



# CITY OF NEWBURGH

## Department of Planning & Development

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**TO:** City of Newburgh Planning Board

**FROM:** Alexandra Church, AICP, City Planner

**MEETING DATE:** August 16, 2016, | Planning Board Meeting

**INDEX No.:** 2016-02

**SUBJECT:** Mid-Broadway Redevelopment, AKA 140 Broadway

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Our department received a submittal of an Application for Site Plan Review for tax parcels 30-3-21- to 30-3-38, AKA 140 Broadway. The following documents have been received.

Reviewed for the update:

- August Application Package Update: SHPO Letter; Updated Arch Drawings; Updated Civil Drawings; Updated Landscape Drawings; Response to Engineers Comments; Response to Planning Comments; SWPPP; Response to CAC Comments; Updated Traffic Study; Revised Cover Letter

Previously Reviewed:

- Cover Letters, dated June 8, 2016; May 6, 2016; January 8, 2016; November 19, 2015
- Response letters to Engineering, Planning, and Fire, dated June 8, 2016
- City of Newburgh Land Use Development Application; received January 9, 2016; November 20, 2015
- SEQRA Full Environmental Assessment Form; dated April 28, 2016; January 8, 2016; November 19, 2015
- Phase 1 Environmental Site Assessment, February 26, 2013
- Phase 2 Environmental Site Assessment, June 10, 2013
- Circulation Exhibit Set, April 19, 2016
- Storm water Analysis, April 26, 2016, updated June 2, 2016
- Full Plan Set, dated April 29, 2016, Arch set updated 6/2/2016, Civil set updated 6/1/2016, Landscape set updated 6/9/2016
- Traffic Study dated May 26, 2016
- Broadway Elevation, dated July 7, 2016
- Certified Copy of Second Amendment to Developers Agreement, Council Authorization, and Developer agreement

- Maser Consulting Traffic Letter, dated July 7, 2016

**OWNERSHIP:** The Project Site, 140 Broadway is currently owned by the City of Newburgh and Newburgh Commercial Development Corp.

**BACKGROUND:** The site is referenced as Tax Map parcels 30-3-21- to 30-3-38, and is otherwise known as 140 Broadway. The parcels are currently identified with the property class codes 311, *Residential vacant land* and 482, *Detached rowhouse building*.

**ZONING DESIGNATION:** The Project Site is located in the DN Downtown Neighborhood and BC Broadway Corridor zones. Pursuant to §300-24 Higher standards to prevail, therefore “the most restrictive, or that imposing the highest standards, shall govern.” Form based zones do not follow standard Euclidean hierarchies and therefore for each discrepancy in standards, the higher standard shall be chosen in each instance.

**DISCUSSION:** An approval by the Planning Board is required in accordance with Section §300-31; *Allowable Uses*, specifically §300-31(B) *Schedule of Use Regulations*: Broadway Corridor/ Downtown Neighborhood, Mixed Use with Residential= P\* (Designates a use permitted by right pending site plan approval from the City Planning Board [Article XI]). The Planning Board has elected to hold a public hearing.

**SEQRA:** The project is designated a Type-I Action under SEQRA due to its location in the East End Historic District. The Planning Board has declared its intent to serve as Lead Agency, and all potential agencies have been noticed. Hearing no responses, the Planning Board has declared itself Lead Agency. The Planning Board should determine the significance of the impact, and declare a Negative or Positive declaration of Environmental Impact.

**GML §239:** The Proposed Action is not subject to GML §239 review by Orange County, in accordance with §300-88 of the *Zoning Code* and §239 L and M of the New York State *General Municipal Law*.

#### **GENERAL COMMENTS:**

1. **CNB, August 16, 2016-** The Applicant should refer to the letter prepared by City’s Engineering Office which identifies and outlines engineering related comments on site plan and associated issues.
2. **CNB, August 16, 2016-** The Applicant should refer to comments and concerns from the City of Newburgh Fire Department.
3. **CNB, August 16, 2016-** The Applicant should refer to comments and concerns from the City of Newburgh Conservation Advisory Council.

4. ~~CNB, June 21, 2016~~- Comment Satisfied.  
~~CNB, January 19, 2016~~- The applicant has not submitted a copy of the option to purchase from the City of Newburgh, nor a proxy statement as required. They have requested this of the City in their letter dated January 8, 2016. The City Planner has formally requested this of the City Manager. These documents should be added as Attachment 2.
5. ~~CNB, June 21, 2016~~- Comment Satisfied  
~~CNB, January 19, 2016~~- EAF Question D2 (e)(i). Answer is omitted. Please detail the amount and percentage of impervious surface.
6. ~~CNB, June 21, 2016~~- Comment Satisfied  
~~CNB, January 19, 2016~~- EAF Question D2 (j)(ii). Answer is omitted. Please detail the number of semi-trailer trips related to the commercial portion of this project.
7. ~~CNB, June 21, 2016~~- Comment Satisfied  
~~CNB, January 19, 2016~~- EAF Question D2 (j)(vii). Suggest that the applicant evaluate adding access to public transportation (such as bus shelter) as part of their application.
8. ~~CNB, June 21, 2016~~- Comment Satisfied  
~~CNB, January 19, 2016~~- EAF Question E1 (h)(i). Spills number has been omitted.
9. ~~CNB, June 21, 2016~~- Comment Satisfied  
~~CNB, January 19, 2016~~- EAF Question E2 (d). Answer is omitted.
10. **CNB, August 16, 2016- Comment Satisfied.** Letter from SHPO has been submitted.  
~~CNB, July 19, 2016~~- An update has not been provided.  
~~CNB, June 21, 2016~~- An Alternatives analysis will be provided to SHPO by the end of this week detailing the plan to demolish the structure. The applicant has been before ARC who referred the applicant to postpone application for Demolition permit until approval of Site Plan by Planning Board.  
~~CNB, May 17, 2016~~- Comment Satisfied: The City Planner has requested a letter, detailing the processes of drafting a MOU to SHPO's satisfaction, be submitted prior to the June meeting and SHPO has agreed to meet that timeline.  
~~CNB, January 19, 2016~~- EAF Question E3 (e). SHPO should be consulted regarding the potential for demolition of the existing building on the site.
11. ~~CNB, June 21, 2016~~- An archeological survey has been completed and a letter has been submitted to SHPO finding no significant archeological resources nor the potential there for.  
~~CNB, May 17, 2016~~- Comment Satisfied: The City Planner has requested a letter, detailing the processes of drafting a MOU to SHPO's satisfaction, be submitted prior to the June meeting and SHPO has agreed to meet that timeline.

