the report in regards to the temporary and permanent stormwater management practices, including the maintenance and inspection frequency, entity responsible for such practices and how the maintenance responsibility will be transferred from the owner/developer to the Town. Per C 3diii
- vii. ✓ Section 3.2a of the SWPPP describes the existing runoff characteristics of two (2) of the four (4) pre-existing drainage areas. A description shall be provided for the remaining two (2) drainage areas.
- viii. ✓ Section 3.2b of the SWPPP shall contain a description of the proposed runoff characteristics of the site and drainage areas.
- ix. ✓ Section 3.2a and 3.2b of the SWPPP contain both pre and post peak development flow rates. However, the post development peak flow rates listed in the SWPPP do not include pond routing. Please provide both the existing peak flow rates, post development peak flow rates, and the post development mitigated peak flow rates. The post development mitigated peak flow rates should take into account pond routing, etc. to make a determination if the impact is mitigated. Such information should include adequate hydrologic and hydraulic analyses, volume computations, preliminary sizing calculations, contributing drainage areas, storage, and outlet configurations.
- x. ✓ The SWPPP does not contain information regarding the required and provided Water Quality Volumes, Channel Protection Volumes, Overbank Flood and Extreme Flood Volumes. This information should be provided per the NYS Stormwater Management Design Manual (latest revision).

Re: Hilltop Manor  
MA #202345.09

- xii. / Appendix A of the SWPPP (USGS Map) should be included as mentioned.
  - xiii. / Appendix D of the SWPPP (Soils Map) should be included as mentioned.
  - xiv. / Appendix E of the SWPPP (Soils Data) should be included as mentioned.
  - i. / It appears a number of the plans and figures provided have improperly labeled scales. Such plans and figures include sheets 1, 2 and 3 of six and figures IIC.1-1 and B.2-1. All plans and figures should be checked to assure the proper scale is presented. "11/17"
  - j. / The proposed plans include a section of steep slopes from station 0+00 to 8+00 along the roadway. The applicant should address the proposed steep slopes as to if they will be exposed rock or soil and stabilization should be designed and addressed as necessary. In addition the board should discuss with the applicant the possibility for fencing or some other safety barrier at the top of such slopes. FENCE VIEW
  - k. / The proposed SDS shown on Lot 4 is within 100' of the proposed upper holding pond. This will require a waiver from DCDOH. This should be noted in the executive summary and in subsequent sections where applicable.
  - l. / The proposed lots as shown should be verified to assure that the minimum required frontage has been provided. Additionally the minimum width at the building line should be verified.
  - m. / The driveway grades for a number of proposed lots are close to or exceed the minimum requirements for driveway slopes. This can be further verified once plans are provided with the adequate drawing scales.
3. In addition to the strict completeness items in comment 2 above, this office recommends that certain wording should be revised and sections revised and/or elaborated upon before the DEIS can be accepted by the Planning Board.
- a. Pages 16, 39 & 58 of the DEIS include a footnote referring to the "TR-55" this footnote incorrectly references what our office believes should be the NYS Standards for Erosion and Sediment Control (latest edition) otherwise known as the "Blue Book. Such references should be corrected where noted as well as throughout the remainder of the document
  - b. Page 67 of the DEIS should include the Shenandoah Creek as a potential discharge point for runoff as a portion of the site appears to be included in its watershed. Additionally, the waters index number should be included for the Shenandoah Creek.

Re: Hilltop Manor  
MA #202345.09

- c. The following are a list of deficiencies and comments regards the SWPPP plans provided:
- i. / The pre-development drainage analysis misidentifies 1481 linear foot of the time of concentration for Drainage Area #4 as sheet flow. This should be corrected to be shown as shallow concentrated flow as per the hydraulic modeling.
  - ii. / The post-development drainage analysis for Drainage Area #1 identifies a total area of 3.82 acres while the plans for the post-development drainage analysis identify a total area of 2.12 acres for Drainage Area #1. This discrepancy should be clarified as well as the similar cases for post-development Drainage Areas #2B and #4B and the cover types for Drainage Area #2B and #4B.
  - iii. / The time of concentration for Drainage Area #2B includes a 100 linear foot portion of sheet flow over a paved surface. We do not feel this produces the longest time of concentration and additional flow paths should be studied.
  - iv. / The inconformity in regards to the slope presented in both the analysis and plans for post-development Drainage Area #3 should be revised so the values are consistent.
  - v. / The time of concentration for post-development Drainage Area #4B is represented differently in the analysis and plans in a number of ways. Such discrepancies should be fixed.
  - vi. / The sediment and erosion control plans are missing the information including sediment and erosion control notes, construction sequencing schedule, maintenance activities schedule, pollution prevention notes, construction entrances, vehicle wash areas, limits and amount of disturbance, the location of staging areas and equipment storage, soil stockpile areas and borrow pits.
  - vii. / Representative cross-section and profile drawings and details should be included for structural stormwater management practices and conveyances, including the proposed ponds and design water surface elevations, outlet structure details and elevations, embankments, spillways, stilling basins, and grade control structures.
  - viii. / Vegetation notes, as well as, seeding and mulching specifications and rates should be included on the erosion and sediment control plans.
  - ix. / The sediment and erosion control plan title block is incorrectly labeled as 40-scale and should be revised as 60-scale.
- d. The plans and figures including the road profiles should include labels for the drainage structures on the road profiles. Such labeling should include the

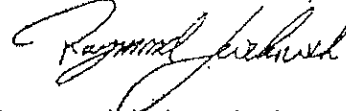
Re: Hilltop Manor  
MA #202345.09

- pipe sizing, materials, slopes and catch basins should be labeled to include the identification, rims, inverts, etc.
- e. Proposed driveway grading should be included for Lots 19 and 20.
- f. It appears that Lot 8 will require an easement over Lot 9 for a portion of the proposed driveway for installation, grading and maintenance. However, this easement has not been included on the plans.
- g. The plans do not indicate swales and drainage courses necessary to convey runoff into stormwater management practices at locations where runoff apparently discharges offsite. These should be designed and added to the plans where appropriate.
- h. These plans shall include maintenance access to all stormwater management practices. All necessary easements should be shown and the access should be designed in accordance with the NYS Stormwater Management Design Manual.

If you have any questions regarding this letter, please contact this office.

Very truly yours,

MORRIS ASSOCIATES, PLLC



Raymond Jurkowski, P.E.  
Consulting Town Engineer

DD/RJJ/dm

cc: Michael E. Gillespie, P.E.  
Thomas F. Wood  
Scott Bryant, P.E.

## Memorandum

**Morris Associates PLLC**

To: Brian Stokosa, PE. M. Gillespie & Associates

From: Joseph Dennis, PE, Morris Associates *JDJ  
4/14/10*

Date: April 12, 2010

Re: **Hilltop Manor Subdivision - SWPPP Review**  
MA Project No. 202345.09 Town of East Fishkill

This office has completed the review of the Engineer's Report - Stormwater Pollution Prevention Plan (SWPPP) for the above referenced project prepared by M. Gillespie & Associates Consulting Engineering, PLLC, dated April 14, 2005 last revised February 16, 2010 (and received on March 9<sup>th</sup>). As requested the review focused on the SWPPP in comparison with prior comments made by this office dated October 30, 2009 and the Engineer's response letter dated March 9, 2010.

It is the opinion of this office that the SWPPP and related drainage plans are at a level of completeness for potential DEIS approval with the understanding that further design and plan refinement is anticipated at the subdivision design phase. In addition, a reference to a letter from this office dated July 10, 2008 with regard to DEIS comments will need to be addressed as a separate matter. Based upon the SWPPP review the following comments are offered as the project proceeds toward subdivision review stage:

1. The following is a list of previous comments that did not appear to be satisfied:
  - a. There is a discrepancy between the plan and HydroCAD analysis with respect to the shallow concentrated flow calculation for drainage area 2b of the pre-developed conditions.
  - b. There are multiple discrepancies between the design drawings and the HydroCAD model with respect to the catch basin and drainage manhole invert and rim elevations. In addition, please include all warning messages within the HydroCAD output.
  - c. According to the NYS Stormwater Management Design Manual, the maintenance access to a stormwater practice shall be at least 12 ft wide. Please review the access roads and revise accordingly.
  - d. As previously noted, consideration should be given to assigning separate design points for drainage areas 1a, 1b, 1c and 1d in both pre- and post-developed conditions.
  - e. It appears that several of the drainage pipes, as analyzed within the HydroCAD model, have exceeded full flow during the 25-year 24-hour storm event. Please review and revise as necessary such that no flooding conditions will occur during the design storm.
2. The following are comments found with respect to the revised SWPPP:
  - a. The construction phases within Section VI of the SWPPP do not correspond to the phases and area of disturbance shown on the design plans.

- b. The construction phases within the SWPPP shall reference the updated SPDES General Permit, GP-0-10-001.
  - c. Some of the post-developed drainage areas do not appear to be clearly labeled on Sheet C.2.1 as the text is obscured by other line work.
  - d. The time of concentration (Tc) flow path for drainage areas SW1B and SW1C of the post-developed conditions is unclear and appears to flow thru delineated drainage boundaries.
  - e. It appears that the post-developed drainage areas to several of the proposed catch basins may be larger than shown. Please review and revise as necessary.
  - f. A starting water surface elevation should be applied to the WQ pond (Pond WQV-P) when modeled in HydroCAD. This elevation should be equal to the invert elevation of the lowest orifice.
  - g. There is a discrepancy with regards to the total area contributing to pond P2 when compared to the water quality volume calculations in Appendix C and the HydroCAD output.
  - h. The water quality pond installed to treat the 250 feet of paved roadway should include a form of pretreatment in accordance with the NYS Stormwater Management Design Manual.
  - i. A copy of the contractor certification forms shall be included within the SWPPP document in accordance Part III.A.6 of the General Permit and prior to MS4 signoff.
  - j. Similarly, additional information in regard to the various roles and responsibilities for implementing the SWPPP will need to be made more specific once the various parties (i.e. Owner, Contractor, subcontractor, etc) are identified.
3. The following are additional comments found with respect to the design plans:
- a. The proposed slope behind lots 3-6 is much steeper than what currently exists. As a result, runoff velocity will increase potentially impacting the adjacent downhill residence. Additional measures should be considered to minimize the runoff velocity from this slope.
  - b. In order to minimize human error, it is recommended that 3" diameter pipes with the gate valve fully open be used for pond P2 outlet structure.
  - c. There is a discrepancy with the outlet pipe within the WQV-Pond detail on Sheet 7.
  - d. Proposed grade elevations should be shown on all profiles.
  - e. An anti-seep collar for pond 2 should be shown and dimensioned on the profile.
4. The following are additional comments found with respect to the Erosion and Sediment Control Plans:
- a. The SWPPP certification shall be updated to the new SPDES General Permit GP-0-10-001 on all erosion control plans.
  - b. Note number 5 of Additional Site Specific Construction Notes on sheet EC1 shall be revised to reference Creek Bend Road.
  - c. Inlet protection shall be considered to be installed around the existing drainage structures down grade from the main project entrance.
  - d. A stabilized construction entrance shall be shown for Phases IV, IVA, V and VI as necessary.



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Planning

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**Memorandum**

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**To:** Michael Gillespie  
**From:** Michelle Robbins  
**Date:** April 12, 2010  
**Re:** Informal Review of Draft Hilltop Manor DEIS for Completeness  
**cc:** East Fishkill Planning Board, J. Koch, P. Baier, T. Wood, D. Beer, M. Nowicki

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At the applicant's request, AKRF has informally reviewed a draft submission of the revised Hilltop Manor DEIS dated July 2009 for completeness. AKRF also received revised subdivision plans dated October 30, 2002 (last revised June, 5, 2009) with the DEIS as well as a copy of the Natural Resources Survey for Hilltop Manor dated January 24, 2008 (this document was previously reviewed as part of our formal completeness review and our comments on this document were included in the completeness review letter to the Planning Board dated July 10, 2008). The revised documents have not yet been submitted to the Planning Board for review. Therefore, please be aware this memo does not include any completeness comments from the Planning Board.

We have provided our comments based on a review of our previous completeness letter to the Planning Board dated July 10, 2008. The draft submission did not include revised appendices and was missing pages 38 to 42. In addition, AKRF is currently working with the applicant's traffic engineer to address our traffic comments provided in the July 10, 2008 letter. Therefore, this informal review memo does not address traffic. I am also still waiting on clarification from our hydrogeologist and natural resource specialist on a couple of the more technical comments (e.g. groundwater).

In general, the revised DEIS addresses most of the comments we included in the completeness review letter dated July 10, 2008. We have noted the following comments that did not appear to be addressed in the revised DEIS.

**COMMENTS:**

- AKRF review letter page 4, D. Ground Water Resources:  
AKRF's hydrogeologist is currently reviewing the responses to this section.
- AKRF review letter page 5, Flora Communities comment #1:  
Figure E.1-1 still needs to be revised to be consistent with the DEIS text.
- AKRF review letter page 5, Mixed Upland Forest comment #3:

Please describe how the tree survey was conducted. Were all trees on the site surveyed or just a portion? How many total trees were surveyed? What was the methodology (i.e. all trees 8 inch dbh and greater?). Approximately what percentage of trees on the site or of those surveyed will be removed?

- AKRF review letter page 6, Birds comment #1:

Please reference NYS Breeding Bird Atlas (NYSBBA) in the Chapter and the list of bird species that could be expected to occur on this site. Include the list from the NYSBBA in the appendix.

Please include information about the responses from the USFWS and the New York Natural Heritage Program letters in the DEIS text (Page 91). The text should indicate that according to the USFWS and NYNHP letters dated ... the following species could potentially be found on the project site. Then provide your analysis and reasoning as to why you do not believe these species or their habitat exists on the site.

The applicant will need to coordinate with NYSDEC to determine if additional Indiana bat surveys will be needed at the site. It is recommended that the applicant begin their discussions with NYSDEC as soon as possible regarding the project's potential to disturb Indiana bat habitat.

- AKRF review letter page 9, G. Socioeconomic Conditions and Community Services comment #1:

The school data presented in the DEIS is from 2006 and should be updated. In addition, the Planning Board has been requesting that applicant's contact the school district, library, and emergency services providers directly for information regarding a project's potential to affect community services. Written correspondence is preferred; however, a written description of the conversation with a footnote indicating the date of the conversation and the name and title of the representative would be adequate.

- AKRF review letter page 9, G. Socioeconomic Conditions and Community Services comment #1:

The DEIS includes a projected market value based on discussion with the assessor in 2006. The DEIS should be updated to reflect current market conditions and likely market values in 2010. The proposed sales price of the homes will affect the amount of tax revenue received from the proposed project. Based on market conditions in 2006, the DEIS is showing a shortfall of approximately \$5,000 between the average cost per student on a district wide basis generated by the subdivision and the expected tax revenue generated from the proposed subdivision. It is likely the average cost of a student has increased in 2010. The total approximate shortfall should be described in the DEIS (pg. 129). This is an adverse impact for which the applicant is not identifying any mitigation.

- AKRF review letter page 10, I. Visual Quality and Historic and Archaeological Resources #2:

The applicant has provided one visual rendering of the proposed view into the site from Creek Bend Road after the road is constructed. We would recommend providing at least one additional rendering of the site to show the tree line changes that would occur as a result of the proposed project.

- AKRF review letter page 11, V. Alternatives #1:

The DEIS should include more discussion of the project alternatives as per the adopted Scope of Work. The DEIS reader should be provided with a description and graphic of each of the proposed alternatives and a qualitative discussion of how the alternatives compare to the proposed project in terms of potential impacts for each technical area addressed in the DEIS.





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*Traffic*

## Memorandum

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**To:** Town of East Fishkill Planning Board  
**From:** Alex Auld and Anthony Russo  
**Subject:** Hilltop Manor Subdivision, Town of East Fishkill  
**Date:** April 5, 2010

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After reviewing the both the original Hilltop Subdivision Traffic Impact Study (TIS), dated November 2005 and its respective Response to Comments Memorandum, dated December 31, 2008, AKRF has the following comments

### GENERAL COMMENTS

- Recent counts conducted in April 2010 show a moderate level of pedestrian and bicycle activity on both Oak Ridge Road and Creek Bend Road. During the 4 to 5PM hour it was observed that approximately 15 pedestrians and 5 bicyclists (mostly children) were observed at or near this intersection. The TIS must acknowledge this level of activity on the roadways and present traffic calming measures to address these potential safety issues.
- Stationary speed observations conducted near the proposed driveway to the project site on Creek Bend Road indicate speeds of approximately 35 to 42 MPH. The TIS in the sight distance calculations must account for these speeds and again traffic calming measures are recommended as part of the proposed project.
- Please provide the letter from NYSDOT regarding the structural rating of the Carol Drive Bridge.
- A graphic should be provided in the TIS that shows by intersection and roadway the signal retiming and traffic calming measures proposed as part of the proposed project. In addition, the applicants fair share contribution towards these improvement measures should also be identified.
- Page 2 of the John Collins response to comments letter does not address emergency access. Currently the response states "Mike – Emergency access needs to be addressed."
- The signal retimings required for the intersections of the Beekman Road/Clove Branch Road/Carpenter Road and NYS Route 82/Beekman Road need to be cleared identified in the TIS.

- Page 2 of the John Collins response to comment letter states “that with the clearing of trees and shrubs it’s expected that 300+ feet of sight distance will be provided from the project site driveway and considering the travel speeds of vehicles on this roadway this will be adequate.” Does the applicant control the area where the vegetation would need to be cleared and maintained cleared? And what is the speed of the roadway? And how was that speed determined on the roadway (Creek Bend Road)?
- A simple table should be provided in the TIS that summarizes the accident data and presents a conclusion regarding accident patterns in the study area (see attached table as an example).
- Please conduct update counts at the intersections of Beekman Road/Clove Branch/Carpenter Road and Beekman Road/NYS Route 82 and compare to the 2005 counts presented in the TIS.
- Provide traffic counts that justify the use of the 5 percent Heavy Vehicle factor and a Peak Hour Factor (PHF) of 0.90 for all intersections (especially those that are unsignalized).

#### **ORIGINAL HILLTOP SUBDIVISION TIS**

- On Figure 14, “2010 Build Traffic Volumes Weekday Peak AM Highway Hour”, the following turning movement volumes shown do not match those in the corresponding HCS file for the intersection of NYS Route 82 and Foster Road:
  - Eastbound left-turn (Figure 19 shows ‘8’, HCS shows ‘10’)
- On Figure 15, “2010 Build Traffic Volumes Weekday Peak PM Highway Hour”, the following turning movement volumes shown do not match those in the corresponding HCS file for the intersection of NYS Route 82 and Foster Road:
  - Eastbound left-turn (Figure 19 shows ‘4’, HCS shows ‘5’)
- Please verify/justify the use of 0% as the Percent Heavy Vehicles for the westbound right-turn movement (AM and PM peak hours, Existing, No Build, and Build conditions) at the intersection of NYS Route 82 and Foster Road. The Response to Comments Memorandum indicates a Percent of Heavy Vehicles of 5% was used for each movement and approach of all of the study area intersections. This will have an impact on the delay and Level-of-Service (LOS) results.
- Please verify/justify the use of 0.92 as the PHF for the all of the study area intersection movements (AM and PM peak hours, Existing, No Build, and Build conditions). The Response to Comments Memorandum indicates a PHF of 0.90 was used for each movement and approach of all of the study area intersections.

#### **HILLTOP SUBDIVISION TIS RESPONSE TO COMMENTS**

- Response 2: No Synchro files were provided to verify the queue length and storage capacities presented in Table Q-1. Please provide copies of these files.
- Response 6: Please verify/justify the statement “Note that it was assumed for the Saturday Peak Hour analysis, as much as 75% of the site traffic would travel on NYS Route 82 towards Hopewell Junction”. Figure 8B and 9B show maximum trip distribution percentages of approximately 55%. Please re-compute the HCS analysis and provide updated LOS and Queue tables.







Michael E. Gillespie, P.E. - Brian J. Stokosa, P.E.

December 5, 2012

Tim Miller Associates, Inc.  
Attn: Ann Cutignola, AICP  
10 North Street, Cold Spring, N.Y. 10516  
845.265.4400 voice 845.265.4418 fax

Re: Hilltop Manor Subdivision  
Morris Associates April 12, 2012 SWPPP Review Response  
Creek Bend Road  
Town of East Fishkill

As understood the SW PPP and development plan set have been brought to a level of completeness for DEIS approval with the understanding that further plan refinement will occur as the subdivision progress toward final approval. This office is in receipt of a comment memo from Morris Associates dated April 12 2010; we offer the following responses and clarifications:

#### Morris Associates SWPPP Description Comments and Responses

Comment1a: There is a discrepancy between the plan and HydroCAD analysis with respect to the shallow concentrated flow calculation for drainage area 2b of the pre-developed conditions.

Response: The shallow concentrated flow for predevelopment drainage area 2b should be analyzed as 500' vs 425'. The discrepancy is considered minor due to the drainage area being incorporated into drainage area design point#1 as a result of the development proposal.

Comment1b: There are multiple discrepancies between the design drawings and the HydroCAD model with respect to the catch basin and drainage manhole invert and rim elevations. In addition, please include all warning messages within the HydroCAD output.

Response: Rim and invert elevations will be refined as the subdivision project progresses through the review process. All warning messages will be included in future submissions.

- Comment1c: According to the NYS Stormwater Management Design Manual, the maintenance access to a stormwater practice shall be at least 12 ft wide. Please review the access roads and revise accordingly.
- Response: The stormwater practice maintenance accesses will be widened from 10' to the required 12' width for P1 and P3 facilities as required.
- Comment1d: As previously noted, consideration should be given to assigning separate design points for drainage areas 1a, 1b, 1c and 1d in both pre- and post-developed conditions.
- Response: Design Points 1a, 1b, 1c, and 1d assume a discharge convergence point referred to as DP#1 within the confines of the Fishkill Creek. The methodology of assuming a discharge convergence point has been accepted practice in previous development analysis.
- Comment1e: It appears that several of the drainage pipes, as analyzed within the HydroCAD model, have exceeded full flow during the 25-year 24-hour storm event. Please review and revise as necessary such that no flooding conditions will occur during the design storm.
- Response: The post development Hydro CAD analysis reveals no overtopping of proposed manholes or catch basins for the development action. The proposed conveyance piping will be enlarged to the next standard size to reduce full flowing conditions where required.
- Comment 2a: The construction phases within Section VI of the SWPPP do not correspond to the phases and area of disturbance shown on the design plans.
- Response: The notation under the Phase VI leader callout on the erosion and sediment control plan will be repositioned under the Phase V leader callout.
- Comment2b: The construction phases within the SWPPP shall reference the updated SPDES General Permit, GP-0-10-001.
- Response: The construction Phases within the SWPPP will be revised to reference the SPDES General Permit GP-0-10-001.
- Comment2c: Some of the post-developed drainage areas do not appear to be clearly labeled on Sheet C.2.1 as the text is obscured by other line work.
- Response: The post development drainage mapping will be modified to show proposed development in a grey scale line type with drainage boundary, drainage flow path, and drainage area labeling darkened to provide greater legibility.

