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## TOWN OF NEWBURGH <br> PLANNING BOARD <br> TECHNICAL REVIEW COMMENTS

## PROJECT: <br> CORTLAND COMMONS <br> 2017-11 <br> SECTION 9, BLOCK 1, LOT 60 <br> 4 OCTOBER 2017 <br> 5 OCTOBER 2017 <br> MEETING DATE: <br> PROJECT REPRESENTATIVE: JMC PLANNING \& ENGINEERING

1. Status of the NYSDEC and Orange County Health Department Approval for the subsurface sanitary sewer disposal system should be addressed.
2. Status of the NYSDOT's review and approval of the site access and utility connections should be received.
3. The Planning Boards input on the proposed landscaping should be addressed. Landscaping security and inspection fees will be required.
4. The stormwater management modifications on the site incorporating an infiltration and in pipe storage system are acceptable. Municipal authorization form will be processed upon receipt. Stormwater SPDES permit is required prior to any grading on the site.
5. The Applicants representative are requested to address the geotechnical report and borings. Modifications to the retaining walls were provided based on geo tech report. It is requested the Applicants representative address the potential for the need to blast on the site.
6. A Stormwater Facilities Control Maintenance Agreement is required.

Respectfully submitted,
McGoey, Hauser and Edsall
Consulting Engineers, D.P.C.

Patrick J. Hines
Principal

Civil Engineering
Landscape Architecture
Land Surveying
Transportation Engineering

Environmental Studies
Entitlements
Construction Services
3D Visualization
Laser Scanning

July 10, 2017
Chairman John P. Ewasutyn and Members of the Planning Board Newburgh Town Hall Town of Newburgh 308 Gardnertown Road Newburgh, NY 12550

RE: JMC Project 16055
Route 9W Retail


Route 9W
Newburgh, NY

Dear Chairman Ewasutyn and Members of the Planning Board:
In response to the Town's review of the Cortland Commons application, please find 16 copies of the following revised drawings and documents:

## 1. JMC Drawings:

| Dwg. No. | Title | Rev. \#/Date |  |
| :---: | :---: | :---: | :---: |
| SP-I | "Cover Sheet" | I | 07/07/2017 |
| SP-2 | "Existing Conditions \& Tree Removal Plan" | I | 07/07/2017 |
| SP-3 | "Layout Plan" | 1 | 07/07/2017 |
| SP-4 | "Grading Plañ" | I | 07/07/2017 |
| SP-5 | "Utilities Plan" | I | 07/07/2017 |
| SP-6 | "Erosion and Sediment Control Plan" | 1 | 07/07/2017 |
| SP-7 | "Landscaping Plan" | 1 | 07/07/2017 |
| SP-8 | "Lighting Plan" | 1 | 07/07/2017 |
| SP-9 | "Construction Details" | I | 07/07/2017 |
| SP-10 | "Construction Details" | I | 07/07/2017 |
| SP-II | "Construction Details" | 1 | 07/07/2017 |
| SP-12 | "Construction Details" | 1 | 07/07/2017 |
| SP-13 | "Construction Details" | I | 07/07/2017 |
| SP-14 | "Construction Details" | 1 | 07/07/2017 |
| SP-15 | "Construction Details" | I | 07/07/2017 |
| SP-16 | "Construction Details" | I | 07/07/2017 |
| SP-17 | "Truck Turning Analysis" | 1 | 07/07/2017 |

2. Stormwater Pollution Prevention Plan, dated 07/07/20I7. (I disk to Planning Board, I copy to Mr. Hines).
3. Mauri Architects, PC Drawings:

| Dwg. No. | Title | Date |
| :--- | :--- | :--- | :--- |
| PB-1 | "Proposed Plan \& Elevations-Retail Buildings" | $04 / 19 / 2017$ |
| PB-3 | "Proposed Plan \& Elevations-Fast Food Building" | $04 / 19 / 2017$ |

4. Parr Valley Condominium and JNM Realty LLC Easement Agreement, dated 0I/I2/2009
5. Carlin-Simpson and Associates Soils Report Memo, dated 07/07/2017.

For ease of review, we have repeated the enumerated comments in italic print, followed by our responses:

## Response to MH \& E "Town of Newburgh Planning Board Technical Review Comments", dated 03/16/2017

## Comment No. 1

The right to access Cortland Drive, the private right of way should be identified. Documents regarding this should be provided to Mike Donnelly's office for review.

## Response No. I

Enclosed please find a copy of the Parr Valley Condominium and JNM Realty LLC Easement Agreement, dated 0I/I2/2009 easement filed in Book I2785/Page 855 Orange County Department of Land Records, granting a permanent access easement over Cortlandt Drive.

## Comment No. 2

The Planning Boards attention is called to the retaining wall structure proposed at the westerly most portion of the site. A $16+/$-ft retaining wall is proposed to the rear of Building A.

## Response No. 2

A majority of the retaining wall will be screened from Route 9 W by the proposed building. Proposed trees were added along the wall face in certain locations to reduce the visual impact of the wall from the sightline from Route 9 W .