CNB, January 19, 2016- EAF Question E3 (f). SHPO should be consulted regarding the potential for archeological Phase 1.

12. CNB, May 17, 2016- Comment Satisfied

CNB, January 19, 2016- EAF Question E3 (h/i). The Hudson River is NOT a Scenic Area of Statewide Significance (SASS) in Orange County nor a Wild, Scenic and Recreational Rivers in Orange County.

13. CNB, July 19, 2016- Comment Satisfied

CNB, May 17, 2016- The applicant should be advised of updated sidewalk standards, and should amend their plans to reflect these standards, especially, increased tree planting pits, an increase in pervious materials, the use of historically sensitive materials, and the ability to accept storm-water run-off. These standards also contain the most up-to-date general City standards and all details should be brought up to these standards.

14. CNB, June 21, 2016- Comment Satisfied

CNB, May 17, 2016- The applicant should consider formal on-site locations for the temporary and permanent storage of bicycles to promote alternative modes of transportation for its residents and tenant's customers.

15. CNB, August 16, 2016- Comment Satisfied. Applicant and staff both had conversations with Transit Orange. A "wave-down" stop is already in place. A formal stop will be considered if the application is successful and the supermarket is constructed. The Board should still consider the requirement of a bus shelter or payment in-lieu as a potential mitigation for traffic impacts.

CNB, July 19, 2016- Applicant indicated they would approach Transit Orange.

CNB, May 17, 2016- The applicant should consider requesting a formal bus stop from Orange County/ Newburgh Area Bus Service, and consider erecting a bus shelter, on the corner of Broadway and Johnston Street, to promote alternative modes of transportation for its residents and tenant's customers.

16. CNB, August 16, 2016- Comment Outstanding. Clarification of parking and travel lanes on Lander Street should be considered.

CNB, July 19, 2016- Comment Outstanding: The project engineer provided a clarification on the maximum queuing expected, however they still expect a reduction in lane LOS from B to C at PM peak.

CNB, June 21, 2016- The traffic study shows relatively high potential for conflicts in its 2020 Build Traffic Volumes for Broadway & Lander, PM Peak, SB. The distance from the exit of the proposed project to the intersection, does not appear adequate to que 218 vehicles per hour, especially since nearly 25% are expected to make SB left turns onto Broadway. Further analysis of this intersection should be considered.

**17. CNB, August 16, 2016- Comment Outstanding**

**CNB, July 19, 2016-** Please note that the City of Newburgh is in a Stage 3 water conservation emergency, and all planting plans should anticipate the need to find alternative water sources and should be sensitive to potential drought conditions.

The contents of this letter constitutes the Planning Department'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

## Office of the Engineer

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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:** August 16, 2016 | Planning Board Meeting

**INDEX No.:** 2016-02

**SUBJECT:** Mid-Broadway Redevelopment

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Our department received a submittal of materials related to the redevelopment of the site consisting of numerous parcels located within the block having frontage on Broadway, Johnston Street and Lander Street. The following documents have been reviewed:

- Cover Letter; dated August 5, 2016
- Civil Plan Set; dated April 15, 2016, revised July 29, 2016
- Landscape and Lighting Plan Set; dated July 19, 2013, revised July 29, 2016
- Architectural Plan Set; dated January 8, 2016, revised July 29, 2016
- SWPPP; dated August 2016
- Traffic Study; dated August 3, 2016
- Environmental Site Assessment Letter; dated August 3, 2016

The following documents have been previously reviewed:

- Cover Letter; dated January 8, 2016
- Cover Letter; dated May 6, 2016
- Application; signed January 8, 2016
- Full Environmental Assessment Form, Part 1; dated January 8, 2016
- Full Environmental Assessment Form, Part 1; dated April 28, 2016
- Plan Set; dated November 19, 2015, revised January 6, 2015
- Stormwater Management Plan; dated July 2013, revised via cover letter April 26, 2016
- Traffic Study; dated July 7, 2016
- Circulation Exhibit; dated April 19, 2016
- Phase I Environmental Site Assessment; dated February 26, 2013
- Phase II Environmental Site Assessment; dated June 10, 2013

**BACKGROUND:** The Project Site, consisting of multiple tax parcels, is currently owned by the City of Newburgh, with the exception of one parcel which is privately held. The Applicant seeks to redevelop the Site with a mixed-use building consisting of 13,800 square feet of retail space, and ninety-one (91) residential apartments units with varying bedroom counts.

**GENERAL COMMENTS:**

**1. Comment Outstanding:**

**CNB, January 19, 2016** - The Applicant should refer to the letter prepared by Alexandra Church, AICP of the City's Planning and Development Office which identifies and outlines planning related comments on zoning and land use issues.

