



**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: 28 MAY 2026
MEETING DATE: 4 JUNE 2026
PROJECT REPRESENTATIVE: DAVID NIEMOTKO, ARCHITECT

1. Soil testing results have been submitted for use in design of the retaining walls. Stamped design plans with supporting calculations should be submitted to the Building Department prior to issuance of the Building Permit for the wall.
2. A general permit from the US Fish and Wildlife Service has been received. The applicant's representative response identifies they have notified the NYSDEC. Confirmation from the DEC should be received in order to address the NYSDEC email received by the Town previously.
3. Limits of disturbance have been depicted on the plan identifying a total limit of disturbance of 0.48 acres. Any disturbance greater than 1 acre on the site requires coverage under the NYSDEC Construction Stormwater Permit System. Limits of disturbance should be clearly delineated in the field using orange construction fencing in order to prevent increased disturbance on the site. A note should be placed on the plan.
4. Information pertaining to the easement on the adjoining site has been provided. Notes from the original subdivision map, Note 10 states "all subdivision lot owners and the Town of Newburgh have the right to discharge stormwater into the Town drainage system and across the emergency access easement on Lot 14 and into the stormwater detention basin on the marina parcel. In addition, a letter from adjoining landowner received granting permission for the subject parcel to access the Town easement on the adjoining parcel. Dominic Cordisco's comments should be received.
5. The project requires a Public Hearing identified in Chapter 83-8 I. Planning Board may wish to reaffirm the previously issued Negative Declaration as an Unlisted Action.

Respectfully submitted,

MHE Engineering, D.P.C.


Patrick J. Hines
Principal


Quinn M. Mullarkey, P.E.
Senior Engineer

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

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May 21, 2026

John P. Ewasutyn, Chairperson
Town of Newburgh Planning Board
21 Hudson Valley Professional Plaza
Newburgh, NY 12550
via: Hand Delivery & Email

**Re: 3 Mariners Court, Newburgh, NY 12550 – Grading and Fill Permit [SBL: 121-1-7]
Site Plan Application #2024-35**

Board Members:

Please accept this submission for planning board review. Below are our responses and the numbering below corresponds directly with MH&E comment letter:

1. Soil density testing and compaction testing was performed by Fairway Testing on the previously placed backfill material placed on the site. The test results are attached for your review, and the results meet and/or exceed the backfill requirements for the wall installation.
2. A general eagle disturbance permit has been issued by the US Fish and Wildlife Service for the project and we have notified NYSDEC. Please see the attached permit.
3. The limits of disturbance have been revised to include previously disturbed areas. See sheet C-2.
4. Regarding drainage easement "A" which is located on the adjacent lot, please review the following attachments:
 - a. Email correspondence from the title company that the actual written easement does not exist;
 - b. Partial map of the easement from the original Anchorage on Hudson subdivision plans, sheet 3 of 16, planning board approved on 10-6-02, map filed 10-17-02 and #216-02;
 - c. Notes from the original Anchorage on Hudson subdivision plans, sheet 3 of 16, planning board approved on 10-6-02, map filed 10-17-02 and #216-02; please see note 7 declaring that the easement was offered for dedication to the Town of Newburgh

We look forward to continuing this process towards approval. If you have any additional questions or comments, feel free to contact us at your earliest convenience.

3 Mariners Court
Grading and Fill Permit

David Niemotko Architects, P.C.
Planning Board Submission

May 21, 2026

Sincerely,

A handwritten signature in dark ink, appearing to read "David Niemotko", with a horizontal line extending from the end of the signature.

David Niemotko, Registered Architect

Attachments: (12) Soil test Report by Fairway Testing, dated 5/18/2026
(12) USFWS General Eagle Permit dated 5/21/2026
(12) Revised Erosion Control Plan Sheet C-2 dated 5/22/2026
(12) Easement correspondences and excerpts from Map titled "Subdivision Plat Prepared for Anchorage-on-Hudson" dated planning board approved on 10-6-02, map filed 10-17-02 and #216-02

CC: Benedetto Papaleo, Owner

**FAIRWAY TESTING**

22 North Liberty Drive
P.O. Box 578
Stony Point, NY 10980
Telephone 845.942.2088
Fax 845.942.0995

Project No: 26-10071
Report Date: 05/18/2026
Project: 3 Mariners Ct.
Location: Newburgh NY 12550

Client: Ben Papaleo
REPORT: Soil Inspection

LAB NO: 133879-2

TEST RESULTS

Report No: 26-10071-0001

Page 1 of 1

On this date, a representative from this firm visited the project site as scheduled for soil density testing on previously placed and compacted on-site backfill material placed behind the Terra-Crete modular block retaining wall.

Soil density testing was performed as per ASTM D6938 with test results and locations on a separate report.

A soil sample was obtained and brought back to the laboratory for gradation and proctor. See attached soil analysis.

Technician: Harry Crowe

Orig: Ben Papaleo (Newburgh, NY) Attn: Ben Papaleo (1-cc copy)

Respectfully Submitted,

Fairway Testing

Patsy J. Aguanno, P.E.

**FAIRWAY TESTING**

22 North Liberty Drive
P.O. Box 578
Stony Point, NY 10980
Telephone 845.942.2088
Fax 845.942.0995

Project No: 26-10071
Report Date: 05/18/2026
Project: 3 Mariners Ct.
Location: Newburgh NY 12550

Date Sampled: 05/18/2026
Sampled By: Crowe, Harry
Weather:
Order Number:

Client: Ben Papaleo
REPORT: Soil Densities

LAB NO: 133879-2
Test Method: See Below

TEST RESULTS

Report No: 26-10071-0002
Page 1 of 1

Material:

Test No	Location	Elevation	Wet Density (pcf)	Moisture Content %	Dry Density (pcf)	Proctor Number	Percent Proctor Density	Reqd. Comp %	Pass Fail
1	Backfill behind retaining wall - East side	3rd course	133.3	5.7	126.1	A	96.9	95.0	Pass
2	Backfill behind retaining wall - West side	3rd course	135.7	6.6	127.3	A	97.8	95.0	Pass

Proctor No	Proctor Date	Optimum Moisture (%)	Maximum Dry Density (pcf)	Color / Description
A	05/18/2026	8.3	130.2	On-site excavated soil

