

CITY OF NEWBURGH
PLANNING BOARD

Lisa Daily, Chairperson
Margaret Hall, Secretary

123 Grand Street, Newburgh, New York 12550

(845)569-7401 (845)569-0096

PLANNING BOARD MEETING, October 21, 2014

The City of Newburgh Planning Board meeting was held on Tuesday, October 21, 2014, in City Hall, Council Chambers, 83 Broadway, Newburgh, New York.

Members Present:

Lisa Daily
Peter Smith
Dan Stokes
Robert Ingram
Ramona Monteverde

Also Present:

Timothy Kramer, Assistant to Corporation Counsel
Jason Morris, City Engineer

The meeting was called at 7:30 after a quorum was confirmed.

SPECIAL PERMIT TO EXPIRE

INDEX NO. 2006-18

SPECIAL PERMIT for the sale of used cars
Location: 82 Bridge Street
Applicant: Joseph Dellafiora

Discussion by the Board

- There are no code violations existing on the property
- The special permit was most previously extended for a period of two years
- The Board proposes to grant an extension for five years

Peter Smith moved and Robert Ingram seconded the motion to extend the special permit for a period of five years.

Ramona Monteverde	No
Dan Stokes	Yes
Robert Ingram	Yes
Peter Smith	Yes
Lisa Daily	Yes

Motion carried to approve five year extension of the special use permit.

NEW BUSINESS

INDEX NO. 2014-114 CHANGE OF USE AND SITE PLAN of storefront
from a Nail Salon to a Tavern
Location: 411 Broadway
Applicant: Denkor Real Estate represented by
Walter Mandel

City Engineer's comments to be made matter of record.

DISCUSSION BY THE BOARD:

- The property had a previous certificate of occupancy in 2004 for a tavern.
- In 2009 the tavern went out of business. The property then began a use as a nail salon.
- The nail salon has gone out of business, leaving the property vacant since that time.
- Applicant is required to apply to the Zoning Board for a Use Variance.
- There will be no physical changes to the building.
- There is plenty of parking on the site.
- The existing sign will be used, just changing name.

Robert Ingram moved and Peter Smith seconded the motion to Assume Lead Agency for S.E.Q.R.A.
The motion was carried unanimously.

Peter Smith moved and Dan Stokes second the motion for a Negative Declaration
The motion was carried unanimously.

Peter Smith moved and Robert Ingram seconded the motion to waive site plan.
The motion was carried unanimously.

INDEX NO. 2014-15 SPECIAL PERMIT for the operation of a restaurant
Location: 207 Broadway
Applicant: Marcos Mejia

Comments of the City Engineer are to be matter of record.

Discussion by the Board:

- The previous owner obtained a special use permit for the property which expired in approximately 2011 when the restaurant closed.
- The business opened as a takeout deli.

- The applicant would like to obtain a special permit to use the property for a restaurant
- The seating will remain the same as currently exists, and there will be no changes to the kitchen.
- This is a Type 1 action due to the location of the parcel in the historic district.
- There will be no exterior changes, so no approvals are required by the Architectural Review Commission.

Peter Smith moved and Ramona Monteverde seconded the motion for a public hearing to be held at the November 18, 2014 meeting.
The motion was carried unanimously.

OLD BUSINESS

INDEX NO. 2014-11 SITE PLAN for a 158,000 sq.ft. Light
Manufacturing Warehouse/Office Building
Location: 5 Scobie Drive

Comments of the City Engineer are to be made a matter of record.

Discussion by the Board:

- Revised site plan submitted.
- The applicant will review comments submitted by the City Engineer
- The applicant submitted suggestions for Part II of the Long Form EAF which were discussed.
- A remediation report was submitted to the DEC for their review. A meeting is scheduled in two weeks.
- The applicant can advise the DEC to copy the City Engineer on all comments.

Peter Smith moved and Robert Ingram seconded the motion to Assume Lead Agency.
The motion was carried unanimously.

INDEX NO. 2011-01 SITE PLAN for the construction of a
commercial building
Location: 280 Broadway
Applicant: Vincent Cappeletti

Comments of the City Engineer are to be made a matter of record.

Discussion by the Board:

- It is the determination of the Code Compliance Supervisor that the building is in a C2 zone. Section 300-7(B) of the Zoning Code states that where uncertainty exists with respect to boundaries of the zoning districts, and where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be such boundaries.
- The parking issues discussed at previous meetings regarding parking spaces too close to the residential properties have been resolved by the applicant eliminating those parking spaces.
- The Board addressed the three concerns of the New York State Office of Parks, Recreation and Historic Preservation.

Dan Stokes moved and Robert Ingram seconded the motion to approve this application for site plan.

The motion was carried unanimously.

Respectfully submitted



Margaret Hall
Secretary



CITY OF NEWBURGH

Office of the Engineer

83 Broadway, Newburgh, New York 12550

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TO: City of Newburgh Planning Board

FROM: Jason C. Morris, P.E., City Engineer
Chad M. Wade, R.L.A., Asst. City Engineer

MEETING DATE: October 21, 2014

INDEX No.: 2014-14

SUBJECT: 411 Broadway, Unit No. 4

On October 16th, our department received an updated submission of site plan materials from the Applicant for the Proposed Action located at 411 Broadway. The following documents have been reviewed:

- City of Newburgh Planning Board Application
- Short Environmental Assessment Form, Part I; dated September 17, 2014
- Portions of various surveys and maps.

OWNERSHIP: The Project Site is currently owned by Denkor Real Estate, LLC.

BACKGROUND: The site is located at 411 Broadway, and is referenced as Tax Map parcel 34-1-20.1. Unit No. 4 has previously been a Tavern, documented by a Certificate of Occupancy dated December 17, 2004. The use changed to a Salon, documented by a Certificate of Occupancy date June 16, 2009.

ZONING DESIGNATION: The Project Site is located in the C-3 Planned Commercial District. The proposed use of a Tavern is not a permitted use within the District. Therefore, the proposed action would require a Use Variance granted by the Zoning Board of Appeals.

DISCUSSION: Site Plan Approval is required in accordance with §300-50(a). Discussion with the Planning Board shall take place to determine if the submitted materials are in compliance with §300-52 *Information constituting Site Plan.*, in conjunction with the Planning Board Site Plan Checklist in order to ensure that all required information is included on the Site Plan.

SEQRA: The Proposed Action is an Unlisted Action under SEQRA.

GML §239: The Proposed Action is not subject to GML §239 review by Orange County, in accordance with §300-55 of the *Zoning Code* and §239 L and M of the New York State *General Municipal Law*.

COMMENTS:

1. **Comment Outstanding:**

CNB, October 7, 2014 - The *Short Environmental Assessment Form* should be updated as follows:

- Item#1 should be checked "No".
- Item#2 should be check "Yes", with "City of Newburgh Zoning Board of Appeals" added to the list.
- Item#4 should also be checked "Urban".
- Item#6 and #7 need to be answered.