**2. Comment Satisfied:**

**CNB, January 19, 2016** - The calculations related to the parking within 500 feet of the site include thirty-two (32) spaces in a private lot for St. Luke's Hospital on Dubois Street and twelve (12) spaces in a parking lot on Broadway that is dedicated to the County. Accounting these spaces is misleading and the additional forty-four (44) spaces are not required to make the case for relief in the parking requirements given the identification 151 other spaces within 500 feet of the site. The site plan identified a parking shortage of twenty (20) spaces required, therefore, the accounting of these forty-four (44) spaces should be removed.

**CNB, May 17, 2016** - The Applicant has removed the St. Luke's Hospital and County parking lot from the calculations on sheet A-02a

**3. Comment Satisfied:**

**CNB, December 1, 2015** - The site plan provided is substantially lacking the required information in accordance with §300-87 *Required Information* of the Zoning Code. The site plan shall be updated accordingly and resubmitted for review.

**CNB, May 17, 2016** - Detailed site plans have been provided, additional comments in this letter shall identify any additional outstanding items that need to be addressed prior to being considered for potential approval.

**4. Comment Outstanding:**

**CNB, January 19, 2016** - The City is currently going through an extensive effort to develop new sidewalk standards. Associated with the Standards is implementing curb bump outs at street intersections that develop an aesthetical pleasing pedestrian friendly streetscape. It is recommended that the discussions with the City Engineering Department and the City Planner takes place in order to identify the most appropriate application of these techniques as they relate to the site plan.

**CNB, May 17, 2016** - The latest plans and details associated with the updated sidewalk standards are available from our office and can be provided upon request in order to revise the plan set accordingly.

**Applicant, June 8, 2016** - The Engineering Department has provided the Liberty Street CDBG Sidewalks plans. Applicable City details have been incorporated into the Mid-Broadway plan set.

**CNB, June 21, 2016** - Although some of the details have been included on the plan set, a number of the specifications and details are not provided. E.g. the detailing associated with the depressed planters and green infrastructure have not been identified.

**CNB, July 19, 2016** - The applicant has begun to incorporate some of the new streetscape standards. The Applicant provided an updated sketch based upon the discussion. After our review, we offer the following comments:

1. The streetscape standards require a colored stamped concrete or an alternative of concrete pavers. This is required of all sidewalks associated with the public right-of-way. The materials specified for the sidewalks along Johnston Street and Lander Street shall be modified to reflect the required of colored stamped concrete or concrete pavers as per the streetscape specifications.
2. The streetscape standards require a minimum of a 4.5 foot width on the 'snow storage strip' and be a porous material to allow infiltration into the underground detention and underdrain system.
3. The tree planting pits are required to be a minimum of 13 feet and a maximum of 20 feet with inlets and outlets to accommodate bioswale detailed in the specifications. Smaller eight (8) foot tree planting pits shall only be allowed in areas with conflicting utilities are small scale project that do not consist of full scale reconstruction of the streetscape.

**Applicant, August 2, 2016** - The plans were updated as requested and detail sheets C206 & C207 have been added that show the addition of the green infrastructure components of the City-adopted streetscape details.

**CNB, August 16, 2016** - The details provided on sheets C-206 and C-207 are cut and paste from drawings provided by the City. Many of these details reference other details from the provided drawings, the details shall be updated to reference the appropriate details associated with the provided drawings set.

**5. Comment Satisfied:**

**CNB, January 19, 2016** - Sheet L-1.1 and sheet L-3.1 shall be updated to reflect this changes to the site plan shown on sheet A-02.

**CNB, May 17, 2016** - Sheet L-1.1 has been updated as requested, sheet L-3.1 needs to be updated to reflect the latest site plans provided.

**Applicant, June 8, 2016** - Drawings L-1.1 and L-3.1 have been updated to reflect the changes to the site plan.

**CNB, June 21, 2016** - The plans have generally been updated and shall continue to do so as the Civil drawings progress through design development.

**Applicant, August 2, 2016** - The landscape plan has been updated to reflect the City's comments elsewhere herein.

**6. Comment Satisfied:**

**CNB, January 19, 2016** - Sheet L-2.1 is missing information from the bike rack and bench details. Additionally, the City is working to formalize these features for consistency throughout the City. It is recommended that the discussions with the City Engineering Department and the City Planner take, then with the Planning Board to determine how which structures to utilize.

**Applicant, June 8, 2016** - Drawing L-2.1 has been updated to provide details for both the bike racks and the benches.

**CNB, June 21, 2016** - The Plan set has been updated to include the missing information.

**7. Comment Satisfied:**

**CNB, December 1, 2015** - A fully detailed Stormwater Pollution Prevention Plan (SWPPP) and an Erosion and Sediment Control Plan shall be prepared by the Applicant's Professional and submitted for review. This shall be in accordance with §248, Article IV *Stormwater Management* of the Municipal Code, the New York State Stormwater Management Design Manual, and the New York State Standards and Specifications for Erosion and Sediment Controls.

**CNB, May 17, 2016** - The documents mentioned above have been provided to our office for review. Additional time is required in order to conduct a detailed technical review. Additional comments will be forthcoming.

**Applicant, June 8, 2016** - We are awaiting review of the previously submitted stormwater report by the City Engineering Department. We will respond to and address those comments upon receipt.

**CNB, June 21, 2016** - A letter dated June 13, 2016 has been forward to the Applicant through the Eliana Diaz, Secretary to the Land Use Boards.

**Applicant, August 2, 2016** - A Stormwater Pollution Prevention Plan has been prepared for the project and is included in this submission.

**CNB, August 16, 2016** - Additional comments on the prepared SWPPP are included as necessary below.

**8. Comment Satisfied:**

**CNB, December 1, 2015** - The tax parcel associated with 16 Johnston Street is privately held by an entity other than the Applicant. This owner of this parcel shall be contacted and appropriate documentation provided to City staff indicating they are aware of the application and consent to the Applicant representing their property as part of this application. A separate owner's consent note shall be provided on the plan set for this parcel.