- Comment 2d: The time of concentration (tc) flow path for drainage areas SWIB and SWIC of the post developed conditions is unclear and appears to flow thru delineated drainage boundaries.
- Response: Drainage areas SWIB and SWIC flow toward SWIA. The drainage swale areas convey runoff from the rear lots #3 through #9 and converge to SW1A. The plan will be provided grey scaling of development conditions to increase legibility and while darkening drainage flow paths.
- Comment 2e: It appears that the post-developed drainage areas to several of the proposed catch basins may be larger than shown. Please review and revise as necessary.
- Response: The post development drainage areas upland of the catch basins will be analyzed on an individual basis to determine if additional area can be added. If an increase is warranted, the post development analysis will be amended as such.
- Comment 2f: A starting water surface elevation should be applied to the WQ pond (Pond WQV-P) when modeled in HydroCAD. This elevation should be equal to the invert elevation of the lowest orifice.
- Response: A starting water surface elevation of 255.25 will be provided for the Water Quality Pond near the subdivision entrance identified as WQV-P.
- Comment 2g: There is a discrepancy with regards to the total area contributing to pond P2 when compared to the water quality volume calculations in Appendix C and the HydroCAD output.
- Response: The typo in the SWPPP report will be modified to reflect stormwater management facility P2 to show 22.89 acres with 11.90% impervious.
- Comment2h: The water quality pond installed to treat the 250 feet of paved roadway should include a form of pretreatment in accordance with the NYS Stormwater Management Design Manual.
- Response: The water quality basin located at the entrance of the subdivision will provided with sediment forebay to meeting NYS Stormwater Management Design Manual requirements.
- Comment2i: A copy of the contractor certification forms shall be included within the SWPPP document in accordance Part III.A.6 of the General Permit and prior to MS4 signoff.
- Response: A copy of the contractor certification forms will be included in the final SWPPP report meeting requirements set forth in accordance with Part III.A.6 of the General Permit.

- Comment 2i: Similarly, additional information in regard to the various roles and responsibilities for implementing the SWPPP will need to be made more specific once the various parties (i.e. Owner, Contractor, subcontractor, etc) are identified.
- Response: Information pertaining to the various roles and responsibilities for implementing the SWPPP will need to be made more specific as the project is refined through the review process. Information specific to the various parties (i.e. Owner, Contractor, subcontractor, etc) will be identified as required.
- Comment 3a: The proposed slope behind lots 3-6 is much steeper than what currently exists. As a result, runoff velocity will increase potentially impacting the adjacent downhill residence. Additional measures should be considered to minimize the runoff velocity from this slope.
- Response: The rear slope near lots #3 through #6 will be modified to show staggered evergreen and shrub/grass plantings. Specific plantings and details will be added to the development plan as the project is refined through the review process. The staggering of the plantings will reduce erosive velocities of any potential runoff to the adjoining homeowner.
- Comment 3b: In order to minimize human error, it is recommended that 3" diameter pipes with the gate valve fully open be used for pond P2 outlet structure.
- Response: The pond outlet structure for stormwater treatment facility P2 will be modified to show 3" diameter pipes with gate valves that are fully open to reduce the chance of human error.
- Comment 3c: There is a discrepancy with the outlet pipe within the WQV-Pond detail on Sheet 7.
- Response: The outlet pipe for stormwater management facility WQV-P will be coordinated with the HydroCAD analysis to alleviate the discrepancy on the development plan in a future submission as the project is refined through the review process.
- Comment 3d: Proposed grade elevations should be shown on all profiles.
- Response: The development plan set will be modified to show all proposed grade elevation on the profile sheets as requested in a future submission as the project is refined through the review process.
- Comment 3e: An anti-seep collar for pond 2 should be shown and dimensioned on the profile.
- Response: The anti-seep collars detailed for stormwater management facility P2 will be shown on the profile and detailed as required in a future submission.



- Comment 4a: The SWPPP certification shall be updated to the new SPDES General Permit GP-0-10-001 on all erosion control plans.
- Response: The SWPPP certification will be updated to meet the new SPDES General Permit GP-0-10-001 on all development erosion control plans.
- Comment 4b: Note number 5 of Additional Site Specific Construction Notes on sheet EC1 shall be revised to reference Creek Bend Road.
- Response: Additional note #5 on the erosion and sediment control sheet will be revised to indicate Creek Bend Road as required in a future submission.
- Comment 4c: Inlet protection shall be considered to be installed around the existing drainage structures down grade from the main project entrance.
- Response: Inlet protection will be shown to be installed around the existing drainage structures down grade from the main project entrance in the form of haybale berm/silt fencing and/or stone inlet protection as determined by the Town Engineer.
- Comment 4d: A stabilized construction entrance shall be shown for Phases IV, IVA, V and VI as necessary.
- Response: Construction Phases IV, IVA, V and VI will be detailed to show a construction entrance as per standard practice. The detail will be provided on the development plan and noted in the notation describing the Phase Construction activity.

If you have any additional questions or concerns, please do not hesitate to call this office. Thank You.

Very truly yours,



Brian J. Stokosa, P.E.

cc: Client via email  
file



# JOHN COLLINS

## ENGINEERS, P.C. TRAFFIC • TRANSPORTATION ENGINEERS

===== 11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266 =====

### MEMORANDUM

TO: Alex Auld  
Anthony Russo

FROM: Philip J. Grealy, Ph.D., P.E.  
Richard G. D'Andrea, E.I.T.

DATE: April 27, 2010

SUBJECT: AKRF Memorandum, Dated April 5, 2010  
Response to Comments

PROJECT: No. 190

COPY TO:

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#### **I. General Comments**

- A. The traffic study now acknowledges the level of pedestrian and bicycle activity on both Oak Ridge Road and Creek Bend Road. Traffic calming measures such as signing, speed tables and other methods will be coordinated with the Town as part of the site plan approval process.
  
- B. The site distances at the proposed site access are now based on the speeds collected by an Automatic Traffic Recorder machine which was placed at the location of the proposed site access. The data collected indicated an 85<sup>th</sup> Percentile Speed of 33 MPH in the northbound direction and 29 MPH in the south bound direction. Any traffic calming measures will be coordinated with the Town as part of the site plan approval process in order to reduce travel speeds. The traffic calming again could improve such measures as signing and striping to develop a pedestrian bike/pedestrian path and/or other measures such as speed tables.

- C. The New York State Department of Transportation (NYSDOT) has been contacted to obtain information of the structural rating for the Carol Drive Bridge and will be provided when it is received.
- D. A graphic and associated table have been prepared to identify various roadway and signal retiming and traffic calming most of which are recommended regardless of the project. The percentage of the site traffic for each roadway and link is noted.
- E. The signal retiming for the section of Beekman Road/Clove Branch/Carpenter Road and NYS Route 82/Beekman Road are identified on the capacity analysis and Table No. 2 has been revised to indicate the results of the No-Build and Build conditions with these timings.
- F. Speed measurements have been collected to identify the 85<sup>th</sup> Percentile Speeds along Creek Bend Road. Based on this data it was determined that the 85<sup>th</sup> Percentile Speed is 33 MPH in the northbound direction and 29 MPH in the southbound direction. AASHTO requirements indicate that for a speed of 85 MPH a stopping sight distance (SSD) of 250 ft. and an intersection sight distance (ISD) of 390 ft. are required for the intersection. Based on field observations with clearing and grading along the site frontage on Creek Bend Road these sight distance requirements can be met.
- G. The accident data has been summarized in a form similar to that provided in the sample table. The accident table is now summarized in Table A-1 for Beekman Road and Carol Drive, Table A-2 for Clove Branch Road And Table A-3 for NYS Route 82.
- H. Updated traffic counts were collected at the intersection of Beekman Road/Clove Branch Road/Carpenter Road and Beekman Road/NYS Route 82 and a comparison table is now provided in the Traffic Impact Study (TIS) comparing the data with the

original 2005 data. It should be noted that with the application of the road factor, the 2005 volumes are higher than currently counted.

- I. The traffic counts and backup information for the Heavy Vehicle Factor and Peak Hour Factor as used in the analysis are now contained in Appendix “F” of the Traffic Study.

## **II. Original Hilltop Subdivision TIS**

- A. The HCS file for NYS Route 82 and Foster Road has been revised to show the correct volumes as shown on Figure 14, “2010 Build Traffic Volumes Weekday Peak AM Highway Hour.”
- B. The HCS file for NYS Route 82 and Foster Road has been revised to show the correct volumes as shown on Figure 15, “2010 Build Traffic Volumes Weekday Peak PM Highway Hour.”
- C. The heavy truck percentages and Peak Hour Factors have been revised. All peak hour factors have been set to .90 and all heavy vehicle percentages have been set to 5%.
- D. The Peak Hour Factors each for the remaining study area intersections, for both AM and PM, are now set to .90.

## **III. Original Hilltop Subdivision TIS**

- A. A copy of the SYNCHRO reports, which were used for developing the queues presented in Table No. Q-1, are now contained in Appendix “E” of the Traffic Study. A CD containing these electronic files is also provided.
- B. The statement “Note that it was assumed for the Saturday Peak Hour analysis, as much as 75% of the site traffic would travel on NYS Route 82 towards Hopewell Junction” has now been incorporated into the Traffic Study and clarified. For the Saturday peak

hour analysis it was assumed that 75% of the site traffic will travel to NYS Route 82 with approximately 55% traveling south on Route 82 to Hopewell Junction and approximately 20% traveling north on Route 82 towards LaGrange.

- C. The locations of the other developments are now shown on Figures OD-1 and OD-2 contained in Appendix “A” of the Traffic Study.
- D. At the intersection of Creek Bend Road and the site access driveway the Peak Hour Factor and heavy vehicle percentages have been revised. Also the second pages of the HCS reports have been included for each of the signalized intersections for further review.
- E. The existing traffic volumes (Figures 2, 3, 2A, and 4A) have been revised to reflect a balanced condition as requested. Note that the imbalance between Clove Branch Road and Foster Road in the westbound direction along Beekman in the PM Peak Hour (Figure 3) is approximately 12 vehicles. This imbalance was not changed as it can be attributed to the traffic from Croniser Drive which intersects Beekman Road between Clove Branch Road and Foster Road and serves approximately 24 single family homes. The imbalances on Figures 12 and 13 were do to mathematical errors and have been corrected accordingly.
- F. As previously mentioned the errors shown in Figures 12, 13, 14, and 15 were do to mathematical errors in calculating the Site Generated Traffic Volumes and have now been corrected.
- G. The HCS file for NYS Route 82 and NYS Route 376 (North) has been revised to match the volumes shown on Figure No. 4A.
- H. The HCS file for NYS Route 82 and NYS Route 376 (South) has been revised to match the volumes shown on Figure No. 5A.

- I. The HCS file for NYS Route 82 and NYS Route 376 (North) has been revised to match the volumes shown on Figure No. 15A.
- J. Table 2A has been revised to reflect the updated Levels of Service for each of the locations. Where signal timing changes are recommended, those have also been shown.





# JOHN COLLINS ENGINEERS, P.C.

TRAFFIC • TRANSPORTATION ENGINEERS

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## MEMORANDUM

TO: Alex Auld  
Anthony Russo

FROM: Philip J. Grealy, Ph.D., P.E.  
Richard G. D'Andrea, E.I.T.

DATE: June 9, 2010

SUBJECT: AKRF Memorandum, Dated June 1, 2010  
Response to Comments

PROJECT: No. 190

COPY TO:

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### **I. New Comments**

- A. All headings in the tables and figures have been revised to reflect the new Existing, No-Build, and Build years (2010, 2015 and 2015 respectively).
- B. Table Q-1 has been updated to reflect the queue lengths shown in the Synchro files for each intersection.
- C. Figure TC-1, which shows the type and location of all proposed traffic calming measures, has now been included in Appendix "A" of the traffic study. Figure TC-2 shows the sign legends which are recommended to be installed as part of the traffic calming improvements. These traffic calming measures are also identified in Table I-1.
- D. All proposed signal timing improvements are now shown as mitigation as requested and are clearly identified in the text as well as in Table I-1.

## **II. Previous AKRF Comments Still Not Addressed**

### **General Comments**

- A. The New York State Department of Transportation (NYSDOT) has been contacted to obtain information of the structural rating for the Carol Drive Bridge and will be provided when it is received.
  
- B. Table I-1 now indicates the proposed improvements at each intersection and roadway segment. The table indicates which improvements are required under 2015 No-Build and 2015 Build conditions as well as the percent increase in traffic at each location as a result of the project. The applicants fair share contribution to each improvement will be a percentage of the cost based on the increase in traffic at each location which can be directly attributed to the project.
  
- C. We are currently awaiting response from the project site engineer on emergency access. Upon receipt of their response we will further reply to this comment
  
- D. The text of the report has been revised to indicate the exact signal retimings where appropriate. The signal retimings are also summarized in Table I-1.
  
- E. Figure SD-1 contained in Appendix “A” of the Traffic Study shows the proposed sight lines at the access driveway. Based on these sight lines it appears the majority of the clearing would occur in the immediate vicinity of the driveway and some additional pruning will be required of vegetation further away from the driveway. As shown on Figure SD-1 the clearing and pruning would occur within the Right of Way and/or on property controlled by the applicant.

- F. Section II.C of the Traffic Study has been revised to include a conclusion about the accident patterns within the study area. As was noted in the comment the accident data is not the most recent accident data available, therefore the accident data for the most recent 5 years has been requested from NYSDOT and will be summarized and forwarded upon receipt. This has also been stated in the text.
  
- G. The analysis has been modified to include the Peak Hour Factors and Heavy Vehicle Percentages that were observed for each intersection.

**Hilltop Subdivision TIS Response Comments**

- A. The storage lengths shown in the table are actual storage lengths as measured in the field. The storage lengths shown in the Synchro files have been updated to be consistent with those shown in Table Q-1. However it should be noted that the storage lengths in the Synchro files may vary by +/- 10 ft.
  
- B. The location of the other developments is shown on the Figures OD-1 and OD-2. Note that the dashed lines indicate the approximate locations of the site access points for each of the proposed developments.



**JOHN COLLINS**  
**ENGINEERS, P.C.** TRAFFIC • TRANSPORTATION ENGINEERS

===== 11 BRADHURST AVENUE • HAWTHORNE, N.Y. • 10532 • (914) 347-7500 • FAX (914) 347-7266 =====

MEMORANDUM

TO: Mike Gillespie, P.E.  
FROM: Philip J. Grealy, Ph.D., P.E.  
DATE: July 28, 2011  
SUBJECT: Hilltop Manor Subdivision  
Town of East Fishkill, New York  
PROJECT: No. 190  
COPY TO:

\*\*\*\*\*

We have obtained data for the Carol Drive Bridge from NYSDOT as requested. The available data (attached) indicates that the bridge, which crosses the Fishkill Creek, was built or replaced in 1987. The bridge was last inspected on May 14, 2009 and is inspected every two years by NYSDOT. Rating information provided to the Federal Highway Administration (FHWA) as of March 30, 2010 indicates that the bridge is neither Structurally Deficient (SD) nor Functionally Obsolete (FO) based on FHWA Standards. New York State also provides its own Condition Rating which is based on NYSDOT Standards and rates the bridges on a scale of 1 to 7 with 7 being in new condition. A rating of 5 or greater is considered good condition. A bridge with a rating below 5.0 is considered deficient which indicates that the bridge requires corrective maintenance or rehabilitation to restore the bridge to its fully functional, non-deficient condition although a rating of less than 5.0 does not mean the bridge is unsafe. The NYS Condition Rating for the Carol Drive Bridge is 5.51 and therefore is in good condition.

If you have any questions regarding this, please do not hesitate to contact us.

Dutchess County

Region	County	Municipality	Location	Feature Carried	Feature Crossed	Owner	Year Built or Replaced	Date of Last Inspection	SD/FO Status	NYS Condition Rating
08	Dutchess	East Fishkill (Town)	NW QUAD RAMPS I84+TSP INT	841 X	STERN STREAM	NYSDoT	1962	04/25/2011	FO	5.21
08	Dutchess	East Fishkill (Town)	1.8 MI SOUTH JCT I84 & TSP	987G 987G82031008	MILLER HILL ROAD	NYSDoT	1999	05/19/2010	N	6.00
08	Dutchess	East Fishkill (Town)	JCT TSP & RTE 52	987G 987G82031043	52 52 82042118	NYSDoT	1937	05/06/2009	FO	5.00
08	Dutchess	East Fishkill (Town)	1.7 MI SE OF HOPEWELL JCT	987G 987G82031053	MINRR BE LINE	NYSDoT	1937	08/14/2009	FO	5.74
08	Dutchess	East Fishkill (Town)	2.3 MI NE OF HOPEWELL JCT	987G 987G82031069	FISHKILL CREEK	NYSDoT	1936	06/08/2009	FO	5.17
08	Dutchess	East Fishkill (Town)	JCT TSP & RTE 82	987G 987G82031097	82 82 82011079	NYSDoT	1938	04/08/2009	FO	5.11
08	Dutchess	East Fishkill (Town)	2.3 MI NE OF HOPEWELL JCT	BEEKMAN ROAD	SYLVAN LAKE OUTLT	County	1989	04/05/2011	N	5.66
08	Dutchess	East Fishkill (Town)	0.8 MI SE OF HOPEWELL JCT	CAROL DRIVE	FISH KILL CREEK	Town	1987	05/14/2009	N	5.51
08	Dutchess	East Fishkill (Town)	2.0 MI SE OF HOPEWELL JCT	CARPENTER ROAD	MINRR BE LINE	Railroad	1998	11/24/2010	FO	6.43
08	Dutchess	East Fishkill (Town)	1.2 MI NE OF HOPEWELL JCT	CARPENTR RD CR 29	FISHKILL CREEK	County	1940	05/12/2010	N	6.59
08	Dutchess	East Fishkill (Town)	1.1 MI SW OF HOPEWELL JCT	COUNTY ROAD 31	FISHKILL CREEK	County	1963	05/28/2009	SD	4.79
08	Dutchess	East Fishkill (Town)	4.1MI N JCT T.S.PWY & 841	CR 9BEEKMAN RD.	987G 987G82031073	NYSDoT	1989	07/28/2010	FO	5.75
08	Dutchess	East Fishkill (Town)	2.4 MI E JCT I84 & US 9	FISHKILL HOOK RD	841 84182021084	NYSDoT	1963	08/04/2009	FO	5.28
08	Dutchess	East Fishkill (Town)	4MI N JCT TSP & 841	From TSP(BeeekmanRd	Sylvan Lake Outle	NYSDoT	1989	10/06/2010	N	6.43
08	Dutchess	East Fishkill (Town)	5.4 MI E JCT I84+TSP	HOLMES ROAD	841 84182021177	NYSDoT	1968	06/02/2009	FO	5.57
08	Dutchess	East Fishkill (Town)	0.4 MI NW JCT I-84 & TSP	HOSNER MTN. RD.	987G 987G82031036	NYSDoT	2006	03/14/2011	N	6.42
08	Dutchess	East Fishkill (Town)	0.4 MI NW of I84 & TSP	HOSNER MTN. ROAD	987G 987G82031036	NYSDoT	2006	03/14/2011	N	6.52
08	Dutchess	East Fishkill (Town)	4.1 MI E JCT RTS I84+9	LIMEKILN RD	841 84182021101	NYSDoT	1963	06/04/2010	FO	5.36
08	Dutchess	East Fishkill (Town)	3.6 ME SE OF POUGHQUAG	PHILIPS ROAD	FISHKILL CREEK	County	1932	06/03/2009	FO	4.52
08	Dutchess	East Fishkill (Town)	5.0 MI E JCT RTS I84+9	SHENANDOAH ROAD	841 84182021111	NYSDoT	1963	06/04/2009	FO	5.05
08	Dutchess	East Fishkill (Town)	.5 MILE NW JCT I84 & TSP	SOMERSET ROAD	SHENANDOAH CREEK	County	2004	03/09/2010	N	7.00
08	Dutchess	East Fishkill (Town)	3.1 MI E JCT I84 & TSP	STORMVILLE MTN RD	841 84182021157	NYSDoT	1968	10/22/2009	FO	5.52
08	Dutchess	East Fishkill (Town)	2.2 MI NE OF HOPEWELL JCT	STORMVILLE ROAD	FISHKILL CREEK	County	1940	05/12/2010	SD	4.45
08	Dutchess	East Fishkill (Town)	1.1 MI S JCT I84 & HOOK	WARREN FARM ROAD	WICCOPEE CREEK	Town	1980	04/06/2011	FO	6.18
08	Dutchess	Fishkill (Town)	0.2 MI E JCT RTS 52 & 82	52 52 82042087	FISHKILL CREEK	NYSDoT	1994	08/31/2010	N	5.94
08	Dutchess	Fishkill (Town)	.9 MI E JCT I84 & SH 9D	841 84182021021	FIRST FARM ROAD	NYSDoT	1963	11/02/2009	FO	5.42
08	Dutchess	Fishkill (Town)	AT CAMP BEACON CORR FACIL	841 84182021031	CR36-RED SCHLHS R	NYSDoT	1964	06/25/2009	FO	5.06
08	Dutchess	Fishkill (Town)	AT CAMP BEACON CORR FACIL	841 84182021031	CR36-RED SCHLHS R	NYSDoT	1964	06/25/2009	FO	4.83
08	Dutchess	Fishkill (Town)	3.3 MI E JCT RTS I84+9D	841 84182021045	52 52 82042036	NYSDoT	1963	08/28/2009	FO	4.88
08	Dutchess	Fishkill (Town)	3.3 MI E JCT RTS I84+9D	841 84182021045	52 52 82042036	NYSDoT	1963	08/28/2009	FO	4.97
08	Dutchess	Fishkill (Town)	1.2 MI W JCT I84 & US 9	841 84182021047	MINRR BE LINE	NYSDoT	1963	08/12/2009	FO	4.43
08	Dutchess	Fishkill (Town)	1.2 MI W JCT I84 & US 9	841 84182021047	MINRR BE LINE	NYSDoT	1963	08/12/2009	FO	4.72
08	Dutchess	Fishkill (Town)	1.0 MI W JCT RTS I84+9	841 84182021050	FISHKILL CREEK	NYSDoT	1963	06/17/2009	N	5.00
08	Dutchess	Fishkill (Town)	1.0 MI W JCT RTS I84+9	841 84182021050	FISHKILL CREEK	NYSDoT	1963	07/01/2009	N	4.77
08	Dutchess	Fishkill (Town)	0.5 MI W JCT RTS I84+9	841 84182021054	CLOVE CREEK	NYSDoT	1963	07/24/2009	N	5.88
08	Dutchess	Fishkill (Town)	0.5 MI W JCT RTS I84+9	841 84182021054	CLOVE CREEK	NYSDoT	1963	07/24/2009	N	6.00
08	Dutchess	Fishkill (Town)	JCT RTS I-84 & 9	841 84182021060	9 9 82051026	NYSDoT	1998	10/06/2010	FO	5.81
08	Dutchess	Fishkill (Town)	JCT RTS I-84 & 9	841 84182021060	9 9 82051027	NYSDoT	1998	10/06/2010	FO	5.60
08	Dutchess	Fishkill (Town)	0.6 MI N JCT RTS I84 & 9	9 9 82051032	FISHKILL CREEK	NYSDoT	1980	06/23/2009	N	5.00
08	Dutchess	Fishkill (Town)	0.6 MI N JCT RTS I84 & 9	9 9 82051032	FISHKILL CREEK	NYSDoT	1980	06/23/2009	N	5.02

