

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, June 18, 2013

The City of Newburgh Planning Board meeting was held on Tuesday, June 18, 2013, in the Activity Center, 401 Washington Street, Newburgh, New York.

Members Present:

Lisa Daily
Chad Wade
Deirdre Glenn
Peter Smith
Ramona Monteverde
Dan Stokes

Also Present:

Tiffany Reis, Asst. Corporation Counsel
Craig Marti, City Engineer
Jason Morris, Jr. Engineer
Ian McDougall, Planning and Development

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

The Chairwoman of the Board called the meeting to order and stated that they would hear old business first.

OLD BUSINESS

Index No. 2012-01

SITE PLAN MODIFICATION for an addition to existing building
Location: 290 North Street
Applicant: Kol Yisrael Synagogue represented by Jerry Bergman of CHA and Don Petruncola, Architect of Liscom, VanVoorhis

Discussion by the Board

- The plan shows a modification of the building and entrance, which is slightly larger.
- The building was reconfigured and made more functional to the footprint.
- All of the previous conditions have been addressed, they are as follows:

1. Removal of six spaces from the second lot across the street, along the right of way
2. Adding the six spaces to the front lawn near the light post
3. An acceptable revised site plan submitted depicting the six parking spaces on the front lawn with landscaping and lighting

Peter Smith moved and Deirdre Glenn second the motion to amend prior approval dated February 22, 2012 to reflect modification presented tonight
The motion was carried unanimously.

NEW BUSINESS

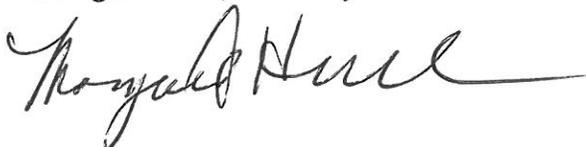
Index No. 2013-08 Site Plan for mixed use commercial and residential development
Location: North side of Broadway, between Lander and Johnston Streets (Section 30 Block 3 Lots 21-38)
Applicant: Mill Street Partners, LLC- Patrick Normoyle and Magnus Magnusson and Mark Luksik of Tectonic Engineering

Discussion by the Board:

- The proposal is for a market on the first floor and 91 residential units on the upper floors. The building will be 5 story, 50% brick and 50% siding.
- Attached find comments from the applicant on the proposed project.
- Attached find comments of the Engineering Department
- There was a discussion in regards to the City Council taking Lead Agency on this project. See Attached Ordinance No. 6-2013, To amend Article VII, Entitled :Special Permits: of Chapter 300 of the Code Of Ordinances of the City of Newburgh Entitled :Zoning: by adding Section 300-38 Entitled “Large Scale Mixed Use Development Special Permit”
- The applicant was questioned on the funding for the proposed project. There are a number of agencies which funding is available.
- Question on who will be overseeing the property
- Tandem parking spaces
- Suggestion of a Roof Community Garden
- Will the lots be combined- Section 30, Block 3 Lots 21-38
- City of Newburgh owns the property.

Meeting adjourned at 9:00 pm

Respectfully submitted
Margaret Hall, Secretary





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Craig M. Marti, PE
City Engineer
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Lisa Daily, Chairwoman
83 Broadway
Newburgh, New York 12550

RE: Mid-Broadway Mixed Use Site – Plan Review

Dear Ms. Daily & Members of the Planning Board,

On June 4th, our department received a plan submission from the consultants involved with the development of the mixed-use Mid-Broadway site. The following plans and documents were submitted for review:

- Application for Site Plan Approval; dated May 16, 2013
- Truck Circulation Plans, Exhibits 1, 2, & 3 of 4; dated April 25, 2013 (Missing Exhibit 4)
- Schematic Landscape Plan (L-1.1); dated May 17, 2013
- Architectural Plans (Sheets 1 through 11); dated May 17, 2013
- Survey Map; dated February 1, 2013
- Civil Plans (Sheets C-100 to C-105 & C-200 to C-205); dated May 17, 2013

Our concerns as they relate to the plans are as follows:

1. The proposed WB-50 tractor trailer truck movement interferes with the existing side street parking along the east side of Lander Street.
2. The project proposes to utilize 25 existing parking spaces behind the DMV, while eliminating parking spaces along Lander Street. This represents an increase in parking demand and a decrease in parking capacity. A parking study/analysis is warranted.
3. Exhibit-4 is missing from the truck turning templates.
4. A roll-off style dumpster is shown in the loading bay area behind the supermarket. No truck turning template has been provided for access to this dumpster. Will a non-articulating roll-off dumpster truck be utilized?
5. The plan sheets must be coordinated between consultants. The landscaping plan is no representative of the current proposal in terms of entrance/access location width, among other items. The Architectural plans have elevations which contradict the Civil drawings.

6. A trench drain is shown located under the dumpster area, behind a closed overhead door. How will drainage pass through this overhead door? This drainage is untreated and flows directly to the combined sewer, bypassing the on-site treatment system. The architectural plans show the trench drain area at a higher grade than the grading contours on the civil drawings. These plans should be coordinated.
7. The previously proposed access lane along Lander Street had now been eliminated, and a planting walkway area shown in its place. It is assumed that this drive was eliminated to provide conformance with the code requirements for a 50ft separation between an entrance and a residential district. This further restricts access in the rear portion of the site. An additional access point should be evaluated along Johnston Street at the rear of the parking lot. It appears that a retaining wall could be utilized to provide an acceptable change in grade for an access drive in the rear.
8. Floor drains along Johnston Street should be tied into the stormwater system.
9. Revise note for retaining wall detail to require a review of retaining wall design and building permit before construction.
10. Snow storage areas? Possible maintenance agreement?
11. Legend, north arrow, road labels, plan coordination for all sheets.
12. Traffic study for impacts on intersections?
13. Crosswalks across Lander Street to access parking lot behind DMV.
14. Photometric lighting plan? Should account for existing lighting conditions.
15. Reconstruct existing sidewalks along Lander, Broadway & Johnston.
16. Additional construction details required (utility pole removal detail, doghouse manhole construction, etc.)



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MEMORANDUM

Date: June 18, 2013

To: Lisa Daily, Planning Board Chairwoman

Cc: Margaret Hall, Planning Board Secretary

From: Craig M. Marti, PE, City Engineer
Jason C. Morris, PE, Assistant City Engineer

Re: Mid-Broadway Mixed-Use Site Plan

On June 4th, our department received a plan submission from the consultants involved with the development of the mixed-use Mid-Broadway site. The following plans and documents were submitted for review:

- Application for Site Plan Approval; dated May 16, 2013
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- Survey Map; dated February 1, 2013
- Civil Plans (Sheets C-100 to C-105 & C-200 to C-205); dated May 17, 2013
- Stormwater Management Report; dated May 2013
- Full Environmental Assessment Form (Part-1 of 3); signed April 18, 2013

On June 5th, our department met with the project consultants to discuss some preliminary comments and concerns. The consultants then revised the drawings based on some concerns outlined in this meeting, and resubmitted them for review. The resubmitted plans include the following:

- Civil Plans (Sheets C-100 to C-105 & C-201 to C-205); dated Revised 6/7/13

Our department's review comments are as follows:

SEORA

Redevelopment of the 1.94 acre site will require the granting of a Special-Use Permit by the City Council, along with site plan approval and lot-line realignment approval by the Planning Board. The applicant's Engineer has submitted a completed Part-1 of a Full Environmental Assessment Form. The Planning Board and City Council must determine who will assume Lead Agency for the Type I action. A Phase II Environmental Site Assessment has been prepared by the Office of Ecosystems Strategies, Inc. This report concludes that several remedial actions should be performed as follows¹:

- a. Removal of UST (Underground Storage Tanks) and contaminated soils from the site.*
- b. Installation of groundwater monitoring wells within the vicinity of any UST.*
- c. Proper off-site disposal of all regulated materials.*
- d. Notification of third parties during construction to facilitate development of site-specific Health and Safety Plan, proper sampling of soils and dust/runoff control.*
- e. Segregation of debris materials into appropriate waste streams.*
- f. Additional investigation of soil gas prior to development.*