CNB, October 21, 2014 - The *Short Environmental Assessment Form* should be updated as follows:

- Item#2 should list the "City of Newburgh Zoning Board of Appeals".

The contents of this letter constitutes the City's review of the latest information provided to our office as listed above. This may not fully include all necessary outstanding issues which will likely arise as the Planning Board reviews the documents and the plans are revised. Additional comments may be generated as the plans are further developed.



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TO: City of Newburgh Planning Board

FROM: Jason C. Morris, P.E., City Engineer
Chad M. Wade, R.L.A., Asst. City Engineer

MEETING DATE: October 21, 2014

INDEX No.: 2014-15

SUBJECT: 207 Broadway

On October 16th, our department received an updated submission of site plan materials from the Applicant for the Proposed Action located at 207 Broadway. The following documents have been reviewed:

- City of Newburgh Special Use Permit Application
- Short Environmental Assessment Form, Part I and II; undated
- Full Environmental Assessment Form, Part I and II; dated September 19, 2014
- Hand drawn maps.
- Commercial Lease Agreement, dated July 1, 2014

OWNERSHIP: The Project Site is currently owned by Dario Pinas.

BACKGROUND: The site is located at 207 Broadway, and is referenced as Tax Map parcel 35-2-17. The site was previously the location of an active Deli/Take out establishment, which is permitted in the zone. There was also a previous Special Use Permit issued under a separate owner for a previous restaurant use. The City's Codes Department was notified of the restaurant's closure in July of 2011.

ZONING DESIGNATION: The Project Site is located in the TC-1 Tourist Commercial District. The proposed use of "Restaurant" is allowable with a Special Use Permit within the TC-1 District.

The Planning Board, in accordance with §300-36(H) "shall, within 10 days of its submission, refer any special use permit application within historic districts or architectural design districts to the Architectural Review Commission for review and recommendations." Due to the absence of exterior alterations being proposed as part of this application, the ARC shall be solicited by City Staff in order to confirm that a referral is not required.

The Planning Board, in accordance with §300-36F “shall conduct a public hearing within 62 days from the day a complete application is received by the Planning Board. At least 10 days prior to such hearing the Secretary of the Board shall mail, by regular mail, at the applicant's expense, a notice of such hearing and of the substance of the application to the owners of all properties within 300 feet of the exterior boundaries of the property affected by the application. At least 10 days prior to such hearing, the Secretary of the Planning Board, at the expense of the applicant, to be paid in advance, shall cause to be published in the official newspaper of the City a notice of such hearing and of the substance of the appeal or application.”

DISCUSSION: The Planning Board should have a discussion as to the requirement of a Site Plan. In accordance with §300-36(E) of the Zoning Code, the “the Planning Board may waive site plan approval for a special use permit application that will involve no physical alteration or disturbance to a site.” In the event the Planning Board does not waive the Site Plan requirements, the Applicant shall submit a Site Plan in accordance with §300-52 of the Zoning Code. In developing a Site Plan for this application, there will likely be deficiencies related to the bulk table and parking requirements, all of which will require submittal to the Zoning Board of Appeals.

SEQRA: The Proposed Action is a Type 1 SEQRA Action, due to the subject Property being located within the East End Historic District.

GML §239: The Proposed Action is not subject to GML §239 review by Orange County, in accordance with §300-55 of the Zoning Code and §239 L and M of the New York State General Municipal Law.

COMMENTS:

1. Comment Outstanding:

CNB, October 7, 2014 - The Full environmental Assessment Form should be updated as follows:

- B.c., should be changed to “Yes”, and the need for the Planning Board to approve a Special Use Permit shall be noted.
- B.i.i and ii, should be changed to “Yes”.
- C.3.a. should be changed to “Yes”, and identify both the TC-1 Tourist Commercial District and the East End Historic District.
- C.3.b., should be changed to “Yes”.
- D.1.b. should be changes to .05 acres, 0 acres, and .05 acres, respectively.
- D.2.c. should be checked “Yes”, and the subsequent questions appropriately answered. A restaurant will utilize water, supplied by the City of Newburgh.
- D.2.d. should be checked “Yes”, and the subsequent questions appropriately answered. A restaurant will contribute liquid waste to the City of Newburgh sanitary sewer system.
- D.2.r. should be checked “Yes”, and the subsequent questions appropriately answered. A restaurant will generate a solid waste daily.
- E.1.b. should include the current acreages related to the project site.

- E.3.c. should be checked “Yes”, and the subsequent questions appropriately answered.
The project site is located in the East End Historic District.

CNB, October 21, 2014, 2014 - The *Full environmental Assessment Form* should be updated as follows:

- D.1.b.b. should be changed to “0 acres”.
- D.2.d. should be checked “Yes”, *i* should identify “256 gallons/day”, and *ii* should identify sanitary wastewater.
- D.2.r.*i* should multiply 3.1 by the number of employees, then add year in the next fillable space. *ii*, operation “Recyclable materials shall be collected and disposed of in accordance with the City of Newburgh Sanitation Recycling Rules and Regulations.” *iii*, operation “All generated waste shall be collected in accordance with the City of Newburgh Garbage and Recycling Rules and Regulations.”

The contents of this letter constitutes the City’s review of the latest information provided to our office as listed above. This may not fully include all necessary outstanding issues which will likely arise as the Planning Board reviews the documents and the plans are revised. Additional comments may be generated as the plans are further developed.



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TO: City of Newburgh Planning Board

FROM: Jason C. Morris, P.E., City Engineer
Chad M. Wade, R.L.A., Asst. City Engineer

MEETING DATE: October 21, 2014

INDEX No.: 2014-11

SUBJECT: 5 Scobie Drive Redevelopment Project

On October 10th, our department received a submission of site plan materials from the Applicant's Engineer (C.T. Male Associates) for the Proposed Action located at 5 Scobie Drive. The following plans and documents have been reviewed:

- Submission Letter to the Planning Board; dated June 20, 2014
- City of Newburgh Planning Board Application
- Project Narrative; dated June 19, 2014
- Full Environmental Assessment Form, Part I with attachments; dated June 19, 2014
- City of Newburgh Planning Board Site Plan Checklist; dated June 19, 2014
- Overall Site Plan (Sheet 1 of 9); dated June 19, 2014, revised September 8, 2014
- Existing Conditions Plan (Sheet 2 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Plan (Sheet 3 of 17); dated June 19, 2014, latest revision October 10, 2014
- Site Utility Plan (Sheet 4 of 17); dated June 19, 2014, latest revision October 6, 2014
- Sanitary Sewer Profile (Sheet 5 of 17), dated June 19, 2014, latest revision October 6, 2014
- Site Grading Plan (Sheet 6 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Landscape Plan (Sheet 7 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Lighting Plan (Sheet 8 of 17); dated June 19, 2014, latest revision October 10, 2014
- Erosion and Sediment Control Plan Phase A (Sheet 9 of 17); dated June 19, 2014, latest revision October 6, 2014
- Erosion and Sediment Control Plan Phase B (Sheet 10 of 17); dated June 19, 2014, latest revision October 6, 2014
- Erosion and Sediment Control Details (Sheet 11 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Sections (1 of 3) (Sheet 12 of 17); dated June 19, 2014, latest revision October 6, 2014

