



Hudson Valley Office

21 Fox St., Poughkeepsie, NY 12601
P: (845) 454-3980 F: (845) 454-4026
www.chazencompanies.com

Capital District Office (518) 273-0055
North Country Office (518) 812-0513

April 10, 2012

Mr. John Ewasutyn, Chairman
Town of Newburgh Planning Board
Town of Newburgh Town Hall
308 Gardnertown Road
Newburgh, New York 12550

*Re Mid Hudson Marina – Proposed Townhouse & Marina Concept Plan
Town of Newburgh Project Number 10-19
TCC Project #80920.00*

Dear Chairman Ewasutyn:

We are providing this submission in response to the presentation made during the February meeting. The purpose of the presentation was to provide an overview of the changes to the project, in connection with a formal request to the Town Board for zoning considerations and an open development area. The Town Board has asked the PB for a recommendation of the zoning and open development area.

This project site has been considered by the PB previously. The PB approved a plan set in the 1996/1997 time frame and again with a modified plan in the 2006 time frame. During the previous approvals, the PB performed the duties as the lead agency for SEQRA, the site plan and subdivision of the project site. Each of the projects concluded with finding statements and/or resolutions, with mitigation measures.

As mentioned during the February PB presentation, our Client is proposing a 20-residential housing unit and marina with approximately 24 boat slips. The conceptual plan eliminates several of the variances that would have been needed from earlier conceptual designs. During the PB presentation we introduced a SEQRA comparison that has been prepared for both the PB and Town Board use. The intent of the SEQRA comparison is to allow the various boards to review the SEQRA impacts, when compared to previously approved project plans.

Comment 1: The PB has requested two (2) hard copies and nine (9) electronic copies of the 2 earlier project documents.

Response 1: We are including the following documents at this time;

- 1996 DEIS Prepared For Anchorage at Hudson
- 1997 FEIS Volume 1 Prepared For Anchorage at Hudson
- 1997 FEIS Volume 2 Prepared For Anchorage at Hudson
- 1997 FEIS Follow up Prepared For Anchorage at Hudson
- 1997 Planning Board Finding Statement
- 1998 NYSDEC Finding Statement
- 2006 SEQRA Comparison Prepared for Anchorage at Balmville (20 Condos & 116 Boat Slips)
- **
- 2011 SEQRA Comparison Prepared for Anchorage at Balmville (20 Town Homes & 24 Boat Slips) – (9 Hard Copies Total)
- 2011 Zoning Modifications & Open Development Area Request
- 2011 Town Board Referral to Planning Board

** We have been unable to locate the Finding Statement/Resolution from the 2006 plan changes. We currently have a FOIL request with the Town. When the information has been provided, we will pass the document(s) along to the PB.

Comment 2: PB would like a narrative letter identifying the proposed changes to the Conceptual Plan.

Response 2: Please see the attached narrative describing the changes to the conceptual plan. This can be found in Appendix A.

Comment 3: The Building Department has requested that the Fire Code be reviewed for confirmation of a setback distance from neighboring oil tanks.

Response 3: After an extensive review of the Fire Code and communications with the New York State Department of State (NYS DOS), Fire Protection Engineer, Dan Nichols, P.E. The summary of our investigation concludes that the tanks are subject to the regulations at time of construction, as interpreted by the NYSDOS Fire Protection Engineer. See attached correspondence (Appendix B). It appears that the tanks were constructed prior to 1956, the first year of NFPA code for above ground storage tanks. Therefore, reaching a conclusion that there is no required separation distance that can be determined, can be argued. Having said that, we have taken the effort to provide an analysis of the 1957 NFPA Fire Code and 2008 NFPA Fire Code.

If one was to apply the 1957 code (first set of requirements of a tank location) or the current (2008) Fire Code, the code is referencing property line separation, same parcel right of way separation, and same parcel “nearest important building” separation. Therefore, separation distances apply to the parcel on which the tank(s) are situated.

However, for health and safety considerations, we further analyzed the separation distance requirements. Although the various years of code included in this investigation generally refer to the same parcel requirements, we have tried to extrapolate separation distances to the proposed housing and marina project.

For this exercise, we reviewed the 1957 code (issued in 1956) for a better understanding of sitting requirements of that time period. Note that some assumptions that were used throughout this exercise are being confirmed with the Building Department, through a FOIL request. The following parameters relate to the code interpretations: Each tank is up to 1,000,000 gallons in volume. The tanks contain either #2 heating fuel or diesel fuel (a refined product). The diameter of each tank is 150 feet. The height of each tank is 70 feet or less. The roof system of each tank appears fixed, or non-floating. Each tank has several emergency relief venting locations to limit pressure to 2.5 psi. The site is considered to have protection from exposures. Specifically, the protection of exposure definition includes "(1) a public fire department".

The NFPA first issued a set of regulations for above ground storage tanks in 1956, dated 1957. The 1957 code provided separation distances for property lines only. There is no reference to the "Nearest Important Building" language. In reviewing the 1957 Fire Code, we reference Table 2. Table 2 required a distance of 1-1/2 times the diameter or height of the tank.

We have also reviewed the current code (2008) for a better understanding of oil tank sitting requirements. Table 22.4.1.1(a) directs us to use the value found in table 22.4.1.1(b). Table 22.1.1.1(b) establishes that the tank should be 100 feet from the property line and 35 feet from both a public ROW and Nearest Important Building on the Same Property.

