



**TOWN OF NEWBURGH  
PLANNING BOARD**

**PROJECT NAME:** MID VALLEY / STARBUCKS  
**PROJECT NO.:** 23-14  
**PROJECT LOCATION:** SECTION 75, BLOCK 1, LOT 13.1  
**REVIEW DATE:** 9 AUGUST 2023  
**MEETING DATE:** 17 AUGUST 2023  
**PROJECT REPRESENTATIVE:** BOHLER – STEVEN R WILSON/KIMBERLY HORN ENGINEERING & LANDSCAPE ARCHITECTURE

1. The applicants have provided a parking calculation for the entire Mid Valley Mall facility identifying excess parking on the site with the loss of the 60 parking spaces for the construction of the Starbucks facility and modifications to the parking lot.
2. The dumpster location has been modified on the plans to remove it from the drive through isle.
3. The applicants have identified that many Starbucks facilities do not have the “escape” area for the drive through.
4. A City of Newburgh flow acceptance letter will be required. Hydraulic loading from the building should be identified and submitted to this office for referral to the City of Newburgh for the flow acceptance letter.
5. Site development details should be provided including resurfacing of the parking areas to be disturbed and restriped.
6. The project is subject to ARB review by the Planning Board.
7. The applicants have discussed the painting of the former water tower/cellular tower on the site.
8. The applicants are requested to discuss the location of the order point menu board. It is located past the merge for the two drive isles.
9. The Bulk Table identifies a 40 foot front yard setback. Setbacks along State Highways are 60 feet and should be revised as appropriate.
10. Further review will be undertaken upon receipt of detailed designed plans.

**NEW YORK OFFICE**

33 Airport Center Drive, Suite 202, New Windsor, NY 12553  
845-567-3100 | F: 845-567-3232 | mheny@mhepc.com

**PENNSYLVANIA OFFICE**

111 Wheatfield Drive, Suite 1, Milford, PA 18337  
570-296-2765 | F: 570-296-2767 | mhpepa@mhepc.com

Respectfully submitted,

**MHE Engineering, D.P.C.**

A handwritten signature in cursive script, appearing to read "Patrick J. Hines".

Patrick J. Hines  
Principal  
PJH/ltn



17 Computer Drive West  
Albany, NY 12205  
518.438.9900

70 Linden Oaks, Third Floor, Suite 15  
Rochester, NY 14625  
585.866.1000

**Via Overnight Delivery**

August 2, 2023

Town of Newburgh  
Planning Board  
21 Hudson Valley Professional Plaza  
Newburgh, NY 12550

Attention: John P. Ewasutyn, Chairman

**Re: Response to Comments Summary  
Proposed Starbucks Store  
39 North Plank Road  
Section 75, Block 1, Lot 13.1**

Dear Chairman Ewasutyn,

On behalf of our client, DLC Management Corporation, we are pleased to submit this response to comments summary to the Town of Newburgh Planning Board for the above referenced project. This summary is in response to the various comments received in the July 20, 2023 letter from MHE Engineering, D.P.C., as noted below with our responses in italics. Please find the following items in support of our application:

- A. Twelve (12) copies of Mid Valley Mall Building/Parking Summary prepared by DLC Management dated August 1, 2023
- B. Twelve (12) copies of the updated Concept Site Plan Drawing (24"x36") prepared by Bohler, with last revision date of 08/02/2023
- C. Twelve (12) copies of the Architectural Elevations (24"x26") prepared by Chadha & Associates, with last revision date of 07/31/2023

Response to various comments summary as follows:

1. The proposed project results in a significant reduction of parking existing on the site. Approximately 60 parking spaces will be lost by the Site Plan. The project site is a "Unified Site Plan" with the entire Price Chopper/ Mid Valley Mall parcel. A parking calculation for the entire site must be prepared to identify adequate parking exists.