- Site Sections (2 of 3) (Sheet 13 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Sections (3 of 3) (Sheet 14 of 17); dated June 19, 2014, latest revision October 6, 2014
- Site Details (Sheet 15 of 17); dated June 19, 2014, revised October 6, 2014
- Sanitary Sewer Details (Sheet 16 of 17); dated June 19, 2014, revised October 6, 2014
- Storm Sewer & Water Details (Sheet 17 of 17) ; dated June 19, 2014, revised October 6, 2014
- Concept Floor Plan (A101); dated June 17, 2014
- Concept Elevations (A102); dated June 17, 2014

OWNERSHIP: The Project Site is currently owned by the City of Newburgh Industrial Development Agency (IDA). The City of Newburgh IDA adopted a resolution on June 16, 2014 to be co-applicant with 5 Scobie Partners, LLC and authorized submittal of site plan application to the Planning Board.

BACKGROUND: The site is located at 5 Scobie Drive and is reference as Tax Map parcel 1-1-6. The parcel is bounded by Umbra Recording Studio to the east, Interstate 84 to the north and the Department of Public Works (DPW) to the west. The applicant wishes to use the property for warehouse and office space. The Applicant is currently investigating a redevelopment project through the NYSDEC Brownfields Cleanup Program.

ZONING DESIGNATION: The Project Site is located in the I-2 Warehouse/Light Industrial/Distribution District. The proposed distribution facility is a permitted use, and the proposed office is an accessory use to distribution facility.

DISCUSSION: The proposed development is located on land that was formerly owned by the City of Newburgh. The subject lands together with the current Department of Public Works, functioned as a City landfill. The landfill ceased operations in the 1960's, but was never formally listed as "closed" by the New York State Department of Environment and Conservation. The property remains vacant, excluding the area where the Department of Public Works continues to operate.

As part of the construction of Interstate 84, an "off ramp" was proposed along the easterly portion of the site. A ramp was delineated, and the property was transferred to the New York Department of Transportation. The idea of a ramp in this area was abandoned, and the land was returned to the City of Newburgh's Industrial Development Agency (IDA). Both the IDA parcel and several acres of the DPW parcel have remained undeveloped thus far.

Hudson Valley Lighting (HVL) has proposed to develop the IDA parcel as part of a planned expansion for their local business. Prior to any construction, the property needs to be remediated from the household refuse that makes up the land cover in significant depths. It remains cost prohibitive for Hudson Valley Lighting to remediate and construct their building without any additional incentives. The New York State Department of Environmental Conservation's Brownfields Cleanup Program (BCP) exists to encourage the developer to remediate the site by introducing significant tax incentives. HVL has been accepted into

the BCP program, and is working with the State to develop a remediation plan. As a result, the remediation plan will be prepared simultaneously with the site plan. This project is subject to time constraints, and will therefore experience many revisions and will require many Planning Board reviews.

The City of Newburgh Sustainable Master Plan established the following goals and strategies that apply to this type of development:

Goal 2 - Ensure the proper management of the natural environment to protect critical areas and conserve land, air, water and energy resources.

Strategies -

- Protect residents from potential dangers and unnecessary public costs by prohibiting development in environmentally sensitive locations.
- Include environmental protection and enhancement as an integral part of all City projects.
- Protect a full range of wetlands and riparian functions by preventing or limiting development activity in hydrologically sensitive areas.
- Provide buffer planting requirements in the zoning code with an approved planting list.

Goal 5 - Redevelop Brownfields to improve degraded areas. Ensure existing and new businesses and all other development projects contribute no new contamination to soil and groundwater.

Strategies -

- Successfully complete current participating city owned properties through the Environmental Restoration Program and elect new candidate properties to this program.
- Encourage owners of private lots to conduct Phase I and Phase II Environmental Site Assessments where contamination is likely.
- Educate and encourage private owners of brownfields to enter the (BCP) Brownfield Cleanup Program.
- Promote enhanced coordination by City Code Enforcement to monitor existing commercial and industrial entities and their potential contamination contributions.
- Explore the use of density bonuses or other incentives for private property owners who elect to enter the Brownfield Cleanup Program (BCP).

Goal 6 - Strive to reduce impervious cover and promote best practices of storm water management.

Target -

- By 2008 all applicable newly approved projects will be subject to the City's newly enacted stormwater management regulations.

Strategies -

- Implement and enforce the provisions of the MS4 initiative during the site plan review and SEQRA processes.
- Allow the use of permeable surfaces for driveways and parking areas in residential and commercial developments
- Encourage best management practices by minimizing and treating stormwater at its source including the use of grass swales, rain gardens and green building techniques.

The City of Newburgh Future Land Use Plan (2011) identifies the area as an Industrial/Commercial Use District. This complies with the City's existing Zoning Ordinance and is the proposed use in the new draft Zoning Ordinance.

SEQRA: The project is classified as a Type-I SEQRA Action.

GML §239: The Proposed Action is subject to GML §239 review by Orange County, in accordance with §300-55 of the *Zoning Code* and §239 L and M of the *New York State General Municipal Law*. Due to the parcels proximity to both Interstate 84 and the City's municipal boundary with the Town of Newburgh, all materials required by the Planning Board have been referred to Orange County Planning Department for a mandatory minimum thirty (30) day review period. Additionally, in accordance with GML §239-NN(b), the Planning Board shall give notice to the adjacent municipality on any hearings associated with the project.

PLAN COMMENTS:

1. Comment Satisfied:

CNB, September 16, 2014 - Throughout the plan set, as appropriate, linetypes and symbols should be included in the legends for each sheet.

Applicant, September 18, 2014 - A legend will be added to appropriate plan sheets.

CNB, October 21, 2014 - Legends have been added to the plan set as appropriate. These should be reviewed and updated on future revised plan sets as appropriate.

2. Comment Outstanding:

CNB, September 16, 2014 - Sheet 2 of 17, Existing Conditions Plan indicates the wetlands on-site were delineated by a C.T. Male field representative on October 3, 2013 and May 9, 2014. A Jurisdictional Determination (JD) is required by the Army Corps. of Engineers (ACOE).

According to the information provided by the Applicant, a request for JD has been sent, and the ACOE has conducted an on-site field verification. The Applicant should provide the Planning Board and its consultants with a copy of the JD once received.

Refer to Goal No. 2 and the related strategies of the City of Newburgh Sustainable Master Plan mentioned above under the discussion.

Applicant, September 18, 2014 - Comment noted. A field review of the delineated wetland boundaries was conducted with the ACOE on August 20, 2014. The Corps representative agreed with the wetland boundaries depicted on the site plans and a JD is pending.

CNB, October 21, 2014 - Upon receipt of the JD, it shall be submitted to the City for review.