Dutchess County

Region	County	Municipality	Location	Feature Carried	Feature Crossed	Owner	Year Built or Replaced	Date of Last Inspection	SD/FO Status	NYS Condition Rating
08	Dutchess	Wappinger (Town)	1 MI W OF NEW HACKENSACK	COUNTY ROAD 110	WAPPINGER CREEK	County	1985	09/09/2009	FO	5.14
08	Dutchess	Wappinger (Town)	0.5MI E OF HUGHSONVILLE	COUNTY ROAD 28	MILLWOOD CREEK	County	1984	05/21/2009	N	6.57
08	Dutchess	Wappinger (Town)	2.1 MI N OF BRINCKERHOFF	COUNTY ROAD 28	SPROUT CREEK	County	1986	05/21/2009	FO	5.26
08	Dutchess	Wappinger (Town)	1.0 MI N. OF HUGHSONVILLE	COUNTY ROAD 91	HUNTER CREEK	County	1986	05/27/2009	N	6.33
08	Dutchess	Wappinger (Town)	IN THE TOWN OF WAPPINGER	MONTFORT ROAD	SPROUT CREEK	County	1995	06/22/2010	FO	6.46
08	Dutchess	Wappinger (Town)	2.4 MI SE OF NEW HACKSACK	ROBINSON LANE	SPROUT CREEK	County	1993	04/05/2011	N	5.71
08	Dutchess	Wappingers Falls (Village)	1.2 MI S JCT RTS 9D+9	9D 9D82033070	WAPPINGER CREEK	NYSDoT	1884	08/11/2009	N	4.95
08	Dutchess	Wappingers Falls (Village)	VILLAGE WAPPINGER FALLS	MCKINLEY STREET	WAPPINGER CREEK	Village	1999	10/21/2009	N	5.78
08	Dutchess	Washington (Town)	1.4 MI E JCT RTE 44+TSP	44 44 82022109	HAM CREEK	NYSDoT	1939	12/17/2009	N	5.39
08	Dutchess	Washington (Town)	1.3 MI E JCT RTE 44+TSP	44 44 82022109	SOUTH BROOK	NYSDoT	1939	12/17/2009	N	5.22
08	Dutchess	Washington (Town)	0.8 MI NW OF MILLBROOK	44A 44A82011020	E BR WAPPINGER CK	NYSDoT	1989	10/19/2009	N	6.19
08	Dutchess	Washington (Town)	2.0 MI NW OF MILLBROOK	CANOE HILL ROAD	E BR WAPPINGER CK	County	1988	06/22/2009	N	4.76
08	Dutchess	Washington (Town)	2.5 MI W OF AMENIA	COUNTY ROAD 86	DEER HILL CREEK	County	1929	08/25/2009	N	5.23
08	Dutchess	Washington (Town)	2.5 MI W OF MILLBROOK	FOWLER ROAD	E BR WAPPINGER CK	County	1979	04/28/2009	N	5.20
08	Dutchess	Washington (Town)	1.1 MI SE OF HIBERNIA	NARDONE ROAD	E BR WAPPINGER CK	County	1939	07/22/2009	N	4.88
08	Dutchess	Washington (Town)	2.5 MILES SW OF MILLBROOK	TYRELL ROAD	SOUTH BROOK	County	1992	06/29/2009	N	5.54
08	Dutchess	Washington (Town)	2.4 MI SW OF MILLBROOK	VERBANK ROAD	NO NAME CREEK	County	1931	04/07/2011	N	4.65

**NOTE:**

1. Data current as of May 31, 2011
2. Structurally Deficient (SD)/Functionally Obsolete (FO) info is current as of March 30, 2011
3. SD/FO Status  
SD = Structurally Deficient  
FO = Functionally Obsolete  
N = Neither SD/FO  
Blank = No data available
4. Other Items  
Blank = Data not available
5. NYS Condition Rating  
Please refer to the narrative, FAQs and the 'Key to New York State Highway Bridge Data' for additional information.





DISTRICT OFFICE  
167 MYERS CORNERS ROAD  
WAPPINGERS FALLS, NY 12590  
(845) 298-5000, EXT. 119  
FAX (845) 298-5373

OFFICE OF ADMINISTRATION

August 4, 2006

To: Richard Powell  
From: G. Thomas Stella  
Re: **Elementary Schools Enrollment and Overflow Plan & August 4 K6 Enrollment Report**

As per my memo of June 22, the following is the complete Elementary Schools Enrollment Overflow Plan:

**Elementary Schools Enrollment and Overflow Plan:**

The following plan has been devised to accommodate growing elementary classes:

- In Grades 1 through 6, elementary schools classes that grow over the prescribed average class limit will be assigned a TA.
- Once a Kindergarten class reaches the average class limit, new students will be assigned to a designated overflow school.
- Overflow Pattern: Once elementary classes in grades 1-6, reach a point where they are too large to be accommodated by the added TA, new students will be assigned to other "Sister Schools" that will be designated as "overflow schools", (e.g. Brinckerhoff... Fishkill Plains... Gayhead). Should any Kindergarten classes which become full not be able to be "overflowed" effectively, a TA assignment will be considered.
- Families of new registrants are apprised of any overflows by Central Registration before students are registered. (So far, families who have been "overflowed" have understood and accepted the logic and fairness of our plan)
- Administrative out of feeder approvals will follow the "benefit to the district" condition as designated in Board Policy 5153.
- **Guidelines:** Keep students in the same feeder area where possible; Coordinate with existing bus routes where possible; Coordinate with schools that have space

Therefore, the principals in schools which are currently experiencing enrollment issues will and/or are following this plan:

- Be ready to assign TA's at schools if and when needed
- Be ready to use the Overflow Plan

## Overflow Plan

Elementary overflow placement will follow the Overflow Plan. \*In cases of unusual circumstances, a student may be placed in a school other than the designated overflow school(s).

(e.g. should all overflow schools be filled to capacity in a particular grade)

**Brinckerhoff:** (Fishkill Plains); (Fishkill); (Gayhead)

**Evans:** (Myers Corners); (Fishkill); (Sheafe Rd.)

**Fishkill:** (Evans); (Brinckerhoff); (Myers Corners)

**Fishkill Plains:** (Gayhead); (Brinckerhoff); (Myers Corners); (Vassar Rd.)

**Gayhead:** (Fishkill Plains); (Brinckerhoff); (Myers Corners)

**Kinry Road:** (Myers Corners, Gr.4&5); (Oak Grove, Gr.,4&5); (Van Wyck, 6<sup>th</sup> Grade)

**Myers Corners:** (Evans); (Vassar Road, K-3); (Kinry Road, Gr.4-6); (Van Wyck JH, Gr.6)

**Oak Grove:** (Vassar Road, Gr. K-3); (Kinry Road, Gr.4-6); (Sheafe Rd.)

**Sheafe Road:** (Evans); (Oak Grove); (Myers Corners)

**Vassar Road:** (Myers Corners); (Oak Grove); (Fishkill Plains)

Att: Enrollment Report: 8/4/06

Cc. S. Miller

**Wappingers Central School District**

DISTRICT OFFICE  
167 MYERS CORNERS ROAD  
WAPPINGERS FALLS, NY 12590  
(845) 298-5000, EXT. 119  
FAX (845) 298-5373

DIRECTOR OF ADMINISTRATION

August 24, 2006

To: Richard Powell  
From: G. Thomas Stella  
Re: School Enrollments and Opening Day Readiness.

I have consulted with Mr. Miller on the state of average class sizes (ACS) in our elementary schools. The portion of this report that deals with teaching assistants and their utilization reflects our joint analysis.

As you know, our contractual average elementary class size (ACS) guidelines until October 1 of every school year are as follows:

**K-1...25 students**

**2-3...26 Students**

**4-6...27 students**

We have determined that, once the average class size exceeds these guidelines, teaching assistants will be assigned in grades 1 through 6 as a class size reduction measure. Once a TA is assigned, the class size may grow up to a certain limit. The TA class size limits are as follows:

**Grade 1.....27 students**

**Grades 2-3...28 Students**

**Grades 4-6...29 students**

Once these limits are reached, additional TA's will be assigned to other classes in order to achieve the appropriate class size reduction. The following chart represents our class size concerns for the opening of school.

***Elementary Enrollment Growth:***

<b>School</b>	<b>Grade</b>	<b>Disposition</b>
Gayhead Elementary School	Kindergarten	Kindergarten is closed. New Registrants on Overflow as per the <b>Overflow Plan</b> (See Attached August 4 memo)

School	Grade(s)	Disposition
Myers Corners Elementary School	Grade 2	1 TA to be added to a second grade class. A second TA is projected to be needed
Brinckerhoff Elementary School	Grade 1	1 TA is projected to be needed
Kinry Road Elementary School	Grade 4	1 TA is projected to be needed

***Inclusion Classes***

We are carefully monitoring enrollment in our inclusion classes. We are working closely with Mrs. Hudak in order to insure that the makeup of these classes are meeting their appropriate educational intent in terms of student composition, as well as being properly utilized as a control on Average Class Size. As we approach the opening of school, all is going well with our inclusion classes.

***District Enrollment Tally (8/24/06):***

The FACTS report gave us two sets of enrollment projections. The first projection places our 2006-7 student enrollment at 12,396 (2005 FACTS REPORT, p.12). Mr. De May also gave us a second schedule, which is based on a two-year-averaging cohort survival ratio that takes into account the impact of net new students from residential housing growth. In that second table, the 2006-7 student enrollment is projected to be 12,541 (2005 FACTS REPORT, p.13).

As of 8/24/06, our total district enrollment is 12,404. The table below will serve as a good indicator for our enrollment growth in August.

7/26/06 (Rollover)*	8/10/06	8/18/06	8/24/06
11,742	12,252	12,337	12,404

\*As explained in a prior memo, Pre-K's and other populations, (such as parochial school students), that were added shortly after the rollover account for the large jump in enrollment from 7/26/06 to 8/10/06. We are currently processing an average of twenty registrations per day. However, if we use the 8/10/06-8/24/06 data as a baseline, we could expect our enrollment to be at or about 12,500 by the opening of school.

***Enrollment and the First Week of School:***

As is always the case at the opening of school in all school districts, we expect that there will be some "no-shows" for the usual variety of reasons, (moves, public/private school options, work changes, custodial changes... etc.). For the same reasons, Central Registration continues to be busy throughout the month of September and October as we

process “no-shows” from other school districts. As a verification of our actual enrollment, you will receive an enrollment report on September 15.

As per our guidelines, we will continue to proactively monitor our enrollment numbers, and will continue to make the appropriate educationally sound interventions as needed.



## 2006 2007 Building Grade Counts

<u>building</u>	<u>grade</u>
AWAITING PLACEMENT	

01	1
04	2
05	1
06	2
07	1
08	2
09	1
10	1
12	1
K	<u>5</u>
	17

## EVANS ELEMENTARY SCH

01	57
02	56
03	52
04	50
05	54
K	1
KA	20
KP	<u>23</u>
	313

## FISHKILL ELEM SCHOOL

01	71
02	82
03	60
04	81
05	107
KA	20
KP	<u>44</u>
	465

## FISHKILL PLNS ELEM SCH

01	119
02	85
03	110
04	118
05	103
KA	39
KP	<u>44</u>
	618

## VASSAR ROAD ELEM SCH

01	112
02	122
03	105
K	2
KA	38
KP	<u>40</u>
	419

## 2006 2007 Building Grade Counts

<u>building</u>	<u>grade</u>
ORCHARD VIEW ALTERNA	
09	2
10	13
11	17
12	<u>23</u>
	55

09	2
10	13
11	17
12	<u>23</u>
	55

## ROY C KETCHAM HS

09	515
10	543
11	426
12	<u>493</u>
	1977

## BRINCKERHOFF ELEM SCH

01	101
02	102
03	103
04	112
05	99
KA	37
KP	<u>38</u>
	592

## OAK GROVE ELEM SCHOC

01	79
02	69
03	73
04	72
05	91
06	1
K	10
KA	35
KP	<u>16</u>
	446

## SHEAFE ROAD ELEM SCH

01	84
02	98
03	93
04	95
05	97
KA	34
KP	<u>32</u>
	533

## VAN WYCK JR HIGH

06	435
07	493
08	<u>538</u>
	1466

## GAYHEAD ELEM SCHOOL



## 2006 2007 Building Grade Counts

building grade

## GAYHEAD ELEM SCHOOL

01	166
02	169
03	170
04	199
05	178
06	1
KA	74
KP	74
	<u>1031</u>

## WAPPINGERS JR HIGH

07	449
08	510
	<u>959</u>

## JOHN JAY HIGH SCHOOL

09	588
10	549
11	501
12	491
	<u>2129</u>

## MYERS CORNERS ELEM S

01	82
02	108
03	105
04	102
05	102
06	314
K	1
KA	48
KP	48
	<u>910</u>

## KINRY ROAD ELEM SCH

04	129
05	119
06	226
	<u>474</u>

<u>District Total:</u>	<u>12404</u>
------------------------	--------------



MICHAEL A. DALBO  
LAND SURVEYOR, P.C.  
10 CRUM ELBOW ROAD  
HYDE PARK, N.Y. 12538

TEL 845. 229-9383 FAX 845. 229-9384

Mr. Thomas Wood, Esq.  
Wood & Klari  
Attorneys at Law  
3153 Albany Post Road  
Buchanan, N.Y. 10511

Nov. 16, 2007  
sent via fax (914) 736-9082

Re: Town of East Fishkill, Hilltop Manor Subdivision

Dear Mr. Wood:

In response to the above captioned matter, I hereby offer the following opinion and comment.

My first concern was to determine if Creek Bend Road is a deeded town road. To that end, my deed research revealed the following:

- Liber 906 of Deeds at page 400, recorded in the Dut. Co. Clerks Office on Dec. 14, 1955, includes a strip of land designated therein as "Parcel 6". That parcel encompasses what is now known as Creek Bend Road and by that deed said parcel was conveyed to the Town of East Fishkill on March 1, 1955. "Parcel 6" is a strip of land 50 feet in width, (25' each side of the described centerline) together with a square parcel of land (80 feet x 80 feet) which is contiguous to and adjacent to the easterly end of the 50' strip of land and forms the terminus of that road. That same parcel of land is also shown on the copy of the map your office supplied to me entitled "Property of Chauncy Gold, Formerly Francis Paine Farm", having an amended date of April 1955. It is located northwesterly of and adjacent to what is designated on that plat as n. or l. (now or formerly) Kreschler.
- Furthermore, my review of Liber 904 of Deeds at page 400, recorded in the Dut. Co. Clerks Office on Nov. 17, 1955, revealed that a strip of land designated therein as "Road J line:" was conveyed to the Town of East Fishkill. That parcel of land is the same parcel of land designated as "Parcel 6:" described above.
- Conclusion #1: Assuming that the town has not subsequently transferred title of the parcel of land described above, Creek Bend Road is a deeded town road.

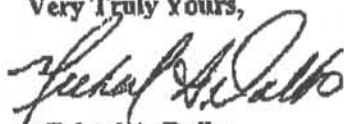
Regarding the question of direct access to Creek Bend Road from the lands of ECFM, INC and the proposed Hilltop Manor Subdivision my research disclosed the following;

- A mathematical plotting of the Creek Bend Road parcel, as conveyed to the Town, compared to a mathematical plot of the Creek Bend Road boundary shown on the survey plat prepared by Oswald & Gillespie, Consulting Engineers and Surveyors, dated Oct. 22, 2003 showed that the road line boundary definition between the two parcels differ slightly and are not in perfect harmony with one another. Further investigation disclosed the following;
- Liber 1030 of deeds at page 44 (a deed from Chauncey Gold to Libretti) states that the "southeasterly line of the Creek Bend Road" and the "northwesterly line of the lands now or formerly of Kirschler"(now the lands of ECFM, INC.) are one in the same. This deed clearly demonstrates the intent for the road line boundary to be common.
- Document # 02 2002 9426 (a deed from Frank Marinaro & Pina Marinaro to ECFM, INC.) and the preceding deed in that chain (Liber 1911 of deeds at page 209) both recite the same boundary courses shown on the Oswald & Gillespie Survey map. Both also state that the courses along the road run along the southerly or easterly road line boundary of Creek Bend Road". This also clearly demonstrates the intent for the road line boundary to be common. Furthermore that latest deed also conveys "all right, title and interest, if any, of the party of the first part, in and to any streets and roads abutting the above described premises to the center lines thereof". That statement is clear. In my opinion, the grantor intended to eliminate the potential to create a gore or gap between the lands conveyed to ECFM, INC. and the Creek Bend Road parcel.
- Conclusion #2: It is my opinion that there is direct, uninterrupted access from the lands of ECFM, INC. to Creek Bend Road. I believe that the above described "slight difference" in boundary definitions does not create a gore or gap between the two properties or interrupt the access. The language in the deeds is clear. The intent was to have a common road line boundary. However, to clean up that minor difference in boundary definition, I recommend that prior to final subdivision approval, a boundary line agreement be made between the Town and the owners of the Hilltop Manor Subdivision, to firmly fix and establish a commonly defined road line. In my mind, without having done an actual field survey, that boundary should run along the lines set forth and defined in the deeds conveyed to the town in 1955. However, the agreement could also be defined using the lines set forth on the Oswald and Gillespie Survey described above. In either case, the agreed upon road line should be physically marked with monuments, to the satisfaction of the Town Engineer. Those monuments should then be referenced and called for in the metes and bounds description defining that boundary line agreement.

Although I was expecting a copy of the final report from the title company, to date I have received nothing. Therefore, the opinions expressed above are subject to any facts that an up to date and accurate title search would reveal.

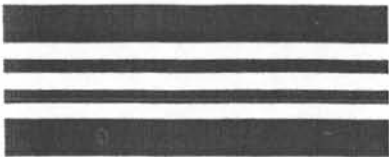
Finally, at this point, I see no reason for me to continue this evaluation to the next phase by performing an actual field survey. Please contact me with any questions or comments you may have.

Very Truly Yours,



Michael A. Dalbo,  
Land Surveyor





DUTCHESS COUNTY CLERK RECORDING PAGE

RECORD & RETURN TO:

JOEL D HANIG  
319 MAIN MALL REAR P O BOX 911  
POUGHKEEPSIE NY 12602

RECORDED: 09/24/2002  
AT: 14:43:12  
DOCUMENT #: 02 2002 9426

RECEIVED FROM: HANKIN HANIG STALL CAPLIKI

GRANTOR: MARINARO FRANK  
GRANTEE: ECFM INC

RECORDED IN: DEED  
INSTRUMENT TYPE:

TAX  
DISTRICT: EAST FISHKILL

EXAMINED AND CHARGED AS FOLLOWS:

RECORDING CHARGE: 72.00 NUMBER OF PAGES: 5

TRANSFER TAX AMOUNT:

TRANSFER TAX NUMBER: #001615

E & A FORM: Y

TP-584: Y

\*\*\* DO NOT DETACH THIS  
\*\*\* PAGE  
\*\*\* THIS IS NOT A BILL

COUNTY CLERK BY: TYP / \_\_\_\_\_  
RECEIPT NO: R70222  
BATCH RECORD: C00342

*Richard M. Anderson*  
RICHARD M. ANDERSON  
County Clerk



CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT--THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY.

+ - 05  
+ x - 0  
SP - 42  
30  
72

THIS INDENTURE, made the \_\_\_\_\_ day of September, Two Thousand Two  
BETWEEN **FRANK MARINARO and PINA MARINO**, residing at 10 Carpenter Road,  
Hopewell Junction, New York 12533, party of the first part, and  
**ECFM, INC.**, with offices at 10 Carpenter Road, Hopewell Junction, New  
York 12533,  
party of the second part,

WITNESSETH, that the party of the first part, in consideration of TEN Dollars and 00/100-----  
-----(\$10.00)-----dollars, lawful money of the United States, and  
other valuable consideration paid by the party of the second part, does hereby grant and release unto the party  
of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and  
assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate,  
lying and being in the Town of East Fishkill, County of Dutchess and State of New York and, more  
particularly described on the Schedule "A" annexed hereto and made a part hereof.

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads  
abutting the above described premises to the center lines thereof;

TOGETHER with the appurtenances and all the estate and rights of the party of the first part in and to said  
premises;

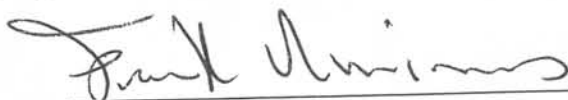
TO HAVE AND TO HOLD the premises herein granted unto the party of the second part, the heirs  
or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything  
whereby the said premises have been encumbered in any way whatever, except as aforesaid.

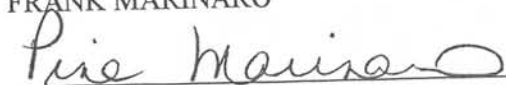
AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of  
the first part will receive the consideration for this conveyance and will hold the right to receive such  
consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will  
apply the same first to the payment of the cost of the improvement before using any part of the total of the same  
for any other purpose. The word "party" shall be construed as if it read "parties" whenever the sense of this  
indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year  
first above written.