## Comment No. 3

The constructability of the retaining wall in very close proximity to the property line should be oddressed.

## Response No. 3

The proposed retaining wall is approximately 8.5 ' from the property line at it's closest point. Borings completed in June 2017 revealed bedrock at approximately elevation 221.00, eleven feet below existing grade. The portion of the wall which is in close proximity to the property line will likely be a cast in place concrete wall and a segmental wall type where the wall is not constrained by the property line. The plans have been revised to illustrate the different wall types. Rock will not be blasted and will be excavated/removed via hydraulic hammers and large excavation equipment. See the enclosed Carlin-Simpson Report, dated 07/07/2017.

## Comment No. 4

The septic design chart on sheet SP-5 identifies flow rates for the project. Flows are identified as 25 gallons per day times 37 seat restaurant at 2,295. While the calculation should identify 925. The 2,295 is actual gallons per day from the entire site. The subsurface sanitary sewer disposal system design of 2,300 +/gallons per day will require a SPDES permit from the DEC and review by the Orange County Health Department.

## Response No. 4

The septic design calculations have been reviewed and revised. We will be making and application to the Health Department and NYSDEC for their approval of the septic system. We will discuss the potential use of alternative treatment systems to achieve additional capacity to maximize the efficiency of the treatment area with the Health Department.

## Comment No. 5

A Stormwater Pollution Prevention Plan should be provided for review with future submissions.

## Response No. 5

Enclosed please find Stormwater Pollution Prevention Plan (SWPPP), dated july 7, 2017

## Comment No. 6

Water line service laterals must comply with town of Newburgh requirements where systems are split with potable water being taken after fire flow valve. Valving arrangement is such that potable water is terminated if fire suppression systems are terminated.

## Response No. 6

The water line service arrangement has been revised as directed. In addition, fire hydrant and Fire Department building connections have been identified as recommended.

## Comment No. 7

Lead Agency circulation should include NYSDEC, NYSDOT, Orange County Health Department as involved ogencies.

## Response No. 7

Comment noted.

## Comment No. 8

The zoning Bulk Table on sheet SP-I identifies the front yard as 40 ft minimum and proposed 59. Section 185-18 - Exceptions to District Regulations(4)(b) requires front yards abutting all State and County Highways be at least 60 feet in depth.

## Response No. 8

The front yard setback has been corrected to 60 feet and the building shifted accordingly to accommodate the setback requirement.

## Comment No. 9

The lots in the B Zone, which abut a Residential District, in this case R-3, require side yard setbacks of greater of the setback identified in the B Zone or 25 feet. Side yard setback should be identified as 25 feet rather than 15 as depicted in the table.

## Response No. 9

The table has been revised accordingly to reflect this requirement.

## Comment No. 10

Sheet SP-I | contains anchor and thrust block details and charts. Town of Newburgh requires restraint joint pipes. Thrust blocks are not permitted.

## Response No. 10

Thrust blocks have been removed from the detail sheet, "Field Lok" restraint gaskets have been specified on Drawing SP-5 "Utilities Plan". See General Notes.

## Comment No. II

The Applicants should evaluate the Town of Newburgh design guidelines with regard to parking in front of the building and size of lighting pole proposed. Waivers for design guideline deviation should be specifically applied for from the Planning Board.

## Response No. 11

JMC has reviewed the design guidelines and has reduced the height of the proposed lighting fixtures to 20 feet and reviewed the ability to shift parking to the rear of the building. The applicant is proposing the construction of a 30 inch high by 29 inch wide natural fieldstone wall in conjunction with a landscape buffer area along the frontage or Route 9 W as recommended by the design guidelines.

## Comment No. 12

The Bulk Table parking summary identifies 63 parking spaces required while the parking calculation identifies 68 parking spaces required.

## Response No. 12

The parking count has been reviewed and adjusted. The plan currently provides 68 parking spaces.

## Comment No. 13

The Applicant's representative is asked to check the additional parking spaces. Total spaces provided appears to be 61 including handicap spaces.

Response No. 13

The parking count has been reviewed and adjusted.
Comment No. 14

Ken Wersted's comments regarding proposed access and internal circulation should be received. Dual direction access to the drive in aisle may cause traffic conflicts and stacking to the Cortland Dr. access drive.

Response No. 14
Mr. Wersted's comments have been reviewed and responded to accordingly below:

## Response to Town of Newburgh Planning Board "Technical Review Comments from

 Creighton Manning", dated 03/13/2017:
## Comment No. 1

This site was subject to review from 2006 to 2010 under Town project number 2006-37, JNM Realty (CM\#06-150, NYSDOT SEQR\# 08-0060). At the time, a 9,260 SF Office/Retail building (with drive-thru) and a 3,036 SF retail building (with drive-thru) was proposed. A traffic study prepared by John Collins Engineers assumed a drug store and bank. NYSDOT conceptually approved the right in/right out driveway to Route 300 but only if it were moved further north, constructed with a raised island, and a separate right
turn lane was provided (NYSDOT to TON PB 5/I/2008). The driveway to Cortiand Drive required a cross access easement. Parr Valley Condominium agreed to this easement for JNM Realty (Spinnaker to TON PB 4/2/2008).