*With the addition of the Starbucks, the total Gross Leasable Floor Area is 243,627 SF. Per Section 185-13 of the Town of Newburgh Zoning Code, Shopping Center in excess of 25,000 SF of Gross Leasable Floor Area (GLFA), parking will be provided at a ratio of 1 space per 225 SF of GLFA. This equates to 1,083 required parking spaces. The overall site, post-development, will provide 1,253 parking spaces – or 170 excess spaces. Refer to the enclosed Building/Parking Summary.*

*The 60 spaces that will be removed as part of the project is largely unused and, from an operations perspective, considered excess / unnecessary parking in present configuration of the shopping center.*

2. The project site contains numerous solar arrays on a former Fire Protection Water Tower on the site. The property owners have identified that the water tower would be painted as the tower is in need of maintenance. Status of the maintenance on the water tower should be addressed. The landowners made commitments to the Planning Board last year that the tower would be painted in 2023. Status of the painting of the tower must be addressed.

*Sequencing of the water tower painting project in 2023 was delayed by an immediate need to address structural and OSHA concerns that were identified during water-tower inspections that took place during our prep for painting. All structural and safety repairs were immediately addressed and completed in Spring/Summer 2023. DLC is committed to completing painting of the water tower in summer 2024.*

*The project cannot be completed prior to that timeline due to (1) a limited number of qualified contractors with long lead times. (2) Contractual requirements with existing cellular antenna tenants who require advance notice of 6 months to remove their equipment from the tower. DLC is currently making arrangements with its awarded vendor to get a committed timeline during Spring / Summer 2024 and will make a non-refundable deposit with vendor to lock in that timing.*

3. The queuing aisles for the drive-thru do not have an “escape” area. Subjects queuing into the drive-up window cannot leave the drive-up window area.

*Based on experience with more than 600 store throughout New York, Starbucks does not consider lack of an “escape area” as an operational concern. The drive-thru entry is located in an isolated portion of the site into the site and supplemented with ample directional signage.*

4. An accounting of impervious surfaces existing and proposed on the total project site should be identified.

*A Grading and Drainage Plan will be provided with a subsequent submission and will illustrate limits of new pavement and existing pavement to remain. Overall impervious surface area will increase slightly with the addition of landscape islands since the site currently consists entirely of impervious surface.*

5. Any signage for the site should be depicted.

*The enclosed site plan and updated elevations identify proposed signage. All signage is consistent with bulk requirements.*

6. The structure is required to have architectural review through the Planning Board.

*Comment is noted.*

7. Structure will be required to be sprinklered per the Town of Newburgh Code. Note- Town of Newburgh Code is more stringent than NYS Fire/Building Code.

*Comment is noted.*

8. The parking calculation for the site should be provided for the site based on the number of seats.

*The enclosed site plan includes a parking calculation based on seat count. Refer to the response to Comment 1 for further information.*

9. The Code Enforcement Department should address the fast food with drive-up window in the B Zoning District.

*Per comments from the Planning Board at the July 20<sup>th</sup>, 2023 meeting, it is understood that the Code Enforcement Department has confirmed the project is an allowed use.*

10. The plans should address the condition of the existing parking lot and modification to the striping. Is the parking lot proposed to be overlaid with new asphalt pavement throughout?

*This is being reviewed and will be addressed as part of a subsequent submission that will include an engineered design and further delineation on specific areas of the site that will be impacted by development activity.*

11. A Grading Plan should be provided with future plans to evaluate the location of the structure with regard to the grades down to NYS Route 32.

*This is being reviewed and will be addressed as part of a subsequent submission.*

12. If any trees are proposed to be cleared compliance with the Town's Tree Preservation Ordinance must be documented.

*No tree clearing is proposed.*

13. If, the total disturbance exceeds greater than one acre a Stormwater Pollution Prevention Plan will be required.

*Site disturbance will be less than one acre.*

14. Future submissions should address lighting and landscaping.

*This is being reviewed and will be addressed as part of a subsequent submission.*

15. A City of Newburgh Flow Acceptance Letter will be required.

*This is being reviewed and will be addressed as part of a subsequent submission.*

16. Project is located adjacent to NYS Route 32. NYSDOT review of the project and County Planning review of the project will be required.