In Presence of:



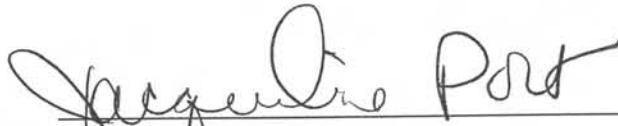
FRANK MARINARO





STATE OF NEW YORK )  
 )SS:  
COUNTY OF DUTCHESS )


On the 19 day of September, 2002, before me, the undersigned, a notary public in and for said state, personally appeared Frank Marinaro, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

**JACQUELINE PORT**  
Notary Public, State of New York  
Reg. # 4992325  
Qualified in Ulster County  
Commission Expires February 24, 2006

STATE OF NEW YORK )  
 )SS:  
COUNTY OF DUTCHESS )

On the 19 day of September, 2002, before me, the undersigned, a notary public in and for said state, personally appeared Pina Marinaro, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
\_\_\_\_\_  
NOTARY PUBLIC

**JACQUELINE PORT**  
Notary Public, State of New York  
Reg. # 4992325  
Qualified in Ulster County  
Commission Expires February 24, 2006

BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS

Title No.  
\_\_\_\_\_

Frank Marinaro and Pina Marinaro

TO

ECFM, Inc.  
\_\_\_\_\_

Section:  
Block:  
Lot:  
County or Town:

**RECORD AND RETURN TO:**

JOEL D. HANIG, ESQ.  
Hankin, Hanig, Stall, Caplicki,  
Redl & Curtin, LLP  
319 Main Mall, Rear, PO Box 911  
Poughkeepsie, NY 12602-0911



# OSWALD & GILLESPIE, PC

Consulting Engineers & Land Surveyors

July 25, 2002

Frank Marinaro

Description of a certain parcel of land situated in the Town of East Fishkill, County of Dutchess and the State of New York.

Beginning at a point along the southerly line of Creek Bend Road and said point being the northwesterly corner of the lands of now or formerly Gilligan liber 1988 page 364, thence in a easterly direction along the southerly line of Creek Bend Road the following courses and distances, NORTH 35-47-00 EAST 188.00 feet to a point, thence NORTH 58-26-00 EAST 123.80 feet to a point, thence NORTH 49-53-00 EAST 59.70 feet to a point, thence NORTH 54-38-00 EAST 99.20 feet to a point, thence NORTH 47-47-00 EAST 358.80 feet to a point along the southerly line of the lands of now or formerly Tanaka liber 1382 page 360, thence in a easterly direction along the lands of Tanaka the following courses and distances, SOUTH 83-01-00 EAST 14.15 feet to a point, thence NORTH 42-06-00 EAST 108.60 feet to a point, thence NORTH 24-45-28 WEST 177.74 feet to a point along the southerly line of the lands of Central Hudson Gas & Electric Corp., liber 1250 page 990, thence in a easterly direction along the southerly line of Central Hudson Gas & Electric Corp., the following courses and distances, SOUTH 42-26-51 EAST 50.49 feet to a point, thence SOUTH 79-48-31 EAST 1060.40 feet to a point along the westerly line of the lands of Perrone, Doc no. 1999-5891, thence in a southerly direction along the westerly line of Perrone and Lot no. 1 & 2 of filed map no. 9998 the following courses and distances, SOUTH 09-40-06 EAST 196.60 feet to a point, thence SOUTH 23-24-30 WEST 1441.10 feet to the northeasterly corner of the lands of now or formerly Castiglia, thence in a westerly direction along the northerly line of Castiglia and the lands of Pugh, Mellia and the aforesaid land of Gilligan the following courses and distances, NORTH 53-12-51 WEST 602.93 feet to a point, thence NORTH 53-25-00 WEST 619.40 feet to a point, thence NORTH 56-30-00 WEST 392.10 feet to the point of beginning.

**SCHEDULE "A"**

Page 2

Containing 40.95 acres of land more or less. Subject to the rights of public utilities of record.



*Quaker Abstract Corp.*  
*Agent for*  
*First American Title Insurance Company*  
*of New York*  
*297 Main Mall Poughkeepsie, New York 12601*  
*(914) 452-3350 • Fax (914) 452-8759*

July 12, 2005

Campanaro & Tomkovitch, Esqs.  
Rte. 376  
PO Box 123  
Hopewell Junction, NY 12533

Re: Title #762-02114  
Creek Bend Road

Gentlemen:

On March 18, 2005 title insurance was issued to ECFM, Inc. (Frank Marinaro). As of this date the title policy has not been issued, however the marked up title report does not except any right of the owner to access over Creek Bend Road.

Prior to a request for title insurance our office had determined that access over Creek Bend Road could be insured. That determination was a result of our examination of the deed into Frank Marinaro in Liber 1911 cp 209, the examination of the tax map for the Town of East Fishkill and the examination of filed map #5709.

If there is anything further you may require in this matter please do not hesitate to contact this office.

Very truly yours,

*Michael R. Boccia Jr.*

Michael R. Boccia, Jr.

MRB/sf

RECEIVED  
JUL 13 2005

BY: .....



RECEIVED  
FEB 25 2005

CERTIFICATE OF TITLE

*First American Title Insurance Company  
of New York*

*Quaker Abstract Inc.*  
297 Main Mall  
Poughkeepsie, NY 12601  
Phone: 845-452-3350  
Fax: 845-452-8759

Title No. 762-02114

*First American Title Insurance Company of New York* ("the Company") certifies to

MICHAEL J. TOMKOVITCH, ESQ.

that an examination of title to the premises described in Schedule A has been made in accordance with its usual procedure and agrees to issue its standard form of title insurance policy authorized by the Insurance Department of the State of New York, in the amount set forth herein, insuring the interest set forth herein, and the marketability thereof, in the premises described in Schedule A, after the closing of the transaction in conformance with the requirements and procedures approved by the Company and after the payment of the premium and fees associated herewith excepting (a) all loss or damage by reason of the estates, interests, defects, objections, liens, encumbrances and other matters set forth herein that are not disposed of to the satisfaction of the Company prior to such closing or issuance of the policy (b) any question or objection coming to the attention of the Company before the date of closing, or if there be no closing, before the issuance of the policy.

This Agreement to insure shall terminate (1) if the prospective insured, his or her attorney or agent makes any untrue statement with respect to any material fact or suppresses or fails to disclose any material fact or if any untrue answers are given to material inquiries by or on behalf of the Company; or (2) upon the issuance of title insurance in accordance herewith. In the event that this Certificate is endorsed and redated by an authorized representative of the Company after the closing of the transaction and payment of the premium and fees associated herewith, such "redated" Certificate shall serve as evidence of the title insurance issued until such time as a policy of title insurance is delivered to the insured. Any claim made under the redated Certificate shall be restricted to the conditions, stipulations and exclusions from coverage of the standard form of title insurance policy issued by the Company.

2/24/2005

COUNTERSIGNED

*Michael R. Boccia*  
AUTHORIZED SIGNATURE

3-18-05



FIRST AMERICAN TITLE INSURANCE COMPANY  
OF NEW YORK

BY: *James M. Dugan*  
PRESIDENT





Schedule A

Title Number: 762-02114

Effective Date: 02/14/2005

Section 6457

Block 02

Lot 885725

Premises Creek Bend Road  
Town/Village/City  
County Dutchess

ALTA Owner's Policy 1992 (with N.Y. Endorsement Modifications) \$ ~~To Be Determined~~ 250,000.  
Proposed Insured

ALTA Loan Policy 1992 (with N.Y. Endorsement Modifications) \$ ~~To Be Determined~~  
Proposed Insured

The estate or interest in the land described or referred to in this Certificate and covered herein is: **Fee Simple**

Title to said estate or interest in said land at the effective date hereof is vested in:

ECFM INC. - NO Change - Ins. Only

Source of Title:

By deed from Frank Marinaro and Ana Marinaro dated 9/ /02 and recorded 9/24/02 in Doc. #02-2002-9426.

Recertified Date: 3/18/05

Title Recertified In:

The land referred to in this Certificate is described as follows:

SCHEDULE "A" DESCRIPTION TO FOLLOW



**Schedule B**

Title Number: **762-02114**

Hereinafter set forth are additional matters which will appear in our policy as exceptions from coverage unless disposed of to our satisfaction prior to the closing or delivery of the policy.

1. Taxes, tax liens, tax sales, water rates, sewer rents and assessments set forth in schedule herein.
2. Mortgage returned herein ( NONE ). Detailed statement within.
3. Any state of facts which an accurate survey might show.  
or  
Survey exceptions set forth herein.
4. Rights of tenants or persons in possession.
5. Covenants, conditions, easements, leases, agreements of record, etc., more fully set forth in Schedule herein:-  
The exact courses, distances and dimensions of the premises described in Schedule "A", are not insured without a certified survey.
7. No title is insured to lands now or formerly lying in the bed of Creek Bend Road.
8. Utility grant (s) set forth in Liber 1075 cp 256.
9. Unanimous written consent of the stockholder of ECFM INC. to the proposed transaction must be submitted, or in the alternative, proof must be furnished that the holder of two third (2/3) of its stock have consented to the proposed transaction at a meeting duly called.
10. Proof of payment of Franchise Tax on ECFM INC. incorporation to the date of closing is required. NOTE: Report requested from the State Tax Commission.
11. Final reading to be ordered by the Town Water Department with final bill to be delivered at closing. If water service to the insured premises is provided by private water company or well and septic, then affidavit stating same must be delivered at closing.
12. Closing instruments must be subscribed in black ink.
13. Due to the increasing number of instruments being rejected by the various County Clerk's for below standard quality, we hereby reserve the right to have our closing representative refuse to accept any instrument for recording which we feel will be returned by the respective clerk's. We do ask for your cooperation by having those who prepare your instruments to re-check them PRIOR to closing to avoid any inconveniences caused by rejection.
14. TAX INFORMATION RECEIVED BY TELEPHONE FROM TAX COLLECTORS HAS PROVEN REPEATEDLY TO BE INACCURATE AND UNRELIABLE. THEREFORE WE CAN NO LONGER ACCEPT RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION OBTAINED IN THIS WAY. FOR YOUR PROTECTION AND TO AVOID FUTURE LIABILITY ON THE PART OF THE PURCHASER/BORROWER WE ADVISE YOU TO OBTAIN OFFICIAL TAX BILLS OR PAYOFF LETTERS FROM THE VARIOUS TAX OFFICES PRIOR TO CLOSING SO THAT ALL THE TAX ISSUES CAN BE CORRECTLY SETTLED AT CLOSING.

## Schedule B

Title Number: 762-02114

 15.

If our title closer is unable to verify the pay-off figure at the closing, this company may collect the amount of \$1000.00 for every \$100,000.00 or part thereof due on the mortgage to be paid off in escrow pending acceptance of the payment by Lender.

ALL that certain parcel of land situated in the Town of East Fishkill, County of Dutchess and the State of New York bounded and described as follows:

Beginning at a point along the southerly line of Creek Bend Road and said point being the northwesterly corner of the lands of now or formerly Gilligan liber 1988 page 364, thence in a easterly direction along the southerly line of Creek Bend Road the following courses and distances, NORTH 35-47-00 EAST 188.00 feet to a point, thence NORTH 58-26-00 EAST 123.80 feet to a point, thence NORTH 49-53-00 EAST 59.70 feet to a point, thence NORTH 54-38-00 EAST 99.20 feet to a point, thence NORTH 47-47-00 EAST 358.80 feet to a point along the southerly line of the lands of now or formerly Tanaka liber 1382 page 360, thence in a easterly direction along the lands of Tanaka the following courses and distances, SOUTH 83-01-00 EAST 14.15 feet to a point, thence NORTH 42-06-00 EAST 108.60 feet to a point, thence NORTH 24-45-28 WEST 177.74 feet to a point along the southerly line of the lands of Central Hudson Gas & Electric Corp., liber 1250 page 990, thence in a easterly direction along the southerly line of Central Hudson Gas & Electric Corp., the following courses and distances, SOUTH 42-26-51 EAST 50.49 feet to a point, thence SOUTH 79-48-31 EAST 1060.40 feet to a point along the westerly line of the lands of Perrone, Doc no. 1999-5891, thence in a southerly direction along the westerly line of Perrone and Lot no. 1 & 2 of filed map no. 9998 the following courses and distances, SOUTH 09-40-06 EAST 196.60 feet to a point, thence SOUTH 23-24-30 WEST 1441.10 feet to the northeasterly corner of the lands of now or formerly Castiglia, thence in a westerly direction along the northerly line of Castiglia and the lands of Pugh, Mellia and the aforesaid land of Gilligan the following courses and distances, NORTH 53-12-51 WEST 602.93 feet to a point, thence NORTH 53-25-00 WEST 619.40 feet to a point, thence NORTH 56-30-00 WEST 392.10 feet to the point of beginning.

*Inshrc*



## Mortgages

Title Number 762-02114

**NONE OF RECORD**

Title Company will require a written payoff statement prior to closing.

These mortgage returns, unless the mortgage is to be insured, will appear as exceptions from coverage. The information set forth herein is obtained from the recorded instrument. Sometimes the provisions of a mortgage may be modified by agreements which are not recorded. We suggest that you communicate with the mortgagee if you desire any additional information. If there has been a change in the owners and holders of the mortgage, such information should be furnished to us promptly to enable further searches to be made.





# Tax Search

Account Number:  
Municipality **Creek Bend Road**

Title Number: **762-02114**  
Year of Roll **2005**

Section **6457** Block **02** Lot **885725**  
Assessed Valuation **28,500.00** Total **28,500.00**  
Assessed To **E.C.F.M. INC.**

Lot Size **41.3 ac.**  
Class **322**  
School District **Wappingers**

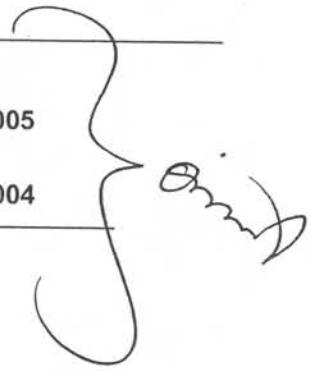
Code

---

**Taxes**

<b>2005</b>	<b>State, County &amp; Town</b>	<b>1,329.62 PAID</b>	<b>02/15/2005</b>
<b>2004/05</b>	<b>School</b>	<b>3,548.15 PAID</b>	<b>10/15/2004</b>

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# New York State Municipal Department Searches

Title Number 762-02114

Page 1

All searches and their results are provided at the request of the mortgagee/purchaser or their respective counsels. The Company does not in any event, insure that the buildings or other improvements situate on the premises or their uses either actual or intended, comply with Federal, State or Municipal laws, regulations or ordinances and therefore assumes no liability whatsoever by reason of the ordering of such searches and does not insure their accuracy. The following results are hereby provided for informational purposes only.

## CERTIFICATE OF OCCUPANCY SEARCH

None requested, none provided



N) 3 14 62

205-Statutory Form  
Warranty Deed

Individual.

LIBER 1075 PAGE 256

JULIUS BLUMBERG, INC., LAW BLANK PUBLISHERS  
100 EXCHANGE PLACE AT BROADWAY, NEW YORK

# Indenture,

day of *February* nineteen hundred

residing at 350 Central Park West, City, County and State of

party of the first part,

Electric Corporation, a domestic corporation having its  
34 South Avenue, City of Poughkeepsie, State of New York

party of the second part,

the party of the first part, in consideration of

----- Dollars,

cash, and other good and valuable consideration

paid by the party of the second part

unto the party of the second part,

its successors

and assigns forever,

all parcels of land situate in the Town of East Fishkill,  
of New York bounded and described as follows:

and Central H.  
principal  
and County

Made the  
and sixty-two  
Between

Witness  
one and 00/100  
lawful money of  
do es hereby gr.

All those cer  
County of Dutch

Parcel I

Begin  
running along  
feet and South  
of lands of now  
7°11'10" East  
along other lan  
and North 42°16'  
thence along sa  
North 46°36'00"  
containing 3.36

Parcel II

Begin  
running thence  
South 66°41'10"  
East 8.65 feet  
more or less.

Together  
premises of the  
maintaining or  
which Central H.  
upon the above  
reasonable rout

Point at the Southeast corner of now or formerly Ewart and  
of Grizer, the grantor herein, South 42°18'30" East 24.54  
feet to a stone wall fence and the Westerly line  
of Kershaw; thence along said fence and said Kershaw South  
thence leaving said fence and said Kershaw and running  
of Grizer, the grantor herein, North 79°37'50" West 1060.64 feet  
to the Southerly line of lands of said Ewart;  
thence along said fence and said Kershaw and running  
thence along a trace of wire fence to the point of beginning  
land be the same more or less.

Point at the Southeast corner of now or formerly Ewart and  
of Grizer, the grantor herein, South 42°18'30" East 24.54  
feet to a stone wall fence and the Westerly line  
of Kershaw; thence along said fence and said Kershaw South  
thence leaving said fence and said Kershaw and running  
of Grizer, the grantor herein, North 79°37'50" West 1060.64 feet  
to the Southerly line of lands of said Ewart;  
thence along said fence and said Kershaw and running  
thence along a trace of wire fence to the point of beginning  
land be the same more or less.

right at all times to cross and recross the remaining  
for the purpose of constructing, operating, inspecting,  
and all structures and fixtures of every kind and nature  
successors or assigns may construct, operate or maintain  
and, said right of access to be confined to practicable and  
designated by the undersigned; and provided that physical  
caused by the undersigned, caused solely by Central Hudson, its  
in the exercise of such right of crossing shall be

use of Central Hudson, its successors, assigns or lessees.

brush, trees  
on both sides  
successors  
operation  
which may

with the permanent right to trim, cut and remove, at any time, trees or objects upon the remaining adjacent property of the undersigned above described land as, in the judgment of Central Hudson, its successors or lessees, may interfere with, obstruct or endanger the construction, maintenance of its lines and appurtenances and fixtures or any thereof located or constructed on the above described land.

parcel, plus  
Central Hudson  
and saves  
occurring

to the undersigned the right to cultivate the herein described land, provided such cultivation does not interfere with, obstruct or endanger the utilities; and further provided that the undersigned indemnifies Central Hudson from any and all damages to persons or property resulting from such use.

right to  
which shall  
to be determined  
if Central Hudson  
such relocation  
or assignment

and reserving unto the undersigned, his heirs or assigns, the right to cross the above described land at not more than five points, the crossing(s) shall not be more than 50 feet in width and at such location(s) as Central Hudson, its successors or assigns provided, however, that the undersigned will require the relocation of any crossing(s) reserved as aforesaid, to be done at the cost and expense of Central Hudson, its successors or assigns.

Together  
to said premises

incumbrances and all the estate and rights of the party of the first part in and

To have

the premises herein granted unto the party of the second part, together with all the appurtenances thereto in anywise in anywise, and assigns forever.

And the

of the first part covenant as follows:

First

party of the first part is seized of the said premises in fee simple,

and has

conveyed the same,

Second

party of the second part shall quietly enjoy the said premises;

Third

said premises are free from incumbrances;

Fourth

party of the first part will execute or procure any further necessary assurances;

and the

Fifth

party of the first part will forever warrant the title to said premises.

Sixth

grantor, in compliance with Section 13 of the Lien Law, covenants that the grantor shall hold the right to receive such consideration for this conveyance and will hold the right to receive such consideration as a lien in preference to any other lien or claim which may be applied first for the purpose of paying the cost of the improvement and that the grantor shall apply the same first to the payment of the cost of the improvement before using any part of the same for any other purpose.

grantor will  
consideration as a  
the grantor  
of the total

741-57

11/4/50

LEA 741 245 57

THIS AGREEMENT, made the 3rd day of October  
and between LEON GRIZER and LILLIAN GRIZER, his  
residing at 250 Fort Washington Avenue, New York,  
parties of the first part, and COUNTY OF DUTCHESS,  
party of the second part,

W I T N E S S E T H :

The parties of the first part, in consideration of  
\$1000.00 Dollar lawful money of the United States, and  
other and valuable considerations, paid by the party  
of the second part, do hereby convey to the party of the  
first part and its successors, a construction right and  
easement, to enter upon for the purpose of constructing  
a highway, in perpetuity, or for so long a period as  
may be required for public highway purposes, the necessary  
cuttings and ditches and also to remove and dispose of the re-  
moved and excavated material within the limits described as

follows: A certain piece or parcel of land, situate in the Town of  
Hopewell, County of Dutchess, State of New York, for  
the widening of the Lake-Old Hopewell Road, Town of East Fishkill  
described as follows:

Beginning at a point on the southwesterly boundary of the  
lot on the north side of the Lake-Old Hopewell Road at the intersection  
of the said boundary with the division line between the lands  
of the Grizer family (reputed owners) on the west, and the lands  
of the Grizer family (reputed owner) on the east, said point being 22  
feet distant southwesterly measured at right  
angles from station 80 plus 72 more or less of the hereinafter  
described survey base line of the proposed construction of  
the Lake-Old Hopewell Road, thence southwesterly  
along the said division line 8 more or less feet to a point 30  
feet southwesterly, measured at right angles, from  
the said point plus 72 more or less of the said base line; thence  
southwesterly 32' E 203.3 more or less feet to a point 30  
feet southwesterly, measured at right angles from  
the said point plus 85 of the said base line; thence S 31 degrees





**OSWALD & GILLESPIE, PC**  
Consulting Engineers & Land Surveyors

Robert V. Oswald, LS

Michael E. Gillespie, PE

June 26, 2002

Central Hudson Energy Group  
attn: Mr. John McManus  
284 South Ave.  
Poughkeepsie, New York 12601

SENT VIA U.S. MAIL

Re: ***Proposed Residential Subdivision (Marinero Parcel)***  
***Carpenter Road – Creek Bend Road***  
***Town of East Fishkill***

1559 Suite B  
Route 82

Hopewell Jct., NY 12533  
(845) 227-6227  
Fax 226-1315

Dear John:

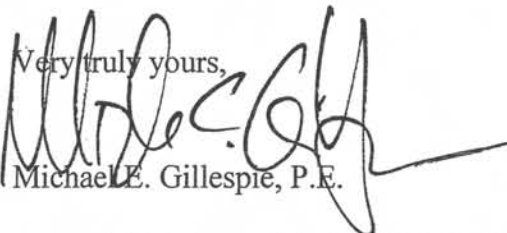
Please find enclosed within this submission the following:

- One (1) map detailing subdivision proposal
- One (1) USGS map detailing site location

The project entails residential subdivision with access being derived from Creek Bend Road. A CHG&E right of way bisects the property.