3. **Comment Satisfied:**

CNB, September 16, 2014 - Sheet 2 of 17, Existing Conditions Plan should indicate existing environmental constraints in accordance with §300-16 *Environmental Constraints*. Section 300-16(B) requires lands under water, the FEMA 100 year floodplain shall be identified. Section 300-16(C) requires the identification of steep slopes, those areas on on-site that meet this requirement shall be identified. Lastly, §300-16(D) required the identification of rock outcrops, although the existing soils on-site do not indicate their existence, the Applicant should confirm their absence.

The above identified Environmental Constraints shall carry throughout the plan set, and be easily identified on each plan sheet.

Refer to Goal No. 2 and the related strategies of the City of Newburgh Sustainable Master Plan mentioned above under the discussion.

Applicant, September 18, 2014 - Wetlands and the 100-year floodplain boundary are identified on the existing Conditions Plan and other plans. No other lands under water were found at this site. Steep slopes between 20% to 30%, and greater than 33%, have been identified. There are no rock outcrops on the property.

4. **Comment Satisfied:**

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan shall update the Site Statistics Table to include the lot depth requirement outlined in the City of Newburgh *Schedule of Use and Bulk Regulations*. Additionally, the required number of parking spaces should be included.

Applicant, September 18, 2014 - The site statistics table has been updated with the requested information.

5. **Comment Satisfied:**

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan, the required building setbacks shall be shown on the plan set, labeled as appropriate, and included in the legend.

Applicant, September 18, 2014 - Added to the plans as requested.

6. **Comment Satisfied:**

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan notes shall be updated to identify the current owner of the property.

Applicant, September 18, 2014 - Property ownership is identified on the existing conditions plan. Note 1 on the Site Plan has been modified to identify the City of Newburgh IDA as the property owner.

7. Comment Outstanding:

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan shall be updated to include a table outlining the required parking and loading berths in accordance with §300-45 *Off-street parking space and loading berth requirements*.

Applicant, September 18, 2014 - Strict application of the parking code requires a total of 189 spaces. This is through a combination of 40 spaces for the office space (12,000 SF @ 1/300 ratio) and 149 spaces for the warehouse space (148,648 SF @ 1/1000 ratio). The Zoning Code also utilizes a ratio per employee, which in this case expects to have 70 employees within 3 years. Using the employee based parking ratio of 2 spaces/3 employees, this would yield a need for 47 spaces. Combined with office space calculations, a total parking of 87 spaces is required. The Applicant proposes to build 114 spaces initially, as this would meet anticipated needs. Potential future spaces are identified to show that overall parking requirements can be met. However, it is unexpected these spaces will be needed as stated by the Applicant.

CNB, October 21, 2014 - The Planning Board shall discuss the adequacy of the proposed parking and the ability for the Applicant to land bank the balance of the parking required.

8. Comment Outstanding:

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan shall be updated to show appropriate turning radii at roadway intersections which accommodates the type of vehicles anticipated during normal operation. Additionally, truck turning templates shall be shown for the aforementioned vehicle in order to assess adequate maneuverability of the anticipated site traffic. The Applicant shall also verify that the largest apparatus within the City of Newburgh's Fire Department can adequately navigate through the site. The City has provided the Applicant's professional with the dimensions of this firefighting apparatus.

Applicant, September 18, 2014 - Truck turning radii have been added on the Site Plan.

CNB, October 21, 2014 - The Applicant has provided vehicle tracking information related to the anticipated delivery trucks, as well as the City fire trucks. Dimensions related to all proposed curb radii within the parking lot and access roads shall be included for construction purposes.

9. Comment Outstanding:

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan shall be updated to indicate proposed sight distances at any intersections with Scobie Drive.

Applicant, September 18, 2014 - Site distances will be added with future plan submissions after further coordination with the City Engineering Department.

10. Comment Satisfied:

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan shall be updated to include dimensions related to proposed parking space in accordance with §300-44(A) and proposed access driveways in accordance with §300-44(E).

Applicant, September 18, 2014 - Typical parking stall dimensions have been added to the Site Plan.

11. Comment Satisfied:

CNB, September 16, 2014 - Sheet 3 of 17, Site Plan indicate a secondary access drive along the southwestern property line. In order to better plan for future development on the adjoining parcel, utilizing this access as a joint access in the future may be beneficial. This access drive could straddle the property line and be maintained as a joint effort by both developments.

Refer to Goal No. 6 and the related strategies of the City of Newburgh Sustainable Master Plan mentioned above under the discussion.

Applicant, September 18, 2014 - Necessary grading makes a fully shared access drive impractical. The Site Plan does accommodate a future access road to the adjoining parcel.

12. Comment outstanding:

CNB, October 21, 2014 - Sheet 3 of 17, Site Plan depicts two sidewalks which connect at the northwest corner of the building. The spatial layout would require a pedestrian to utilize the asphalt roadway in order to continue walking. Although the traffic in this location is anticipated to light, there is a potential for negative pedestrian/vehicle interaction.

13. Comment Outstanding:

CNB, October 21, 2014 - Sheet 3 of 17, Site Plan depicts a guiderail along the north/northeast side of the primary access drive. This is directly adjacent to the edge of the asphalt winged curb, which could potential impact the ability to plow snow. The guiderail location may need to be set back from the roadway. Additionally, a guiderail construction detail shall be provided in the plan set.

14. Comment Outstanding:

CNB, October 21, 2014 - Sheet 3 of 17, Site Plan, depicts a dumpster pad at the northern most corner of the concrete apron. A construction detail should be provided in the plan set. The applicant should clarify if the dumpster location will consist of an enclosure, which shall be included in the detail as appropriate.

15. Comment Outstanding:

CNB, October 21, 2014 - Sheet 3 of 17, Site Plan, the *Landscape and Lighting Notes* shall either be removed or updated to reference the appropriate plans within the plan set.

16. Comment Outstanding:

CNB, September 16, 2014 - Sheet 6 of 17, Site Grading Plan shall be updated as appropriate to include spot elevations with parking areas and adjacent to the structures to ensure positive drainage as appropriate.

Applicant, September 18, 2014 - Spot elevations will be added to the Site Grading Plan. Proposed contours also help to identify positive drainage away from the building.

CNB, October 21, 2014 - Additional spot elevations shall be provided where pavement meets the buildings and in the corners of parking stalls.

17. Comment Outstanding:

CNB, October 21, 2014 - Specifications, details and notes related to the installation of structural fill shall be provided on the plan set.

18. Comment Satisfied:

CNB, September 16, 2014 - Sheet 15 of 17, Site Details, the site pavement detail includes note no. 2 which references a project in Schenectady. Our office believes that this is include in error and it should be removed, if not the document referenced should be provided for review.

Applicant, September 18, 2014 - This Detail has been adjusted and will be presented in a subsequent plan submission.

19. Comment Satisfied:

CNB, September 16, 2014 - Sheet 15 of 17, Site Details, shall be updated to include an appropriate construction detail related to the concrete apron depicted on the Site Plan.