Gauge No.: 15288 Daily Standard Counts: 05/18/2026 DS: 1568 MS: 688

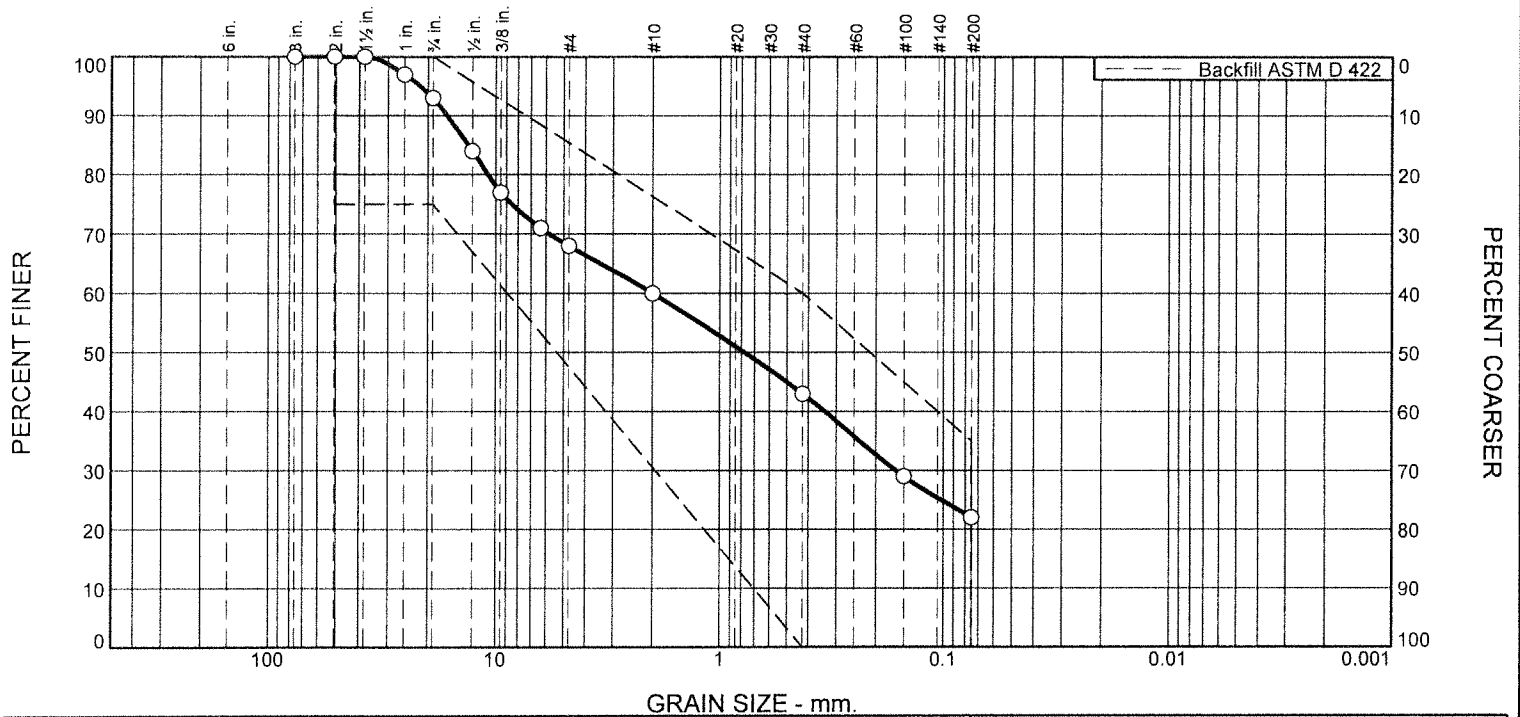
Test Methods: ASTM D6938

Technician: Harry Crowe
Orig: Ben Papaleo (Newburgh, NY) Attn: Ben Papaleo (1-cc copy)

Respectfully Submitted,
Fairway Testing

Patsy J. Aguanno, P.E.

Particle Size Distribution Report



% +3"	% Gravel		% Sand			% Fines	
	Coarse	Fine	Coarse	Medium	Fine	Silt	Clay
0	7	25	8	17	21	22	

Test Results (ASTM D422)			
Sieve Size or Diam. (mm.)	Finer (%)	Spec.* (%)	Out of Spec. (%)
3"	100	75-100	
2"	100		
1.5"	100		
1"	97		
3/4"	93		
1/2"	84	75-100	
3/8"	77		
1/4"	71		
#4	68		
#10	60	0-60	
#40	43		
#100	29		
#200	22	0-35	

Material Description

Brown Sand with some Gravel with some Fines

Sieve Test (ASTM D422)

Test Date: 5/19/26 Technician: Roy Jacaruso

Test Notes

Sample ID: On-site excavated soil

Atterberg (ASTM D4318)

PL= LL= PI=

Coefficients

D₉₀= 16.4301 D₈₅= 13.2535

D₆₀= 2.0000 D₅₀= 0.7753

D₃₀= 0.1629 D₁₅=

D₁₀=

C_u=

C_c=

USCS (ASTM D2487)

Date Sampled: 5/18/26

Date Received: 5/18/26

Checked By: Patsy J. Aguanno

Title: P.E.

**FAIRWAY
TESTING
CO., INC.**

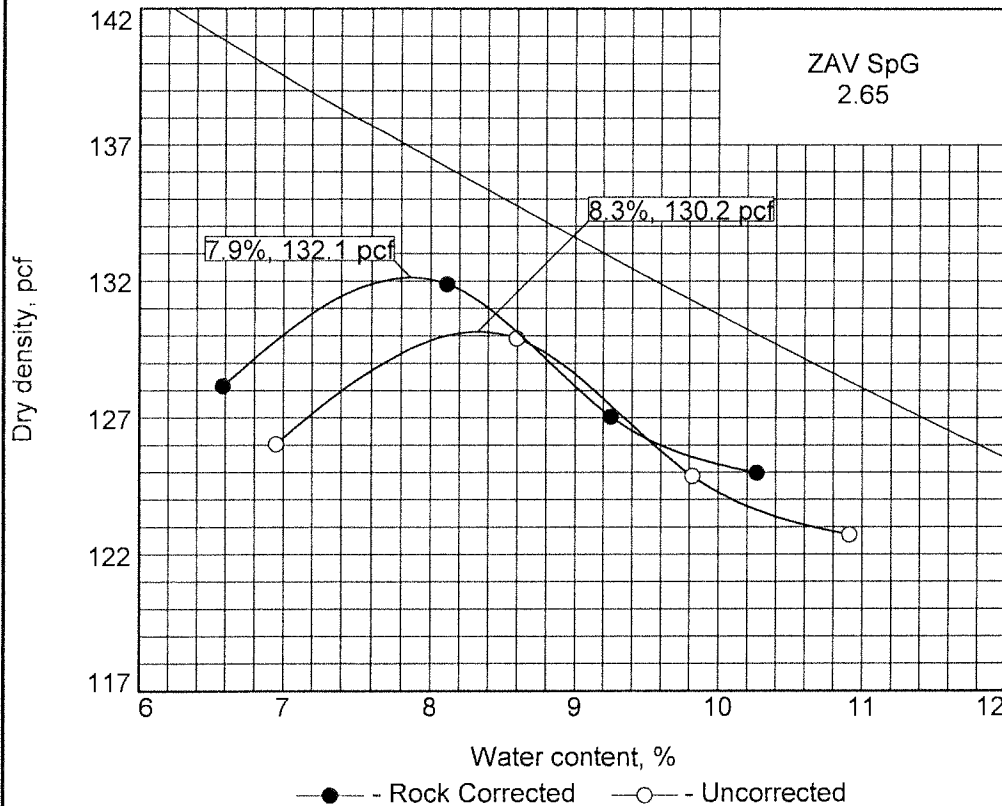
Client: Ben Papaleo
Project: 3 Mariners Court

Project No: 26-10071

Figure

COMPACTION TEST REPORT

Curve No.