On behalf of our client, we would request which activities would and would not be allowed within the limits of this right of way. There is the potential (as detailed on the plan) to allow for a road extension to serve additional lots on the northern side.

If you have any additional questions or require additional information, please do not hesitate to call. Thank you and I look forward to hearing from you soon.

Very truly yours,  
  
Michael E. Gillespie, P.E.

cc: F. Marinero (via fax 227-6875)  
file



CENTRAL HUDSON GAS & ELECTRIC CORPORATION  
284 SOUTH AVENUE  
POUGHKEEPSIE, NY 12601-4879

845-486-5475

JOHN MCMANUS

TELECOPIER: 845-486-5952  
E-mail: jmcmanus@cenhud.com

July 3, 2002

Mr. Michael Gillespie, P.E.  
Oswald & Gillespie, PC  
1559 Suite B  
Route 82  
Hopewell Junction, NY 12533

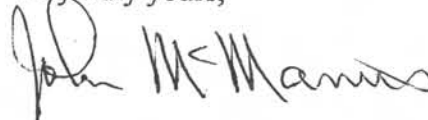
RE: Subdivision Carpenter Road Estates  
East Fishkill

Dear Mr. Gillespie:

This letter is a response to your letter of inquiry of June 26, 2002. I have researched our records and found that: 1. Central Hudson owns the corridor through the proposed subdivision in fee and therefore not an easement. 2. Central Hudson had given a License to the previous owner E.W. builders, Inc. in 1989 to allow a 50- foot wide roadway across the property for access to the subdivision lots on the north side of the corridor. Central Hudson will issue an updated License to the new owners of the subdivision parcel for the roadway providing is sent to us: 1. a request letter from the new owners with their names and address 2. more detailed road drawings (as they become available) as to elevations, cut and fill, underground utilities and drainage that will be within the roadway. By supplying us with the referenced information we will be able to compose the License more precisely and our Engineers can review the crossing more knowledgeably.

I hope I have answered your questions adequately with this response.

Very truly yours,



John McManus



# Town of East Fishkill

DUTCHESS COUNTY, N.Y.



POST OFFICE ADDRESS:  
HOPEWELL JUNCTION,  
NEW YORK 12533

TELEPHONE  
221-9181

BUILDING INSPECTOR & PLANNING  
221-2427

JUSTICE COURT  
226-4229

ASSESSORS  
226-6363

HIGHWAY  
221-2681

FEBRUARY 24, 1994

DEAR KAY,

RE: GRID NO 05-6457-02-885725-00  
LOCATION: 10 CREEK BEND RD  
54.633 Ac. (D)

MR. FRANK MARINARO HEREBY REQUEST SEPERATE GRID NUMBERS  
FOR PARCEL MENTIONED ABOVE. AS CENTRAL HUDSON GAS &  
ELECTRIC CORP HAS A PARCEL GRID NO: 05-6457-02-895740-00  
THAT DIVIDES THE ABOVE PARCEL.

THANKS,

YOURS TRULY,

FRANK MARINARO

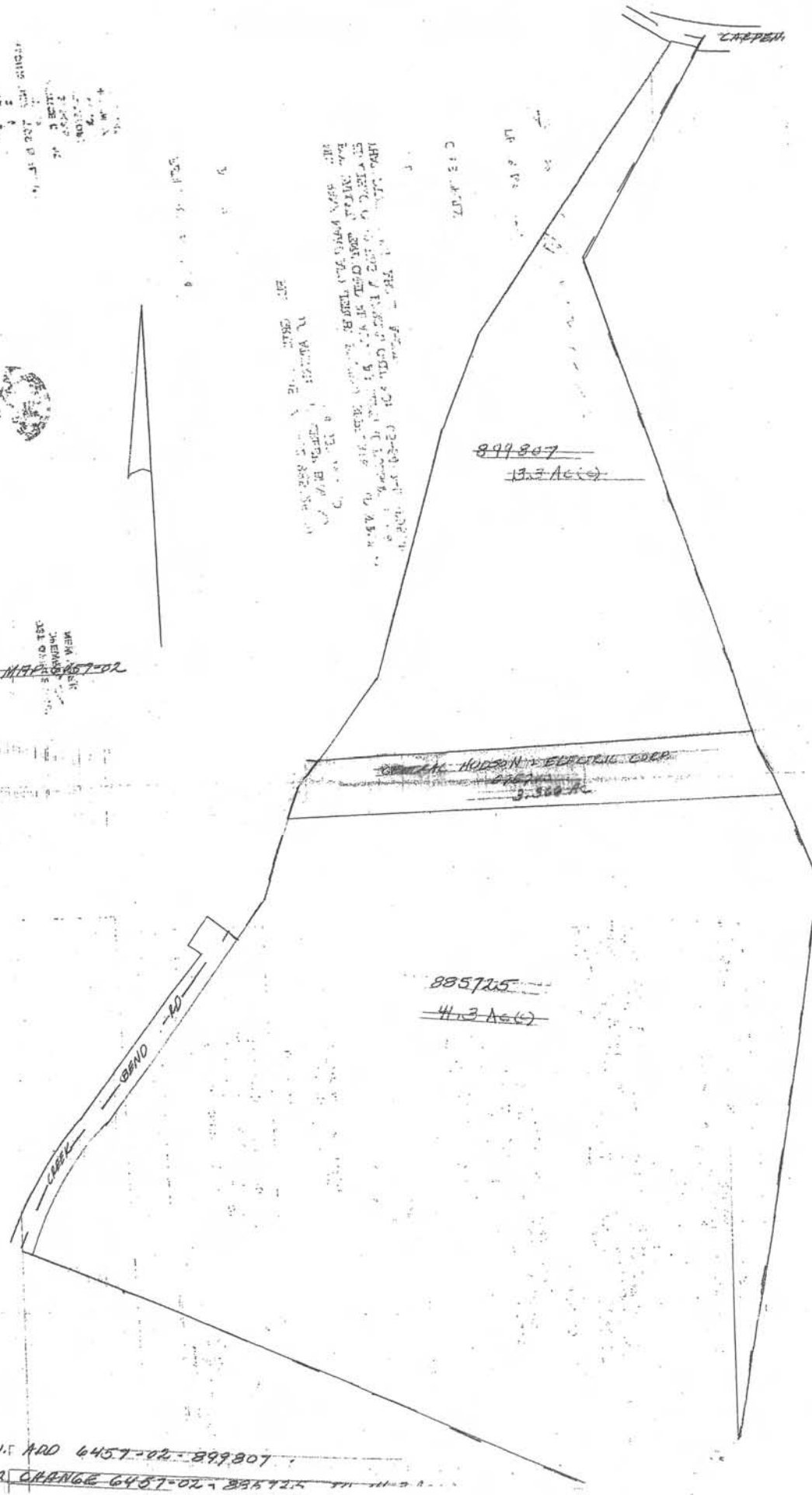
105

APPROX. AREA OF LOT 105  
1. 105  
2. 105  
3. 105  
4. 105  
5. 105  
6. 105  
7. 105  
8. 105  
9. 105  
10. 105

APPROX. AREA OF LOT 105  
1. 105  
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APPROX. AREA OF LOT 105  
1. 105  
2. 105  
3. 105  
4. 105  
5. 105  
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7. 105  
8. 105  
9. 105  
10. 105

MEMO  
CHANGED  
SET ON  
6457-02



1. ADD 6457-02-899807
2. CHANGE 6457-02-895725

**QUAKER ABSTRACT INC.**

297 Main Mall  
Poughkeepsie, NY 12601  
Tel (845) 452-3350  
Fax (845) 452-8759

March 14, 2005

Michael J. Tomkovitch, Esq.  
P O Box 123  
Hopewell Junction, NY 12533

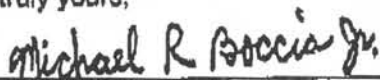
Re: Title Number: 762-02114  
Premises: Creek Bend Road  
County: Dutchess  
Parties: E.C.F.M. INC.

Dear Sir/Madam:

In connection with the above captioned title, enclosed please find the following to be annexed to your Certificate of Title:


Survey Reading

Very truly yours,



Michael R. Boccia, Jr.

MRB

**Survey Reading**Title Number **762-02114**Page **1**

Survey made by Oswald & Gillespie dated July 25, 2002 shows:  
reference to 40.95 acre parcel; vacant land bordering on lands of Central  
Hudson Gas & Electric Corp. on the North.

No encroachments or variations.

Subject to any changes since date of survey.





# MORRIS ASSOCIATES, P.S., L.L.C.

ENGINEERING CONSULTANTS

9 Elks Lane, Poughkeepsie, New York 12601

Tel: (845) 454-3411 Fax: (845) 473-1962

E-Mail: morrisassociates@aol.com

January 27, 2004

Town of East Fishkill  
Planning Board  
Town Hall  
330 Route 376  
Hopewell Junction, NY 12533

Attn: Ms. Norma Drummond, Chair

**Re: Hilltop Manor  
23 lot subdivision  
Creek Bend Road  
Town of East Fishkill  
MA #202345.09**

Dear Ms. Drummond:

Peter Hobday of this office has relayed to me the Planning Board's concern with applicant's access to Creek Bend Road, a Town road. We have met with the applicant's surveyor and engineer, Robert Oswald, LS and Michael Gillespie, PE, respectively, and I have reviewed the documentation they provided. This information included filed maps and deeds of the adjoining properties on both sides of Creek Road.

The information provided demonstrates to my satisfaction clear access to Creek Road along the applicant's entire frontage. Unless those parties who claim otherwise can show some proof to the contrary, I can see no reason for the Board to withhold approval.

If you have any questions regarding this letter, please contact this office.

Very truly yours,

MORRIS ASSOCIATES

James A. Bartles, L.S.  
Chief Surveyor

cc: Peter E. Hobday  
Michael E. Gillespie, PE  
Robert Oswald, LS





**TOWN OF EAST FISHKILL**  
BUILDING AND ZONING DEPARTMENT  
Town Hall, 330 Route 376, Hopewell Junction NY 12533  
845-221-2427

John D Neubauer  
Building & Zoning Administrator

John L Hickman, Jr.  
Deputy Zoning Administrator  
William Jackson  
Fire Inspector

July 1, 2002

To: Frank and Pina Marinaro  
10 Carpenter Road  
Hopewell Junction NY 12533

From: John Neubauer

Re: 10 Carpenter Road

Pursuant to your request, I have reviewed item #5 of the May 7, 2002 letter from GMAC Mortgage. Please know that the "remaining property" as noted in item #5 will continue to conform to all Town restrictions and/or requirements, such as setbacks and lot size. The necessary access (ingress and egress) is still available.

There are no known violations on the property at this time.

Very truly yours,

John Neubauer  
Town of East Fishkill Building  
Inspector and Zoning Administrator  
JN/pb  
Cc: Mike Gillespie, PE



# OSWALD & GILLESPIE, PC

Consulting Engineers & Land Surveyors

Robert V. Oswald, LS

Michael E. Gillespie, PE

June 26, 2002

Town of East Fishkill  
Town Hall  
Building Department  
330 Route 376  
Hopewell Junction, New York 12533

Re: **Release of Property from Mortgage**  
**Marinero Parcel**  
**Carpenter Road**  
Town of East Fishkill

Dear Jack:

Please find enclosed the following:

- One (1) copy of boundary survey as just completed by this office
- One (1) copy of tax mapping
- One (1) copy of letter from GMAC mortgage (dated May 7, 2002)

The owner, Mr. Frank Marinero, is currently looking to except that portion of property south of the Central Hudson Right of Way from his mortgage. The property is described by one deed although there are two tax grid I.D. numbers associated with the parcel.

In order to satisfy the bank, they are looking for a formal signed document from the local zoning office (or planning department) satisfying those conditions as outlined in item #5 of the May 7, 2002 letter from GMAC mortgage (attached). The portion of "remaining property" as defined in item #5 is that with Frank's existing house which serves access from Carpenter Road. Based upon this office's review of the house location and access, the house meets all applicable Town and County requirements. As understood, there is a valid Certificate of Occupancy for the house.

All correspondence can be directed back to this office. If you have any additional questions or concerns, please do not hesitate to call this office.

Thank You.

Very truly yours,



Michael E. Gillespie, P.E.

cc: F. Marinero (via fax 227-6875)  
J. Hanig, Esq. (via fax 471-0105)  
file

1559 Suite B

Route 82

Hopewell Jct., NY 12533

(845) 227-6227

Fax 226-1315



# GMAC Mortgage

May 7, 2002

Joel D. Hanig  
Hankin, Hanig, Stall, Caplicki, Redl & Curtin, LLP  
319 Main Mall Rear - P. O. Box 911  
Poughkeepsie NY 12602-0911

RE: GMAC ACCOUNT 164181406-Frank and Pina Marinaro  
10 Carpenter Road  
Hopewell Junction NY 12533-6128

Dear Mr. Hanig,

We are in receipt of your request for a Partial Release on the above referenced property. Below is a list of the requirements necessary to complete a Partial Release. (If this is a state taking, please notify the state of our requirements. Attorney fees may be incurred and become the responsibility of the titleholder if a condemnation suit is filed.) **If we do not receive the required items by July 7, 2002 this request will close automatically.**

**Required Items:**

1. Sales/purchase agreement or letter describing transaction signed by all titleholders. **We may require all or a portion of the funds received to be applied to the principal balance of the loan.**
2. An appraisal giving the after value of the property to be retained on the deed of trust / mortgage prepared by a licensed appraiser.
3. A current plat or survey signed and dated by a licensed surveyor identifying property encumbered on mortgage and portion to be released. Indicate the location of right of legal access to the property, the house and the location of a well and or septic system. Also, provide written legal descriptions for the property to be released and to remain encumbered by mortgage.
4. Nonrefundable processing fee \$350.00 plus an additional \$50 if a plat map is to be signed.
5. A signed document from your local zoning office or planning department that states the remaining property will continue to conform to all city and county restrictions and/or requirements, such as, but not limited to, set back and lot size requirements, and that the necessary access (ingress and egress) is still available.
6. Provide the Partial Release/Reconveyance document to release security interest in mortgage and the name and address of the person or company who will be responsible for recording the document. This document should include the recording information of the original Deed of Trust / Mortgage and the legal description of the property to be released.

Please forward the requested items to the Land Title Adjustment Department at the address below. The review process will take two to four weeks. We reserve the right to request additional documentation as the circumstances become known. Please notify us if you have a Home Equity loan with GMAC Mortgage Corporation.

Should you have questions you may call 1-800-766-4622 and ask to speak to a Land Title Adjustment Specialist, or contact us through our web site at [GMACMortgage.com](http://GMACMortgage.com).

Sincerely,  
Land Title Adjustment Department

Cc: Frank and Pina Marinaro





# Premier Abstract Co.

77 CANNON ST.

POUGHKEEPSIE, NEW YORK 12601  
DUTCHESS COUNTY

MICHAEL R. BOCCIA, JR.  
TITLE EXAMINER

PHONE: (914) 454-6710  
HOME: (914) 221-6330

11/8/93

DEAR MR. TOM KOVITCH:

I have examined the records of the  
Dutchess County Clerk's office

- deed L 1911 cp 209 (into Marinaro)

- East Fishkill Tax Maps

- Filed map # 5709

and I feel that I would be comfortable insuring  
access in favor of Marinaro over Creek  
Bend Road.

Mike Boccia



**Campanaro & Tomkovitch**

Attorneys &amp; Counselors at Law

Route 376, Post Office Box 123, Hopewell Junction, NY 12533

Phone: (845) 221-4099 Fax: (845) 221-1570

**Fax Cover Sheet**

To: Mike Gillespie

Fax: 226-1315

Date: 3-8-06

From: Danielle

Pages including cover page: 6

Company: Campanaro &amp; Tomkovitch

Subject: Marinero - Creek Bend Drive

**Comments:** Per your conversation with Pat attached is revised title insurance policy for Frank. See Schedule B #9. This should be what you need. If not, give me a call.

**CONFIDENTIAL COMMUNICATION**

THIS TRANSMISSION IS INTENDED ONLY FOR THE INDIVIDUAL OR ENTITY TO WHICH IT IS ADDRESSED, AND MAY CONTAIN INFORMATION THAT IS PRIVILEGED, CONFIDENTIAL AND EXEMPT FROM DISCLOSURE UNDER APPLICABLE LAW. IF THE READER OF THIS COMMUNICATION IS NOT THE INTENDED RECIPIENT, OR ITS EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THE COMMUNICATION TO THE INTENDED RECIPIENT, YOU ARE NOTIFIED THAT ANY DISSEMINATION, DISTRIBUTION OR COPYING OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS COMMUNICATION IN ERROR, PLEASE NOTIFY THE SENDER IMMEDIATELY BY COLLECT TELEPHONE CALL AND RETURN THE ORIGINAL COMMUNICATION TO US AT THE ABOVE ADDRESS BY THE U.S. POSTAL SERVICE. WE WILL REIMBURSE YOU FOR THE POSTAGE. THANK YOU.



ALTA Owner's Policy  
(10-17-82)  
FTWC-800

# POLICY OF TITLE INSURANCE



ISSUED BY

Policy No. Y 331030

*First American Title Insurance Company of New York*

Copy Retained by Issuer

FTWC-903

# First American Title Insurance Company of New York

## STANDARD NEW YORK ENDORSEMENT (OWNER'S POLICY)

1. The following is added to the insuring provisions on the face page of this policy:

"5. Any statutory lien for services, labor or materials furnished prior to the date hereof, and which has now gained or which may hereafter gain priority over the estate or interest of the insured as shown in Schedule A of this policy."

2. The following is added to Paragraph 7 of the Conditions and Stipulations of this policy:

"(d) If the recording date of the instruments creating the insured interest is later than the policy date, such policy shall also cover intervening liens or incumbrances, except real estate taxes, assessments, water charges and sewer rents."

Nothing herein contained shall be construed as extending or changing the effective date of the policy unless otherwise expressly stated.

This endorsement, when countersigned below by a validating signatory, is made a part of the policy and is subject to the Exclusions from Coverage, Schedules, Conditions and Stipulations therein, except as modified by the provisions hereof.

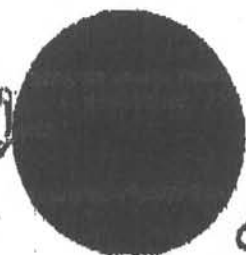
IN WITNESS WHEREOF, First American Title Insurance Company of New York has caused this Endorsement to be signed and sealed on its date of issue set forth herein.

DATED: March 18, 2005

First American Title Insurance Company  
of New York

COUNTERSIGNED

Michael R. Boccia  
Authorized Signatory



BY: James M. Anthony

STANDARD NEW YORK ENDORSEMENT (10/1/93)  
FOR USE WITH ALTA OWNER'S POLICY (10/1/93)

**SCHEDULE A**

**FIRST AMERICAN TITLE  
INSURANCE COMPANY OF NEW YORK**

Amount of Insurance: \$250,000.00

Policy No. Y 331030

Premium: \$1428.00

File No. 762-02114

Date of Policy: March 18, 2005

1. Name of Insured: ECFM, Inc.

2. The estate or interest in the land which is encumbered by the insured mortgage is: **FEE SIMPLE**

3. Title to the estate or interest in the land is vested in: **ECFM, Inc.**

By deed from Frank Marinaro and Pina Marinaro recorded in the Dutchess County Clerk's Office on September 24, 2002; Document #02-2002-9426.

4. The land referred to in this policy is described as set forth in the insured instrument, is situated in the County of Dutchess, State of **NEW YORK**, and is identified as follows: Creek Bend Road, East Fishkill, NY.

**SEE ATTACHED**

*Michael R. Boccia, Jr.*

Countersigned:

\_\_\_\_\_  
Authorized Officer or Agent

ALTA Owner's Policy  
Schedule A  
FORM 114-11

## Schedule A Description

Page 1

Title Number 762-02114

ALL that certain parcel of land situated in the Town of East Fishkill, County of Dutchess and the State of New York bounded and described as follows:

Beginning at a point along the southerly line of Creek Bend Road and said point being the northwesterly corner of the lands of now or formerly Gilligan liber 1988 page 364, thence in a easterly direction along the southerly line of Creek Bend Road the following courses and distances, NORTH 35-47-00 EAST 188.00 feet to a point, thence NORTH 58-26-00 EAST 123.80 feet to a point, thence NORTH 49-53-00 EAST 59.70 feet to a point, thence NORTH 54-38-00 EAST 99.20 feet to a point, thence NORTH 47-47-00 EAST 358.80 feet to a point along the southerly line of the lands of now or formerly Tanaka liber 1382 page 360, thence in a easterly direction along the lands of Tanaka the following courses and distances, SOUTH 83-01-00 EAST 14.15 feet to a point, thence NORTH 42-06-00 EAST 108.60 feet to a point, thence NORTH 24-45-28 WEST 177.74 feet to a point along the southerly line of the lands of Central Hudson Gas & Electric Corp., liber 1250 page 990, thence in a easterly direction along the southerly line of Central Hudson Gas & Electric Corp., the following courses and distances, SOUTH 42-26-51 EAST 50.49 feet to a point, thence SOUTH 79-48-31 EAST 1060.40 feet to a point along the westerly line of the lands of Perrone, Doc no. 1999-5891, thence in a southerly direction along the westerly line of Perrone and Lot no. 1 & 2 of filed map no. 9998 the following courses and distances, SOUTH 09-40-06 EAST 196.60 feet to a point, thence SOUTH 23-24-30 WEST 1441.10 feet to the northeasterly corner of the lands of now or formerly Castiglia, thence in a westerly direction along the northerly line of Castiglia and the lands of Pugh, Mellia and the aforesaid land of Gilligan the following courses and distances, NORTH 53-12-51 WEST 602.93 feet to a point, thence NORTH 53-25-00 WEST 619.40 feet to a point, thence NORTH 56-30-00 WEST 392.10 feet to the point of beginning.