*This is being reviewed and will be addressed as part of a subsequent submission. Applicant will obtain NYSDOT review, but notes that given the project's integration into a larger shopping center that already commands high volumes of vehicular access, the incremental traffic generation of one new 2,600 sq. ft. unit is not anticipated to materially impact NYS Route 32.*

**Letter from Creighton Manning, LLP, dated July 16<sup>th</sup>, 2023:**

1. This area of the mall will lose parking. What is the net loss and does it affect the parking compliance of the overall site plan? Are the spaces to be lost presently used? i.e., what is the present parking space occupancy, what is the surplus, and how does that compare to the future parking supply and demand?

*Refer to the response to Comment 1 above.*

2. The proposal plans to remove the three handicap spaces near Mid Valley Wine & Liquor and relocate them to the western corner of the building and build an accessible ramp. Is this necessary? There are already three spaces on that side of the building.

*This is being reviewed and will be addressed as part of a subsequent submission. The existing three (3) handicap spaces are anticipated to require re-grading that would make spaces non-ADA compliant. Applicant intends to relocate the 3 spaces to an area that meets ADA slope standards. Applicant will attempt to keep ADA spaces in its current location if field conditions allow.*

3. Describe how and where deliveries would occur.

*This is being reviewed and will be addressed as part of a subsequent submission.*

4. Garbage truck access looks reasonable; however, aesthetics should be considered since the dumpsters are located in front of the building.

*This is being reviewed and will be addressed as part of a subsequent submission. Design will include a dumpster enclosure to shield dumpsters from public view.*

5. The plan proposes two queue lanes that merge into one just before the menu board. We've seen dual lanes for ordering that merge for payment and food pick-up. Are the two lanes simply to add storage capacity?

*The two lanes are designed to provide additional storage capacity. A significant portion of Starbucks drive thru business is mobile to go ordering. Additional ordering capacity is not needed since a large portion of customers are entering the drive thru after already submitting their order.*

6. In relation to the KFC operations, how long does their drive-thru queue extend? Would it impact Starbucks drive-thru egress?

*This is being reviewed and will be addressed as part of a subsequent submission.*

7. The board should discuss the need for sidewalks in the area. McDonalds and Ready Coffee added sidewalks to Route 32 during their redevelopment projects.

*There is a substantial difference in elevation between Route 32 and the site. Installation of sidewalks would not be practicable.*

8. A traffic study should be performed to confirm the adequacy of the mall's driveways, specifically the two on Route 32. The eastern most driveway (adjacent to this proposal) is limited to right in/right out through signage; no driveway channelizing is provided. Compliance with these signs should be discussed and whether channelization is necessary.

*This is being reviewed and will be addressed as part of a subsequent submission. However, it should be noted that given the project's integration into a larger shopping center that already commands high volumes of vehicular access, the incremental traffic generation of one new 2,600 sq. ft. unit is not anticipated to materially impact existing shopping plaza driveways.*

Should you have any questions or any additional needs please do not hesitate to contact us at (518) 461-8345 or at [steven.wilson@bohlereng.com](mailto:steven.wilson@bohlereng.com).