Test Specification:

ASTM D 1557-12 Method C Modified
ASTM D4718-15 Oversize Corr. Applied to Each Test Point

Preparation Method

Hammer Wt. 10 lb.
Hammer Drop 18 in.
Hammer Type:
Layers five Blows/Layer 56
Mold Size 0.075 cu. ft.

Test Performed on Material

Passing 3/4 in. Sieve
NM LL PI

Sp.G. (D854): 2.65

%>3/4 in. 7 %<No.200 22

USCS AASHTO

Date Sampled 5/18/26

Date Received 5/18/26

Date Tested 5/19/26

Tested By Roy Jacaruso

TESTING DATA

	1	2	3	4	5	6
WM + WS	11040.0	11255.0	11120.0	11085.0		
WM	6424.0	6424.0	6424.0	6424.0		
WW + T #1	549.4	512.9	516.6	501.1		
WD + T #1	513.7	472.3	470.4	451.8		
TARE #1	0.0	0.0	0.0	0.0		
WW + T #2						
WD + T #2						
TARE #2						
MOISTURE	6.6	8.1	9.3	10.3		
DRY DENSITY	128.2	131.9	127.0	125.0		

ROCK CORRECTED TEST RESULTS

Maximum dry density = 132.1 pcf

Optimum moisture = 7.9 %

UNCORRECTED

130.2 pcf

8.3 %

Material Description

Brown Sand with some Gravel with some Fines

Remarks:

Sample ID: On-site excavated soil

Checked by: Patsy J. Aguanno

Title: P.E.

FAIRWAY TESTING CO., INC.

Figure



General Eagle Permit - Disturbance Take - Non-Commercial

Permit Number: PER33778088

Version Number: 0

Effective: 2026-05-21 **Expires:** 2026-08-31

Issuing Office:

Department of the Interior

U.S. FISH AND WILDLIFE SERVICE

5275 Leesburg Pike

Falls Church, Virginia, 22041-3803

eaglegeneralpermits@fws.gov



Eric L. Kershner
Chief, Division of Bird Conservation, Permits,
and Regulations
Migratory Bird Program, U.S. Fish and Wildlife
Service

Permittee

David Niemotko Architects PC

167 Stage Road

Monroe, New York 10950

U.S.A.

Principal Officer Name and Title:

Jesse Shih - Engineer

Primary Contact:

Jesse Shih

Location where authorized activity may be conducted:

Location: Orange / Town of Newburgh / New York

Latitude, Longitude: 41.55635070800781 , -73.99186706542969

Eagle Nest Location Coordinates: 41.55635070800781,73.99186706542969



General Permit Requirements and Conditions:

General Permit Conditions – Bald Eagle Disturbance

Definitions (as defined in 50 CFR 22.6):

Alternate Nest means one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests.

Disturb means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

Eagle nest means any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction. An eagle nest remains an eagle nest until it becomes so diminished, or the nest substrate upon which it is built fails, that the nest is no longer usable and is not likely to become usable to eagles, as determined by a Federal, Tribal, or State eagle biologist.

In-use nest means a bald eagle or golden eagle nest that contains one or more viable eggs or dependent young, or, for golden eagles only, has had adult eagles on the nest within the past 10 days during the breeding season.

Incidental take means take that is foreseeable and results from, but is not the purpose of, an activity.

Nesting territory means the area that contains one or more eagle nests within the home range of a mated pair of eagles, regardless of whether such nests were built by the current resident pair.

Practicable means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value to eagles and the activity's overall purpose, scope, and scale.

Definitions for the purposes of these permit conditions:

Breeding season refers to the period of time where eagles are breeding, or are preparing to breed. Actual breeding season dates can vary slightly between breeding pairs and from year to year. For bald eagles, the Service uses the date ranges listed by state in Table 1 (located at the end of this permit).

Occupied nest means an in-use bald eagle nest or an alternate bald eagle nest that has had attending adults within the past 10 days during the first 3 months of the breeding season.

A. Authorization.



General Permit Requirements and Conditions:

You are authorized to disturb bald eagles at the nest location listed above under "Location" where authorized activity may be conducted.

(1) Disturbance is authorized provided there is no practicable alternative to avoiding or minimizing it. The authorization applies only to disturbance take resulting from activities and infrastructure described in your general permit application and conducted in accordance with the terms of this permit.

(2) Disturbance is authorized for activities associated with building construction and maintenance, linear infrastructure construction and maintenance, alteration of shorelines and water bodies, alteration of vegetation (including timber management), prescribed burn operations, motorized recreational activities, nonmotorized recreational activities, aircraft operation, and loud intermittent noises (including blasting). You must remain in compliance only with the permit conditions in C(1) and the conditions associated with your activity type(s) you are conducting.

B. Prohibited. This permit does not authorize:

(1) Take of eagle nests, including by substantively modifying nesting substrate sufficient to render the substrate unsuitable for eagle nesting, except as authorized in C(8) for prescribed burn operations.

(2) Disturbance of golden eagles.

(3) Incidental or intentional take that results in injury or death of eagles.

(4) Possession of eagles, nestlings, or eggs.

(5) Permanent take of any eagle territory. Your activities must not eliminate the potential for future nesting activity within any eagle territory.

C. Avoidance and Minimization. You must implement the avoidance and minimization measures set forth below for the activity type(s) you are conducting under this permit. Breeding season dates are listed in Table 1 below.

(1) All Activities:

(a) You must review the Service's National Bald Eagle Management Guidelines (BEMG) (available at [National Bald Eagle Management Guidelines pdf](#)) and conduct your activity consistent with these guidelines. You must document in writing any applicable BEMG recommendations you do not implement with a justification as to why the measure is not practicable.

(b) In many areas bald eagles have demonstrated tolerance to human activity. If bald eagles have



General Permit Requirements and Conditions:

demonstrated tolerance to your activity or similar activities within the same distance to the nest, you may opt to not implement all of the conditions in Condition C. You must document in writing any applicable conditions you do not implement with a justification as to how you determined the condition is not warranted.

(c) You must avoid activities that may affect the survivability of the nest tree or other natural nesting substrate. The nest location must be identified on plans and communicated to contractors or other third parties doing work at your site. You must preserve the root integrity of the nest tree by avoiding heavy equipment operation, soil compaction, or ground disturbance greater than 12 inches deep within the nest tree's dripline or 50 feet, whichever is greater.

(d) To the maximum degree practicable, avoid conducting activities that may disturb eagles during severe weather such as heavy rain, severe thunderstorms, high winds, or extreme temperatures (high or low) to ensure adult eagles can provide necessary warmth and shelter for eggs and nestlings while they are vulnerable to such weather events.

(2) *Construction of Buildings and Infrastructure* .

Exterior construction includes exterior building construction as well as related activities. No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Initiate exterior construction and related activities within 330 feet of the nest outside the breeding season.

(b) Initiate exterior construction within 660 feet of the nest as late in the breeding season as possible to avoid the time of year when eagles are most susceptible to disturbance. To the extent practicable, avoid conducting exterior construction within 660 feet of the nest during the first three months of the breeding season.

(c) Initiate exterior construction at the furthest possible distance from the nest to allow the eagles the opportunity to adjust to your activities. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.