The applicant's Engineer has submitted a completed Part-1 of a Full Environmental Assessment Form. Our department's comments on this document are as follows:

1. Page 2 of the Full Environmental Assessment Form indicates that 161 parking spaces are to be constructed as part of this project. The current plans show construction of 167 new parking spaces. The EAF should be revised to reflect the most current proposal.
2. Section A.2 should be revised so that the present and future ground covers match the proposal outlined in the SWPPP document. It is unclear which document is correct.
3. Section B.1.f should be revised to be consistent with the description on page 1. It appears that neither are correct.
4. Section B.25 should be revised to indicate that the project will also require approval of a lot-line realignment by the City's Planning Board.
5. Section C.1 should be revised to check the "Other" box to indicate the approval necessary for the lot-line realignments shown along Lander and Johnston Streets.
6. The answer to Section C.12.a has been indicated as "Yes" without further explanation in the box below. The applicant's Engineer shall explain the basis for determining that the existing road network is adequate to handle the additional traffic.

¹ Ecosystems Strategies, Inc. Phase II Environmental Site Assessment Mid-Broadway Project, June 10, 2013

Zoning

1. The applicant is proposing a lot line realignment with City of Newburgh owned right-of-ways along Lander Street and Johnston Street. According to Sheet C-102, this lot line realignment will involve a conveyance of 0.04 acres from the applicant to the City of Newburgh for right-of-way purposes, and a conveyance of 0.02 acres from the City of Newburgh to the applicant for the purposes of ownership and maintenance of an existing retaining wall along Johnston Street. This retaining wall is proposed to remain as part of the new parking lot grading scheme. The applicant's professionals shall prepare a plan showing the new property boundaries, metes & bounds, areas of conveyance/taking, and containing all information necessary for Planning Board approval and filing in the office of the Orange County Clerk.
2. Development of the project site involves the dissolution of several existing lot lines for the multiple parcels that currently comprise the proposed project site. The lot lines to be dissolved shall be clearly labeled as such, and the applicant's professional shall undertake the necessary administrative actions necessary to dissolve the appropriate lot lines.
3. The TC-1 zone requires a 15ft front yard setback, with an allowance of a 0ft front yard at the discretion of the City Council. The applicant is currently proposing a 0ft front yard. The City Council shall determine if this is acceptable and grant the appropriate waiver if necessary.

Parking, Traffic & Pedestrian Circulation

1. The proposed WB-50 tractor trailer truck circulation movement as shown on "WB-50 Circulation Exhibits 1 & 2", interferes with the existing side street parking along the east side of Lander Street. The turning movement as currently depicted, will require the elimination of approximately 8-10 parking spaces along Lander Street. The truck turning movement should be continued on Exhibit-2, showing the full WB-50 movement to the stop sign at the intersection of Landers Street and Broadway. This continued movement may eliminate the existing handicap spaces along the east side of Lander Street.
2. The parking calculations for the site, demonstrate that 253 spaces are required, based upon the intended uses. The applicant is currently providing 192 parking spaces, inclusive of 25 existing parking spaces located in the municipal parking lot behind the Department of Motor Vehicle building. Utilization of these 25 parking spaces will result in a parking space deficit of 61 spaces, while further eliminating 8-10 existing parking spaces along Lander Street. This represents an increase in parking demand and a decrease in parking capacity. Section §300-38 (G)(6)(a) of the special use permit states;

"Shared Parking. The use or uses proposed for the large-scale mixed-use development shall provide the required number of off-street parking spaces pursuant to §300-45., except that the

number of required spaces may be reduced if the City Council finds that the parking capacity to be provided will substantially meet the intent of this Article by reason of variation in the probable time of maximum use by patrons, employees or residents of such establishments, provided that:

- a. The City Council shall base its finding upon a Shared Parking Analysis to be prepared, assuming peak-hour utilization, to demonstrate that sufficient parking spaces will exist so that no overflow parking is likely to occur in any public street."*

The City Council should determine if a shared parking analysis is warranted, based upon the provided parking information.