**CNB, May 17, 2016** - To clarify the above statement, the tax parcel located at 14 Johnston Street is owned by Newburgh Commercial Development Corp., with a mailing address on file of 610 Broadway. This owner of this parcel shall be contacted and appropriate documentation provided to City staff indicating they are aware of the application and consent to the Applicant representing their property as part of this application. A separate owner's consent note shall be provided on the plan set for this parcel.

**Applicant, June 8, 2016** - The owner of 14 Johnston Street, Newburgh Commercial Development Corp., has been made aware of the property being part of the Mid-Broadway Redevelopment project. A proxy stated signed by Mr. Victor Cappelletti has been submitted.

**9. Comment Satisfied:**

**CNB, January 19, 2016** - The Applicant shall indicate with plans, details and reports, how they intend to address the contamination existing on the site.

**Applicant, June 8, 2016** - The removal of contaminated soils and materials will be done in accordance with all local, state and federal regulations as described in the Environmental Phase 1 and 2 investigation reports. In addition, on Drawing C-100 in Section F, "Site Clearing and Grading" Note 3 has been incorporated in the Mid-Broadway plan set.

**CNB, June 21, 2016** - Appropriate notes have been added to the plan set.

**10. Comment Satisfied:**

**CNB, May 17, 2016** - Sheet C-101 shall include notes indicating that all materials removed shall be disposed of in an appropriate manner by a licensed facility. No materials shall be left for disposal by the City, nor dumped elsewhere in the City.

**Applicant, June 8, 2016** - A note was added to the Demolition Plan, C-101 to supplement Section F of the General Notes on sheet C-100.

**11. Comment Outstanding:**

**CNB, May 17, 2016** - Bump outs shall be provided at the intersections of Johnston Street and Lander Street. The width of the bump out should be generally the same width of the on street parking, minimizing the length of the required crosswalk. Refer to the City's recently updated streetscape and sidewalk standards, which demonstrate the desired sizing of bump outs. The latest plans and details associated with the updated sidewalk standards are available from our office and can be provided upon request in order to revise the plan set accordingly.

**Applicant, June 8, 2016** - The proposed bumpouts at Johnston and Lander Streets encompass the on-street parking spaces while allowing for the required fire department apparatus setup footprint.

**CNB, June 21, 2016** - City staff is coordinating with the Fire Department to understand actual needs in order to accommodate bumpouts that fit with the latest City standards. Additional information shall be forthcoming.

**CNB, July 19, 2016** - City staff met with the Fire Department, see attached email confirming the sketch provided was adequate, then subsequently with the Applicant to discuss the results discussions with the Fire Department. The Applicant provided an updated sketch based upon the discussion. After our review, we offer the following comments:

1. Due the location of the overhead wires on the east side of Johnston Street and the west side of Lander Street, providing the required twenty-six (26) foot aerial apparatus set up area is not feasible. It was determined that the fire apparatus would have to setup as far from the building as possible in order to weave the ladder through the overhead wires to

access various points on the building. Therefore, the Fire Department agreed that parking can be provided on street adjacent to the proposed building. The sketch provided by our office showed on street parking on the east side of Johnston Street and the west side of Lander Street and restricted parking on the west side of Johnston Street and the east side of Lander Street. This is not reflected in the latest sketch provided by the Applicant.

2. The bumpouts at the intersection of Broadway shall be the width of the on street parking mentioned in the previous comments. The will provide an eleven (11) +/- foot travel lane to access Johnston and Lander Street. Refer to the sketch provided by our office at the July worksession.
3. Ideally the bumpouts shall provide a minimum of eighteen (18) foot radii, this needs to be clarified by the Applicant through running simulations of the various fire apparatus and trucks that are anticipated to access the site. After further discussion with the Fire Department, twenty-four (24) foot radii may be required. Additionally, no matter what radii is utilized, mountable curbs at the intersection shall be provided.
4. The catch basin located in the curb near Lander Street shall be moved in order to accommodate the required bumpouts and a full height mountable curb provided.
5. Once the Planning Board and City staff are comfortable with the layout of the surrounding streetscapes, the Applicant shall make a formal request to City Council, cc'ing the City Engineer and Corporation Council, requesting a change to the City's parking ordinance *Schedule XIII: Parking Prohibited at All Times*. The information provided shall include the name of the street, the side of the street being restricted, and the site description, including start points and proposed dimension of the restricted zone. The Applicant shall review the above-mentioned section of the City Code to develop the proper language of the restricted area.

**Applicant, August 2, 2016** - The intersections at Lander & Johnston have adjusted while still maintaining the required 26' width at the fire hydrants. Design vehicles can navigate the current configuration without mountable curbing. Concrete curbing and concrete paving will be employed to convey gutter flow to the existing combined sewer structure. Insufficient paved width of the City street after meeting the required aerial apparatus width of 26' along the Lander façade precludes the provision of on-street parking. On street parking is now provided on Johnston Street adjacent to the building as requested. A fire lane has been designated at this location as requested by the City.

**CNB, August 16, 2016** - Our office has confirmed with the Fire Department that they are comfortable with the layout being requested by our office and the City Planner. They following items shall be addressed:

1. Parking is required on the west side of Lander Street, the Fire Department has waived the twenty-six (26) foot requirement of the Fire Code due to the inability to maneuver the aerial apparatus around the existing overhead wires.

