



**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME:	THE ENCLAVE
PROJECT NO.:	22-25
PROJECT LOCATION:	SECTION 34, BLOCK 1, LOTS 46, 52.12 & 53.5
REVIEW DATE:	26 FEBRUARY 2025
MEETING DATE:	6 MARCH 2025
PROJECT REPRESENTATIVE:	ENGINEERING AND SURVEYING PROPERTIES

The project filed an application proposed multi-family housing development 246-unit apartment complex with amenities including a club house and recreational uses. The project will construct 18 multi-family residential apartment buildings.

The Planning Board typed the project as a Type I Action under SEQRA. The Planning Board declared its intent for Lead Agency on 1 December 2022 on February 2023 the Planning Board adopted a resolution issuing a Positive Declaration requiring preparation of a DEIS. A public scoping session was held on 20 April 2023. Written comments on the draft scope were accepted until 25 April 2023. Final scoping documents was accepted by the Planning Board on 18 May with revisions dated 30 May 2023. The applicants have now submitted a Draft Environmental Impact Statement to the Planning Board. The Planning Board at this time must determine whether the Draft Environmental Impact Statement submitted is responsive to the adopted scope. The following comments are based on a review of the submitted documents with regard to responsiveness to the scope. Technical review comments will be provided once the Planning Board determines the document is complete for public review.

1. It is a suggestion that Section 1.2 Summary of Prior Application be placed after Existing Conditions Project Overview.
2. Section 2.1 Project Introduction identifies dates which are not consistent with dates in the introduction.
3. Architectural renderings appear after page 21 through 22 which appear out of place in the document.
4. Section 2.3.4 Utilities identifies sewage produced on-site will be collected through a series of gravity sewer mains to a pump station and directed through a proposed sewer forced main to a Town of Newburgh sewer manhole. Project is not located within Town Sewer District. Additional information should be provided regarding the ability to connect to the existing Town collections system. Outside user status or approvals by the Town Board which would be required.

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5. It appears soil testing performed in the areas of the proposed structures to determine bedrock. Further evaluation should be provided for utilities as well. Quantities of bedrock to be encountered based on grading plans should be further evaluated. The DEIS identifies that the project will cut 69,937 cubic yards of soil and requires 78,245 yards of fill. 8,300 Cubic yards of material will have to be imported. It is important to identify the volume of fill on the site and the suitability for the material to be utilized in construction fill areas.
6. Rock processing and blasting should further be addressed in the impacts to soils.
7. It is identified that bedrock will be removed by mechanical means. An evaluation of the competency of the bedrock should be provided to determine whether blasting is required. Further evaluation of blasting impacts blasting protocols and monitoring should be included.
8. Environmental impacts associated with blasting should be addressed in the document. The document identifies that since blasting impacts and protocol are specific to each location they will be addressed by the construction contractor through a pre-blast analysis and development of a blasting protocol. The scope requires evaluation of geologic conditions and blasting. Geotech and blasting impact analysis should be undertaken at this time, including the identification of areas where blasting could be anticipated, proximity to other residential structures, blasting protocol and procedures acceptable to the Town of Newburgh.
9. Fresh water wetlands are identified on the site. The applicants must address recently adopted NYSDEC Wetland Regulations which will extend wetland protections. The project site is located in an urban area which may result in NYSDEC jurisdiction over the wetland areas. The project should be submitted to NYSDEC for an evaluation of the on-site wetlands with regard to DEC jurisdiction.
10. Several wetlands are identified as being non-jurisdictional isolated wetlands . US Army Corps. of Engineers jurisdictional determination should be received regarding jurisdiction over the six wetland areas identified.
11. On Page 50 identify the Stormwater Management Manual dates and SPDES Permit dates which are intended to be utilized for Stormwater SWPPP.
12. Top of Page 50, Town of Newburgh does not issue MS4 Permits. Construction stormwater permit from the DEC is required.

13. Page 52, identify how the applicant will permanently preserve a majority of the non-jurisdictional wetlands. Is it permanently preserved or a void during construction.
14. Under the Stormwater Pollution Prevention Plan address requirements for green infrastructure and RRV which will be implemented in the project. The only green infrastructure practice identified is decompaction of soil. An analysis of other green infrastructure practices proposed or evaluated should be included.
15. The flood plain discussion Page 55, identifies that a model of water flow from the proposed culvert structure will be prepared prior to final approval. Stormwater models should be incorporated into the DEIS to assure adequate design of the proposed culverts spanning the flood plain and Quassaick Creek.
16. Additional discussion of the Towns Flood Plain Ordinance including Section 109-15 B (3) should be provided. This section states when any portion of a flood plain is authorized for development the volume of space occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood elevation at or adjacent to the development site. All such excavation shall be constructed to freely drain the water course no area below the waterline pond or other body of water can be credited as compensating excavation.
17. Identify further information regarding the NYSDEC forest rating identified as core forest.
18. Confirm that the non-AOC wetlands are not classified as vernal pools.
19. Since greater than (ten) acres of mature forest (total 28.8) are proposed to be removed additional analysis regarding impacts to Indiana Bats protected bat species be provided.
20. Page 61, identifies potential Three Mole Salamander species not being impacted as the majority of wetland (A) seasonally flooded pool is to remain for potential breeding along with upland forest surrounding the pool to occupy. This language seems to identify the site as a vernal pool. Their evaluation of the vernal pool along with the wetland protection associated with vernal pools should be addressed.
21. Section 3.5.1.2 Potential Impacts identifies “with the exception of emergency access and mitigation area”. A wetland mitigation area if proposed should be further defined in areas of the document identifying surface water wetlands and imports. This mitigation should be further evaluated.
22. Site lighting should be addressed in the Visual Impact Analysis Section.