3. The Planning Board should consider whether the project size and scope warrants a traffic study. There may be traffic impacts at the unsignalized intersections where Lander Street and Johnston Street intersect with Broadway. These intersections may also need to be evaluated for pedestrian crossing impacts as well.
4. A cross-walk shall be provided along Lander Street to facilitate pedestrian access between the Mid-Broadway site and the shared parking lot behind the DMV.
5. A fire truck turning template has been provided on Exhibit-4. The Fire Department should review this proposed maneuver to determine if it is acceptable.
6. A roll-off style dumpster appears to be shown in the loading bay area behind the supermarket. An appropriate truck turning template has not been provided showing access to this dumpster. The applicant shall provide this information to demonstrate how the dumpster will be accessed by an appropriate refuse truck.
7. The applicant is proposing single vehicle parking spaces of reduced width (8.5' x 18') and tandem parking spaces of reduced width and length (8.5' x 34'). The City Council should determine if these proposed parking space sizes are acceptable for this site. Section §300-38 (G)(5)(a) of the zoning code states;

"The City Council may modify the area requirements (length and width) of off-street parking spaces as set forth in §300-44, provided that in no case shall the width be decreased by more than 6 inches and the length by not more than one foot. In granting such reductions, the City Council shall consider such benefits as increased landscaping and screening within and adjacent to off-street parking areas."

It appears that the intent of this parking size modification allowance was to encourage the implementation of more landscaping and green area. In this case, the reduction in parking space size was utilized for additional parking spaces rather than additional landscaping.

8. The current zoning code requires a minimum of 300ft² of maneuvering area per parking space. It is not clear if the current proposal for the Mid-Broadway Mixed Use site meets this minimum requirement. Based on preliminary calculations by this department, it appears that 280ft² of

maneuvering area per parking space is currently proposed. The language within the special use permit does not specifically address the topic of this maneuvering area requirement, and whether or not the original section of the zoning code still applies.

9. The three proposed retail parking spaces located adjacent to the entrance to Lander Street are located on a 10% cross slope. Proposed grade through a non-handicap parking space should not exceed 5%.
10. The proposed grade near the entrance to the loading dock area is currently shown at 10%, and transitions to approximately 5% near the loading dock platform. When the WB-50 is parked in an unloading position at the dock, the tractor portion will remain on the 10% ramp area. This will create difficulty in unloading the truck, as the trailer will remain at a significant slope (>5%). The grading scheme should be revised to provide a more practical alternative.

Landscaping

1. The landscaping plan is not representative of the current proposal in terms of entrance/access location width. The landscaping plan must show a site layout consistent with the other site plans.
2. It appears that several of the landscaping features are not adequately labeled as to their species. A table should be provided, listing species, quantity and minimum size along with an appropriate set of planting and maintenance notes.
3. The features labeled within the proposed "Flower Garden Community Area" are not further specified on the plans. Specific construction details and notes shall be provided for the referenced composting bins, tool storage, decomposed granite path, gate, garden plots and frost proof water faucet.
4. Additional landscaping should be considered along the property boundaries where the parking lot abuts neighboring residences.

Lighting

1. A lighting plan has not been provided. The applicant's professionals shall develop a photometric lighting plan and submit it for review in accordance with Section §300-38(G)(12). The lighting plan shall take into account existing lighting features impacting the proposed project site.

General Comments

1. The plan sheets must be coordinated between the multiple consultants working on the project. The landscaping plan is not representative of the current proposal in terms of entrance/access location width, among other items. The Architectural plans have elevations which contradict the Civil drawings. The correct information must be verified and provided consistently among the different plan sets.