2. As mentioned above twenty-six (26) foot requirement has been waived by the Fire Department and does not need to be maintained at the existing fire hydrants. Therefore, the bump-out on the west side of Lander Street and the east side of Johnston Street shall be consistent with the width of the on-street parking.
3. The radii at the intersection of Lander Street and Broadway shall be a minimum of eighteen (18) feet.
4. Once the Planning Board and City staff are comfortable with the layout of the surrounding streetscapes, the Applicant shall make a formal request to City Council, cc'ing the City Engineer and Corporation Council, requesting a change to the City's parking ordinance *Schedule XIII: Parking Prohibited at All Times*. The information provided shall include the name of the street, the side of the street being restricted, and the site description, including start points and proposed dimension of the restricted zone. The Applicant shall review the above-mentioned section of the City Code to develop the proper language of the restricted area.

**12. Comment Satisfied:**

CNB, May 17, 2016 - Johnston Street, past the Broadway Corridor is generally a residential street. It is recommended that in the vicinity of the Residential Entry along Johnston Street, north along the project site be treated as such with regard to the sidewalk and greenspace generally in the street R.O.W. this area should consist of a minimum five (5) foot greenspace adjacent to the curb, then a five (5) foot sidewalk.

**Applicant, June 8, 2016** - The sidewalk and greenspace within the right-of-way has been revised as requested.

**13. Comment Satisfied:**

CNB, May 17, 2016 - Sheet C-102 indicates that the existing bluestone curb shall be reset. The City has recently updated streetscape and sidewalk standards that remove the existing bluestone completely, replacing it with granite. The bluestone is then utilized to create slightly raised tree planting bed around the street trees. The latest plans and details associated with the updated sidewalk standards are available from our office and can be provided upon request in order to revise the plan set accordingly.

**Applicant, June 8, 2016** - The bluestone curb will be replaced with granite curb and the City detail has been added to the detail sheets. The project Landscape Architect will review and revise their details accordingly.

**14. Comment Satisfied:**

CNB, May 17, 2016 - Sheet C-103 indicates that CB 1E shall connect into an existing 30" VCP sanitary sewer that direct flow to Lander Street. Based upon the City's current SPDES Permit, specifically item no. 12, the City is required to reduce the impacts from development and redevelopment through compliance with the NYS *Standards for Erosions and Sediment Control* and the NYS *Stormwater Design Manual*. Additionally, the City's Long Term Control Plan identified

foundation improvements in order to separate the sanitary and storm sewer along Broadway in the vicinity of the project site. Therefore, there should be a single offsite connection to the combined system that can be easily diverted during the separation project.

Therefore, all flow attributed to CB 1E shall be directed to CB 6A and the onsite conveyance system and subsurface detention system. The System then shall be appropriately sized as needed to accept the additional flow.

**Applicant, June 8, 2016** - The existing stormwater management design was prepared in accordance with the 2015 NYSDEC Stormwater Design Manual and the NYS Standards for Erosion and Sediment Control. The project reduces impacts of development by decreasing the degree of impervious coverage, providing stormwater detention, improving water quality with hydrodynamic separation, and incorporating green infrastructure through tree planting. In the constructed configuration, the project will reduce the total stormwater discharge to both the Broadway sewer (the ultimate design point for the project) and to the 30" VCP discharging to Lander Street (reduced flows are evident by inspection due to the planned decrease in tributary impervious area). By achieving the requirements of the manual, the site is in compliance with the City's current SPDES permit by reducing the impacts to the city sewers. Therefore, no changes have been made to the planned stormwater piping layout.

**CNB, June 21, 2016** - The City requires that all new stormwater facilities consist of a single point of connection in the combined sewer system, where practicable, in order to facilitate ease of future separation from the combined system. Therefore, CB 1E is readily achievable to connect through the onsite collection system.

**Applicant, August 2, 2016** - Catch basin CB 1E has been connected to internal pipe network that leads to the underground detention facility. The underground detention system has been enlarged to handle the additional flows.

**15. Comment Satisfied:**

**CNB, June 13, 2016** - There are no inspection ports or manholes identified on sheet C-103, nor in details no. 6 or no. 7 on sheet C-203. These are required in order to ensure there is no sediment and debris built up in the detention system and provide access in order to properly clean the detention system in the event sediment and debris is identified. Additionally, according to the Stormtech website the system should be installed with an isolator row in order to act as a sediment trap.

**Applicant, August 2, 2016** - An Inspection Port detail has been added to detail sheet C-203. The location of the inspection ports has been added to the Underground Detention Plan Layout Detail, 7/C-203. The isolator row is not necessary because pretreatment is provided through the

**16. Comment Satisfied:**

**CNB, May 17, 2016** - The calculations and proper sizing of both domestic and fire water supply connections shall be provided with the application for building permit. A note shall be added to

the plan indicating “domestic water and fire suppression size calculations shall be provided for review and approval with the building permit application.”

**Applicant, June 8, 2016** - The project MEP engineer will provide supporting calculations at the time of building permit application. A note indicating same is provided on sheet C-103.

**17. Comment Satisfied:**

CNB, May 17, 2016 - Appropriate notes shall be added to sheet C-103 related to the water connection, in accordance with §293-8 *Connection to the City water system required; permission of Superintendent required*. The notes shall be as follows:

- a. A permit is required from the city of Newburgh Codes Department, authorized by the Plumbing Inspector.
- b. A City of Newburgh licensed plumber must be retained to install the water connections.
- c. A bonded excavator is required for all excavations within the City street R.O.W.
- d. The City of Newburgh Water Superintendent shall be notified, via a Corporation Tap Request, prior to making connection to the municipal water system.
- e. The City of Newburgh Water Department shall install the corporation tap into the municipal water system, up to a one (1) inch service. Corporation taps above one (1) inch in size shall be done by a contractor specializing in large diameter tapping.
- f. All work shall be inspected and approved by the Plumbing Inspector prior to and during backfill.