AMENDED  
**SCHEDULE B**  
**EXCEPTIONS FROM COVERAGE**

**FIRST AMERICAN TITLE  
 INSURANCE COMPANY OF NEW YORK**

**Policy No. Y 331030  
 File No. 762-02114**

This policy does not insure against loss or damage (and the Company will not pay cost, attorney's fee or expenses) which arise by reason of:

1. Rights or claims of parties other than insured in actual possession of any or all of the property.
2. Unrecorded easements, discrepancies or conflicts in boundary lines, shortage in area and encroachments which an accurate and complete survey would disclose.
3. Unfiled mechanic's or materialmen's liens.
4. Rights of tenants and persons in possession.
5. Any state of facts which an accurate survey might show.
6. Survey made by Oswald & Gillespie dated July 25, 2002 shows: reference to 40.95 acre parcel; vacant land bordering on lands of Central Hudson Gas & Electric Corp, on the North. No encroachments or variations. Subject to any changes since date of survey.
7. No title is insured to lands now or formerly lying in the bed of Creek Bend Road.
8. Utility grant(s) set forth in Liber 1075 cp 256.
9. Affirmative insurance regarding access over Creek Bend is hereby insured.

ALTA Owner's Policy  
 Schedule B  
 Form 114-12



**New York State Department of Environmental Conservation  
Division of Fish, Wildlife & Marine Resources**

**New York Natural Heritage Program**

625 Broadway, 5<sup>th</sup> floor, Albany, New York 12233-4757

Phone: (518) 402-8935 • FAX: (518) 402-8925

Website: [www.dec.state.ny](http://www.dec.state.ny).



Erin M. Crotty  
Commissioner

August 29, 2005

Michael Nowicki  
Ecological Solutions  
1248 Southford Road  
Southbury, CT 06488

Dear Mr. Nowicki:

In response to your recent request, we have reviewed the New York Natural Heritage Program database with respect to an Environmental Assessment for the proposed Hilltop Manor Subdivision, area as indicated on the map you provided, located on Creek Bend Road, Town of East Fishkill, Dutchess County.

Enclosed is a report of rare or state-listed animals and plants, significant natural communities, and other significant habitats, which our databases indicate occur, or may occur, on your site or in the immediate vicinity of your site. The information contained in this report is considered sensitive and may not be released to the public without permission from the New York Natural Heritage Program.

The presence of rare species may result in this project requiring additional permits, permit conditions, or review. For further guidance, and for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

For most sites, comprehensive field surveys have not been conducted; the enclosed report only includes records from our databases. We cannot provide a definitive statement on the presence or absence of all rare or state-listed species or significant natural communities. This information should not be substituted for on-site surveys that may be required for environment impact assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

Sincerely,

Betty A. Ketcham, Information Services  
NY Natural Heritage Program

Encs.

cc: Reg. 3, Wildlife Mgr.  
Peter Nye, Endangered Species Unit, Albany

# Natural Heritage Report on Rare Species

NY Natural Heritage Program, NYS DEC, 625 Broadway, 5th Floor,  
Albany, NY 12233-4757  
(518) 402-8935



- This report contains **SENSITIVE** information that may not be released to the public without permission from the NY Natural Heritage Program.
- Refer to the User's Guide for explanations of codes, ranks and fields.
- We do not provide maps for species most vulnerable to disturbance.

## REPTILES

### *Emydoidea blandingii*

<b>Blanding's Turtle</b>	<b>NY Legal Status:</b> Threatened	<b>NYS Rank:</b> Imperiled	Office Use 6876
	<b>Federal Listing:</b>	<b>Global Rank:</b> Apparently secure	S
	<b>County:</b> Dutchess		ESU
	<b>Town:</b> East Fishkill		
	<b>Location:</b> Documented within .6 mile of project site. Animals can move .6 mile or more from documented locations. For information, please contact the NYS DEC Regional Wildlife Manager or NYS DEC Endangered Species Unit at 518-402-8859.		

1 Records Processed



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

3817 Luker Road  
Cortland, NY 13045

September 23, 2005

Mr. Michael Nowicki  
Biologist  
Ecological Solutions, LLC  
1248 Southford Road  
Southbury, CT 06488

Dear Mr. Nowicki:

This responds to your August 5, 2005, letter requesting information on the presence of endangered or threatened species within the vicinity of the proposed 41-acre Hilltop Manor Subdivision along Creek Bend Road in the Town of East Fishkill, Dutchess County, New York.

There is potential for the Federally- and State-listed endangered Indiana bat (*Myotis sodalis*) to occur within the proposed project area, which is approximately 1 mile from known roosts and approximately 25 miles from known hibernacula in Ulster County. Please see the enclosed fact sheet on Indiana bats for further information.

Except for the potential for Indiana bat and occasional transient individuals, no other Federally-listed or proposed endangered or threatened species under our jurisdiction are known to exist in the project area. In addition, no habitat in the project area is currently designated or proposed "critical habitat" in accordance with provisions of the Endangered Species Act (ESA) (87 Stat. 884, as amended; 16 U.S.C. 1531 *et seq.*). Should project plans change, or if additional information on listed or proposed species or critical habitat becomes available, this determination may be reconsidered. The most recent compilation of Federally-listed and proposed endangered and threatened species in New York\* is available for your information. If the proposed project is not completed within one year from the date of this letter, we recommend that you contact us to ensure that listed species presence/absence information for the proposed project is current.

The above comments pertaining to endangered species under our jurisdiction are provided as technical assistance pursuant to the ESA. This response does not preclude additional U.S. Fish and Wildlife Service (Service) comments under other legislation.

As stated above, the Indiana bat is listed as endangered by the State of New York. Additional information regarding the project should be coordinated with both this office and with the New York State Department of Environmental Conservation (NYSDEC). The NYSDEC contact for the Endangered Species Program is Mr. Peter Nye, Endangered Species Unit, 625 Broadway, Albany, NY 12233 (telephone: [518] 402-8859).

For additional information on fish and wildlife resources or State-listed species, we suggest you contact the appropriate NYSDEC regional office(s)\* and the New York Natural Heritage Program Information Services.\*

Thank you for your time. If you require additional information please contact Robyn Niver at (607) 753-9334. Future correspondence with us on this project should reference project file 52279.

Sincerely,



David A. Stilwell  
Field Supervisor

\*Additional information referred to above may be found on our website at:  
<http://nyfo.fws.gov/es/section7.htm>

Enclosure

cc: NYSDEC, New Paltz, NY (Attn: S. Joule)  
NYSDEC, Albany, NY (Endangered Species; Attn: P. Nye)  
NYSDEC, Albany, NY (Natural Heritage)  
COE, New York, NY

Indiana Bat Project Review Fact Sheet  
New York Field Office  
August 2005

The following fact sheet is intended to provide information to assist with the review of projects which occur within the likely range of the Indiana bat (*Myotis sodalis*) within the State of New York. The Indiana bat is Federally- and State-listed as an endangered species. You have received this Fact Sheet because the U.S. Fish and Wildlife Service (Service) has determined that a proposed project which you are associated with is located in an area which we believe has the potential for Indiana bat presence. Additional information on the proposed project (*e.g.*, size, level of impact, habitat) will help us to further examine the likelihood of Indiana bat presence within the proposed project area and potential for Indiana bats to be adversely impacted by the proposed project.

The Indiana bat is known to winter in six counties in New York State. While the Service has learned a great deal about the wintering population with standardized biennial counts organized by the New York State Department of Environmental Conservation (NYSDEC) Endangered Species Unit, we are continuing to study Indiana bat migratory patterns and summer habitat use within the State.

In the Northeast, multiple State and Federal agencies are investigating Indiana bat movements; the most recent studies of bats from hibernacula in Essex and Ulster Counties, New York, provide additional information. In the spring of 2002 through 2005, the NYSDEC successfully tracked female Indiana bats from their hibernacula in Essex, Ulster, and Jefferson Counties to their spring roosts, distances up to approximately 40 miles, however they are capable of flying distances much greater than that.

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags, greater than or equal to 5 inches diameter breast height (d.b.h.) with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. However, maternity colonies generally use trees greater than or equal to 9 inches d.b.h. Overall, structure appears to be more important than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and the rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees. Additional information on potentially suitable summer habitat can be found on our website at <http://nyfo.fws.gov/es/ibatdraft99.pdf>.

Streams, associated floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (*e.g.*, old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures (U.S. Fish and Wildlife Service 1999). While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

such as the Indiana bat, and our recommendations are intended to help applicants and Federal agencies avoid or minimize the risk of "taking" an Indiana bat.

In addition to having concerns about direct impacts to Indiana bats, we are also concerned about the cumulative loss of habitat for the species. Therefore, we recommend protecting potential Indiana bat habitat within proposed projects to the greatest extent possible. In some cases, especially in areas where significant quantity/quality of Indiana bat habitat is present and proposed to be impacted, mist net or other surveys may be warranted to determine if bats are present onsite. Due to the limited time frame when bat surveys can be completed (see <http://nyfo.fws.gov/es/ibatdraft99.pdf> for recommended protocols), it is strongly recommended that the applicant contact the Service as early as possible in the project planning to determine if surveys or additional avoidance and/or minimization measures will be necessary to avoid project delays. If netting is conducted at a site, we encourage the attachment of radio transmitters on any captured Indiana bats to help understand how the proposed project site is being used by Indiana bats.

The project's environmental documents should identify project activities that might result in adverse impacts to the Indiana bat or their habitat. Information on any potential impacts and the results of any recommended habitat analyses or surveys for the Indiana bat should be provided to this office and they will be used to evaluate potential impacts to the Indiana bat or their habitat, and to determine the need for further coordination or consultation pursuant to the ESA.

#### References:

U.S. Fish and Wildlife Service. 1999. Agency Draft Indiana Bat (*Myotis sodalis*) Revised Recovery Plan. Fort Snelling, MN: U.S. Department of the Interior, Fish and Wildlife Service, Region 3. 53 p.

# Ecological Solutions, LLC

Connecticut  
1248 Southford Road  
Southbury, CT 06488  
Phone (203) 264-8691  
Fax (203) 264-8976  
ecolsol@aol.com

May 1, 2003

Mr. Michael Gillespie, P.E.  
c/o Oswald and Gillespie, PC  
1559B Route 82  
Hopewell Junction, NY 12533

Post-it® Fax Note	7671	Date	5/1	# of pages	2
To	W. H. Hardy	From	M. Gillespie		
Co./Dept.		Co.	O & G		
Phone #		Phone #			
Fax #	473-1062	Fax #			

Re: Wetland Evaluation, Marinaro Subdivision (41.3+- acres),  
Town of East Fishkill, Dutchess County, New York

Dear Mr. Gillespie:

At your request, Ecological Solutions conducted a field investigation at the above referenced property (Marinaro Subdivision) on Creek Bend Road in the Town of East Fishkill to determine if Federally designated wetlands as defined by the Army Corps of Engineers (USACE) exist within the property boundaries.

Federal wetlands are determined in the field based upon the criteria outlined in the USACE 1987 Wetland Delineation Manual<sup>1</sup>. The Manual requires the presence of three criteria that all must be present for an area to be determined as Federal Wetland subject to Section 404 regulation. First, the wetland must contain dominant (50% or greater) hydrophytic or wetland vegetation - vegetation that is considered facultative, facultative wet, or obligate in accordance with the "National List of Plant Species That Occur in Wetlands - Region 1 Northeast" as compiled by the US Fish and Wildlife Service. Secondly, the wetland must contain hydric or wetland soils as determined by the color of the soil and presence of mottles in the upper 18" of the soil profile and finally, the wetland must exhibit hydrological features consistent with wetlands such as high groundwater, perched surface water, stream overflow, etc for a specific period during the growing season.

<sup>1</sup> Environmental Laboratory. 1987. "Corps of Engineers Wetlands Delineation Manual," TR Y-87-1, US Waterways Experiment Station, Vicksburg, Miss

The Marinero property as shown on the map entitled, "Subdivision Plan For Hilltop Manor", dated 10/30/02 was investigated in the field and subjected to the three-parameter methodology dictated by the 1987 Manual on April 30, 2003. It is the conclusion of this office that no regulated Federal wetland exists on the subject property.

If you need any additional information, please contact me.

Sincerely,

ECOLOGICAL SOLUTIONS, LLC

A handwritten signature in black ink, appearing to read "Michael Nowicki". The signature is written in a cursive style with a large initial "M".

Michael Nowicki

Biologist



**OSWALD & GILLESPIE, PC**  
Consulting Engineers & Land Surveyors

Robert V. Oswald, LS  
Michael E. Gillespie, PE

October 30, 2002

Town of East Fishkill  
Town Hall  
Planning Department  
attn: Planning Board Chair and Boardmembers  
330 Route 376  
Hopewell Junction, New York 12533

1559 Suite B  
Route 82  
Hopewell Jct., NY 12533  
(845) 227-6227  
Fax 226-1315

Re: **Hilltop Manor Subdivision**  
Creek Bend Road  
Tax Grid I.D. # 132800-6457-02-885725  
Town of East Fishkill

MINUTES  
of 11/07/02

Dear Chairman and Boardmembers:

Please find enclosed within this submission the following:

- Three (3) copies of plans (sheet 1 of 1) – internal loop layout #1
- Three (3) copies of plans (sheet 1 of 1) – internal loop layout #2

At the October Planning Board meeting, the Board requested that alternative layouts be presented detailing an internal loop road. The enclosed plans provide two alternatives specific to this layout.

In addition, this office is investigating the need the provision for an extension to adjoining parcels. We would hope to have additional information to provide to the Board at the November meeting.

If you have any additional questions, please do not hesitate to call this office.

Very truly yours,

  
Michael E. Gillespie, P.E.

cc: file





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

September 24, 2002

Michael E. Gillespie  
Oswald & Gillespie  
1559 Suite B, Route 82  
Hopewell Junction, New York 12533

Re: SEORA  
Hilltop Manor Subdivision/Creek Bend Rd  
East Fishkill, Dutchess County  
02PR04354

Dear Mr. Gillespie:

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:cmp



**BUILDINGS/STRUCTURES/DISTRICTS  
EVALUATION COMMENTS**

**PROJECT NUMBER 02PR04354**

**( Hilltop Manor Subdivision/Creek Bend Road/T/EAST FISHKILL )**

- 
- Based upon a review of the information submitted and the scope of the project described, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.
  - The following State/National Registers of Historic Places listed/eligible property/district is located within or adjacent to your project area. However, given the scope of the project, the NYS Office of Parks, Recreation and Historic Preservation has no concerns regarding historic buildings/structures/districts within your project area.

\* Archaeology comments will be provided in a separate attachment.

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If you have any questions concerning this information, please call PETER SHAVER at 518-237-8643. ext 3264

**PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE WHEN  
RESPONDING TO THIS REQUEST**





September 16, 2002

Michael E. Gillespie  
Oswald & Gillespie  
1559 Rte 82, Suite B  
Hopewell Junction, NY 12533

Dear Mr. Gillespie:

In response to your recent request, we have reviewed the New York Natural Heritage Program databases with respect to the proposed Hilltop Manor Residential Subdivision, area as indicated on the map you provided, located in the Town of East Fishkill, Dutchess County.

We have no records of known occurrences of rare or state-listed animals or plants, significant natural communities, or other significant habitats, on or in the immediate vicinity of your site.

The absence of data does not necessarily mean that rare or endangered elements, natural communities or other significant habitats do not exist on or adjacent to the proposed site, but rather that our files currently do not contain any information which indicates the presence. For most sites, comprehensive field surveys have not been conducted. For these reasons, we cannot provide a definitive statement on the presence or absence of rare or state-listed species, or of significant natural communities. This information should not be substituted for on-site surveys that may be required for environmental assessment.

Our databases are continually growing as records are added and updated. If this proposed project is still under development one year from now, we recommend that you contact us again so that we may update this response with the most current information.

This response applies only to known occurrences of rare or state-listed animals and plants, significant natural communities and other significant habitats maintained in the Natural Heritage Databases. Your project may require additional review or permits; for information regarding other permits that may be required under state law for regulated areas or activities (e.g., regulated wetlands), please contact the appropriate NYS DEC Regional Office, Division of Environmental Permits, at the enclosed address.

Sincerely,

Betty A. Ketcham, Information Services  
NY Natural Heritage Program

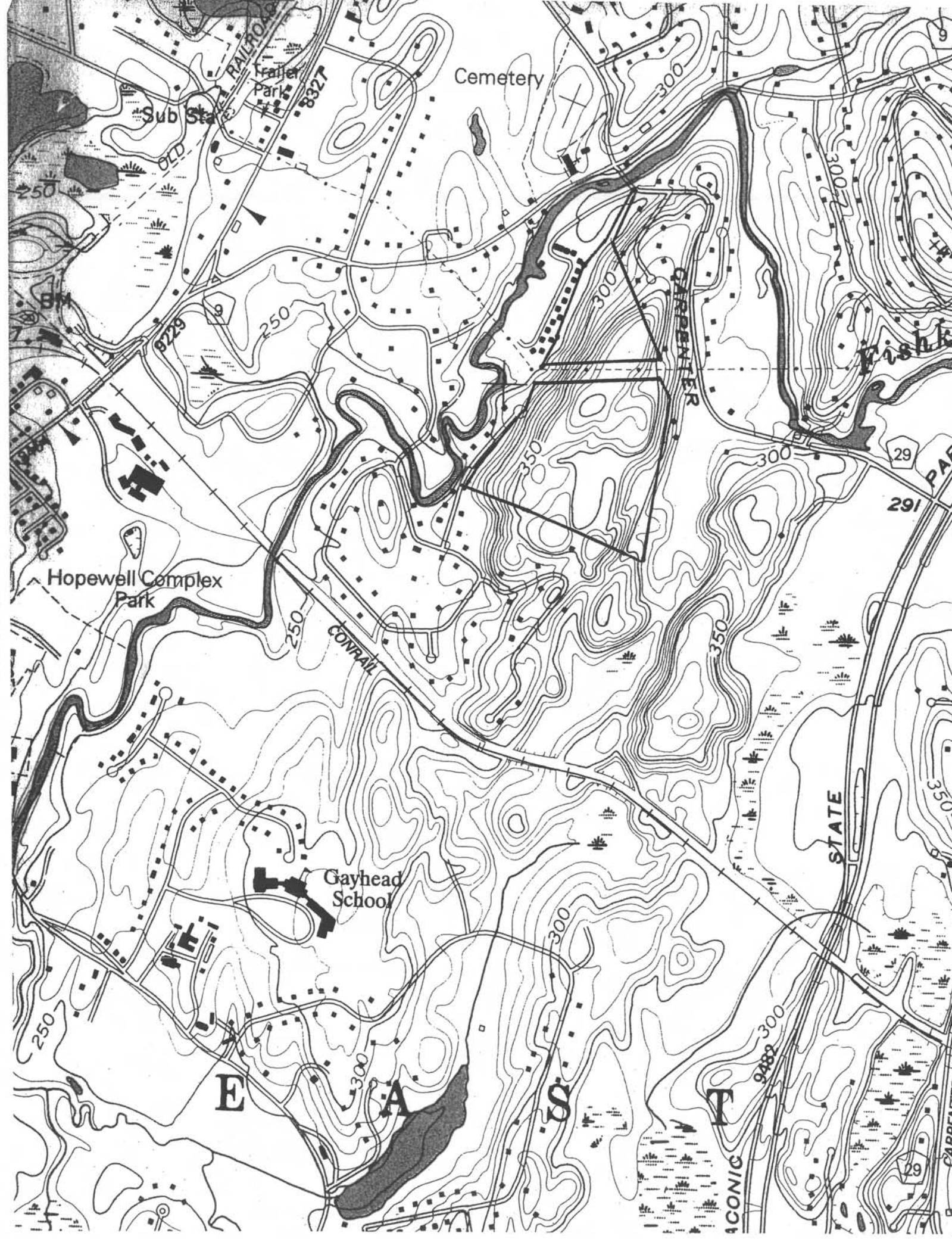
Enc.

cc: Reg. 3, Wildlife Mgr.  
Reg. 3, Fisheries Mgr.

\*\*\*\*\*PLEASE NOTE THE ABOVE NEW ADDRESS\*\*\*\*\*

**WE MOVED TO DOWNTOWN ALBANY IN JUNE OF 2001**

The Latham Post Office no longer forwards mail, but returns mail to sender



Sub Station

Trailer Park

Cemetery

Hopewell Complex Park

Gayhead School

CARPENTER

STATE

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CONIC

CARPENTER



**TOWN OF EAST FISHKILL**  
**DUTCHESS COUNTY, NEW YORK**  
 330 Route 376, Hopewell Junction, New York 12533  
 (845) 221-2428

**FAX COVER SHEET**

East Fishkill Town Hall, Hopewell Junction New York, 12533-6063

Date/Time Sent: 2.28.06

To: Mike

Fax Number: 226.1315

From: Pam

Number of pages (Including cover sheet): 3

Please call us at (845) 221-2428 if the message or copy you receive is incomplete or not legible.

Thank you.

East Fishkill Town Hall

*I can't find the scope. . .  
 Also, did you forget map day??*

RESOLUTION ADOPTING SCOPE FOR DEIS

NAME OF SUBDIVISION:        HILLTOP MANOR SUBDIVISION

NAME OF APPLICANT:

Motion Submitted by Planning Board Member John Barone

WHEREAS, the Planning Board, as lead agency, has previously required that an EIS be prepared for this project, and

WHEREAS, the Planning Board held a public scoping session on July 5, 2005 to accept comments from the public relating to the proposed scope of the Environmental Impact Statement, and

WHEREAS, the Planning Board has now heard recommendations of the Town's planning consultant and Town Engineer, and has considered and reviewed a proposed final scope prepared by the Applicant,

NOW, THEREFORE, BE IT RESOLVED, that the attached final scoping document is hereby adopted by the Planning Board, and the Planning Board Clerk is hereby directed to provide a copy of the final scope to the Applicant, and to any other interested parties, and

BE IT FURTHER RESOLVED, that upon submission of any proposed Draft Environmental Impact Statement, the Board will review the document for sufficiency in light of this final scoping document.

Motion Seconded by Planning Board Member Lori Gee

The votes were as follows:

Board Member John Koch	Aye
Board Member Jason Paraskeva	Absent
Board Member Keith Staudohar	Aye
Board Member John Barone	Aye
Board Member Lori Gee	Aye
Board Member Russ Smith	Aye
Alternate Board Member Robert Young	Aye
Chairperson Norma Drummond	Aye

**CERTIFICATION**

I, **PAMELA BAIER**, the duly qualified and acting Clerk for the Town of East Fishkill Planning Board, Dutchess County, New York, do hereby certify that attached hereto is a true and correct copy of an extract from the minutes of a regular/adjourned meeting of the Planning Board of the Town of East Fishkill, held on the 1st day of November, 2005, and that the resolution set forth herein is a true and correct copy of the resolution of the Planning Board of said Town adopted at said meeting.

**I FURTHER CERTIFY** that pursuant to Section 103 of the Public Officers Law (Open Meeting Law), said meeting was open to the general public.