Applicant, September 18, 2014 - Detail of concrete apron will be provided in a subsequent plan submission

20. Comment Outstanding:

CNB, September 16, 2014 - Sheet 15 of 17, Site Details, shall update the Sign Schedule to include Stop sign and any other required traffic control signage needed in accordance with the latest version of the *Manual of Uniform Traffic Control Devices*.

Applicant, September 18, 2014 - Coordination with the City Engineering Department will identify all signage, type, and locations required. Details will be added to the plan set, which will be included in a subsequent plan submission.

CNB, October 21, 2014 - Note no. 1 should be updated to reflect the latest edition of the *Manual of Uniform Traffic Control Devices*. The latest official edition is the 2009 MUTCD with Revisions 1 and 2, May 2012.

21. Comment Outstanding:

CNB, September 16, 2014 - Sheet 15 of 17, Site Details, shall be updated to include construction details related to the proposed electric and gas service in accordance with Central Hudson Gas and Electric's requirements.

Applicant, September 18, 2014 - Construction details will be coordinated with Central Hudson Gas and Electric.

22. Comment Outstanding:

CNB, September 16, 2014 - The Applicant shall provide multiple cross section profiles through the site which identify existing grade and slopes, trash layer/depth and proposed grade and slopes.

Applicant, September 18, 2014 - A separate plan sheet will be prepared to show requested cross sections in a subsequent plan submission.

23. Comment Outstanding:

CNB, October 21, 2014 - There have been a number of discussion related to "capping" the portions of the site which are not covered by building, asphalt, and/or concrete. A construction detail describing the specifics of the capping shall be provided on the plans.

UTILITIES:

1. Comment Outstanding:

CNB, September 16, 2014 - The proposed water and sewer utilities are, at this point, conceptual in nature. Future submittals to this office will require detailed specifications on Sheet 4 of 9, Site Utility Plan, Sheet 8 of 9 Sanitary Sewer Details, and Sheet 9 of 9 Storm Sewer & Water Details.

Applicant, September 18, 2014 - Acknowledged.

2. Comment Outstanding:

CNB, September 16, 2014 - Although the City of Newburgh owns the land to the southwest, it is recommended that the Applicant work with the City to determine appropriateness, and potentially identify and develop appropriate easements for the water and sewer infrastructure which is being included as part of this application.

Applicant, September 18, 2014 - Applicant will address appropriate easements as all utilities are finalized during the course of subsequent plan submissions.

CNB, October 21, 2014 - Sheet 4 of 17, Site Utility Plan, will require appropriate easements related to any infrastructure which will be utilized between the project site and the adjoining parcel such as the water line along the southern property line, and stormsewer drainage near the southwest corner of the building.

3. Comment Outstanding:

CNB, September 16, 2014 - Sheet 4 of 17, Site Utility Plan should consider a colocation and associated easement for the proposed transformer which has the ability to serve the Proposed Action and the future development to the southwest.

Applicant, September 18, 2014 - Further design development detailing of electrical service will continue to be coordinated with utility provider.

4. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 4 of 17, Site Utility Plan identifies protective bollards near the southeast corner of the proposed building. Bollard locations and a respective construction detail shall be provided on the plan set.

5. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 17 of 17, Storm Sewer & Water Details shall be updated to include construction details related to proper pipe bedding and backfill of all stormwater piping. Will the proposed utilities require the support of deep foundations?

LANDSCAPING:

1. **Comment Outstanding:**

CNB, September 16, 2014 - The Project Site is within viewshed of the existing R-1 residential development on Williamsburg Drive. The Site Grading Plan indicates a berm to be located partially along the property's frontage on Scobie Drive. Additional screening may be warranted in accordance with §300-12 *Screening and buffering in nonresidential districts*. The Applicant should work with the Planning Board to determine the extent of landscaping to be located along this area. Any screening shall be fully detailed in a Planting Plan and included in all future submissions to the Planning Board.

Applicant, September 18, 2014 - The enclosed revised Grading Plan identifies a berm along Scobie Drive. Landscaping for additional screening will be coordinated with the Planning Board and will be included in a subsequent plan submission.

CNB, October 7, 2014 - A discussion with the Planning Board shall ensue to determine the adequacy of the proposed berm in conjunction with the proposed planting, when that information is presented to the Planning Board as part of a subsequent plan submission.

CNB, October 21, 2014 - A single row of arborvitae may not be sufficient for screening purposes. Additionally, Arborvitae is a plant susceptible to deer, which may eventually kill the plant or render it ineffective as a screening measure. The Planning Board shall determine the adequacy of the plantings proposed.

2. **Comment Outstanding:**

CNB, September 16, 2014 - The Applicant should work with the Planning Board to determine to what extent landscape plantings should be considered in the proposed parking areas. At a

minimum our office recommends that the parking be broken up to allow shade trees planting every ten (10) to fifteen (15) parking spaces.

Applicant, September 18, 2014 - The Applicant will work with the Planning Board to develop a Landscape Plan. Environmental landfill cover factors will influence where plantings can occur.

CNB, October 21, 2014 - Sheet 7 of 17, Landscape Plan provides minimal landscaping. The Planning Board shall determine the adequacy of the plantings proposed.

3. Comment Outstanding:

CNB, September 16, 2014 - The proposed stormwater facilities shall be appropriately planted, at a minimum, in accordance with the most current editions of the *New York State Stormwater Management Design Manual*, specifically Appendix H *Landscaping Guidance/Plant Lists*.

Applicant, September 18, 2014 - Acknowledged. The Landscape Plan will be included in a subsequent plan submission.

CNB, October 21, 2014 - The remaining area associated with the stormwater facilities shall identify appropriate plantings and/or seeding in order to stabilize and prevent erosion.

4. Comment Outstanding:

CNB, September 16, 2014 - The landscape plan shall include detailed notes and specifications related to plant species, seed mixes, warranty period, topsoil, etc. Additionally, the proposed plant list should take into account those species identified to show invasive tendencies in New York State. The NYSDEC maintains an Advisory Invasive Plant List on their website, <http://www.dec.ny.gov/animals/65408.html>, a pdf version has been attached. The Cornell Cooperative Extension Invasive Species Program also maintains Priority Species Lists and Plant Species Assessments, http://www.nyis.info/?action=israt_nn_plant, pdf version is attached.

Applicant, September 18, 2014 - Acknowledged. The Landscape Plan will be included in a subsequent plan submission.

CNB, October 21, 2014 - Sheet 7 of 17, Site Landscaping Plan shall include detailed notes and specifications, mentioned above, along with appropriate planting details shall be added to the plan set. Information shall also be provided describing any special measures required to handle plantings located at a depth near the underlying trash layer.

LIGHTING:

1. Comment Outstanding:

CNB, September 16, 2014 - Detailed Lighting Plans shall be developed with future submissions that include catalogue cut sheets of lighting fixtures proposed, light locations and on the ground foot candle calculations. All proposed fixtures need to be full cut-off dark sky compliant.