These notes shall be mimicked, as appropriate with applicable detailing on sheet C-204.

**Applicant, June 8, 2016** - The requested notes have been added to sheet C-103 and detail sheet C-204.

**18. Comment Satisfied:**

CNB, May 17, 2016 - Appropriate notes shall be added related to the sanitary sewer connection, in accordance with §248-8 *Building sewers and connections*. The notes shall be as follows:

- a. A permit is required from the City of Newburgh Codes Department, authorized by the Plumbing Inspector.
- b. A City of Newburgh licensed plumber must be retained to install sanitary sewer connections.
- c. A bonded excavator is required for all excavations within the City street R.O.W.
- d. All work shall be inspected and approved by the Plumbing Inspector prior to and during backfill.

These notes shall be mimicked, as appropriate with applicable detailing on sheet C-204.

**Applicant, June 8, 2016** - The requested notes have been added to sheet C-103 and detail sheet C-204.

**19. Comment Outstanding:**

**CNB, May 17, 2016** - Detail no. 13 on sheet C-201 shall be updated to reflect the new City crosswalk standard of two (2) foot wide bars separated by one (1) foot wide space. This is typically referred to as the continental style of crosswalk.

**Applicant, June 8, 2016** - The detail on sheet C-201 has been revised to conform to the supplied City standards.

**CNB, June 21, 2016** - The details provided as the updated City standards were given under the caveat that there are pending changes. The standards crosswalk is one of the changes that have been identified. The new City standard is the consistent with the Continental style and shall be specified in accordance with the NYSDOT *Ladder Bar Type L* crosswalk detailed on *Pavement Marking Details, Sheet 2 of 9* of the *U.S. Customary Standard Sheet*.

**Applicant, August 2, 2016** - The crosswalk detail has been updated to reflect the latest design requested.

**CNB, August 16, 2016** - Please refer to our offices comment above from June 21, 2016. Detail 14 on Sheet 201 *Pedestrian Crosswalk* requires a two (2) foot bar with a three (3) foot space. The City standard is the same as NYSDOT's *Ladder Bar Type L* crosswalk, which requires a one (1) foot bar with a two (2) foot space.

**20. Comment Satisfied:**

**CNB, May 17, 2016** - Note no. 2 associated with detail no. 2 on sheet C-202 references submittal of shop drawings to the municipality. This note shall be revised to: "submitted to the City Engineer and the Codes Department".

**Applicant, June 8, 2016** - The note was added to detail 2 on sheet C-202.

**21. Comment Satisfied:**

**CNB, May 17, 2016** - Detail no. 10 on sheet C-202 references a chain link fence post. The project site is located in the East End Historic District, therefore all fence material shall be reviewed and approved by the City's Architectural Review Board. This note should likely reference "designed by others" or "as per the City's Architectural Review Board approval".

**Applicant, June 8, 2016** - The note was added to detail 5 on sheet C-202.

**22. Comment Satisfied:**

**CNB, May 17, 2016** - Sheet C-204 provided a number of details related to trench excavation and backfill. The City details specific requirements for backfill of excavations and street patching within the City streets. The *Typical Trench Excavation Detail* attached shall be included on the plan set.

**Applicant, June 8, 2016** - The detail on C-204 has been modified to conform to the supplied City requirements.

**23. Comment Satisfied:**

**CNB, June 13, 2016** - Detail no. 4 on sheet C-204 should indicate that the new valve shall be left close operation.

**Applicant, August 2, 2016** - The detail has been revised to change the valve operation direction.

**24. Comment Outstanding:**

**CNB, June 13, 2016** - Unless otherwise directly identified in the comments below, the SWPPP shall be reviewed against Appendix E of the NYS *Stormwater Management Design Manual* to ensure that all required information related to the stormwater management plan are included with sufficient detail. It is the opinion of this office that the submitted SWPPP is lacking a number of items that shall be included.

**Applicant, August 2, 2016** - A SWPPP, including the items listed in Appendix E of the NYSSDM has now been prepared for the project. Items and requirements related to GP 0-15-002 have not been included as this project is not subject to State permitting or related MS4 elements of Chapter 248 of the City code.

**25. Comment Satisfied:**

**CNB, June 13, 2016** - The SWPPP has been developed in accordance with the assumption that the site is being redeveloped. Our office has had a discussion with David Gasper of the NYSDEC in order to confirm the definition of redevelopment. True redevelopment requires that the site is impervious, including those where the impervious surfaces have been removed in the last five (5) years. The majority of the site was demolished well over five (5) years ago and the status of the basements are uncertain. If the basements of the building are intact with an impervious floor, then the use of Chapter 9 of the NYS *Stormwater Management Design Manual* is applicable. In the event the impervious layer is not intact, this portion of the site is subject to the sizing criteria of Chapter 4 of the NYS *Stormwater Management Design Manual*. The imperviousness, or lack of imperviousness, of the site shall be confirmed and documented as part of the record.

**Applicant, August 2, 2016** - The stormwater analysis has been revised to reflect the City's time limit determination for redevelopment activity. The previously-demolished impervious areas have now been included in the calculations as pervious areas and computed under the new development-portion of the project analysis.

**26. Comment Satisfied:**

**CNB, June 13, 2016** - The SWPPP takes credit for tree plantings through runoff reduction. The Landscape Plan has changed since the SWPPP was developed and the quantity of trees are different. Additionally, the runoff reduction calculations shall be updated to reflect the sizing criteria in section 5.3.4 of the NYSDEC *Stormwater Design Manual*. This requires a reduction area equal to half the area of the tree canopy for trees up to a sixteen (16) foot diameter and 100 sf per trees whose mature canopy is larger than sixteen (16) foot diameter. Minimum size at planting and

other specification must also be reviewed and documented on the landscape plan in order to utilize the runoff reduction.