**IN WITNESS WHEREOF**, I have hereunto set my hand and the seal of the said Town this 1st day of November, 2005

Pamela Baier  
PAMELA BAIER  
PLANNING BOARD CLERK



**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**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.

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**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

HILLTOP MANOR RESIDENTIAL SUBDIVISION

\_\_\_\_\_  
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)

AUGUST 22, 2002

\_\_\_\_\_  
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 HILLTOP MANOR RESIDENTIAL SUBDIVISION

Location of Action (include Street Address, Municipality and County)

ALONG THE EAST SIDE OF CREEK BEND ROAD

Name of Applicant/Sponsor ECFM INC.

Address 10 CARPENTER ROAD

City / PO HOPEWELL JUNCTION State NY Zip Code 12533

Business Telephone (845) 226-3570

Name of Owner (if different) SAME

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

APPLICANT WISHES TO SUBDIVIDE 40.95 ACRE PARCEL INTO A TOTAL OF 26 (TWENTY-SIX) PARCELS. EACH PARCEL SHALL BE SERVED ACCESS VIA THE CONSTRUCTION OF A NEW ROAD FROM CREEK BEND ROAD. HOUSES ARE PROPOSED TO BE SERVED VIA INDIVIDUAL WELLS AND INDIVIDUAL SEWAGE DISPOSAL SYSTEMS. THE PARCEL IS ZONED R-1 (RESIDENTIAL, MIN 1 ACRE) AND SINGLE FAMILY RESIDENTIAL HOMES ARE PERMITTED WITHIN THIS ZONE.

**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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

2. Total acreage of project area: 40.95 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ - acres	_____ - acres
Forested	<u>40.95</u> acres	<u>16.05</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ - acres	_____ - acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ - acres	_____ - acres
Water Surface Area	_____ - acres	_____ - acres
Unvegetated (Rock, earth or fill)	_____ - acres	_____ - acres
Roads, buildings and other paved surfaces	_____ - acres	<u>4.7</u> acres
Other (Indicate type) <u>GRASSED SURFACES (LAWN)</u>	_____ - acres	<u>20.2</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:  Well drained 100 % of site  Moderately well drained \_\_\_\_\_ % of site.  
 Poorly drained \_\_\_\_\_ % 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? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock VAR. (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 30 %  10- 15% 40 %  15% or greater 30 %

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? VAR. (in feet)

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:

SITE VISIT - SUBJECT TO VERIFICATION FROM THE NYSDEC (SEE ATTACHED LETTER)

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

15. Streams within or contiguous to project area:

FISHKILL CREEK RESIDES ON THE WEST SIDE OF CREEK BEND ROAD

a. Name of Stream and name of River to which it is tributary

HUDSON RIVER

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

N/A



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 617?  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: 40.95 acres.
- b. Project acreage to be developed: 40.95 acres initially; 40.95 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; 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>                    </u> | <u>                    </u> | <u>                    </u> |
| Ultimately | <u>26</u>  | <u>                    </u> | <u>                    </u> | <u>                    </u> |
- i. Dimensions (in feet) of largest proposed structure: 35 height; 75 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 784+- 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?
- AETHETICS - EROSION CONTROL
- 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? 24.90 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: 48 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 25 ; 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 INDIVIDUAL TILE FIELDS

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? 1.82 tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name NYSDEC APPROVED FACILITY ; location VARIABLE

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

RECYCLABLES

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)

CONSTRUCTION OF HOUSES WILL REQUIRE INCREASED NEED FOR ENERGY SUCH AS OIL, ELECTRICITY, GAS, ETC...

22. If water supply is from wells, indicate pumping capacity \_\_\_\_\_ 5 gallons/minute.
23. Total anticipated water usage per day 11,830 gallons/day.
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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>SUBDIVISION</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>WATER SUPPLY</u>	_____
			<u>SEWAGE DISPOSAL</u>	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____

**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

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

AS PROPOSED

4. What is the proposed zoning of the site?

SAME

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

SAME

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 HOUSES

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 (TWENTY SIX)

a. What is the minimum lot size proposed? 43,560 SF

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

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 ECFM INC. Date 8/22/02

Signature \_\_\_\_\_

Title OWNER

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment.

**617.20**  
**Appendix A**  
**State Environmental Quality Review**  
**FULL ENVIRONMENTAL ASSESSMENT FORM**

**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.

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**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

HILLTOP MANOR SUBDIVISION

---

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)

AUG. 22, 2002, REV. 6-1-04

---

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 HILLTOP MANOR RESIDENTIAL SUBDIVISION

Location of Action (include Street Address, Municipality and County)

ALONG THE EAST SIDE OF CREEK BEND ROAD

Name of Applicant/Sponsor ECFM, INC.

Address 10 CARPENTER ROAD

City / PO HOPEWELL JCT. State NY Zip Code 12533

Business Telephone 226-3570

Name of Owner (if different) SAME AS ABOVE

Address \_\_\_\_\_

City / PO \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

Business Telephone \_\_\_\_\_

Description of Action:

APPLICANT WISHES TO SUBDIVIDE 40.95 AC. PARCEL INTO A TOTAL OF 23 (TWENTY THREE) PARCELS. EACH PARCEL SHALL BE SERVED ACCESS VIA THE CONSTRUCTION OF A NEW ROAD FROM CREEK BEND ROAD. HOUSES ARE PROPOSED TO BE SERVED VIA INDIVIDUAL WELLS AND SEWAGE DISPOSAL SYSTEMS. THE PARCEL IS ZONED R-1 (RESIDENTIAL, MIN 1 AC.) AND SINGLE FAMILY RESIDENTIAL HOMES ARE PERMITTED WITHIN THI ZONE.



**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 \_\_\_\_\_

2. Total acreage of project area: 40.95 acres.

APPROXIMATE ACREAGE	PRESENTLY	AFTER COMPLETION
Meadow or Brushland (Non-agricultural)	_____ - acres	_____ - acres
Forested	<u>40.95</u> acres	<u>16.05</u> acres
Agricultural (Includes orchards, cropland, pasture, etc.)	_____ - acres	_____ - acres
Wetland (Freshwater or tidal as per Articles 24,25 of ECL)	_____ - acres	_____ - acres
Water Surface Area	_____ - acres	_____ acres
Unvegetated (Rock, earth or fill)	_____ - acres	_____ - acres
Roads, buildings and other paved surfaces	_____ - acres	<u>4.7</u> acres
Other (Indicate type) <u>GRASSED SURFACES (LAWN)</u>	_____ - acres	<u>20.2</u> acres

3. What is predominant soil type(s) on project site?

- a. Soil drainage:  Well drained 100 % of site  Moderately well drained \_\_\_\_\_ % of site.  
 Poorly drained \_\_\_\_\_ % 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? 0 acres (see 1 NYCRR 370).

4. Are there bedrock outcroppings on project site?  Yes  No

a. What is depth to bedrock VAR. (in feet)

5. Approximate percentage of proposed project site with slopes:

- 0-10% 30 %  10- 15% 40 %  15% or greater 30 %

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? VAR. (in feet)

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:

SITE VISIT - SUBJECT TO VERIFICATION FROM THE NYSDEC (SEE ATTACHED LETTER)

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

15. Streams within or contiguous to project area:

FISHKILL CREEK RESIDES ON THE WEST SIDE OF CREEK BEND ROAD

a. Name of Stream and name of River to which it is tributary

HUDSON RIVER

16. Lakes, ponds, wetland areas within or contiguous to project area:

NONE

b. Size (in acres):

N/A

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 617?  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: 40.95 acres.
- b. Project acreage to be developed: 40.95 acres initially; 40.95 acres ultimately.
- c. Project acreage to remain undeveloped: 0 acres.
- d. Length of project, in miles: N/A (if appropriate)
- e. If the project is an expansion, indicate percent of expansion proposed. N/A %
- f. Number of off-street parking spaces existing 0; 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>                    </u> | <u>                    </u> | <u>                    </u> |
| Ultimately | <u>26</u>  | <u>                    </u> | <u>                    </u> | <u>                    </u> |
- i. Dimensions (in feet) of largest proposed structure: 35 height; 75 width; 60 length.
- j. Linear feet of frontage along a public thoroughfare project will occupy is? 784+- 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?
- AETHETICS - EROSION CONTROL
- 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? 24.90 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: 48 months, (including demolition)

7. If multi-phased:

a. Total number of phases anticipated \_\_\_\_\_ (number)

b. Anticipated date of commencement phase 1: \_\_\_\_\_ month \_\_\_\_\_ year, (including demolition)

c. Approximate completion date of final phase: \_\_\_\_\_ month \_\_\_\_\_ year.

d. Is phase 1 functionally dependent on subsequent phases?  Yes  No

8. Will blasting occur during construction?  Yes  No

9. Number of jobs generated: during construction 25; 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 INDIVIDUAL TILE FIELDS

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? 1.82 tons

b. If yes, will an existing solid waste facility be used?  Yes  No

c. If yes, give name NYSDEC APPROVED FACILITY; location VARIABLE

d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?  Yes  No

e. If yes, explain:

RECYCLABLES

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)

CONSTRUCTION OF HOUSES WILL REQUIRE INCREASED NEED FOR ENERGY SUCH AS OIL, ELECTRICITY, GAS, ETC...

22. If water supply is from wells, indicate pumping capacity \_\_\_\_\_ 5 \_\_\_\_\_ gallons/minute.

23. Total anticipated water usage per day 11,830 gallons/day.

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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
City, Town, Village Planning Board	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<u>SUBDIVISION</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>WATER SUPPLY</u>	_____
			<u>SEWAGE DISPOSAL</u>	_____
			_____	_____
Other Local Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Other Regional Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
State Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____
Federal Agencies	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	_____	_____
			_____	_____
			_____	_____

**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

3. What is the maximum potential development of the site if developed as permitted by the present zoning?

(AS PROPOSED)

4. What is the proposed zoning of the site?

SAME

5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?

SAME

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 HOUSES

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? 23 (TWENTY THREE)

a. What is the minimum lot size proposed? 43560 S.F.

10. Will proposed action require any authorization(s) for the formation of sewer or water districts?  Yes  No

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 ECFM INC. Date AUGUST 22, 02

Signature 

Title OWNER

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
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#### 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 checked="" 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 checked="" 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 checked="" 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

Due to addition of new roadways, houses, drives, etc... a physical change to the project site will occur

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	2	3
Small to Moderate Impact	Potential Large Impact	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

- |  |                                     |                          |  |
|--|-------------------------------------|--------------------------|--|
| <ul style="list-style-type: none"> <li>• Proposed Action will require a discharge permit.</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action.</li> </ul>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity.</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Construction or operation causing any contamination of a water supply system.</li> </ul>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action will adversely affect groundwater.</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity.</li> </ul>  | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action would use water in excess of 20,000 gallons per day.</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• 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.</li> </ul> | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons.</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action will allow residential uses in areas without water and/or sewer services.</li> </ul>  | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities.</li> </ul>                              | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| <ul style="list-style-type: none"> <li>• Other impacts:</li> </ul>   | <input type="checkbox"/>            | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Development of Parcel shall alter the quantity and quality of surface water flows and patterns

**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 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical 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	2	3
	Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

• Other impacts:

**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. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • A major reduction of an open space important to the community.  | <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 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?                                   | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quantity of the resource? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will result in a reduction in the quality of the resource?  | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| • Proposed Action will impact the use, function or enjoyment of the resource? | <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 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Will increase need of energy sources such as elect., gas, oil, etc...
---

**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 checked="" 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 checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

Noise & Odor incidental to construction
---





	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.

## **PART 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS.**

### **Impact on Land**

**1. Q. Will the proposed action result in a physical change to the project site?**

**A. Yes**

*1.1 Construction on slopes of 15% or greater or where the general slopes in the project area exceed 10%.*

The inherent nature of the of the parcel lends itself to steeper grades in a number of locations. The subdivision plan has been configured to try and work with existing topography while staying within Town of East Fishkill guidelines specific to grades for roads, driveways and overall finished slopes. Erosion control measures shall be implemented before and during site construction.

*1.4 Construction on land where bedrock is exposed or generally within 3' of existing ground surface.*

Based upon visual observance, rock outcroppings do exist on site. Where rock is encountered during the construction process, the material will initially be removed through pneumatic purposes. Where this does not serve to be practical, blasting may be implemented. If blasting is required, all blasting shall be performed in accordance with locally adopted regulations with respect to pre-blast survey, monitoring, notification, etc... All blasting shall be performed by a NYS Licensed Blaster.

*1.5 Construction that will continue for more than 1 year or involve more than one phase or stage.*

Based upon the construction of some 3000 L.F. +/- of roadway with related infrastructure improvements (drainage, etc.), it is foreseen that the "total buildout" of the project shall take in excess of one (1) year. While the time frame for construction shall be in excess of one (1) year, the applicant fully anticipates to conclude the project in a 48 month time frame. The timing of the project is heavily dependent upon market need and conditions.

*1.9 Due to addition of new roadways, houses, drives, etc... a physical change to the project site will occur*

The addition of the driveway, house and SDS will physically alter the site. Current grades will be held where permissible as so the profile view of the site shall remain consistent with regards to grades. Disturbances are proposed as minimal as possible based upon scope of proposed development.

**5. Q. Will proposed action affect surface or groundwater quality or quantity?**

**A. Yes**

*5.2 Proposed action requires use of a source of water that does not currently have approval to serve proposed action.*

As part of the overall approval of this project, water supply approval is required from the Dutchess County Department of Health. Individual wells are the proposed as the method for supplying water as the parcel does not reside in an existing water district and there is no foreseeable provision for in the near future. Test wells shall be drilled to provide an indication of quality and quantity prior to Approval.

*5.10 Proposed action will allow uses in areas without water and/or sewer services.*

The subdivision is planned for individual wells and septic. The Dutchess County Department of Health shall be the agency guiding the approval of the well supplies and sewage disposal systems.

**6.0 Q. Will proposed action alter drainage flows or patterns, or surface water runoff?**

**A. Yes**

*6.5 Other Impacts: Development of Parcel shall alter the quantity and quality of surface water flows and patterns*

Due to the construction of the subdivision, the quantity of surface water flow shall increase due to the generation of additional impervious surfaces (roadbed, driveways, houses). As an integral part of the approval of this subdivision, a pre- vs. post development drainage analysis will be performed to determine the

theoretical increases in surface water runoff at various design point locations. If the immediate downstream properties and drainage structures cannot assimilate the increase in surface water runoff, mitigation (such as a holding pond) will be provided. This pond shall be designed as such to attenuate a number of design storms as to not impact downstream property owners. With regards to the holding pond, an easement shall be provided from the developer to the Town. This easement shall allow for the future maintenance of the facility.

### **Impact on Energy**

**16. Q. Will proposed action affect the community's source of fuel or energy supply?**

**A. Yes**

*16.3 Other impacts: Will increase need of energy sources such as elect., gas, oil, etc...*

The project will require electric service, gas (if available) and oil. These energy sources are provided by local utility companies and private businesses. There exists existing electrical service along each road of which the parcel has frontage by which to run electric in which to serve the project. Oil shall be provided for by local businesses. There does exist sufficient energy sources in the area at this time to serve the anticipated needs of the project without providing detriment to others currently being served.

### **Noise & Odor Impacts**

**17. Q. Will there be objectionable odors, noise or vibration as a result of the proposed action?**

**A. Yes (possibly during construction)**

*17.3 Proposed action will produce operating noise exceeding the local ambient noise levels for noise outside structures.*

During the construction of the project, local noise levels may exceed local levels during particular times of the day. Site generated noise shall be due mainly to the operation of heavy machinery. The construction of the roads, drainage systems, houses, driveways and septic systems shall create noises consistent with construction. Hammering, dropping of lumber, air guns, air compressor operation

are typical noises that shall occur during the construction period.

Construction shall be occurring during normal working hours of 7:00 am to 7:00 pm daily Monday through Saturday. These hours shall lessen during months of shorter daylight (Fall & Winter months).

After construction is completed, local ambient noise levels shall return as they currently are with the exception of the increase of traffic and that of the inhabitants of the newly created lots which includes children.

*17.5 Other Impacts: Noise and Odor incidental to Construction*

Refer to narrative 17.3 for issue regarding noise.

Odor which is incidental to construction activity will be the only foreseeable odor impact produced at the site. There may be a slight odor of diesel fuel from the heavy machinery as well as exhaust fumes from construction vehicles.

On site construction vehicles shall be in proper working condition including having the proper exhaust appendages to properly control noise and odor.





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**APPENDIX**



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**TAX MAP**



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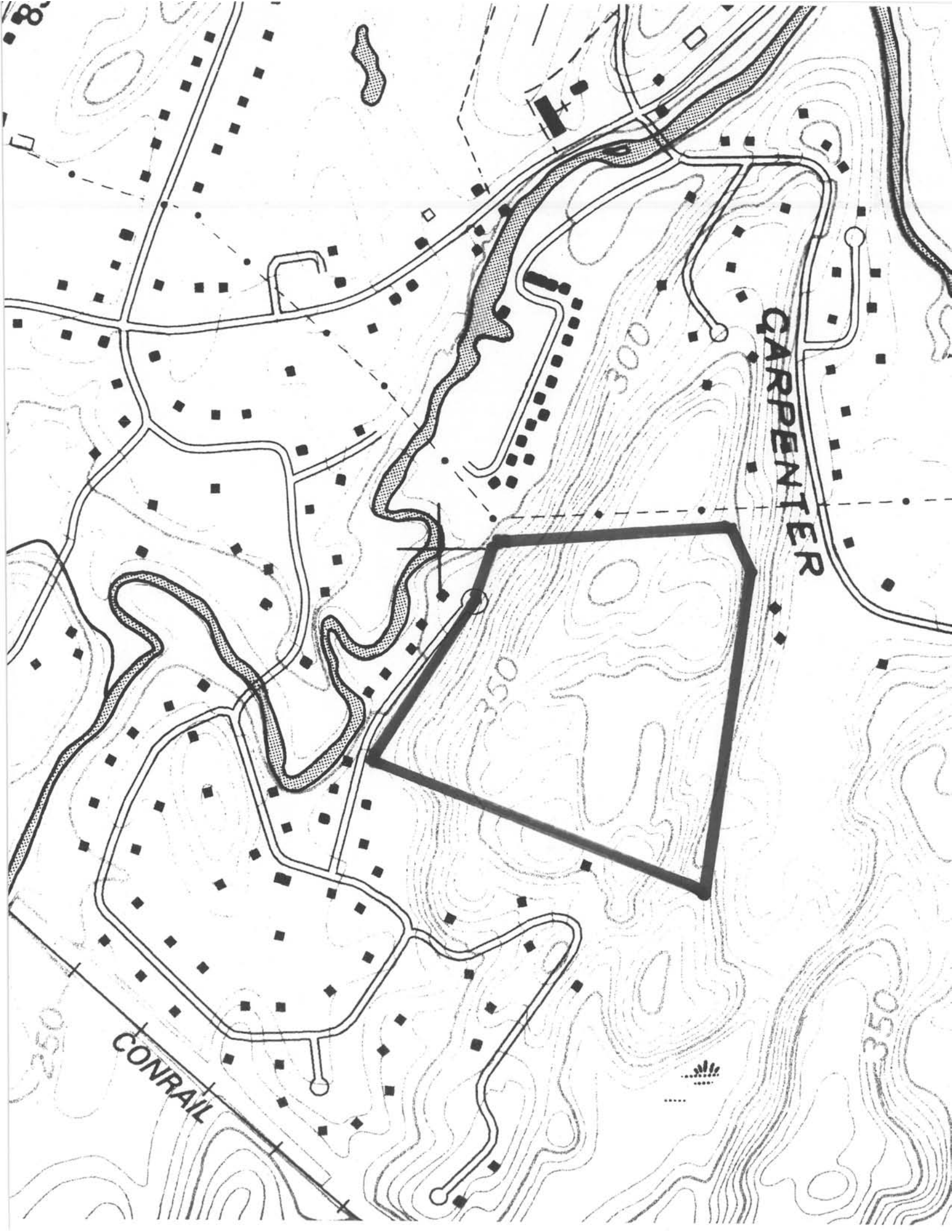
**ZONING MAP**