2. The previously proposed access lane along Lander Street has now been eliminated and replaced by a community garden area. It is assumed that this previously proposed access drive was eliminated to provide conformance with the code requirements for a 50ft separation between an entrance and a residential district. The elimination of this drive further restricts access in the rear portion of the site, but improves available green space and reduces potential runoff from the site.
3. An additional access point should be evaluated along Johnston Street in the rear area of the parking lot. It appears that a retaining wall could be utilized where the proposed parking bump-out landscaping island is shown, to provide an acceptable change in grade for an access drive from Johnston Street. The applicant's professionals should evaluate this location for adequate grading, sight distance, and security measures.
4. The current proposal involves the use of the existing concrete retaining wall located along the property line parallel with Johnston Street. The applicant shall submit a certification from a registered professional engineer, licensed in the State of New York, stating that this wall is in acceptable structural condition to function as proposed.
5. Detail-1 on sheet C-202 should be revised to include clarification on the type, size and color of fence proposed to surround the refuse enclosure.
6. The plans should indicate where detail-1 on sheet C-204, applies.
7. Detail-4 on sheet C-202 references "Note#1" within the same detail. Only notes "A" & "B" are provided. Please revise the detail for consistency.
8. Detail-8 on sheet C-202 shall be revised to state the correct trench width dimensions. The widths stated do not match between plan (width=36") and section (width=34") views. The internal cross slope along the trench bottom shall also be stated.
9. Detail-9 on sheet C-204 shall be revised to reference detectable warning tape to be installed within the water trench.
10. A "Utility Pole Removal" detail may be appropriate to ensure the complete removal of the existing utility poles and not simply a cut & cover demolition method.
11. The details of snow removal have not been specified. The large parking area will generate significant snow storage requirements. Snow storage areas and associated calculations should be provided. If the snow will be removed from the site, a site plan note shall be added to indicate this requirement.

SWPPP-Plans

1. On Sheet C-104, a trench drain is shown in the loading dock area, located behind a normally closed overhead door. How will drainage pass through this overhead door when closed? The proposed trench drain is also located in the area of a proposed dumpster. Drainage intercepted by this trench

drain will be untreated as it is connected directly to the combined sewer, bypassing the on-site pretreatment system. This drainage scenario does not represent best management practices. Sheet-02 of the architectural plans shows the trench drain area at a higher grade than on sheet C-104 of the civil drawings, with a rim elevation of 117.00' and 113.36', respectively. This grade conflict should be resolved, the trench drain location and grading scheme shall be reconsidered to prevent stormwater runoff from flowing through the closed overhead door, and a connection to the proposed stormwater pre-treatment system should be considered.

2. The 15" HDPE pipe shown along the right side of detail-8 on sheet C-202, should be shifted to the left so that the pipe is located outside of the concrete wall area and within the trench's sump.
3. Floor drains are shown in the stairwell pits in front of the ground floor units located along Johnston Street. These drains are currently piped directly into the combined sewer system along Broadway. The plumbing of these floor drains should be revised to show a connection to the pre-treatment stormwater device.
4. Existing and proposed catch basins with more than one inlet or outlet invert should be labeled as to which invert applies to which upstream or downstream catch basin or manhole (ex. DMH-1A on sheet C-104).
5. On sheet C-104, the pipe located between CB5A and CB4A should be labeled as 1.00%, not 1.25% as currently shown.
6. On sheet C-104, the pipe located between OCS2A and DMH1A should be labeled as 3.22%, not 3.00% as currently shown.
7. Detail-2 on sheet C-203 should list the invert for the 12" diameter HDPE inlet pipe. This detail also lists a 12" HDPE outlet pipe from the structure, but the plan view shows a 24" HDPE pipe. The plans should be clarified for consistency.
8. The applicant's professional should work with the City's Engineering Department to determine if a surcharge condition will exist at the proposed DMH1A connection point. A check valve located within an on-site vault may be necessary to prevent surcharging the proposed underground stormwater detention chambers, and to prevent the backup of solids from entering this underground area.
9. Detail-3 on sheet C-203 shall be revised to show the proposed 24" HPDE pipe from the underground stormwater management system into the proposed doghouse manhole, DMH1A.
10. Detail-6 on sheet C-203 shall be revised to list the finished grade elevation or elevation range anticipated. A plan view layout of the proposed underground stormwater chambers shall be provided. This layout shall clearly show the quantity and orientation of the stormwater chambers.
11. A detail shall be provided of the "Stormwater Pre-Treatment Structure" as specified on sheet C-104.