Sincerely,

**BOHLER**



Steven R. Wilson, LEED AP  
Project Manager

**Mid Valley Mall  
Building/Parking Summary  
August 1, 2023  
Prepared by DLC Management Corp.**

<b>Tenant</b>	<b>Square Footage</b>	<b>Description</b>
Market 32	73,863	Grocer, Anchor
Mid Valley Wine & Liquor	15,116	Liquor Store
Capri School of Beauty	6,484	Beauty School Training Facility
Kimmy Glamour Nail Spa	1,700	Nail Salon
Raji's Threading & Waxing Studio	1,000	Threading, Waxing, Facials
Fantastic Cuts	1,650	Hair and Tanning Salon
DSI Newburgh Dialysis	8,742	Dialysis Center
Middletown Medical	4,500	Medical Center
New York Eyewear	1,360	Eye Health and Fashion
Planet Pizza	2,470	Sit in Restaurant/Pizzeria
Great Wall Chinese Restaurant	1,750	Sit in Restaurant
Sushi Village	2,000	Sit in Restaurant
Blend Smoothie & Salad Bar	840	Takeout Restaurant
Downtown Bagels	1,828	Takeout Restaurant
KFC	2,250	QSR Takeout Restaurant
Dollar Tree	10,000	Discount Store
Citi Trends	16,500	Specialty Apparel & Accessories
Rent-A-Center	3,600	Furniture and Home Furnishings
Mid-Valley Laundromat	2,040	Laundromat
Exclusive Dry Cleaners	1,500	Dry Cleaner
Planet Fitness	22,000	Fitness Center/Gym
Wells Fargo	2,300	Bank Services and Information
Firestone	6,800	Automotive Services
Verizon Wireless	1,000	Wireless Network Operator
Yonkers Contracting	2,440	Construction and Infrastructure
Yonkers Contracting	2,000	Construction and Infrastructure
Vacant	3,057	
Vacant	2,000	
Vacant	7,581	
Vacant	25,000	
Vacant	6,000	
Vacant	1,656	
Starbucks	2,600	
<b>Total</b>	<b>243,627</b>	

**Parking Requirements:**

Per Section 185-13 of the Town of Newburgh Zoning Code, Shopping Center in excess of 25,000 SF of Gross Leasable Floor Area (GLFA), parking will be provided at a ratio of 1 space per 225 SF of GLFA.

243,627 GLFA/225 = 1,083 Parking Spaces Required

Total Parking Spaces Provided = 1,253





**N.Y.S. ROUTE 32 (NORTH PLANK ROAD)**

**SITE INFORMATION**

- APPLICANT:  
DLC MANAGEMENT CORP.  
565 TAXTER ROAD #400  
ELMSFORD, NY 10523
- OWNER:  
MID-VALLEY IMPROVEMENTS  
33 NORTH PLANK ROAD SUITE 31  
NEWBURGH, NY
- PARCEL:  
75-1-11  
39 NORTH PLANK ROAD  
TOWN OF NEWBURGH  
ORANGE COUNTY, NY

ZONING ANALYSIS TABLE			
ZONING DISTRICT	B. BUSINESS DISTRICT	N/A - NOT APPLICABLE	
OVERLAY DISTRICT	NOT SPECIFIED	NS - NOT SPECIFIED	
REQUIRED PERMIT	DEFINED AS SHOPPING CENTER SITE PLAN REVIEW	(V) - VARIANCE REQUESTED	
ZONE CRITERIA	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	15,000 SF	±28.03	UNCHANGED
MIN. LOT WIDTH	100 FT	±1,550 FT	UNCHANGED
MAX. BLDG COVERAGE	60%	±20%	±21%
MIN. FRONT SETBACK	40 FT	61 FT	64.1 FT
MIN. SIDE SETBACK	15 FT	55.7 FT	102.5 FT
MIN. REAR SETBACK	30 FT	588 FT	542.5 FT
MAX. BUILDING HEIGHT	35 FT	35	19 FT
MAX. IMPER. COVERAGE	85%	±85%	±85%
PARKING SPACES	14 SPACES	117	57
ACCESS. PARKING SPACES	1	3	2
PARKING STALL CRITERIA STANDARD: 9 FT x 18 FT	USE/CATEGORY: EATING AND DRINKING PLACES REQUIRED PARKING: 1 STALL PER 4 SEATS, OR PER 40 SQUARE FEET OF SEATING AREA OR AS REQUIRED BY THE PLANNING BOARD CALCULATION: .55 SEATS/4 SEATS = 14 PARKING STALLS		