(d) Avoid exterior construction within 660 feet of the nest before and for two hours after sunrise and also for two hours before and after sunset to allow eagles time each day to care for nestlings.

(e) Minimize noise and visibility of exterior construction for activities that will occur within 660 feet of the nest. For example, create barriers using available natural and artificial barriers such as screening



General Permit Requirements and Conditions:

vegetation, topography, or vertical structures.

(f) Minimize infrastructure or other project component inspection activities within 330 feet of the nest.

(g) For inspections within 330 feet of the nest,

(i) Inform all individuals of the nest's location, including scheduled and unscheduled inspectors;

(ii) Conduct all inspection activities from closed cab vehicles whenever practicable;

(iii) Inform inspectors to limit their time within 330 feet of the nest, including limiting unnecessary noise and visual disturbance; and

(iv) Avoid approaching the nest directly on foot.

(3) *Maintenance of Buildings and Infrastructure* .

Conditions (a)-(b) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (c)-(i) are also required, unless eagles have demonstrated tolerance to maintenance activities. To the maximum extent practicable, conduct vegetation alteration outside of the breeding season. You must also, to the extent practicable:

(a) Follow state and federal guidelines, laws, and labels and instructions at all times if using pesticides, herbicides, or other chemicals during facility maintenance. To the maximum degree practicable, avoid the use of anticoagulant rodenticides. Anticoagulant rodenticides are a leading cause of eagle death. This permit does not authorize the killing or injury of eagles resulting from chemical or pesticide exposure.

(b) Avoid material and equipment storage within 330 feet of the nest. Do not store or stage materials and equipment within the dripline of the nest tree, or 50 feet, whichever is greater.

(c) Minimize material and equipment storage and staging within 660 feet of the nest tree. If you must use areas within 600 feet of the nest for staging during the breeding season, reduce the visibility of material or equipment by creating natural or artificial barriers using screening vegetation, topography, or vertical structures.

(d) If maintenance, restoration, and landscaping activities are visible from the nest, avoid these activities within 660 feet of the nest before and for two hours after sunrise and for two hours before and



General Permit Requirements and Conditions:

after sunset.

(e) When conducting maintenance, restoration, and landscaping activities within 660 feet of the nest, begin as late in the breeding season as possible. To the maximum degree practicable, avoid conducting such activities within 660 feet of the nest during the first three months of the breeding season.

(f) Initiate and conduct maintenance, restoration, and landscaping activities at the furthest possible distance from the nest and work toward the nest such that any activity to be conducted nearest the nest occurs last.

(g) Minimize the use of open cab equipment when conducting activities within 330 feet of an eagle nest.

(h) Avoid the use of heavy equipment or loud machinery within 330 feet of an eagle nest.

(i) Avoid the use of netting adjacent to any water features to reduce risk of eagle entanglement.

(4) *Alteration of shorelines and water bodies* .

Conditions (a)-(d) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (e)-(f) are also required. To the maximum extent practicable, conduct alteration outside of the breeding season.

(a) Avoid draining or drawing down any existing waterbodies within 660 feet of an eagle nest at a rate faster than normal water usage or evaporation.

(b) When altering shoreline or waterbody boundaries or conducting any associated geotechnical work within 660 feet of an eagle nest, you must:

(i) Avoid work within 660 feet of the nest before and for two hours after sunrise also for two hours before and after sunset.

(ii) Initiate work within 660 feet of the nest as late in the breeding season as possible. Avoid conducting work within 660 feet of the nest during the first three months of the breeding season.

(iii) Initiate work and related activities within 330 feet of the nest outside the breeding season.

(iv) Initiate work at the furthest possible distance from the nest. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.



General Permit Requirements and Conditions:

(v) Minimize noise and visibility of exterior construction for activities that will occur within 660 feet of the nest. For example, create barriers using available natural and artificial barriers such as screening vegetation, topography, or vertical structures.

(c) Remove dams and other infrastructure for controlling water outside of the breeding season.

(d) To the maximum degree practicable, construct new dams and infrastructure for controlling water outside of the breeding season. If construction must occur during the breeding season, you must:

(i) Avoid construction within 660 feet of the nest before and for two hours after sunrise and also for two hours before and after sunset.

(ii) Initiate construction within 660 feet of the nest as late in the breeding season as possible. To the extent practicable, avoid conducting construction within 660 feet of the nest during the first three months of the breeding season.

(iii) Initiate construction and related activities within 330 feet of the nest outside the breeding season.

(iv) Initiate construction at the furthest possible distance from the nest. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.

(v) Minimize noise and visibility of construction for activities that will occur within 660 feet of the nest. For example, create barriers using available natural and artificial barriers such as screening vegetation, topography, or vertical structures.

(e) Design and construct new, or modifications to existing, water bodies in a manner that protects the nest tree, including all practicable measures to protect soil and prevent erosion that would destabilize the tree.

(5) *Alteration of Vegetation.*

Conditions (a)-(e) are required for all nests, regardless of status. For nests that are occupied or status is unknown, condition (f) is also required. To the maximum extent practicable, conduct vegetation alteration outside of the breeding season. You must also, to the extent practicable:

(a) Minimize the amount of tree or significant vegetation removal within 660 feet of the nest.

(b) Avoid clearcutting trees within 330 feet of the nest tree at any time.



General Permit Requirements and Conditions:

(c) Retain the maximum number of mature trees practicable within 660 feet of the nest. Prioritize retaining mature trees within 330 feet of the nest, trees adjacent to foraging areas, and trees with documented use as perch or roost trees.

(d) Take every practical precaution, such as using a professional tree service, to fell trees near the nest tree in such a way that they do not contact the nest tree, especially the crown of the nest tree.

(e) Remove vegetation for chipping, burning, or other disposal methods that may cause disturbance at least 660 feet from the nest.

(f) If conducting timber operations or forestry, avoid new construction of log transfer facilities, in-water log storage areas, new road construction, and chain saw or yarding operations within 330 feet of the nest.

(g) For any vegetation removal that must occur during the breeding season within 660 feet of the nest, begin at the furthest possible distance from the nest and work toward the nest such that any removal to be conducted nearest to the nest occurs last.

(6) *Prescribed Burns.*

Conditions (a)-(d) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (e) and (f) are also required. You must, to the extent practicable:

(a) Conduct prescribed burns outside of the breeding season. If prescribed burns are conducted during the breeding season, you must document in writing with a justification as to why (e.g., human safety, federal mandates).

(b) Remove fuels (e.g., leaves, woody debris) near the nest tree to avoid fire climbing the tree. This includes fuels that present a hazard to the nest tree, fuels that are on or close to the bole of the nest tree, and fuels that may loft embers near the nest tree such as palm trees or high shrubs or bushes. To the extent practical, this measure must be performed outside of the breeding season or when the eagle nest is not occupied.

(c) Avoid creating new fire breaks or fire lines within 660 feet of any bald eagle nest at any time of year. Perform maintenance on any pre-existing fire breaks within 660 feet of a bald eagle nest outside of the breeding season or when the eagle nest is not occupied.