Dependent upon hours of operation, the Applicant should consider including timers and motion sensors that allow many of the lights to turn off at times when the site is not in use and then turn on in the event the site is accessed. This would limit potential impacts on neighboring residences.

Applicant, September 18, 2014 - Final Lighting Plan will be prepared and included in a subsequent plan submission.

CNB, October 21, 2014 - Sheet 8 of 17, Site Lighting Plan indicates a number of site light fixtures, but based upon the spacing and the isofotcandle contour plot, there are a number of dark locations on the site. This may cause a security/safety concern. General recommendations for low level activity parking areas indicate that light levels should not exceed a 10 to 1 maximum to minimum ratio, and a 4 to 1 average to minimum ratio. The International Dark-Sky Association recommends an average horizontal illuminance of 0.8 footcandles, and a minimum of 0.2 footcandles related to low level activity parking areas. A plan identifying the numerical point by point calculations shall be required over an isofotcandle contour plot plan.

STORMWATER:

1. **Comment Satisfied:**

CNB, September 16, 2014 - A fully detailed Erosion and Sediment Control Plan, along with a Stormwater Pollution Prevention Plan (SWPPP) shall be prepared by the Applicant's Professional and submitted to the Planning Board for review.

Refer to Goal No. 6 and the related strategies of the City of Newburgh Sustainable Master Plan mentioned above under the discussion.

Applicant, September 18, 2014 - A full SWPPP and E&SC Plan will be provided in a subsequent plan submission.

CNB, October 21, 2014 - A SWPPP and E&SC Plans have been submitted for review. Refer to the following comments related to the SWPPP.

2. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 5 of 17, Sanitary Sewer Profile; On Profile 3/PP1, the station orientation is opposite of the corresponding plan view located immediately to the left of the profile. The profile shall be revised to show the stationing in ascending order from right to left to correspond to the plan view on the same page.

3. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 10 of 17, Erosion and Sediment Control Plan Phase B depicts squares around the proposed catch basins, labeled in one (1) location. An appropriate legend should be provided to identify the proposed practices on the Erosion and Sediment Control Plans. Additionally, it is recommended that the suggested symbols in the *New York State Standards and Specifications for Erosion and Sediment Control* be utilized in order to ensure the proper inlet protection is utilized for each catch basin, refer to the upper right hand corner of page 5A.30 and 5A.31.

4. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 11 of 17, Erosion and Sediment Control Details; Note No. 4 under *Mulching and Seeding Notes* shall include appropriate notation related to the *NYS Dishwasher Detergent and Nutrient Runoff Law*, as of January 1, 2012 the use phosphorus fertilizer on lawns and non-agricultural turf areas is restricted.
5. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 11 of 17, Erosion and Sediment Control Details; Note No. 3 under *Silt Fence Notes* is irrelevant to this project, and shall be removed.
6. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 11 of 17, Erosion and Sediment Control Details; the graphic related to the *Stabilized Construction Entrance Detail* indicates the use of a no. 2 crushed stone and note no. 1 indicates the use of 1" – 4" stone. Please revise the plans to be consistent throughout.
7. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 4 of 17, Site Utility Plan identifies the locations of several catch basins on the site. There are no catch basins noted along the future roadway to be dedicated to the City. Catch basins will be required along both sides of the future City roadway and at the intersection of this future roadway with Scobie Drive. Similarly, catch basins are required along both sides of the roadway entrance where the future site roadway intersects with Scobie Drive further to the north. The respective low and high points shall also be clearly shown on both the site plan view and roadway profiles beginning at the centerline of Scobie Drive and extending into the site. The profile for the future City road shall extend into the point of termination within the current DPW parcel. Please revise the plans accordingly.
8. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 4 of 17, Site Utility Plan, end of pipe rip-rap shall be appropriately designed in accordance with the *New York State Standards and Specifications for Erosion and Sediment Control*. The rip-rap shall be depicted on the plan and appropriate construction details shall be provided.
9. **Comment Outstanding:**
CNB, October 21, 2014 - Sheet 6 of 17, Site Grading Plan depicts CB02 top of frame at elevation 258'. Based upon the current grading scheme, there doesn't appear to be a need for the catch basin. Is this catch basin related to the future development of the adjoining parcel. There looks to be a low spot approximately 36 feet to the southeast of this catch basin location. The need for the catch basin in this location shall be confirmed and revised if necessary.

10. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 16 of 17, Detail 7/DET1 shall be revised to include ADA handicap ramps and warning strips as appropriate.

11. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 15 of 17, Detail 8/DET2 shall be revised to require, "City of Newburgh / Sanitary Sewer" to be cast into all sanitary sewer manhole covers.

12. **Comment Outstanding:**

CNB, October 21, 2014 - If the existing monitoring wells will remain after the site is developed, then an appropriate detail shall be included which describes the construction of a protective cap at grade level. If the monitoring wells are to be abandoned, then an appropriate well abandonment detail shall be provided.

13. **Comment Outstanding:**

CNB, October 21, 2014 - A note shall be provided that requires all new fire hydrants to be "right turn open".

14. **Comment Outstanding:**

CNB, October 21, 2014 - Sheet 3 of 17, Site Plan, states the total building area, along with the office and warehouse areas. Further clarification is required. Possibly the addition of a "building footprint" area would be helpful in describing the building.

15. **Comment Outstanding:**

CNB, October 21, 2014 - Page 5 of the SWPPP states that tree plantings and tree pits cannot be utilized for Runoff Reduction because the roots could disrupt the liner. This contradicts Sheet 7 of 17 Site landscape Plan, which shows the proposed location of Common Chokecherry within the parking lot.

16. **Comment Outstanding:**

CNB, October 21, 2014 - On page 8 of the SWPPP, the suggest seed mixtures identified under 3.3.2 *Permanent* does not match the information on Sheet 11 of 17, Erosion and Sediment Control Details.

17. **Comment Outstanding:**

CNB, October 21, 2014 - On page 11 of the SWPPP, under fertilizers, a third list item shall be added that references the *NYS Dishwasher Detergent and Nutrient Runoff Law*, as of January 1, 2012 the use phosphorus fertilizer on lawns and non-agricultural turf areas is restricted.

18. **Comment Outstanding:**

CNB, October 21, 2014 - On page 15 of the SWPPP, under regular maintenance there is a blanket statement that requires mowing the stormwater ponds above the aquatic benched twice per year. Depending on the final planting of the stormwater facilities in accordance with Appendix H of the *NYSDEC 2010 Stormwater Management Design Manual*, many of the species are plant materials that are larger than 4 to 6 inches and cannot be maintained by simply mowing. The facilities shall be both appropriately planted and maintained in order to aid in the removal of pollutants and the improvements of the quality of collected stormwater. Therefore the SWPPP should include specific maintenance items that define the plantings proposed to ensure the proper growth and education of those performing the maintenance.

The contents of this letter constitutes the City's review of the latest information provided to our office as listed above. This may not fully include all necessary outstanding issues which will likely arise as the Planning Board reviews the documents and the plans are revised. Additional comments may be generated as the plans are further developed.