**USGS MAP (HOPEWELL JUNCTION QUADRANGLE)**







8

CARPENTER

CONRAIL

300

350

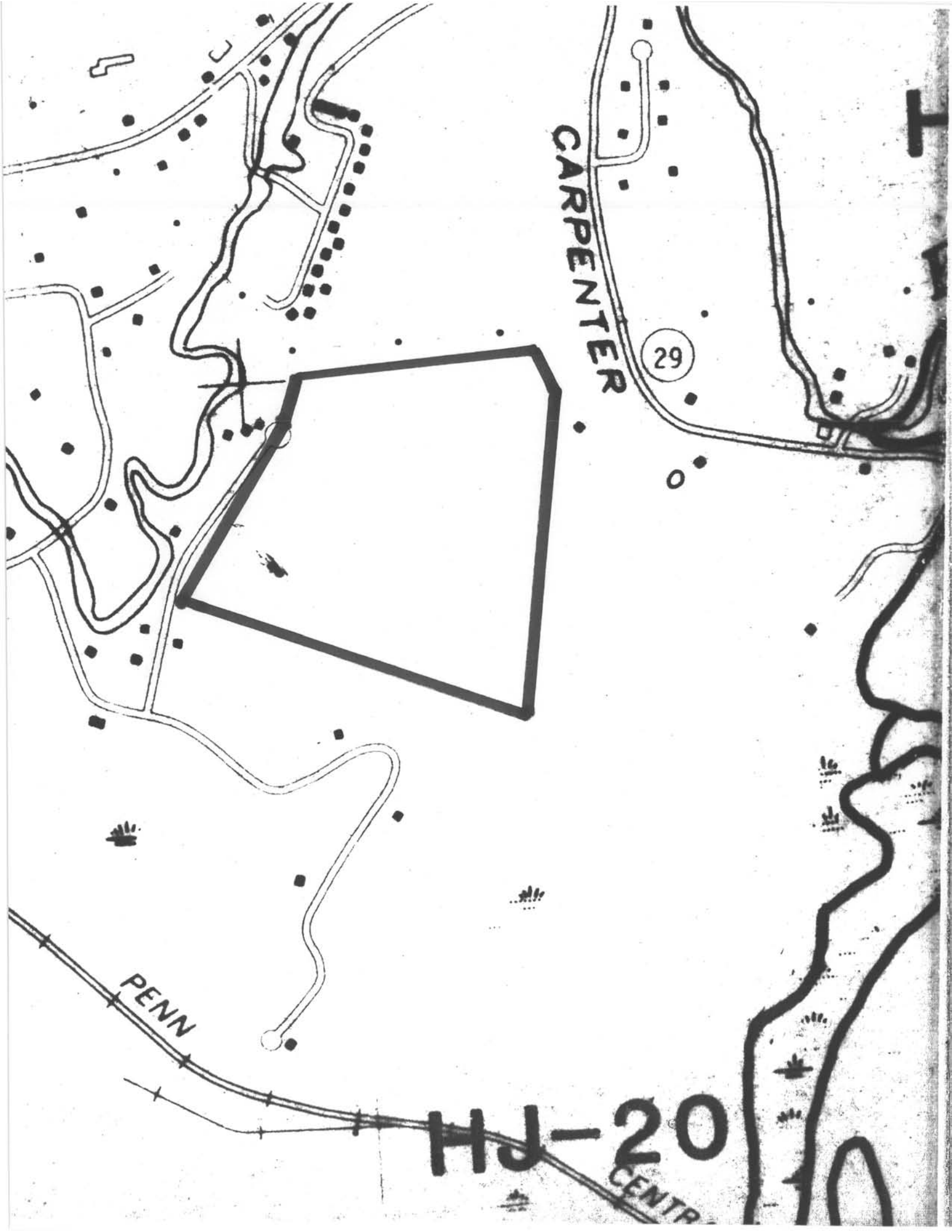
350





**NYSDEC WETLANDS MAP (HOPEWELL JUNCTION  
QUADRANGLE)**





CARPENTER

29

PENN

HJ-20  
CENTR



---

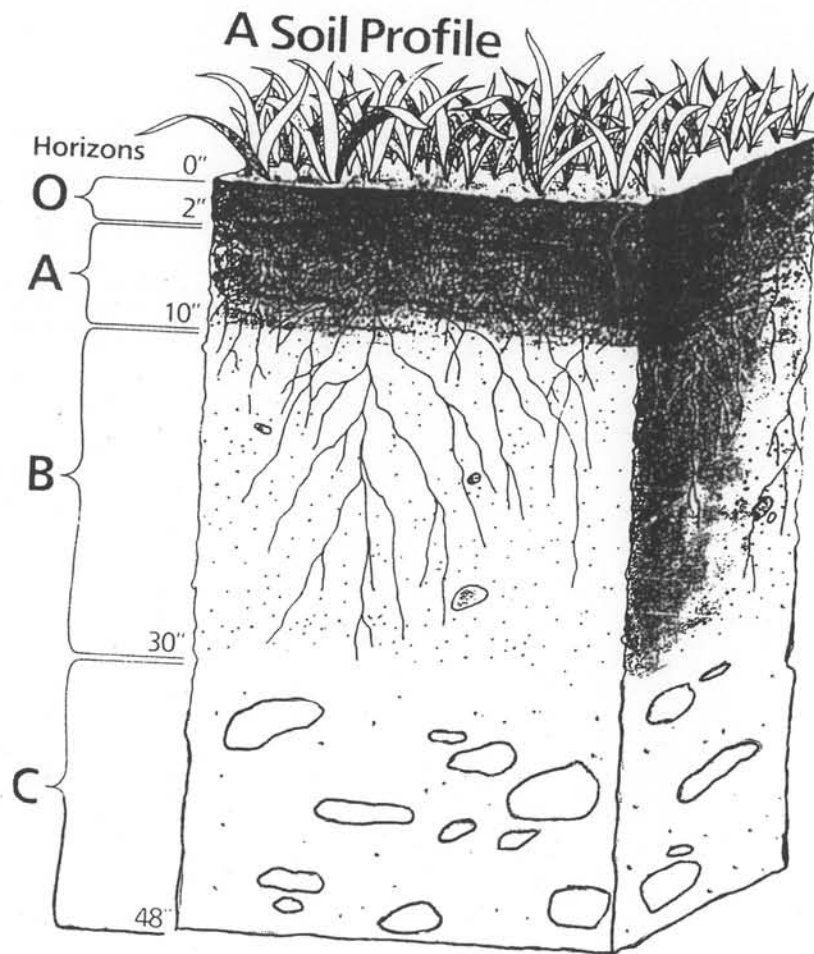
**SOILS MAP AND UNDERLYING SOILS INFORMATION**





# DUTCHESS COUNTY SOIL SURVEY

## USERS GUIDE



Dutchess County, New York

Dutchess County Soil and Water Conservation District







Cardigan soils - Moderately deep (20 to 40 inches), well drained loamy soils formed in till underlain by folded shale bedrock. Permeability is moderate.

DxB Dutchess-Cardigan-Urban land complex, undulating, rocky (1 to 6 percent slopes) - This complex is about 25 percent Dutchess soils, 25 percent Cardigan soils, 25 percent Urban land, and 25 percent other soils and rock outcrop. Folded shale rock outcrop covers 0.1 to 2 percent of the surface.

Dutchess soils - Very deep, well drained loamy soils formed in till. Permeability is moderate.

Cardigan soils - Moderately deep (20 to 40 inches), well drained loamy soils formed in till underlain by folded shale bedrock. Permeability is moderate.

Urban land - Areas covered by buildings, streets, parking lots, and other impervious surfaces which obscure soil identification.

DxC Dutchess-Cardigan-Urban land complex, rolling, rocky (5 to 16 percent slopes) - This complex is about 25 percent Dutchess soils, 25 percent Cardigan soils, 25 percent Urban land, and 25 percent other soils and rock outcrop. Folded shale rock outcrop covers 0.1 to 2 percent of the surface.

Dutchess soils - Very deep, well drained loamy soils formed in till. Permeability is moderate.

Cardigan soils - Moderately deep (20 to 40 inches), well drained loamy soils formed in till underlain by folded shale bedrock. Permeability is moderate.

Urban land - Areas covered by buildings, streets, parking lots, and other impervious surfaces which obscure soil identification.

\* FcB Farmington-Galway complex, undulating, very rocky (1 to 6 percent slopes) - This complex is about 40 percent Farmington soils, 30 percent Galway soils, and 30 percent other soils and rock outcrop. Folded limestone bedrock covers 2 to 10 percent of the surface.

Farmington soils - Shallow (10 to 20 inches), well drained and somewhat excessively drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate.

Galway soils - Moderately deep (20 to 40 inches), well drained and moderately well drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate. Seasonal high water table at 1.5 to 3.0 feet from March to April.



FcC Farmington-Galway complex, rolling, very rocky (5 to 16 percent slopes) - This complex is about 40 percent Farmington soils, 30 percent Galway soils, and 30 percent other soils and rock outcrop. Folded limestone bedrock covers 2 to 10 percent of the surface.

Farmington soils - Shallow (10 to 20 inches), well drained and somewhat excessively drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate.

Galway soils - Moderately deep (20 to 40 inches), well drained and moderately well drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate. Seasonal high water table at 1.5 to 3.0 feet from March to April.



FcD Farmington-Galway complex, hilly, very rocky (15 to 30 percent slopes) - This complex is about 40 percent Farmington soils, 30 percent Galway soils, and 30 percent other soils and rock outcrop. Folded limestone bedrock covers 2 to 10 percent of the surface.

Farmington soils - Shallow (10 to 20 inches), well drained and somewhat excessively drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate.

Galway soils - Moderately deep (20 to 40 inches), well drained and moderately well drained loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate. Seasonal high water table at 1.5 to 3.0 feet from March to April.



FeE Farmington-Rock Outcrop complex, steep (25 to 45 percent slopes) - This complex is about 60 percent Farmington soils, 20 percent folded limestone rock outcrop, and 20 percent other soils.

Farmington soils - Shallow (10 to 20 inches), well drained and somewhat excessively drained, loamy soils formed in till underlain by folded limestone bedrock. Permeability is moderate.

Rock outcrop - Common exposures of folded and tilted limestone bedrock or soils too thin to support plant

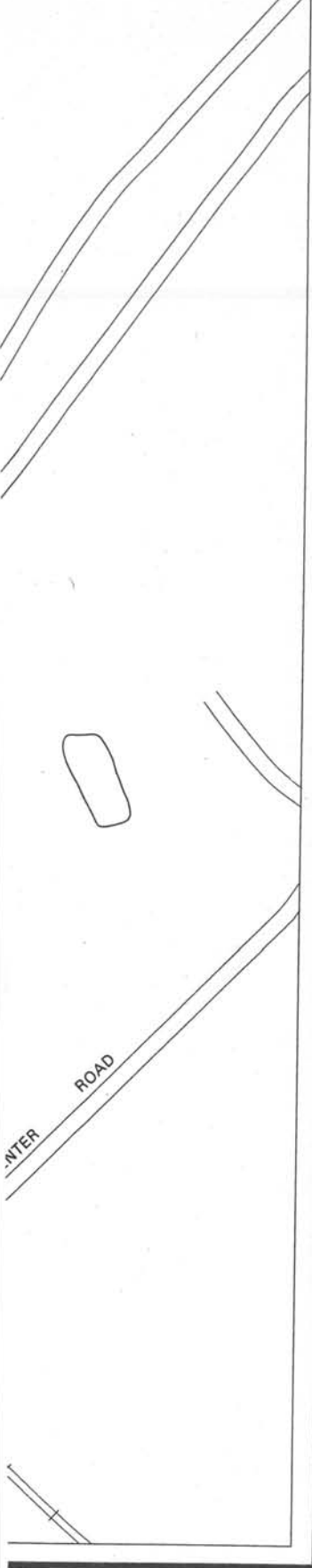






**FIRM**





**NATIONAL FLOOD INSURANCE PROGRAM**

**FIRM**  
**FLOOD INSURANCE RATE MAP**

**TOWN OF  
EAST FISHKILL,  
NEW YORK  
DUTCHESS COUNTY**

**PANEL 13 OF 30**  
(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER**  
**361336 0013 B**

**EFFECTIVE DATE:**  
**JUNE 15, 1984**



**Federal Emergency Management Agency**



Zone D Boundary

River Mile

\*\*Referenced to the National Geodetic Datum

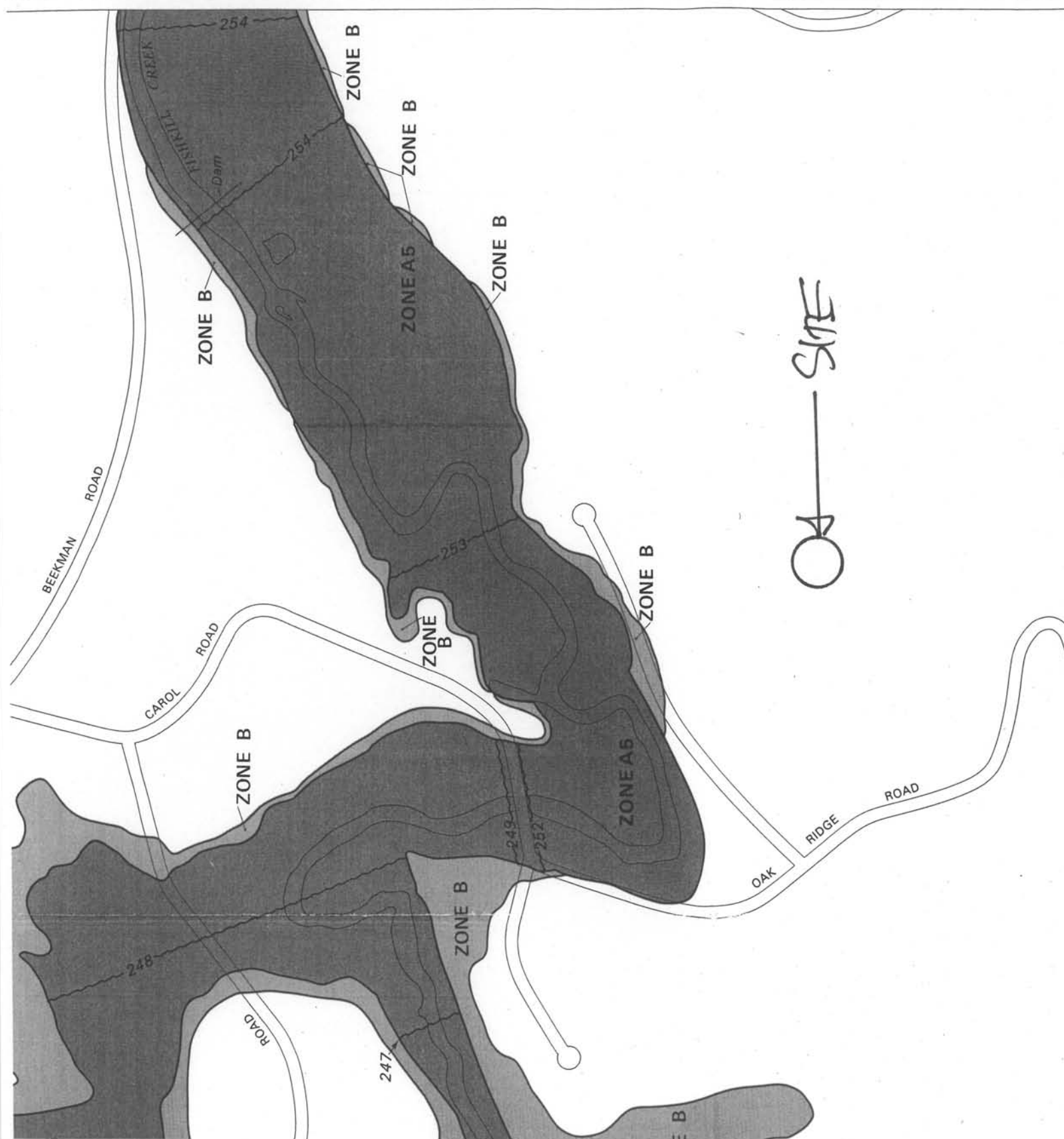
### \*EXPLANATION OF ZONES

ZONE	EXPL
A	Areas of 100-year flood hazard factors not shown
A0	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.
AH	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.
A1-A30	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.
A99	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.
B	Areas between limits of 100-year flood, or certain areas with average depth of inundation greater than the contributing drainage area; or areas protected by levees, dikes, or other flood control structures (Medium shading)
C	Areas of minimal flood hazard
D	Areas of undetermined flood hazard
V	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.
V1-V30	Areas of 100-year flood hazard factors shown are between one (1) and two (2) feet above the elevation of inundation are shown and are determined.

### NOTES TO USER

Certain areas not in the special flood hazard zones may be protected by flood control structures. This map is for flood insurance purposes only and does not show all areas subject to flooding. For adjoining map panels, see separate panels.

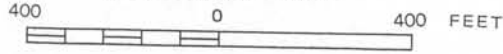
INITIAL IDEN  
NOVEMBER 1988  
FLOOD HAZARD BOUNDARY  
JULY 9







APPROXIMATE SCALE



**NATIONAL FLOOD INSURANCE PROGRAM**

**FLOODWAY  
FLOOD BOUNDARY AND  
FLOODWAY MAP**

TOWN OF  
EAST FISHKILL,  
NEW YORK  
DUTCHESS COUNTY

**PANEL 13 OF 30**

(SEE MAP INDEX FOR PANELS NOT PRINTED)

**COMMUNITY-PANEL NUMBER**

361336 0013

**EFFECTIVE DATE:**

JUNE 15, 1984



Federal Emergency Management Agency

APENTER ROAD









# FLOOD INSURANCE STUDY



TOWN OF EAST FISHKILL,  
NEW YORK  
DUTCHESS COUNTY



DECEMBER 15, 1983

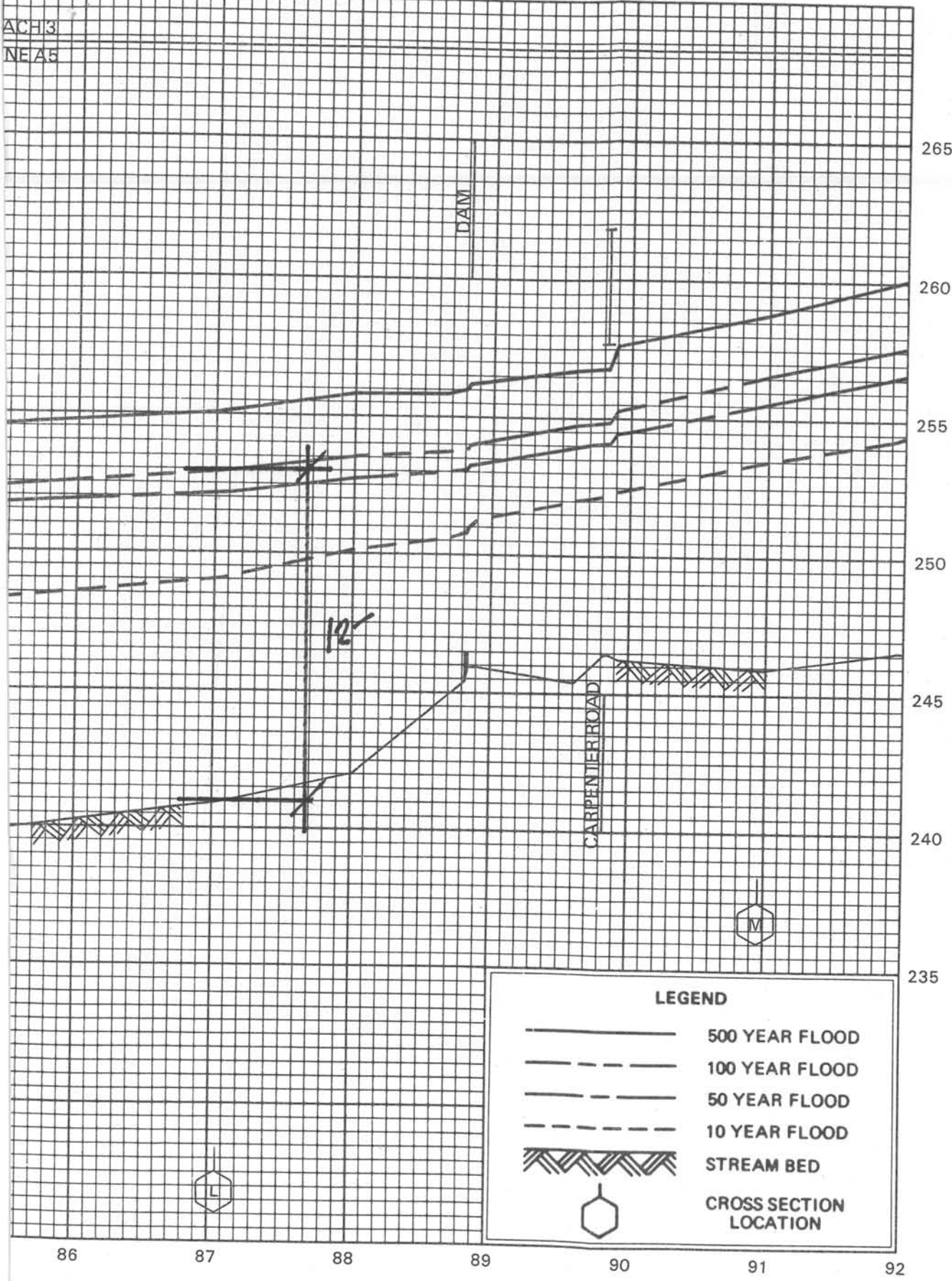


Federal Emergency Management Agency

COMMUNITY NUMBER: 361336



ACH3  
NEA5



**FLOOD PROFILES**  
**FISHKILL CREEK**

FEDERAL EMERGENCY MANAGEMENT AGENCY

**TOWN OF EAST FISHKILL, NY**  
(DUTCHESS CO.)

03P

ABOVE CONFLUENCE WITH HUDSON RIVER



**CONFIRMATION LETTER TO THE NYSDEC**





**OSWALD & GILLESPIE, PC**  
Consulting Engineers & Land Surveyors

Robert V. Oswald, LS

Michael E. Gillespie, PE

August 22, 2002

New York State Department of Environmental Conservation  
Natural Heritage Program  
attn: Mrs. Jean Pietrusiak  
700 Troy – Schenectady Road  
Latham, New York 12110-2400

Re: **Hilltop Manor Subdivision**  
**Creek Bend Road**  
Town of East Fishkill, Dutchess Co.

1559 Suite B  
Route 82  
Hopewell Jct., NY 12533  
(845) 227-6227  
Fax 226-1315

Dear Mrs. Pietrusiak:

The above referenced project is a proposed Residential Subdivision in the Town of East Fishkill, Dutchess Co. Please find enclosed a copy of the USGS mapping with the site transposed (Hopewell Junction Quadrangle).

We would ask if the DEC has any record of endangered or threatened species of plant or animal life.

All correspondence can be directed back to this office. If you have any additional questions, please do not hesitate to call. Thank You.

Very truly yours,

  
Michael E. Gillespie, P.E.

cc: file  
EAF



**CONFIRMATION LETTER TO THE NYSOPRHP**



# OSWALD & GILLESPIE, PC

Consulting Engineers & Land Surveyors

Robert V. Oswald, LS

Michael E. Gillespie, PE

August 22, 2002

New York State Office of Parks, Recreation and Historic Preservation  
Historic Preservation Field Services Bureau  
attn: Mrs. Ruth Pierpont  
Peebles Island, P.O. Box 189  
Waterford, New York 12188-0189

Re: **Hilltop Manor Subdivision**  
Creek Bend Road  
Town of East Fishkill  
Dutchess Co.

1559 Suite B  
Route 82  
Hopewell Jct., NY 12533  
(845) 227-6227  
Fax 226-1315

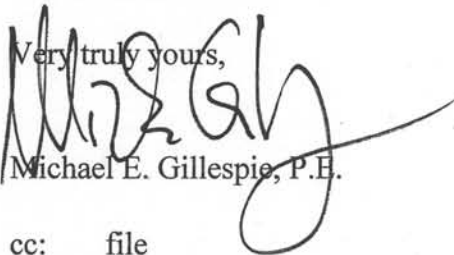
Dear Mrs. Pierpont:

The above referenced project is a residential subdivision proposed in the Town of East Fishkill, Dutchess Co. Please find enclosed a copy of the USGS mapping with the site transposed (Hopewell Junction Quadrangle).

We would ask of your office as to the potential impact or effect on historic or prehistoric cultural resources of the current proposal.

All correspondence can be directed back to this office. If you have any additional questions, please do not hesitate to call. Thank You.

Very truly yours,

  
Michael E. Gillespie, P.E.

cc: file  
EAF