(d) Utilize smoke management and ignition techniques that minimize the amount and duration of flame and smoke impacts to the nest (e.g., igniting a backing or flank fire).



General Permit Requirements and Conditions:

(e) Minimize the presence of and any activities of ground crews within 660 feet of the nest.

(f) Do not conduct a prescribed burn during weather and wind conditions that are likely to expose the nest to fire or smoke.

(g) You are authorized for the incidental take of eagle nests that occurs during a prescribed burn, provided that incidental take occurs after application of all avoidance and minimization measures. This authorization does not include take caused by lack of due diligence or negligence; for example, failure to identify nest locations prior to conducting an activity.

(7) Motorized and Nonmotorized Recreation.

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Install signs to create a minimum 330 feet nest buffer around the nest. Signs may be temporary or permanent. Signs should inform recreationists that they are entering an important eagle use area, unless you document doing so is likely to increase risk to eagles.

(b) Close trails, roads, or boat launch areas within 660 feet of the nest. You may reduce this buffer if adult eagles have shown tolerance to use, and you document how you have determined eagles are tolerant to use.

(c) If visiting recreationists are likely to engage in eagle watching, either set up an area for recreationists to view the nest from greater than 660 feet or instruct recreationists to remain at least 330 feet from the nest and observe eagles from their vehicles or from behind natural or artificial barriers. If eagles have demonstrated tolerance, viewing can occur at closer distances. You must document how you have determined eagles are tolerant to viewing within 330 feet.

(d) Do not authorize recreational activities such as camping (including campfires), boating, fishing, and hunting within 330 feet of a nest. You may reduce this buffer if adult eagles have shown tolerance to use, and you document how you have determined eagles are tolerant to use.

(8) Aircraft operation.

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable: (a) Avoid any helicopter and fixed-wing aircraft flights within 1,000 feet of an eagle nest during the first three months of the breeding season or until the adults are observed in incubating position.



General Permit Requirements and Conditions:

(b) Avoid helicopter and fixed-wing aircraft flights within 1,000 feet of an eagle nest at a frequency more than once per day.

(c) Minimize the duration that any helicopter and fixed-wing aircraft spends within 1,000 feet of an eagle nest, not to exceed 3 minutes when passing within 1,000 feet of an eagle nest.

(d) This permit does not authorize disturbance with unmanned aircraft systems (i.e., UAS or drones). Any UAS use must be in a manner that does not cause disturbance, as defined in 50 CFR 22.6.

(9) Blasting and other loud intermittent activity.

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Avoid blasting and any activities that produce other loud intermittent noise within one-half-mile of the nest during the breeding season. If occupancy is known, conduct blasting activities only during the period between when eggs are laid (e.g., adults are incubating position) to when nestlings are at least nine weeks old. Nestling age can be determined by size (i.e., approaching adult size) and posture (e.g., erect, starting to stand on edge of nest).

(b) Use all available methods and technology to reduce the noise generated by your activity. These may include but are not limited to blast mats, vibratory pile driving, or constructed sound barriers.

D. Monitoring. You must, to the maximum degree practicable, observed the permitted eagle nest, sufficient to:

(1) Determine nest status (i.e., occupied or unoccupied) during the breeding season (see Table 1), and

(2) If occupied, determine nest fate (i.e., fledged young or failed to fledge young).

Observations must be performed in a manner that does not cause additional disturbance to breeding eagles. For example, observe the nest from beyond 660 feet or from behind screening vegetation or structures.

E. Reporting. You must submit an annual report of nest status and, if occupied, nest fate using Form 3-202-15 (Eagle Incidental Take Annual Report). Your annual report is due within 30 days of the expiration of your permit or prior to requesting renewal of your permit, whichever is first. An annual



General Permit Requirements and Conditions:

report is required, even if no eagle activity was observed or no activities were conducted.

F. Subpermittees. You may designate subpermittees to conduct some or all of your permitted activities. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Authorized subpermittees are any person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit.

You and any subpermittees must carry a legible paper or electronic copy of this permit and subpermittee designation letter and display it upon request whenever you are exercising its authority. Subpermittees must be at least 18 years of age. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of any designation letters provided to individuals not named above.

G. Other Conditions.

(1) You must comply with all of the regulations and permit conditions in 50 CFR parts 10, 13, 21, and 22.

(2) You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see 50 CFR § 13.46).

(3) By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see 50 CFR § 13.21(e)). Service or Service contractors may require access to your project site to ensure general permitting is consistent with eagle preservation. The Service will provide reasonable notice for requests to access sites and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.

(4) You are responsible for ensuring that the permitted activity complies with all Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or candidate species or designated or proposed critical habitat under the federal Endangered Species Act, nor has the potential to cause effects to cultural resources or historic properties protected by the National Historic Preservation Act.

(5) The Service may amend, suspend, or revoke a permit issued under this subpart if new information indicates that revised permit conditions are necessary, or that suspension or revocation is



General Permit Requirements and Conditions:

necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in 50 CFR § 13.23, 13.27, and 13.28. General permits cannot be amended by the permit holder.

(6) Notwithstanding the provisions of 50 CFR § 13.26, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

(7) The Service will regularly evaluate whether the take of bald eagles authorized under general permits remains compatible with the preservation of eagles. If the Service finds, through the best available information, that the general permit program is not compatible with the preservation of bald eagles and golden eagles, the Service may suspend issuing general permits in all or in part after publishing a notice in the Federal Register. If the Service suspends general permitting, take currently authorized under this general permit remains authorized until expiration unless you are notified otherwise.

Table 1. Bald eagle breeding season dates by state or portions of states.

State	Breeding Season		State	Breeding Season	
	Beginning	Ending		Beginning	Ending
Alabama	1-Oct	30-May	Nebraska	1-Dec	15-Jul
Alaska	1-Mar	31-Aug	Nevada	1-Dec	31-Jul
Arizona	15-Oct	15-Jul	New Hampshire	15-Feb	15-Aug
Arkansas	1-Nov	30-Jun	New Jersey	1-Jan	31-Jul
California	1-Dec	15-Aug	New Mexico	15-Oct	15-Jul
Colorado	1-Dec	31-Jul	New York	1-Jan	31-Aug
Connecticut	1-Jan	31-Jul	North Carolina	1-Nov	30-Jun
Delaware	15-Dec	30-Jun	North Dakota	15-Jan	31-Aug



General Eagle Permit - Disturbance Take - Non-Commercial

Permit Number: PER33778088

Version Number: 0

Effective: 2026-05-21 **Expires:** 2026-08-31

General Permit Requirements and Conditions:

District of Columbia	15-Dec	15-Jul	Ohio	1-Jan	31-Jul
Florida	1-Oct	30-May	Oklahoma – except panhandle	1-Oct	30-May
Georgia	1-Oct	30-May	Oklahoma – panhandle only	15-Oct	15-Jul
Idaho	1-Jan	15-Aug	Oregon	1-Jan	15-Aug
Illinois	15-Dec	31-Jul	Pennsylvania	1-Jan	31-Jul
Indiana	15-Dec	31-Jul	Rhode Island	1-Jan	31-Jul
Iowa	1-Jan	31-Jul	South Carolina	1-Oct	30-May
Kansas	1-Dec	31-Jul	South Dakota	15-Jan	31-Aug
Kentucky	1-Nov	15-Jul	Tennessee	1-Nov	30-Jun
Louisiana	1-Oct	30-May	Texas – east of 100th meridian	1-Oct	30-May
Maine	1-Feb	30-Aug	Texas – west of 100th meridian	15-Oct	15-Jul
Maryland	15-Dec	30-Jun	Utah	1-Dec	31-Jul
Massachusetts	15-Jan	31-Aug	Vermont	1-Feb	15-Aug
Michigan	15-Jan	15-Aug	Virginia	15-Dec	15-Jul
Minnesota	15-Jan	15-Aug	Washington	1-Jan	15-Aug
Mississippi	1-Oct	30-May	West Virginia	1-Dec	15-Jul
Missouri	15-Dec	15-Jul	Wisconsin	15-Jan	15-Aug



General Eagle Permit - Disturbance Take - Non-Commercial

Permit Number: PER33778088

Version Number: 0

Effective: 2026-05-21 **Expires:** 2026-08-31

General Permit Requirements and Conditions:

Montana	15-Jan	31-Aug	Wyoming	1-Jan	15-Aug
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Salvatore Tocsco

7 Mariners Ct, Newburgh, NY 12550

May 18, 2026

Dear Planning Board Members,

I, Salvatore Tocsco, the owner of the property located at 7 Mariners Ct, Newburgh, NY 12550, hereby grant permission to my neighbor, Benedetto Papaleo, owner of 3 Mariners Ct, Newburgh, NY 12550, to cross and gain access in order to connect to the Stormwater drain that resides on my property.

This permission is granted solely for the purpose of completing the stormwater connection. Please contact me if you require any additional information.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to be 'S. Tocsco', with a stylized, sweeping flourish extending to the right.

Salvatore Tocsco

845-542-9962

From: David Niemotko Registered Architect <david@niemotkoarchitects.com>
Sent: Thursday, May 21, 2026 11:17 AM
To: jesse@niemotkoarchitects.com
Subject: Fw: anchorage
Attachments: Page 3 of 216-02.pdf; Road Deed.pdf; Anchor Docs.pdf

Sent from my Sprint Samsung Galaxy S9.

----- Original message -----

From: Benedetto Papaleo <bpapaleo@verizon.net>
Date: 5/19/26 8:19 AM (GMT-05:00)
To: David Niemotko <david@niemotkoarchitects.com>
Subject: Fw: anchorage

Good Morning David,
Please take a look let me know if this works.

Thank you.

Benedetto Papaleo
bpapaleo@verizon.net

----- Forwarded Message -----

From: Ryan Reid <ryan@greenacreabstract.com>
To: Joseph Saffioti <jsaffioti@saffiotianderson.com>; Benedetto Papaleo <bpapaleo@verizon.net>
Sent: Monday, May 18, 2026 at 05:05:23 PM EDT
Subject: Re: anchorage

Good Afternoon Joe,

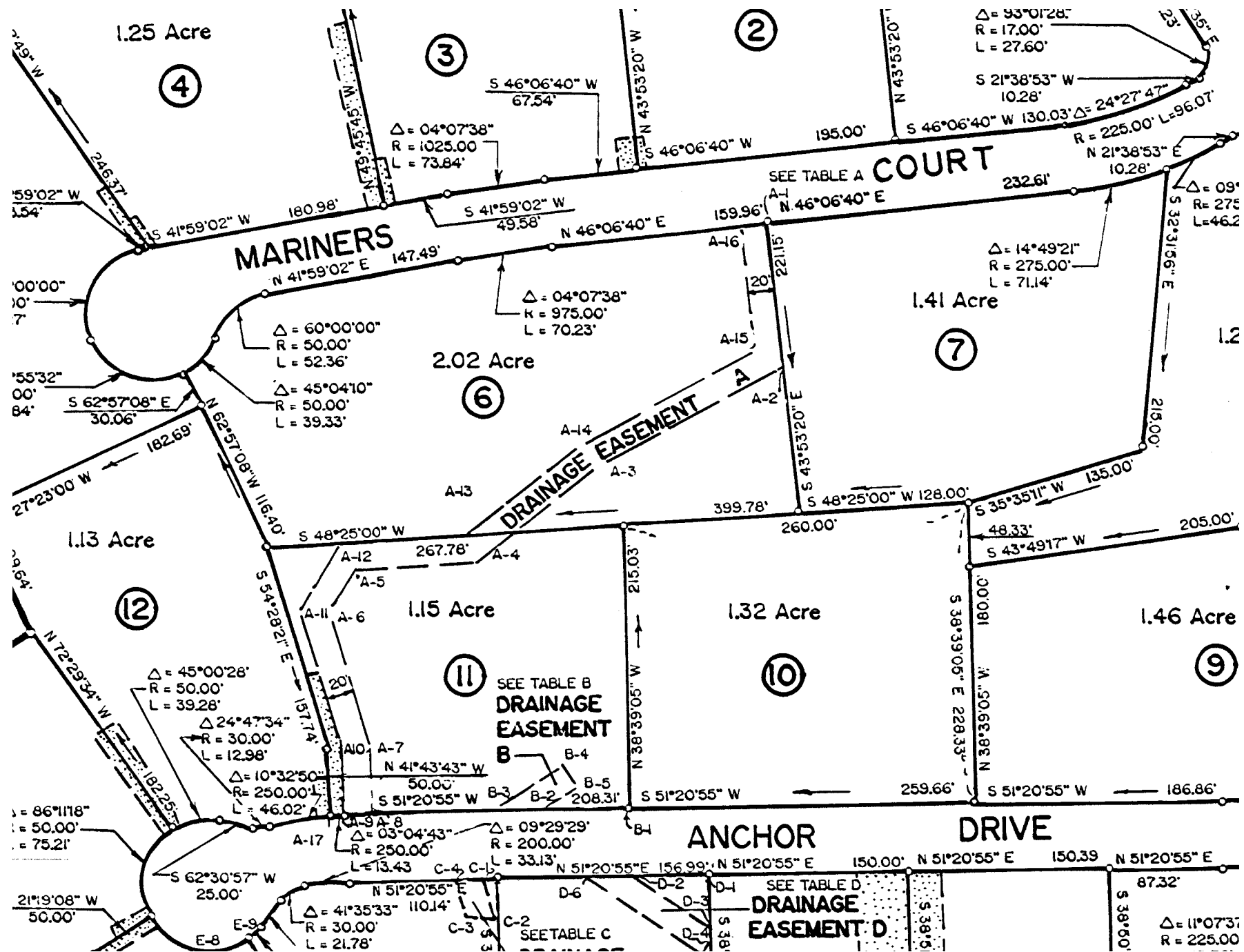
Looks like Hill n Dale insured this back in 2021. I remember looking into the easements and roads a few years ago and found a note I made:

"I pulled the Filed Map again and on page 3 under note 7, it states that "Mariners Court, Anchor Drive and Drainage Easements A to G are hereby irrevocably offered for Dedication to The Town of Newburgh".