Furthermore, credit cannot be taken for trees planted outside the drainage areas identified in the Appendix A of the SWPPP, and only species listed in Appendix H *Landscape Guidance/Plant List* of the NYSDEC *Stormwater Design Manual* or from a local list of native species can be utilized for runoff reduction credit.

**Applicant, August 2, 2016** - The tree planting runoff reduction component of the water quality contribution to green infrastructure follows the requirements outlined in Section 5 of the NYSSWDM. The landscaping plan, L-101, illustrates the location of the trees and a schedule of tree names, qualities, native status, and mature canopy size. Only two non-native trees are proposed where native species could not fulfill the landscape architect's specific design objective.

**27. Comment Outstanding:**

**CNB, June 13, 2016** - The SWPPP indicates that "infiltration is not included with this design due to the variability of infiltration rate parameters." Many of the soils identified in the various calculation sheets indicate HSG B, which has a moderate infiltration rate. It is highly recommended that testing in accordance with Appendix D *Infiltration Testing Requirements* of the NYSDEC *Stormwater Design Manual* be conducted to see if infiltration is possible. In the event conducted testing validates the potential for infiltration, the design shall be modified to include infiltration.

**Applicant, August 2, 2016** - Volume losses from Infiltration are not included in the analysis to establish the required level of runoff quantity mitigation to the combined sewer. Separately, if the City finds the submitted program of green infrastructure acceptable, infiltration testing will be performed and witnessed by a city representative in the areas where permeable pavement is proposed.

**CNB, August 16, 2016** - The bioswales and the play/sitting area have underdrain systems associated with them. The *Permeable Concrete Paver Bedding* detail 9 of sheet C-205 does not include a provision for an underdrain. The Applicant shall clarify how these areas are to be treated in the event infiltration tests do not provide favorable results. In the event infiltration is not possible, the Applicant shall clarify compliance with the NYSDEC *Stormwater Design Manual* and the required RRv.

**28. Comment Satisfied:**

**CNB, June 13, 2016** - A review of the sizing criteria outlined in section 9.2.1 of the NYSDEC *Stormwater Design Manual*, due to the classification of the site as redevelopment and a zero net increase, water quantity control for the ten-year and hundred-year is not required. Additionally, Channel Protection is not required since there is no increase in the discharge rate from pre-construction.

According to the Hydrograph reports provided in Appendix D of the SWPPP; the underground detention system releases the one (1) year storm over just shy of sixteen (16) hours, the ten (10) year storm just over fifteen (15) hours, and the 100-year storm just over fourteen (14) hours.

The outfall from the underground detention is to the combined sewer system, most of which is sensitive to “flashy” stormwater flows. Therefore, the underground detention system shall be sized in order to provide Channel Protection in accordance with the NYSDEC *Stormwater Design Manual* to protect the City’s aging infrastructure and alleviate the projects contribution to CSO events.

**Applicant, August 2, 2016** - A hydro-brake has been added to the outlet control structure to further restrict the flow while maximizing the retention time of the underground system. The additional green infrastructure techniques proposed will also increase detention time on site.

**29. Comment Satisfied:**

**CNB, June 13, 2016** - Further review of the sizing criteria outlined in section 9.2.1 of the NYSDEC *Stormwater Design Manual* and the worksheets provided in the SWPPP, Water Quality volume is being calculated utilizing 9.2.1(B)(IV). The equation in the NYSDEC *Stormwater Design Manual* requires a multiplication by three (3), yet this is not provided on the calculation sheet provided in the SWPPP. The calculations shall be updated as needed in accordance with the NYSDEC *Stormwater Design Manual*.

**Applicant, August 2, 2016** - The cell in question on the calculation sheet was cropped by the print layout and has been fixed. The computation result remains accurate.

**30. Comment Satisfied:**

**CNB, June 13, 2016** - The SWPPP does not include any mapping related to the Existing Drainage Areas. This shall be provided as part of the document.

**Applicant, August 2, 2016** - An existing drainage area map has been included in Appendix A of the SWPPP.

**31. Comment Satisfied:**

**CNB, June 13, 2016** - The Proposed Drainage Areas map included in the SWPPP shall be updated to reflect the new site plan and changes to drainage areas based upon above comments.

**Applicant, August 2, 2016** - The Proposed Drainage Area Map has been updated and is included in Appendix A of the SWPPP.

**32. Comment Outstanding:**

**CNB, June 13, 2016** - Very little data is provided with relation to post-construction maintenance, the information provided is limited to catalogue cut sheets and manufactures specifications and is generic in nature. The SWPPP shall be updated to detail any and all post-construction maintenance required for the site contributing to the conveyance system, the conveyance system,

the treatment system, and the detention system. This information shall be in accordance with manufactures specifications and should be summarized in detail. Additionally the frequency of post-construction inspections, maintenance work and the responsible entity shall be identified so the City has the appropriate information in sufficient detail in order to ensure the proposed system remains in good working order.

**Applicant, August 2, 2016** - An updated maintenance plan is included in Appendix F of the SWPPP.

**CNB, August, 16, 2016** - Page 23 of the SWPPP, under *Ownership and Maintenance of Permanent Structures*, the statement shall include “*and/or the current property owner*” in the event the property and building are change hands in the future.

Required maintenance associated with catch basins and the conveyance system shall be included as part of the SWPPP. Additionally, general site maintenance to remove debris and garbage shall be included to prevent migration into the catch basins and the conveyance system.

It is recommended that a sand and salt mixture is not utilized during snow removal efforts. Application of a deicing product should be limited to salt or alternative product that does not contribute to clogging the permeable pavement. Information should be included in the SWPPP.