## Response No. I

With regard to the portion of the comment noting to shift the driveway further north, this application proposes to shift the right in/right out driveway approximately 55 feet further north of the original application location. We are working with the NYSDOT to process a Highway Work Permit for the new driveway.

## Comment No. 2

The proposed project has a substantially similar layout of the main building, although slightly smaller at 8 , 700 SF, and no drive-thru. The Building B is smaller at 2,500 SF and listed as a fast-food restaurant/retail with drive-thru. The drive-thru is proposed along the east and north sides of the building, increasing the queue capacity from the previous site plan proposal.

Response No. 2
Comment noted.

## Comment No. 3

The original traffic study assumed the site would generate 65 trips in the AM peak hour and 228 trips in the PM peak hour (ITE Trip Generation $7^{\text {th }}$ edition). An updated estimate should be provided based on the expected uses.

## Response No. 3

The currently proposed development is projected to generate 122 and $1 \mid 4$ total driveway trips during the peak weekday AM and PM hours, respectively, based on ITE Trip Generation Manual, $9^{\text {th }}$ Edition. These trips do not include pass-by or internal trip credits. The current development represents a net additional 57 total driveway trips during the peak weekday AM hours and a net reduction of II4 total driveway trips during the peak weekday PM hours to the previous development. With pass-by and internal credits, the development represents a net additional of 25 primary trips during the peak weekday AM hour and a net reduction of 104 primary trips during the peak weekday PM hour. The 25 net additional primary trips during the peak weekday AM hour results in $1.7 \%$ of the existing hourly volumes along Route 9 W . The reduction of 104 net additional primary trips during the peak weekday PM hour results in $6.9 \%$ of the existing hourly volumes along Route 9 W .

## Comment No. 4

The garbage enclosure orientation may limit the ability for a front lift truck to access the dumpsters. A truck circulation plan should be prepared in future submissions.

## Response No. 4

SP-I 5 Truck Access Plan has been added to the drawing set to illustrate garbage truck turning maneuvers. The garbage enclosure locations have been modified to improve accessibility.

## Comment No. 5

Sidewalk is provided on the southern corners of the Route 9W/Cortland Drive intersection and along the south side of Cortland Drive leading into Orchard Hills. A signalized pedestrian crossing is provided across Route 9W, although the button on the SW corner looks inaccessible for wheelchairs. Sidewalks to and from the site should be discussed with the board.

## Response No. 5

An accessible sidewalk has been added along the frontage of the site connecting to the Cortland Drive/Route 9 W intersection. In addition, a sidewalk has been added in the rear of the site at the Cortland Drive intersection to connect the existing Cortland Drive sidewalk to the site. This will give pedestrian access to the site for the residents who live adjacent to the retail development.

## Comment No. 6

The plans should be circulated to the respective agencies to confirm whether the original comments and approvals are still applicable.

## Response No. 6

Comment noted.

We trust that the above satisfies the comment to Town staff and look forward to continuing the review with the Planning Board at the next available meeting. If you have any questions or require additional information, please do not hesitate to contact our office at (914) 273-5225.

Sincerely,

cc: Mr. Patrick J. Hines, w/enc.
Michael H Donnelly, Esq., w/enc.
Mr. Ken Wersted, w/enc.
Mr. Stephen H. Zagoren, w/enc.
Stanley A. Schutzman, Esq.
Mr. Jay Diesing, RA, AIA, w/enc.
F:12016\/6055VtComment Response 07-10-2017.docx

## SITE PLAN APPROVAL DRAWINGS

## CORTLAND COMMONS

Applicant: 2317 MONTAUK HIGHWAY
(631) 537-1068

Attorney:
STANLEY A. SCHUTZMAN ESQ 61 S. MAIN STREET, SUITE
NEW CITY, NV 10956
 Site Planner, Civil \& Traffic Enginee I RMONK, $\rightarrow$ Y 10504

Architect:
${ }^{303 \text { MIL LTREET }}$ POUGHKEPSIE, NY 12601

TAX MAP SECTION 09 | BLOCK 01 | LOT 60 ORANGE COUNTY
5452 ROUTE 9W
TOWN OF NEWBURGH, NY 12550


$\frac{\text { ZONING MAP }}{\text { SCALE NT.S. }}$



| ABLE OF LAND USE |  |  |  |  |
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JMC Drawing List:

$\begin{array}{ll}\text { Sp-2 } & \text { EXISTTNG CON } \\ \text { SPR } \\ \text { SP. } \\ \text { LATOUT PLAN }\end{array}$
$\begin{array}{ll}\text { SP-4 } & \text { GRADING PLAN } \\ \text { SP- } & \text { UTILITIES PLAN }\end{array}$

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MAURI ARCHITECTS Drawing List:

















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