12. Detail-4 on sheet C-205 outlines the installation of orange construction fence. Sheet C-105 “Erosion Control Plan”, does not specify or show construction fencing in the legend. This orange construction fence should be shown around the limits of disturbance and labeled as such within the legend.
13. The invert elevation shall be provided at the final downstream clean-out for the underdrain system proposed beneath the “Play/Sitting Area”.
14. The plans shall be revised to indicate what modifications may be necessary to the unnamed existing manhole located near the northeast corner of the mechanical equipment area along Lander Street. The plans show this existing manhole rim at 119.49’. The proposed curb shown over top of this manhole will be at an approximate elevation of 117.50’. This may require modification or relocation of this manhole.
15. The “Stabilized Construction Entrance” shown at each entrance/exit on sheet C-105, should be revised to show the tracking pad along the exit side (right side) of each entrance/exit location. If the pad will be the full width of each entrance/exit, then the plans shall be revised to indicate as such.

SWPPP-Report

The project site is 1.94 acres in size and involves greater than 1 acre of disturbance for redevelopment to consist of a new mixed-use retail and residential site. The site is located within, and discharges to, a combined sewer. As such, the site is exempt from coverage under the New York State Department of Environmental Conservation’s General Permit for Construction Site Stormwater Discharges, GP-0-10-001. However, the site must comply with the City of Newburgh’s local stormwater ordinance, Local Law No. 3-2012, as it contains greater than 1-acre of disturbance.

1. The SWPPP document shall be revised to reference and be in conformance with the City’s stormwater ordinance.
2. The SWPPP document does not currently include drainage plans with design points, drainage flow paths and other pertinent information. Future submittals shall include this information within the SWPPP.
3. Sheet C-104 of the plan set shows an existing inlet structure along the east side of the existing parking area in the rear of the site, yet the SWPPP narrative only specifies a single drainage area in the pre-development condition. The SWPPP should be revised to state the actual existing drainage patterns. It appears that several drainage areas and design points are present in the existing pre-development condition.
4. The SWPPP document contains an appendix section that is out of order, contains soil borings in the section labeled “Appendix F: Maintenance Plan”, and contains no actual maintenance plan.

5. The SWPPP is missing the required contractor's certification section.
6. An easement shall be described and shown surrounding the underground stormwater chamber area and pre-treatment structure. A description of this easement along with a maintenance agreement shall be submitted for review by the City Attorney. The appropriate City Department should determine if a letter of irrevocable credit shall be required to guarantee the perpetual maintenance and inspection of this underground stormwater management practice.
7. Page 3 of the SWPPP document states, "In order to mitigate the increased runoff resulting from the proposed conditions, two independent subsurface arched chamber detention systems have been designed." The plans show a single subsurface chamber detention system. It is unclear where the second system is located. The plans or report shall be revised as appropriate.
8. Soil borings have been provided along with a soil boring location map. A soil boring was not provided in the area of the proposed underground stormwater detention system. The applicant's consultants are not proposing an infiltration system, so the determination of a soil percolation rate is not necessary. However, the applicant's professional should verify that the system is not located in an area of shallow bedrock or high ground water.
9. Section V on page 4 of the SWPPP indicates that hydraulic modeling was performed to verify the size of the stormwater collection system. No evidence of this modeling could be found in the report. The applicant's professional shall submit the appropriate hydraulic modeling, confirming the proposed pipe sizes.
10. The SWPPP does not contain water quality volume calculations for the site as required under the City's stormwater ordinance. Appropriate calculations should be prepared and submitted for review.
11. The SWPPP should be reviewed and revised for compliance with Local Law No. 3-2012, outlined in Section §248-71 - §248-73 of the zoning code.

The applicant's professionals should revise the plans and resubmit them to the planning department for further review and comment. The City of Newburgh Engineering Department reserves the right to make additional comments as the plans are further developed.