### **33. Comment Outstanding:**

**CNB, June 13, 2016** - An appropriate agreement shall be developed for review by the City’s Corporation Counsel giving the City the right to enter the project site for inspection during construction and post-construction.

**Applicant, August 2, 2016** - Noted. Furthermore, the hydrodynamic separator now proposed within the sidewalk of Broadway will be the maintenance responsibility of the Applicant.

**CNB, August 16, 2016** - Noted. The agreement previously mentioned shall indicate all infrastructure that is required to be maintained by the facility owner in accordance with approved plans and SWPPP. The previously requested maintenance easement and agreement shall be prepared and submitted by the Applicant for review and acceptance by the City. As-built plans shall be prepared and submitted by a New York State Licensed Land Surveyor to the City Engineer documenting all stormwater improvements.

### **34. Comment Satisfied:**

**CNB, June 21, 2016** - Sheet C1-3 identified “roof and interior building drainage” connecting to CD 1D in Broadway. The Applicant shall clarify the intent of interior drainage. Any proposed floor drains are required to be connected to the sanitary sewer and cannot be connected to storm sewer at this location since it would not be feasible to separate the two in the future.

**Applicant, August 2, 2016** - The callout on the plans have been clarified to reference stormwater.

**35. Comment Outstanding:**

**CNB, August 16, 2016** - Note F.3. on sheet C-100 shall be updated to additionally reference NYCRR 613 *Petroleum Bulk Storage* and DER-10 *Technical Guidance for Site Investigation and Remediation*.

**36. Comment Outstanding:**

**CNB, August 16, 2016** - On sheet C-101, there is a note “EXISTING INLET/PIPE TO BE REMOVED, TREATMENT OF THE MANHOLE TO BE DETERMINED BY THE CITY ENGINEER”. The existing 30” VCP shall be CCTV’ed in order to verify if connections exist. In the event no connections exist, the manhole and 30” VCP pipe shall be abandoned in accordance with the requirements of the City Plumbing Inspector and the City Engineer. In the event connections exist, the manhole shall be maintained in place and the rim adjusted as needed to meet proposed grade. An easement to the City shall also be included to allow access for maintenance, if applicable.

**37. Comment Outstanding:**

**CNB, August 16, 2016** - On sheet C-103 there is a note “REPLACE EXISTING BLUESTONE CURB WITH GRANTIE BLOCK CURB...” This shall be updated to reference all curbing replaced in the City right-of-way shall be replaced with granite.

**38. Comment Outstanding:**

**CNB, August 16, 2016** - On sheet C-103 there is a note “UNCOLORED CONCRETE (TYP)”. All sidewalks in the City right-of-way shall be stamped and colored concrete or pavers in accordance with the City sidewalk standards. Uncolored concrete is no longer acceptable for installation in the City’s East End Historic District.

**39. Comment Outstanding:**

**CNB, August 16, 2016** - The proposed depressed curb on sheet C-102 is not an acceptable treatment. The plans indicate that this is a flush to the surface inlet, when in fact to is a vertical curb inlet, see the Google Street view image below. The existing inlet shall be removed and a new catch basin installed with a full height curb with a minimum eighteen (18) foot radius.



**40. Comment Outstanding:**

**CNB, August 16, 2016** - The maintenance section of the SWPPP required vacuuming of the detention system when sediment throughout the chamber row exceeds three (3) inches. Information on how this is to be accomplished needs to be provided in the SWPPP and/or on the plan set. Except for the small diameter inspection ports, there is no physical access to the underground detention chambers.

**41. Comment Outstanding:**

**CNB, August 16, 2016** - Detail 1 *Connection to Sewer Manhole* on sheet C-204 references “RECONSTRUCT CONCRETE CHANNEL (SEE CHANNEL DETAIL)”. A channel detail needs to be included as part of the plan set.

**42. Comment Outstanding:**

**CNB, August 16, 2016** - Note 10 and 12 associated with detail 2 *Wet Tap* on sheet C-204 are duplicates.

**43. Comment Outstanding:**

**CNB, August 16, 2016** - Detail 4, *Valve and Valve Box* on sheet C-204, it is recommended to specify a valve box cover that can be secured with a bolt or other mechanism to prevent theft.

**44. Comment Outstanding:**

**CNB, August 16, 2016** - Multiple details, 8 through 11, reference “SEE TRENCH BACKFILL DETAIL”. A trench backfill detail needs to be included as part of the plan set.

**45. Comment Outstanding:**

**CNB, August 16, 2016** - Detail 8, *Temporary Concrete Wash* on sheet C-205 indicates dimensions of one (1) foot in depth and six (6) foot by six (6) foot in area. On page 15 of the SWPPP, item f. under *Temporary Structural Measures* indicates that the *Concrete Truck Washout* dimensions shall be

two (2) foot in depth and eight (8) foot by eight (8) foot in area. The two documents shall be consistent.

**46. Comment Outstanding:**

**CNB, August 16, 2016** - The details provided on sheets C-206 and C-207 are cut and paste from drawings provided by the City. Many of these details reference other details from the provided drawings, the details shall be updated to reference the appropriate details associated with the provided drawings set.

**47. Comment Outstanding:**

**CNB, August 16, 2016** - Sheet L-3.1, *Lighting Plan*, depicts areas where light from the proposed fixtures are shining off site. Lighting from the project shall not cross properties lines to the greatest extent practicable through the use of house side shields.

**48. Comment Outstanding:**

**CNB, August 16, 2016** - The Applicant shall consider implementing and discuss with the Planning Board the possibility of including timers and motions sensors that would dim and/or turn off site lighting at night, allowing them to be triggered on in the event they are needed.

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.