CITY OF NEWBURGH

Engineering Department

83 Broadway, Newburgh, NY 12550
TEL: (845) 569-7447 FAX: (845) 569-9700

TO: City of Newburgh Planning Board
FROM Jason Morris, PE, City Engineer
MEETING DATE: October 21, 2014
INDEX # 2011-01
SUBJECT: 280 Broadway - Construction of an office building on rear of lot

On October 16th, our department received an updated submission of site plan materials from the Applicant's Engineer (M. Gillespie & Architects) for the project located at 280 Broadway. The following plans and documents were submitted for review:

- Submission Letter to Engineer's Office; dated May 12, 2014
- Site Plan (Sheet 1 of 3); last update September 3, 2014
- Survey (Sheet 2 of 3); dated April 21, 2014
- Light Details and Utility Details (Sheet 3 of 3); last update September 3, 2014
- Site Plan Architectural (Sheet 1 of 1); dated January 9, 2012
- Drainage Plan (Sheet 1 of 4); last update August 9, 2014
- Construction Details (Sheet 2 of 4); last update August 9, 2014
- Erosion & Sediment Control Plan (Sheet 3 of 4); last update August 9, 2014
- Erosion & Sediment Control Plan (Sheet 4 of 4); last update August 9, 2014

OWNERSHIP: The proposal consists of one parcel of land with registered title in the name of Real Management Corp. NY.

BACKGROUND: The site is located at 280 Broadway near the intersection of Broadway and Robinson Avenue. The Applicant wishes to construct a 2-story office building.

ZONING DESIGNATION: The proposal is located in both the C-2 and R-1 districts. The proposed use of "Office/Retail" is permitted in C-2 zone, and is not permitted in the R-1 zone. The City of Newburgh's Code Compliance Supervisor has made a determination that the entire parcel can be considered within the C-2 zone. A copy of this determination is included at the end of this memo.

6. **Comment Outstanding:** The plans shall be revised to include a note stating that the Applicant's engineer will field verify that the site's stormsewer connection is made to a City owned catch basin or manhole and not directly to the combined sewer. The Applicant's Engineer shall coordinate with the City's Engineering Department to make this determination during construction.

6. **Comment Satisfied:** The date in the Planning Board signature block shall be revised from 2013 to 2014.

PARKING, TRAFFIC & PEDESTRIAN CIRCULATION:

1. **Comment Satisfied:** The drive aisle that connects the parking lot along First Street to the parking lot along Robinson Avenue appears to be 18ft in width and accommodates two-way traffic. The Planning Board should determine if this width is acceptable for two-way traffic.
2. **Comment Satisfied:** There is a call-out for a "break-away fence" to be located at the parking lot entrance along First Street. A detail of this break-away fence shall be provided.
CNB, June 17, 2014: Further details on this gate shall be provided.
3. **Comment Satisfied:** The limits of the permeable pavers should be shown on the plans by a definitive hatch pattern. The location of these pavers must be coordinated between plan sheets.
4. **Comment Outstanding:** Traffic control signage shall be shown on Sheet 1 of the plans, along with all other required signage.
CNB, October 21, 2014: It looks as though the one way directional signs have been added to the site plan related to the parking lot entrance/exit on Concord Street. Also a stop sign detail has been provided on sheet 3 of 4. The locations of stop signs, handicap signs, and/or all other applicable signs shall be added to the site plan as appropriate.
5. **Comment Outstanding:** Parking space#85 adjacent to First Street is within 10 feet of the street's right-of-way. Section 300-44(F) states; "*Parking shall not be located in a required front yard area in any residential district. Parking may be permitted within the required front yard in a mixed-use or nonresidential district, but not closer than 10 feet from any street lot line.*"
CNB, October 21, 2014: The Applicant has removed the parking spaces that would be affected by this portion of the *Zoning Code* and replaced it with a snow pile area. Discussion with the Planning Board and City staff should ensue to determine compliance with the *Zoning Code*.
6. **Comment Satisfied:** The parking spaces numbered 79-85 along the north end of the site are within 20 feet of an adjoining residential dwelling. Section 300-43(A) states; "*Parking or loading spaces for more than five vehicles shall be effectively screened on each side which*

adjoins or faces the side or rear lot line of premises situated in any residential district. No portion of the area used for parking shall be within 20 feet of a residential dwelling on an adjoining lot. The screening shall consist of a solid wall not less than three feet nor more than six feet in height or shrubbery planted not more than three feet apart on center, at least two feet from the lot line, and all maintained in good condition. No portion of an area used for parking shall be closer than five feet to a sidewalk."

CNB, October 21, 2014: The Applicant has removed the seven (7) parking spaces that would be affected by this portion of the *Zoning Code* and replaced it with the a snow pile area.

LANDSCAPING:

1. **Comment Satisfied:** The grassed areas differ between plan sets. The plans need coordination.

LIGHTING:

1. **Comment Outstanding:** A photometric lighting plan shall be provided that shows the lighting intensity in foot-candles. This plan shall demonstrate that the site lighting does not spill over onto the adjacent residential lots along Concord Street. The drainage plans show several light poles that are not represented on the architect's plans.

CNB, June 17, 2014: Photometric intensities in units of foot-candles shall be shown up to the neighboring property lines in the areas of proposed and/or existing lighting. Sheet 3 of the Rayex plans show a simple photometric outline with a single intensity per light fixture of 1.64 FC. This is not adequate to demonstrate that the proposed lighting will not affect the adjoining lots.

CNB, October 21, 2014: No Response.

WATER & SEWER UTILITIES:

1. **Comment Satisfied:** A water service trench detail shall be shown on the plans.
2. **Comment Outstanding:** A sewer service detail shall be shown on the plans. The sewer service shall also be shown in plan view along with the proposed point of connection.

CNB June 17, 2014: The required sewer service lateral and point of connection have not been shown on the revised plans.

CNB, October 21, 2014: Sewer service laterals have been identified on the latest plan set, as well as an appropriate construction detail. Since the water service and the sewer service are proposed within ten (10) feet of each other horizontally, a separation detail should be provided

3. **Comment Outstanding:** Will the building be sprinklered? If so, a separate water service, tap, shut-off, and flow meter must be shown for both the domestic water service and the fire flow service. The size(s) of this service(s) must be indicated on the plans.

CNB, June 17, 2014: No response has been provided regarding the status of the building sprinkler requirements and the corresponding requirement for a separate sprinkler service to the main.

CNB, October 21, 2014: No response.