The proposed residential building, shown on the Conceptual Plan, is at an approximate separation distance of 166 feet, from the closest oil tank. Although the code does not define the required distance of important structures on neighboring properties, the proposed residential units do meet the minimum separation distance (35 feet) as stated for structures on the same property. The proposed marina and residential structures also have a separation distance of more than 100 feet.

The Conceptual Plan now shows the 35 feet separation distance of Nearest Important Building and/or ROW and the 100 feet separation distance from a property line.

Comment 4: PB would like clarification of the "improved" boat launch.

Response 4: The existing boat launch would be improved to continue maintaining the existing parameters of the launch. The existing concrete, etc. may need to be repaired, as some degradation has occurred. The intention of the boat launch is for emergency use. The marina

is not intending to launch public or motorized patron's vessels. The launch would accommodate sea kayake or other, small, non motorized boats.

Comment 5: The emergency drive connecting to the completed subdivision, currently 12 feet width, will need to be widened to 20 ft. The emergency access road can be designed with a gravel surface.

Response 6: The Conceptual Plan has been updated to provide a 20 feet wide emergency access road.

We ask that the Planning Board consider the included comments and responses above, when considering a recommendation to the Town Board. We value the Board's continued input and participation in this project and ask to be placed on the next available agenda for discussion with the Planning Board. We look forward to furthering this project towards a recommendation and eventual approval.

Should you have any questions, feel free to contact me at 845/486-1569. We look forward to presenting the new plan at the next available Planning Board meeting.

Sincerely,



George Cronk, P.E.
Project Manager

cc: Mid Hudson Marina, LLC

APPENDIX 'A'

Conceptual Plan Revisions Summary

The revised conceptual plan has been prepared to accommodate the needs of the applicant, as well as meet the Town Code requirements. Included below is a list of changes to the Conceptual Plan. This comparison is being provided at the request of the Planning Board (PB) and is comparing the current proposed site to the 2006 plan set. This comparison is not a formal SEQRA comparison, which has been provided to the Town Board and Planning Board.

1. Residential structures modified footprint to comply with "Town House style". As of Right Plan uses condominium style homes. Without making this change, this would require a variance.
2. Marina boat slips and dock system reduced from 104 to 24 slips. Marina is intended to serve a smaller base of users.
3. Additional parking area (for larger marina) was removed. Parking area was in location of Subsurface Sewage Disposal System. Due to less marina slips, parking has been reduced.
4. Existing boat launch to remain, allowing emergency access.
5. Gate house at entrance removed. Due to the proposed smaller marina, a gate house is not as necessary.
6. Pool area and ancillary building relocated to center of housing area. This was relocated to allow pool area to be focal point of residential community.
7. Water treatment system rearranged to accommodate site layouts.
8. Loop driveway realigned to reduce impact to existing elevation change near oil tank parcel. The driveway alignment change provides the natural screening of tanks to remain.
9. Existing emergency road widened from 8 ft to 20 feet, allowing better emergency access to single family homes. This accommodates the fire district needs.
10. Nature trail along emergency access road incorporated with widened road. Due to the widened road, a park style area was expanded.
11. Marina building and marina fire pump house relocated to better accommodate site layout. The reduced marina boat slip and dock configuration has allowed the building & fire pump to be relocated. The relocated position of the marina building is close in proximity to the existing building.
12. Added both oil tank locations and 35 feet offset distance.

APPENDIX ' B '

George Cronk

From: Jeff Econom
Sent: Wednesday, April 04, 2012 10:19 AM
To: George Cronk
Subject: FW: Required fire separation from Oil Tank

George,

Per our discussion, here is the email from Dan Nichols.

Jeff

Jeffrey A. Econom, P.E., CPESC, CPSWQ, CMS4S, CPCA

Director, Municipal Engineering

The Chazen Companies

21 Fox Street Poughkeepsie


New York 12601

Phone: (845) 486-1490

Fax: (845) 454-4026

Email: jeconom@chazencompanies.com

Web: www.chazencompanies.com

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From: Nichols, Dan (DOS) [\[mailto:Dan.Nichols@dos.state.ny.us\]](mailto:Dan.Nichols@dos.state.ny.us)
Sent: Friday, March 30, 2012 3:14 PM
To: Jeff Econom
Subject: RE: Required fire separation from Oil Tank

You would need to apply for a variance if the separation distance is not appropriate.

I did not review the plans, but the separation values are when the tanks were constructed, not what happens after their installation.

Dan


From: Jeff Econom [<mailto:jeconom@chazencompanies.com>]
Sent: Tuesday, March 20, 2012 3:06 PM
To: Nichols, Dan (DOS)
Subject: Required fire separation from Oil Tank

Dan,

Attached please find a plan and cross-section of the existing oil tanks and our proposed project. While we understand the required separation distances, should our client be penalized for the tank locations? There is a berm between the tanks and our property and our client is willing to install a concrete wall, if necessary, to aid with reduction of the separation. We are currently 166 +/- feet from the tanks. If we need to meet the 300 foot separation distance, that would eliminate approximately 1/2 of the use of our site.


Thanks,
Jeff

Jeffrey A. Econom, P.E., CPESC, CPSWQ, CMS4S, CPCA
Director, Municipal Engineering
The Chazen Companies
21 Fox Street Poughkeepsie
New York 12601
Phone: (845) 486-1490
Fax: (845) 454-4026
Email: jeconom@chazencompanies.com
Web: www.chazencompanies.com

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