I do not think an actual agreement exists for Easement A. I did however find a Deed for the Roads to the Town.

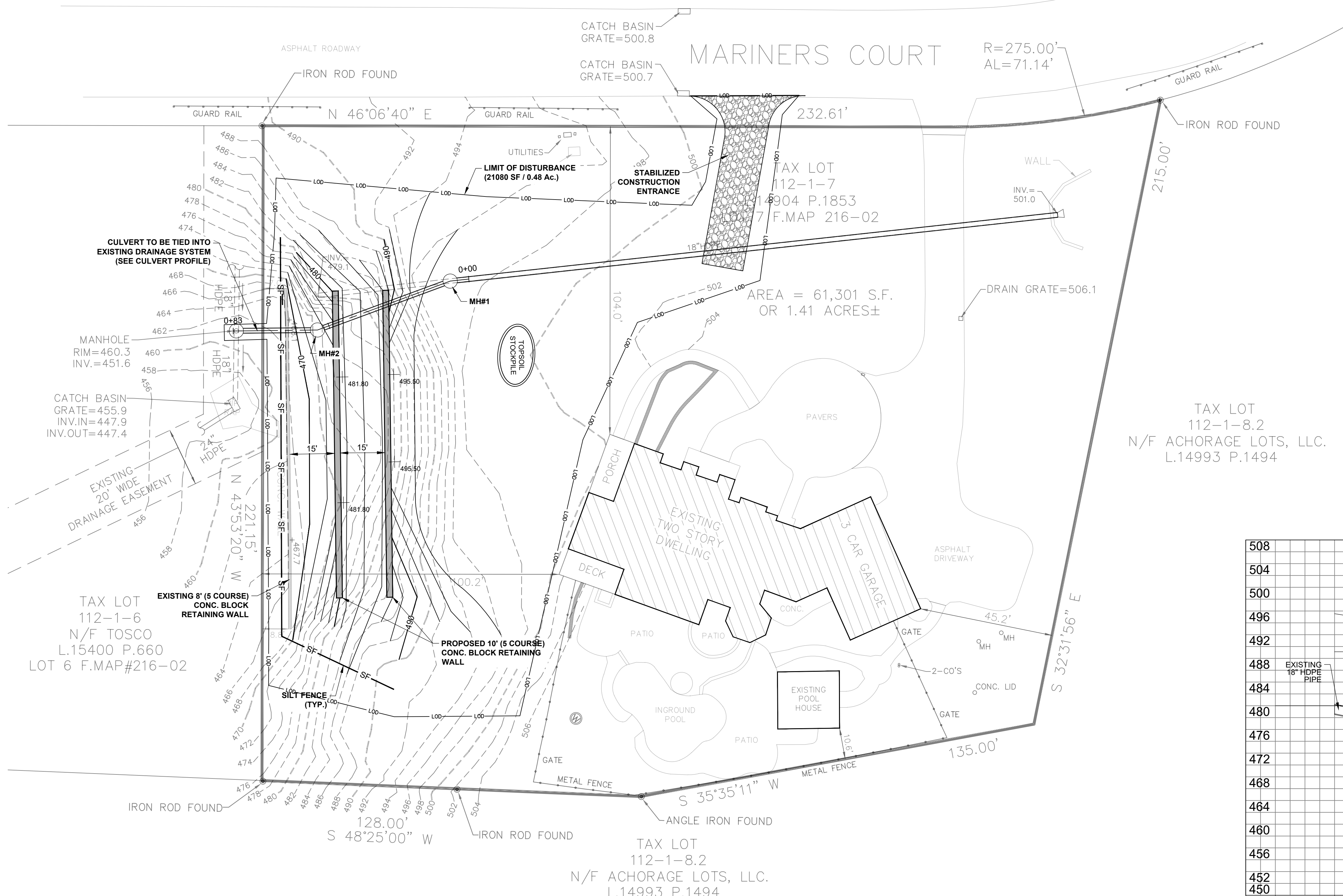
Attached are some other documents that may help. Let me know if you need anything else!

Ryan J. Reid
GreenAcre Abstract, LLC

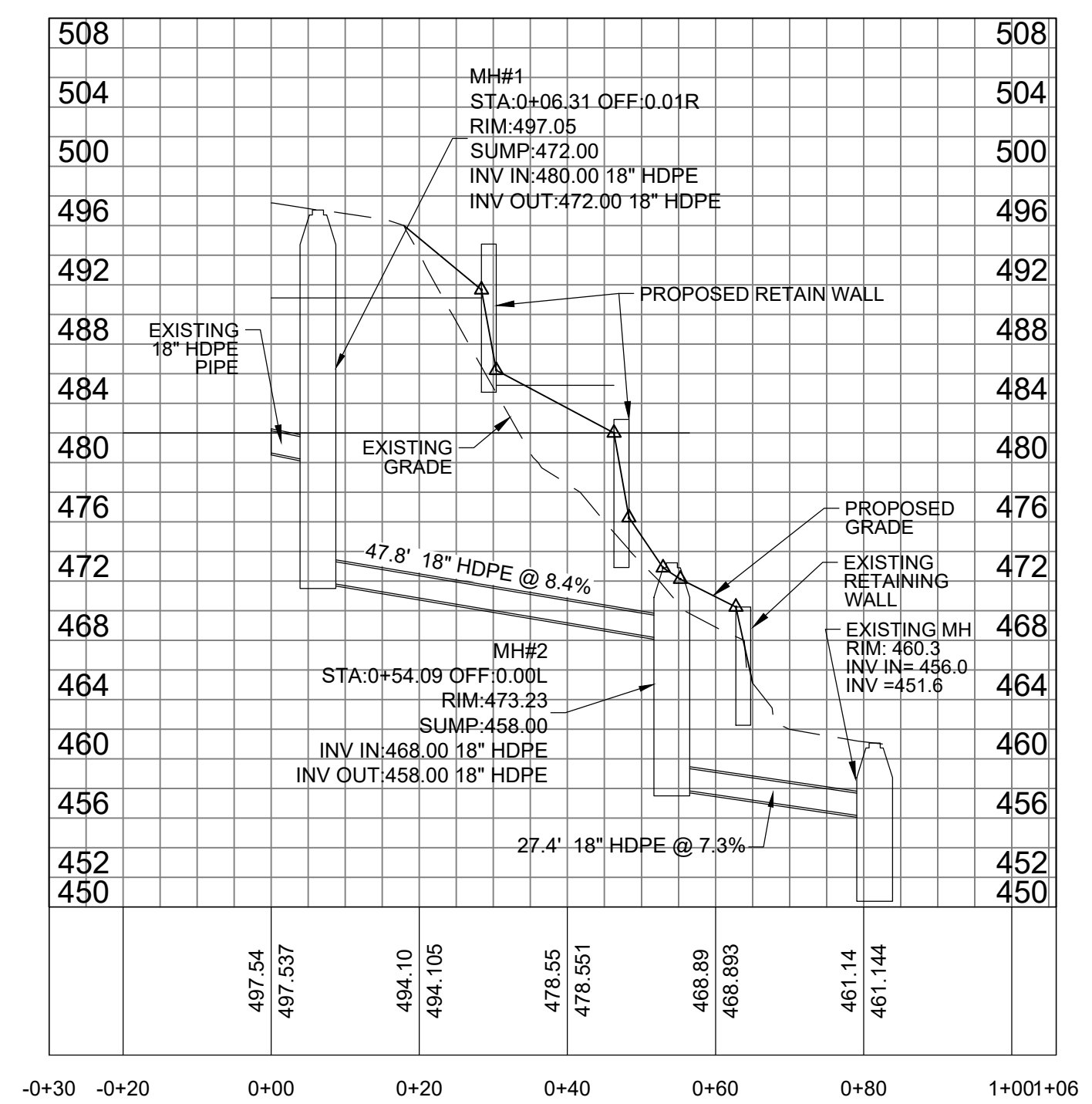


NOTES:

1. The property shown hereon is known as Lot No. 3 as shown and delineated on a certain map entitled "LOT LINE CONSOLIDATION PLAN PREPARED FOR ANCHORAGE-ON-HUDSON" filed in the Orange County Clerk's Office as map number 155-92.
2. Surveyed as per record descriptions, record filed map, unrecorded maps and existing monumentation.
3. This drawing is invalid and incomplete without the remaining sheets of the set. (Set submitted to the Orange County Department of Health and filed with the Orange County Clerk's Office.)
4. The approved plans must be filed with the Orange County Clerk's Office prior to offering lots for sale and within 90 days of the last approval of final plans.
5. Wells and individual sewage disposal systems shall no longer be constructed or used when public facilities become available. Connection to the public sewer system is required within one year of availability.
6. Orange County Department of Health plan approval is limited to five years. Time extensions for plan approval may be granted by the Orange County Department of Health based upon regulations in effect at that time. A new plan submission may be required to obtain a time extension.
7. Mariners Court, Anchor Drive and drainage easements A to G are hereby irrevocably offered for dedication to the Town of Newburgh.
8. Stormwater detention basin shall be constructed prior to the issuance of the first building permit.
9. The owner of the Marina and owners of the subdivision lots shall be responsible for ongoing maintenance of the stormwater detention basin.
10. All subdivision lot owners and the Town of Newburgh have the right to discharge stormwater into the Town drainage system and across the emergency access easement on lot 14 into the stormwater detention basin on the Marina parcel.
11. The emergency access road shall be maintained by the owner of the Marina and owners of the subdivision lots.
12. The emergency access road shall be constructed and a "crash gate" shall be installed prior to issuance of the first building permit for any lot on Road A (lots 8 to 21). (Emergency access is not required for Road B).
13. The crash gate shall be owned and maintained by the owner of the Marina and owners of the subdivision lots. The crash gate shall be kept locked with a key provided to the local Fire District.



CULVERT PROFILE

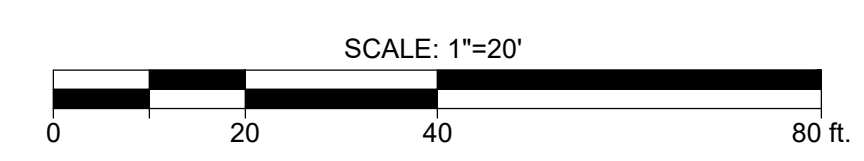
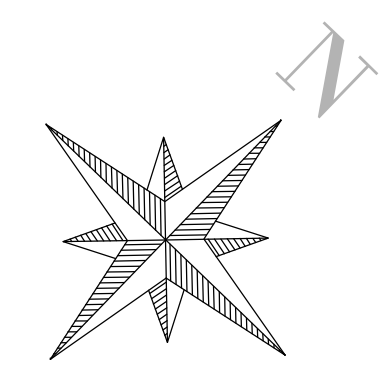


1 GRADING & EROSION CONTROL PLAN

C-2 SCALE: 1"=20'

NOTES:

1. ALL EROSION CONTROL SHALL BE IN ACCORDANCE WITH THE LATEST "URBAN EROSION AND SEDIMENT CONTROL GUIDEBOOK" OF THE ORANGE COUNTY SOIL AND WATER CONSERVATION DISTRICT AS WELL AS THE LATEST NYS STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL.
2. ONCE ROUGH GRADING HAS BEEN COMPLETED, A TEMPORARY COVER CONSISTING OF RYE GRASS SHALL BE SEEDED AT A RATE OF 1/2 LB. PER 1,000 S.F. OF AREA.
3. NO CUT OR FILL SLOPE SHALL EXCEED 2:1 UNLESS RETAINING WALLS ARE BEING INSTALLED. ALL DISTURBED AREA NOT BEING WORKED ON WITHIN 14 DAYS SHALL BE TEMPORARILY SEEDED WITH RYE GRASS AT A RATE OF 1/2 LB. PER 1,000 S.F.
4. SILTATION FENCING SHALL BE USED TO PROTECT THE EXISTING DRAINAGE SWALE AND NEIGHBORING PROPERTIES.
5. ANY SILT THAT LEAVES THE SITE DESPITE PRECAUTIONS TAKEN SHALL BE COLLECTED AND REMOVED AS DIRECTED BY THE AGENCIES HAVING JURISDICTION.
6. FILL MATERIAL, IF NECESSARY, SHALL BE FREE OF ALL DECOMPOSABLE MATERIAL.
7. AT THE COMPLETION OF THE PROJECT, ALL TEMPORARY SILTATION DEVICES SHALL BE REMOVED AND THE AFFECTED AREAS GRADED, PLANTED AND TREATED TO FINISH IN ACCORDANCE WITH THE APPROVED PLANS.
8. ALL TREE CLEARING MUST OCCUR BETWEEN OCTOBER 1 AND MARCH 31.
9. NO SITE PREPARATION OR CONSTRUCTION, INCLUDING UTILITY CONNECTIONS, SHALL COMMENCE UNTIL A VALID HIGHWAY WORK PERMIT HAS BEEN SECURED FROM THE ORANGE COUNTY DEPARTMENT OF PUBLIC WORKS UNDER SECTION 136 OF THE HIGHWAY LAW.



REVISION
DATE
SUBMISSION
DATE
SUBMISSION
DATE
SUBMISSION
DATE
SUBMISSION

01.05.2026
04.20.2026
05.22.2026

1
2
3

David Niemotko Architect

DAVID NIEMOTKO ARCHITECTS, P.C.
167 STAGE ROAD
MONROE, NEW YORK 10950
Ph: (845) 774-7523
www.niemotkoarchitects.com

NOTE
FOR AUTHENTICITY
SEAL MUST BE ORIGINAL AND
SIGNATURE MUST
BE IN COLOR - BOTH CANNOT BE
COPIED



GRADING & EROSION
CONTROL PLAN

SITE GRADING AND FILL PLAN
3 MARINERS COURT
NEWBURGH, NY 12550

BEN PAPALEO
468 RIVER RD
NEWBURGH, NY 12550

SHEET TITLE
PROJECT
CLIENT

SCALE:
DRAWN BY: J.S.
CHECKED BY: D.N.
JOB #
PLOT DATE: 12/10/2025

SHEET No.
C-2
PAGE 2 OF 3