SWPPP:

1. **Comment Satisfied:** The stormsewer pipe size currently proposed between CB#1 and CB#2 is currently shown as a 10" HDPE pipe. The minimum pipe size proposed should not be smaller than 15" diameter. The smaller pipe size can remain if the size is confirmed by hydraulic analysis of the contributing drainage areas. Please revise the plans and/or report as appropriate.
2. **Comment Satisfied:** A note should be added to the plans indicating that all existing catch basins and stormsewer piping shall be cleaned prior to the issuance of a certificate of occupancy for the new building.
3. **Comment Satisfied:** The plans shall be modified to label all catch basins and stormsewer pipes as either existing or proposed.
4. **Comment Satisfied:** The outlet control structure (OCS) detail on Sheet 2 of the drainage plans shows a 12" diameter inlet and outlet pipe leading into and out of the outlet control structure. The profile and plan view on sheet 1 shows a 10" stormsewer pipe leading from the OCS to the proposed stormwater drainage manhole located near the site's frontage along Broadway. This discrepancy in pipe sizes should be clarified.
5. **Comment Outstanding:** The drainage maps have not been provided in Appendix H of the SWPPP document.

CNB, October 21, 2014: No Response.

If you have any questions, please feel free to contact me at 518-237-8643 extension 3287, or via email at elizabeth.martin@parks.ny.gov. Please refer to the OPRHP Project Review (PR) number in any future correspondences regarding this project.

Sincerely,

A handwritten signature in cursive script that reads "Elizabeth Martin".

Elizabeth Martin
Historic Site Restoration Coordinator

Enclosure: Archaeological Resources Evaluation Comments, Nancy Herter

Via email only

Please also be aware that a Section 233 permit from the New York State Education Department (SED) may be necessary before any archaeological survey activities are conducted on State-owned land. If any portion of the project includes the lands of New York State you should contact the SED before initiating survey activities. The SED contact is Christina B. Rieth and she can be reached at (518) 402-5975. Section 233 permits are not required for projects on private land.

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).

Please be aware that if this undertaking will involve or require a permit, license or funding from a state or federal agency/authority the action may be subject to Section 14.09 of New York State Parks, Recreation and Historic Preservation Law or Section 106 of the National Historic Preservation Act, in which case consultation with state or federal agencies will be required.

If you have questions about these comments
please call Philip Perazio at 518-237-8643 x3276 or philip.perazio@parks.ny.gov
PLEASE BE SURE TO REFER TO THE PROJECT NUMBER NOTED ABOVE.

SEQRA: The applicant is requesting site plan approval for the redevelopment of a site to construct a new office/retail building, along with associated parking, lighting, landscaping and stormwater appurtenances. The applicant has completed a Short Environmental Assessment Form for review. The project is an Unlisted Action.

GML § 239: The proposed project is not subject to GML-239 review by Orange County.

PLAN COMMENTS:

1. **Comment Satisfied**: The plan sets are currently divided between the architect and engineer's plan sets. These two plan sets must be assimilated into a cohesive site plan set with an owner's consent note and Planning Board Chairman's signature block that applies to the entire plan set. The grading, landscaping, and general site layout must be coordinated to match between plan sets.
2. **Comment Satisfied**: Is the top of the retaining wall elevation located along the south side of the proposed building, existing or proposed? The existing masonry block retaining wall along the west side of the proposed building is in poor condition and must be removed. The concrete retaining wall along the south side of the building appears to be intact. If this wall is to remain, the Applicant shall submit a letter from a licensed professional engineer registered in the State of New York, stating that this existing retaining wall is in acceptable condition to accommodate the anticipated design loads from the proposed development. If a new wall is to be constructed, the wall and building design must be coordinated to assure that building footing loads are accounted for in the design of the retaining wall.
3. **Comment Satisfied**: The grading along the north side of the building appears to direct drainage into the building. The nearest regarding contour is at elevation 202', with the rim of CB2 at 201.7', and the top of curb/sidewalk at 201.8'. There is also a handicap ramp which will likely retain water and ponding will occur.
4. **Comment Satisfied**: The grading along the west side of the building does not appear to correspond with the architect's rendering or elevations which show a retaining wall and change in grade. The plans and elevations should be coordinated to match grading schemes.
5. **Comment Satisfied**: Sheet 1 shall be revised to include a note stating the date and resolution number for the variances obtained from the City's ZBA.

CNB, September 16, 2014: The Applicant will need to resolve the issue related to the proposed building which is partially within a residential district, where the proposed use is not permitted. A use variance is likely needed which should be added to Sheet 1.

**ARCHAEOLOGICAL RESOURCES
EVALUATION COMMENTS**

SEQRA

**280 Broadway Construction
City of Newburgh, Orange County**

14PR02635

17 July 2014

The Office of Parks, Recreation and Historic Preservation (OPRHP) Division for Historic Preservation has reviewed the information submitted for this project. Our review has been in accordance with the State Environmental Quality Review Act (SEQRA).

Based on available information, your project is located in an archaeologically sensitive area. Therefore the Office of Parks, Recreation and Historic Preservation (OPRHP) recommends that a Phase I archaeological survey is warranted for all portions of the project that will involve ground disturbance, unless substantial prior ground disturbance can be documented. If you consider the project area to be disturbed, documentation of the disturbance will need to be reviewed by OPRHP. Examples of disturbance include mining activities and multiple episodes of building construction and demolition.

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

Please note that in areas with alluvial soils or fill archaeological deposits may exist below the depth of superficial disturbances such as pavement or even deeper disturbances, depending on the thickness of the alluvium or fill. Evaluation of the possible impact of prior disturbance on archaeological sites must consider the depth of potentially culture-bearing deposits and the depth of planned disturbance by the proposed project.

A Phase I survey is designed to determine the presence or absence of archaeological sites or other cultural resources in the project's area of potential effect. The OPRHP can provide standards for conducting cultural resource investigations upon request. Cultural resource surveys and survey reports that meet these standards will be accepted and approved by the OPRHP.

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



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

Division for Historic Preservation • Peebles Island, PO Box 189, Waterford, New York 12188-0189

518-237-8643

www.nysparks.com

Andrew M. Cuomo
Governor

Rose Harvey
Commissioner

July 29, 2014

Mr. Jason Morris, PE
City Engineer
City of Newburgh
83 Broadway
Newburgh, NY 12550

Re: SEQRA
280 Broadway
Newburgh, Orange County
14PR02635

Dear Mr. Morris;

Thank you for requesting the comments of the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) regarding the proposed construction of a two-story office building at 280 Broadway under the New York State Environmental Quality Review Act (SEQRA). As you know the role of this office in the SEQRA process is to provide the Lead Agency with our comments on historic preservation matters as part of its "hard look" at potential environmental impacts that may be associated with local discretionary reviews.

As you note in your letter, the site at 280 Broadway is located within Newburgh's National Register listed East End Historic District and it is in an archaeologically sensitive area. We have a number of recommendations for you and the Planning Board as you assess the impacts of the project:

1. Document the ground disturbance in the area where the building is to be sited or prepare a Phase I Survey of the area (Archaeology recommendations are attached to this letter);
2. Ensure the design is compatible with the surrounding buildings in height (no more than 2 stories) and design;
3. Request a Construction Protection Plan to ensure the surrounding properties are not damaged during the construction process (damage owing to vibration during excavation and construction and to potential projectiles); an assessment of building conditions prior to construction will provide a baseline; provide a schedule for monitoring of adjacent historic buildings as well.