SHOPPING CENTER PARKING ANALYSIS TABLE			
PARKING SPACES	REQUIRED	EXISTING	PROPOSED
PARKING STALL CRITERIA STANDARD: 9 FT x 18 FT	1,083	1,313	1,253
USE/CATEGORY: SHOPPING CENTER REQUIRED PARKING: 1 STALL PER 225 SF OF GROSS LEASABLE FLOOR AREA CALCULATION: 243,627 SF / 225 = 1,083 PARKING STALLS			

SIGNAGE TABLE		
	ALLOWED	PROPOSED
BUILDING FACADE (SIDE OF BUILDING)	1 S.F. PER 1 L.F. OF BUILDING FACADE 48.0 L.F. * 1 = 48.0 S.F.	(1) STARBUCKS - 19.6 SF (1) DRIVE THRU - 4.8 SF TOTAL = 24.4 SF
BUILDING FACADE (REAR OF BUILDING)	1 S.F. PER 1 L.F. OF BUILDING FACADE 52.8 L.F. * 1 = 52.8 S.F.	(1) STARBUCKS - 19.6 SF (1) DRIVE THRU - 4.8 SF TOTAL = 24.4 SF
DIRECTIONAL SIGN - EXEMPT (MAX. 4 SF - 6 FT TALL)		

**BOHLER**  
SITE CIVIL AND CONSULTING ENGINEERING  
PROGRAM MANAGEMENT  
LANDSCAPE ARCHITECTURE  
SUSTAINABLE DESIGN  
TRANSPORTATION SERVICES

REVISIONS				
REV	DATE	COMMENT	CHECKED BY	DRAWN BY
1	07/05/2023	PRE-SUBMISSION CONFERENCE	RMC	SRW
2	08/02/2302	CME COMMENTS	SG	SW

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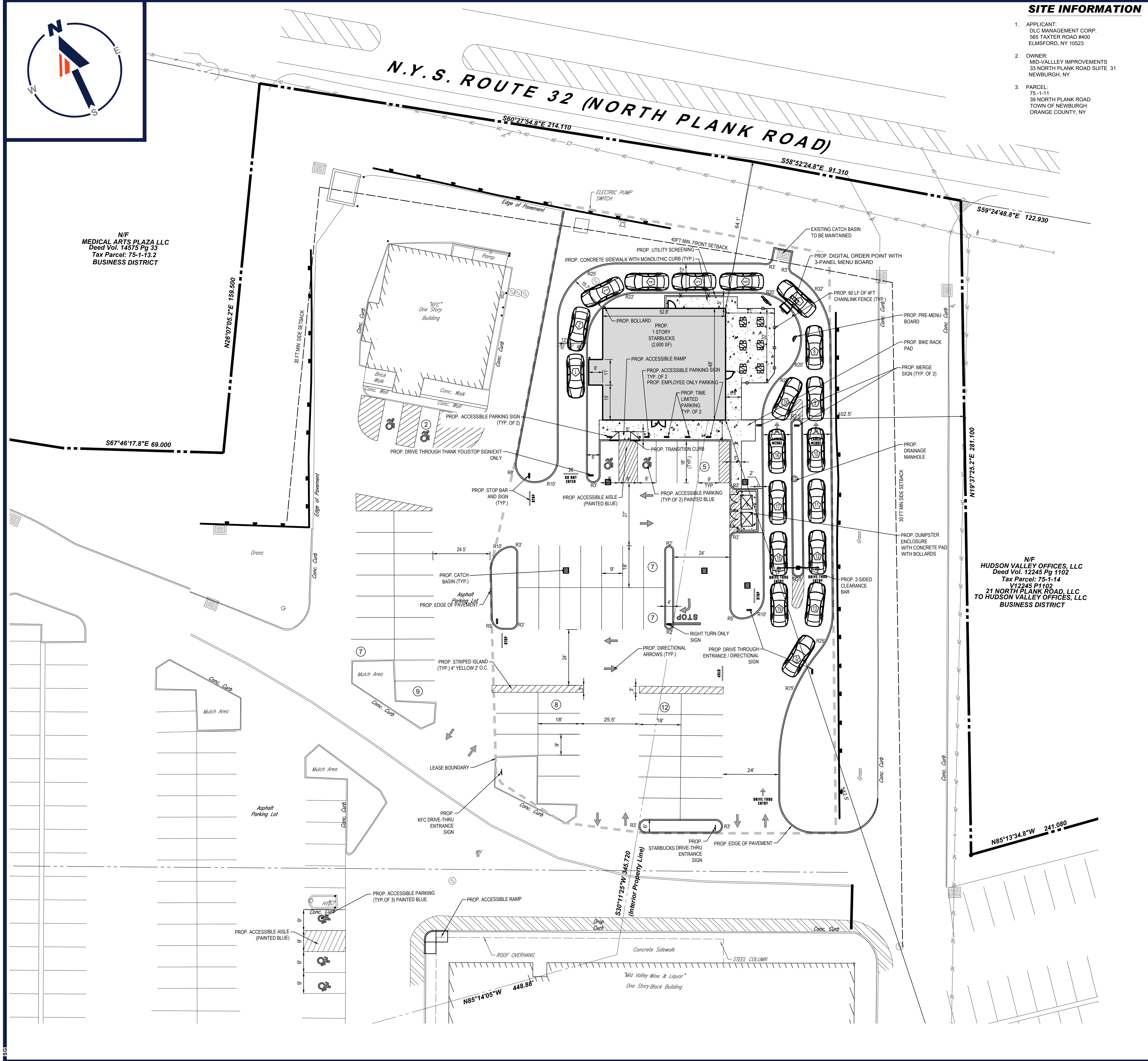
THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: NYB220043.00  
DRAWN BY: RMC  
CHECKED BY: TCF  
DATE: 8/16/2023  
CAD ID: NYB230043.00-SPPD-08