23. Expand on the fair share (contributions) towards the mitigation traffic mitigation should be identified in a chart or list.
24. Discussion regarding comprehensive plan should identify current proposed updates. The Town of Newburgh is currently well along with updates of the Comprehensive Plan. Copies of all documents are available on the municipal website.
25. Provide discussion of the permitted tree removal and 50% limits in the tree removal code in residential areas.
26. Provide discussion and number of protected trees.
27. The mitigation measures require tree protection identifies further mitigation however, mitigation measures regarding tree clearing are proposed and should be further addressed in the mitigation section.
28. Under utilities input the 2024 data.
29. Page 97, last paragraph remove the maintenance requires the source water to be off 1–3-hour window but does not inhibit daily water production. This statement is unclear.
30. Update sanitary sewer information to current 2024-2025 flows.
31. Confirm ownership of the watermain. Page 100 identifies that the watermain will be owned and operated by the applicant. It appears the project proposes a looped interconnect on to the Town system. Town of Newburgh may wish to own all or portion of the project based on the interconnecting loop system. Easements and dedication may be required.
32. Construction of off-site utilities will require provisions for a lineal SWPPP.
33. Provide the bases for delta between the proposed water use calculations and sanitary sewer discharge. Provide discussion of the delta between.
34. It is requested the applicant pursue additional information regarding ambulance service. The response regarding ambulance service has been extrapolated from the DEIS for the Britain Woods project, which located a significant distance from the project site.
35. Page 109, it is not believed the Ellenville Regional Hospital information is pertinent to this project.


36. Information regarding the Town Ambulance Corp. should be updated. Recent tax district was established and paramedic services have been added to the Town of Newburgh Amubulance Corp.
37. Under recreational uses discussion regarding recreation fees should be included.
38. Page 116, 4.3, Town Board approval is required for installation of an on-site water treatment plant. See Town Code regarding sewage.
39. Remove the expense report after Section 9 Appendices.
40. General scoping comments. Document should be further expanded regarding geotechnical analysis and blasting quantities, impacts and mitigation measures. Blasting plan with mitigation measures was included as a requirement of the scope.
41. No discussion of soil amendments as necessary to ensure landscaping is sustained has been included as identified in the land mitigation measures scope.
42. Provide an existing conditions map identifying FEMA designated flood plains and flood ways.
43. A model of the water flow through the proposed crossing structure is required. This is identified in the document as to be provided in the future.
44. Confirm list of projects proposed or under consideration based on passage of time since scoping. Thus, fair share contribution and impacts to Route 300 and Route 52 intersection.
45. The alternative section contains A through E be further expanded.
46. Wetland Report is dated October 2023 determine if changes to the report are required based on recent updates to NYSDEC Regulations.
47. The Wetland Report identifies once again Wetlands A and B as isolated seasonal pools with no overland hydraulic connection to any AOC regulated feature. Again, status of these as vernal pools should be further clarified.
48. An email from Lisa Masi, Senior Wildlife Biologist from NYSDEC identifies that "Indiana Bats are also protected under federal law in addition to DEC requirements coordination US Fish & Wildlife Services NY field office in Cortland, New York may be required". The applicant should confirm that the project was evaluated through the US Fish & Wildlife Service IPAC System and a response from US Fish & Wildlife has been received regarding federally protected species.


49. Information regarding the Traffic Study has been deferred to the Town's Traffic Consultant Creighton Manning Engineers, Ken Wersted, P.E.

50. The DEIS document identifies that a 750 gallon per minute fire flow is required while the water design identifies a 500 gallon per minute. Confirm that sprinklers will be NFPA13R sprinkler system.

Respectfully submitted,

MHE Engineering, D.P.C.


Patrick J. Hines
Principal
PJH/kmm


Michael W. Weeks, P.E.
Principal

LINK BELOW FOR DEIS:

<https://mhepc.egnyte.com/fl/VFDMTcy3z7>