



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

**PROJECT NAME:** AMENDED SUBDIVISION 3 MARINERS COURT-PAPALEO  
CLEARING & GRADING PERMIT  
**PROJECT NO.:** 24-35  
**PROJECT LOCATION:** SECTION 121, BLOCK 1, LOT 7  
**REVIEW DATE:** 31 OCTOBER 2025  
**MEETING DATE:** 6 NOVEMBER 2025  
**PROJECT REPRESENTATIVE:** DAVID NIEMOTKO, ARCHITECT

1. The project is before the Planning Board based on stop work orders issued by the Town of Newburgh Code Compliance Office. Apparent modifications to the previously approved clearing and grading permit have been undertaken including the current addition of a 10 +/- foot retaining wall along the property line. This wall was not included in the original approvals. A new proposed 18-foot-high retaining walls are depicted on the revised plans.
2. Compliance with the Town of Newburgh Clearing and Grading Permit is required. Quantity of fill must be identified on the plans.
3. The source of the existing and proposed topography should be provided. It is believed the Building Department requested a survey of the existing conditions.
4. Filling of the property has reputedly impacted the Towns stormwater collection system including the catch basin identified on adjoining Tasco property.
5. The NYSDEC has recently been notified the Town of an eagle nest in the vicinity of this project. Project should be referred to NYSDEC for review of potential impacts to eagles. See attached email
6. Additional details on the retaining wall should be received.
7. Specifications for the engineer product for backfill referenced in the retaining wall design should be included on the plans.
8. ARB approval of the retaining wall should be required.
9. A revised Clearing and Grading application should be submitted to the Building Department for review by the Planning Board.
10. Limits of disturbance should be clearly identified on the plans.

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhepa@mhepc.com

11. Plans should address conditions when the existing block wall is removed.
12. This office would recommend additional security required based on the extent and amount of filling.
13. The grades along the proposed retaining wall are 20 feet higher than previously approved grading plan.
14. Plans should address that a minimum landscaping along and above the retaining wall. Visual impact of the retaining wall should be addressed with the Planning Board.
15. The Building Department may wish to request geotechnical evaluation of the fill placed to date based on the extensive amount of filling in excess of the approved plans which has occurred. Proposed filling now extends closer to Mariners Court and the neighboring property line to the east. Significant fill is proposed along the southeast property line.
16. A Public Hearing for the revised Clearing and Grading Plan is required. Adjoiners Notices should be required once a revised application has been submitted.

Respectfully submitted,

**MHE Engineering, D.P.C.**

Patrick J. Hines  
Principal

PJH/kmm

Michael W. Weeks, P.E.  
Principal

**Mattina-BldgDept@townofnewburgh.org**

---

**From:** Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>  
**Sent:** Monday, September 29, 2025 3:48 PM  
**To:** mattina-bldgdept@townofnewburgh.org  
**Subject:** RE: 720 river rd

Hi Joe,

Following up on our discussion from last Friday, it looks like quite a bit of site work has already been done recently on the 720 River Road property. I don't know if you're aware of that, or if the Town typically allows people to clear parcels before their building permit is approved. If they are parcels that are flagged by the EAF mapper as having potential environmental concerns, such as wetlands or T&E species, then no tree clearing or any other work at the site should be allowed until DEC staff have reviewed the project for environmental impacts.

With respect to this neighborhood surrounding the eagle nest, it looks like there is also ongoing work on several other parcels that should have been reviewed by us and wasn't. To avoid unpermitted impacts to eagles, no further work on any of the parcels located between Mariners Court and Anchor Drive should take place until the owners/developers have consulted with both DEC and the U.S. Fish and Wildlife Service regarding impacts and state and federal permitting. And in addition to those parcels, no further work on any of the parcels bordering Anchor Drive, Mariners Court or the portion of River Road above those two streets should take place after the next nesting season begins on January 1 if the work hasn't been reviewed by DEC and USFWS.

If you could send me contact information for the owners of any of the parcels in this Anchor Drive/Mariners Court/River Road area that have open or active tree clearing or building permits, I would appreciate it.

Thanks for your help!

Sincerely,  
Sue

---

**From:** mattina-bldgdept@townofnewburgh.org <mattina-bldgdept@townofnewburgh.org>  
**Sent:** Friday, September 26, 2025 8:58 AM  
**To:** Booth-Binczik, Susan D (DEC) <Susan.Booth-Binczik@dec.ny.gov>  
**Subject:** RE: 720 river rd

Good morning

Thank you for your assistance.

I have at least 3 applications for single family dwelling. River Rd / Highland Terrace / Chesle View.

When the section block and lot numbers are loaded into the EAF mapper program the report comes back as having endanger and protected eagles.