**SITE DEVELOPMENT PLANS**  
FOR  
**DLC MANAGEMENT CORP.**  
PROPOSED REDEVELOPMENT  
MAP: 75 | BLK: 1 | LOT: 11  
39 N PLANK ROAD  
NEWBURGH, ORANGE COUNTY  
NEW YORK

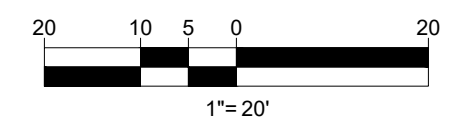
**BOHLER**  
17 COMPUTER DRIVE WEST  
ALBANY, NY 12205  
Phone: (518) 438-9900  
Fax: (508) 480-9080  
www.BohlerEngineering.com

SHEET TITLE:  
**SITE LAYOUT PLAN**  
SHEET NUMBER:  
**C-301**  
REVISION 2 - 08/02/2302



**MAINTENANCE OF A CLEAR SIGHT LINE IS THE RESPONSIBILITY OF THE PROPERTY OWNER**

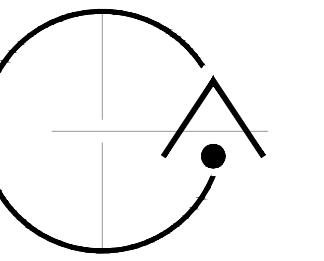
**THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL NOTES**



NY\ALB\TORT\IMA\PROJECTS\2023\NYB230043\CAD\DRAWINGS\PLAN BETS\CIVIL SITE PLANS\NYB230043.00-SPPD-08.dwg - LAYOUT: C-301 SITE

**GENERAL NOTES**

**chadha + associates**  
architecture + interiors + design



200 WEST MONROE STREET SUITE 2070 CHICAGO ILLINOIS 60606  
T 312.332.2032 | www.chadhaarchitects.com | F 312.332.9894

CONSULTANTS  
STRUCTURAL ENGINEER

MEP ENGINEERS

LANDLORD/ OWNER:

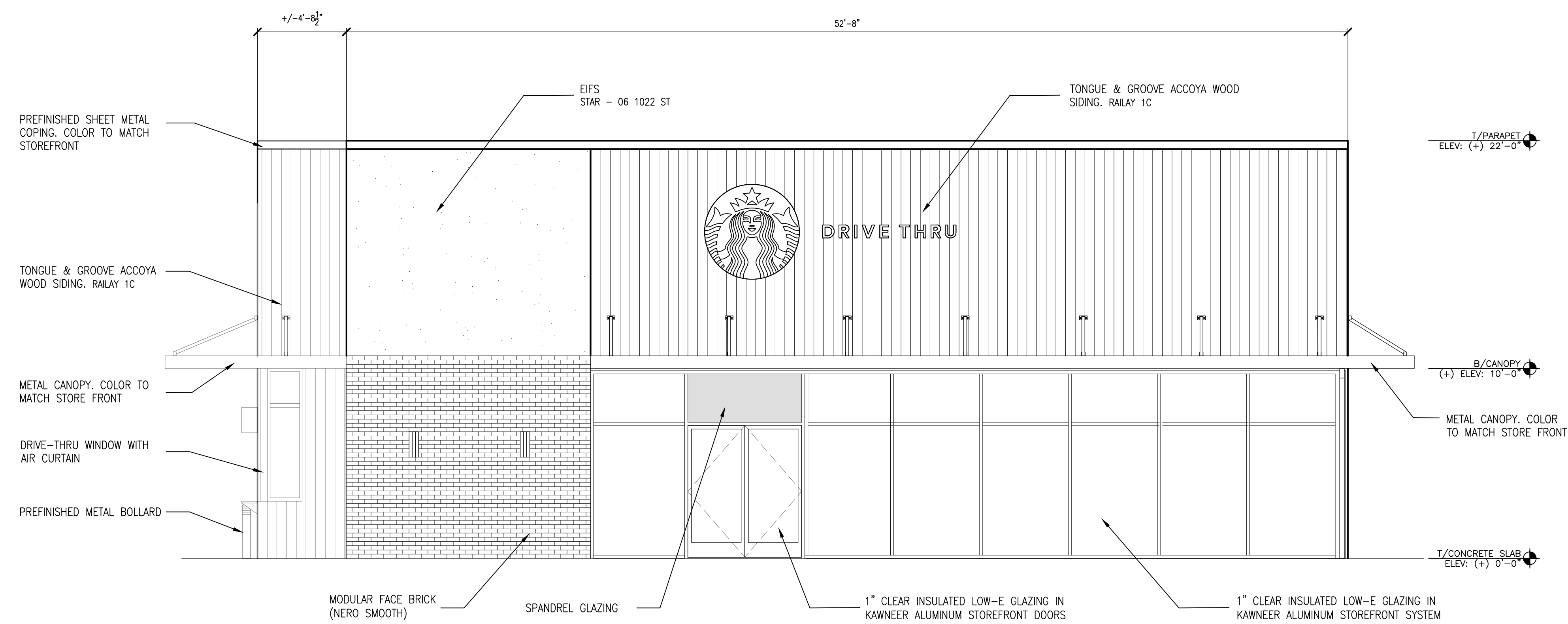


DLC MANAGEMENT CORP.  
565 TAXTER ROAD  
ELMSFORD, NY 10523  
TEL. 914-631-3131  
WWW.DLCMGMT.COM

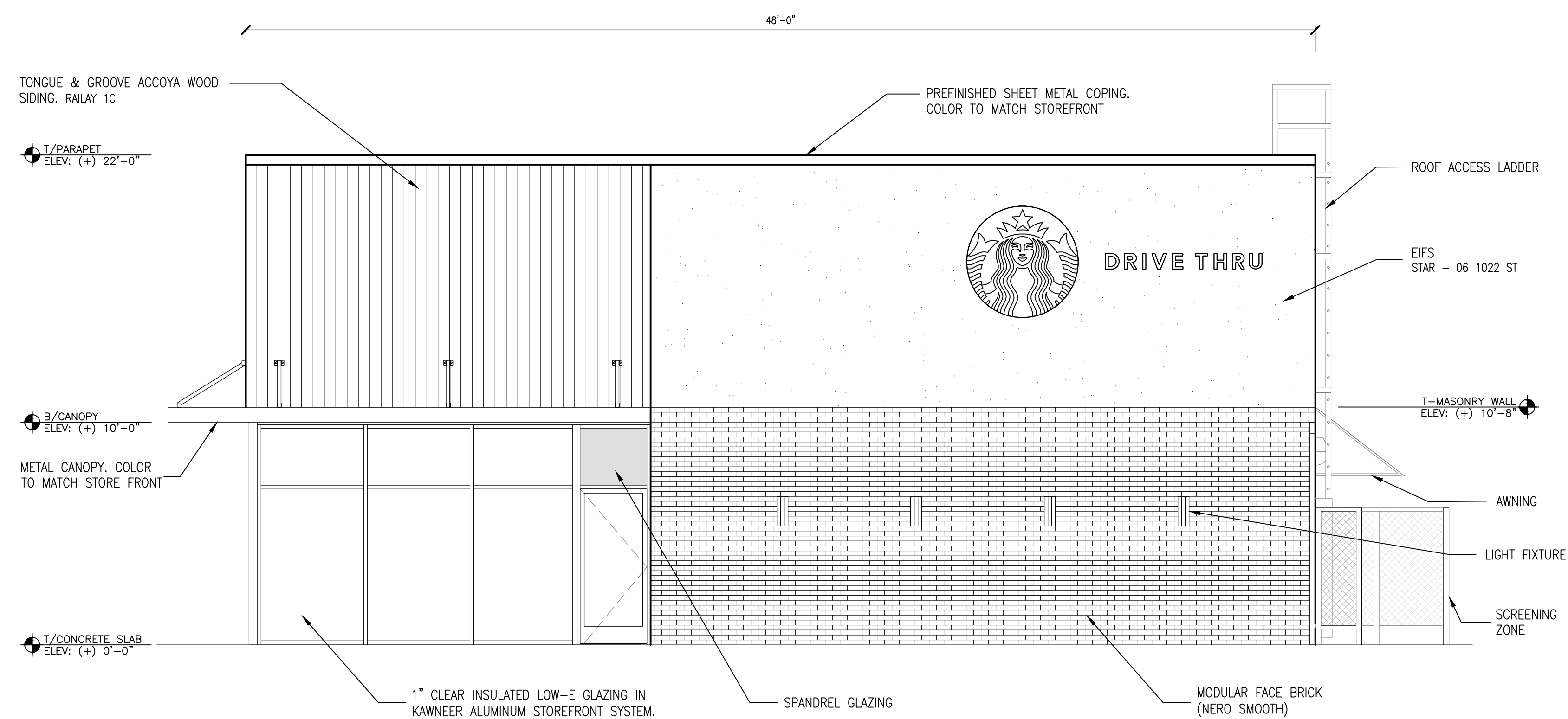
**STARBUCKS**  
LANDLORD SHELL  
MID-VALLEY MALL  
NEWBURGH

39 North Plank Road  
Newburgh, New York 12550

**KEYNOTES**



**2 PROPOSED SOUTH ELEVATION**  
SCALE: 1/4" = 1'-0"



**1 PROPOSED EAST ELEVATION**  
SCALE: 1/4" = 1'-0"

NO.	DESCRIPTION	DATE
5	REVISIONS PER TENANT	07/31/2023
5	REVISIONS PER TENANT	06/30/2023
4	REVISIONS PER TENANT	06/27/2023
3	REVISIONS PER TENANT	06/23/2023
2	REVISION TO EFIS	06/15/2023
1	REVIEW	06/09/2023

SHEET TITLE

**EXTERIOR ELEVATIONS**

SHEET NO.

**A2.1**

C+A JOB NO. 5407-39