

Conservation Advisory Council | City of Newburgh, New York

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June 18, 2019

MEMO TO: Lisa Daily, Chair
City of Newburgh Planning Board
FROM: Chuck Thomas, Chair
Conservation Advisory Council ("CAC")
RE: Proposed Project – 35-37 Broad Street Site

The above-referenced project is before the Planning Board for review. A preliminary set of plans for the project were reviewed by the CAC at our regularly scheduled meeting of May 4, 2017 and comments were provided. Many of our original comments have not been addressed. The CAC reserves the right to comment on additional changes and drawings when the project is fully developed.

We offer the following comments and recommendations to the Planning Board and the applicant based on the current set of plans. Our comments are also to be included in the official record of any Public Hearings.

Overview:

The site is bounded by Broad Street, Water Street (Dr. M. L. King Blvd.) and Montgomery Street. The project will consist of the construction of a parking area on Water Street as part of a larger development plan proposing commercial and residential rehabilitation of an existing structure and construction of at least one more 2-story building on the east side of the street and earlier 3 additional residential buildings were proposed. The larger project has not been subjected to a Federal Consistency Assessment to date or review by the CAC. We need to review a rendering and description of the proposed 2-story, 4,800 square foot building and its proposed use.

The Conservation Advisory Council, as the agency mandated to review the submitted **Coastal Assessment Form**, has the following comments and questions:

1.a. An interpretation is requested as the proposed project will result in a large physical change to the site. Is this a Type 1 Action that would be subject to the preparation of an environmental impact statement? If so the answer should be Yes.

1.c. Is this a revitalization of a deteriorated or underused waterfront site? Green space is a valuable commodity in an urban environment and it can be argued that this is an appropriate use and if so the answer should be No.

1.i. "Could this result in discharges....?" Parking lots are capable of accumulating pollutants from various sources and inadequate storm water management could result in discharges into coastal waters, and if so the answer would be Yes.

2.h. Located adjacent to a state, county or local park? The answer is Yes as the larger project is located adjacent to South Street Park.

3.e. Will the proposed activity require a State Air Quality permit or certification? That is unknown at this time until the removal of vegetation and the estimated volume of traffic and traffic that will idle at the site is known.

Recommendations and Concerns:

The Council is concerned that the development of the waterfront is being driven by private interests instead of a larger vision. There is not a determination of impacts of the overall development, including the expanded full version of this project, as well as the other significant proposals that are emerging for the waterfront area. In particular, the majority of the waterfront area is controlled by one developer and without requiring plans and description of the entire waterfront development on both the east and west sides of Water Street we feel the project is being segmented to obtain permits and approvals without evaluating the ENTIRE proposal.

There has been no evaluation of the impact of the developments on the Historic District including increased traffic, visual light impacts and view shed impacts. In particular regarding this parking lot proposal alone what will happen to this parking lot if the “rehabilitation and re-use of the existing Regal Bag facility....” project that this parking lot is proposed to support does not come to fruition? The result could be a private parking lot serving no purpose and detracting from the district. Perhaps until there is sufficient need to expand parking beyond the applicant’s 8-acre parcel, project scoping could include a timeline for implementation of the proposed project. Pages 65-76 (The Natural Environment) of PLAN-IT NEWBURGH – SUSTAINABLE MASTER PLAN outlines Goals, Targets and Strategies addressing Air, Light, Water, Climate Change, Open Space and Scenic Views and these comments reflect the community’s sustainable plan.

As to the fact that the underground sewer collection pipe has not been positively located the CAC questions the proposed location of the underground retention basins and the effect on the sewer collection line. It may be that this line may be able to be replaced as a result of the separation of the storm and sewer collectors and that may make it possible to obtain a higher and greater use and economic development of the subject parcel through commercial or residential construction. This leads us to recommend that the City **Lease** rather than **Sell** the parcel to the applicant for a period that would allow the recovery of economic investment and evaluation of economic benefits.

The Council recommends that the Planning Board and the City Council have a clear idea of this overall project. Will the environmental costs that will be borne by the City and its residents be compensated as a result of the economic development promoted by the project?

Some of the questions that need to be addressed are:

1. How much of the tree canopy will need to be removed to realize the overall project goals? This should be evaluated visually with a before and after scale rendering of the project area clearing demonstrating the extent of tree removal proposed.
2. How many trees will be replaced and where? This is a critical item with this many trees proposed to be removed, these need to be replaced both on site and throughout the city where needed at the applicant’s expense to maintain the health of our community.
3. Complete grading plans and landscaping plans will need to be produced and reviewed when the extent of the impact to the sewer line is known and taken into consideration.
4. Describe plans for bio retention of storm water and recommendations for green islands within the parking area to reduce the heat island effects of the paved lot that will impact the Historic District properties adjacent to the site. The **Heat Island** effect is an important consideration as within the Local Waterfront Revitalization Program area the extent of pavement is already extensive.
5. Why are permeable pavers and/or paving NOT being utilized to limit the effects of storm water?
6. What is the lighting plan, what type of lighting is proposed (such as new tungsten based LED lighting) and will the lighting result in negative impacts to the Historic District? This should at a minimum be evaluated by the Architectural Review Commission. This has not been adequately addressed.
7. Can the entire lot be shifted to the west to facilitate a reduction in impacts to the Historic District and create the opportunity for a greener buffer between the lot and Marine (Water St.) Drive?
8. Has the increased impact of traffic as a result of the traffic flow patterns on Liberty, Grand, Montgomery and Broad Streets been evaluated?

9. Have or will the project sponsors evaluated the mitigation of negative impacts as a result of the proposed project through the use of permeable pavement, green plantings within the lot?
10. Will the visual impact of parking, lighting and noise from the lot be evaluated, particularly in regard to the Historic District? The applicant should provide a visual study of the visual impact of the project to the Historic District.
11. Will the applicant provide a watering and maintenance plan to help assure long term success of the new landscape installations? Although a critical component of a successful site, maintenance is often overlooked during the design process.
12. Instead of the planned parking lot, the applicant should provide plans and cost proposals for the creation of a multi-story parking garage or garages on the east side of Water Street and on the subject parcel. Just because a paved parking lot is the least expensive and easiest way to go does not mean it is the right way to go.
13. On Water Street and or in the proposed parking area, accommodations need to be made for a bike lane, a bus stop and charging stations.
14. Traffic studies need to be completed, particularly at the project entrance on Broad Street to evaluate the need for additional traffic control devices.
15. We do not see any Complete Street Worksheets and evaluations of consistency with Complete Streets design as adopted by the City of Newburgh.
16. Any proposed lighting besides being designed as noted earlier needs to be on “on demand” timers and motion detectors to reduce energy and light pollution.

The Conservation Advisory Council strongly recommends Leasing rather than Sale of the property.
Thank you for your consideration

Chuck Thomas, Chair, Conservation Advisory Council

Cc: FD Water Street Holdings, LLC; City Council; City Manager
Planning Department; Chad Wade, Assistant Engineer