



**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: 27 JANUARY 2023
MEETING DATE: 2 FEBRUARY 2023
PROJECT REPRESENTATIVE: ENGINEERING AND SURVEYING PROPERTIES

1. The Town of Newburgh Planning Board declared its intent for Lead Agency at the 1 December 2022 Planning Board meeting. Notice of Intent for Lead Agency was mailed to interested and involved Agencies on 6 December 2022. A *No Impact* letter has been received from the NYS Office of Parks, Recreation & Historic Preservation. Planning Board can declare itself Lead Agency for the SEQRA review of the project.
2. Environmental issues present on the site include:
 - A. Lack of existing sewer service.
 - B. Federal Wetlands.
 - C. Traffic impacts at NYS Route 300.
 - D. Soil erosion and sediment control and stormwater management.
 - E. 100 Year Flood Plains.
 - F. Tree Preservation Ordinance.
 - G. Disturbance of greater than 10 acres.
 - H. Quassaick Creek Stream crossing.
 - I. Impacts associated with potential blasting.
 - J. Potential impacts to threatened or endangered species.
3. Wetland delineation identified on the plans is dated. Wetland flags are identified as being placed on 27 July 2004. Updated wetland delineations should be provided during the environmental review.
4. Detailed review of the project will be undertaken upon receipt of detailed Design Plans. Currently plans are in a sketch phase.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in blue ink that reads 'Patrick J. Hines'.

Patrick J. Hines
Principal
PJH/kbw

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 | mhepa@mhepc.com



Montgomery Office:

71 Clinton Street
Montgomery, NY 12549

Goshen Office:

262 Greenwich Ave, Ste B
Goshen, NY 10924

(845) 457 - 7727

www.EngineeringPropertiesPC.com

January 20, 2023

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

ATTN: John Ewasutyn, Chairman

**RE: W.O. # 996.0602
PB APPLICATION 2022-25
THE ENCLAVE
NYS ROUTE 300 & GARDNERTOWN ROAD
COMMENT RESPONSE**

Dear Mr. Ewasutyn,

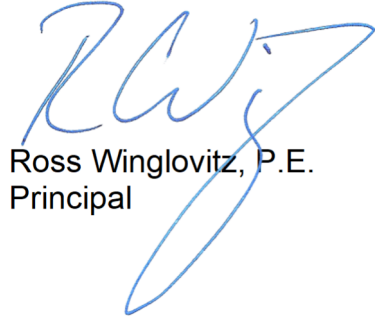
We are in receipt of the comment memo regarding the above-mentioned project dated November 11, 2022 from MH&E Consulting Engineers, D.P.C. Below is a comment-by-comment response;

1. No response required.
2. No sewer shall be installed within the NYS Route 300 right-of-way or Plattekill Turnpike easement to serve the project site. Site sewer is proposed to be pumped to the proposed "Cintas" sewer extension in NYS Route 300. Alternatives will be discussed during the SEQR process.
3. No sewer easement was identified on Town of Newburgh tax lot 34-1-49.2.
4. General Note #4 has been updated to include ownership information for Town of Newburgh tax lot 38-4-25.
5. General Note #12 indicates that this application will comply with the recently adopted Tree Preservation Ordinance.
6. A Stormwater Pollution Prevention Plan will be completed following the completion of detailed design plans.
7. In recent correspondence with the Army Corp of Engineers, our office was informed that due to workload and staffing issues jurisdictional determinations are not being completed at this time. Our office will apply for the appropriate permits for the proposed wetland disturbance at which time the Army Corp of Engineers will make any necessary jurisdictional determination.

8. A Floodplain Development Permit will be applied for the proposed bridge over Quassaick Creek. This is the same location the previous crossing was proposed.
9. A phasing plan will be included as part of a detailed design plan set.
10. Health Department approval for the water system extension will be applied for.
11. NYSDEC approval for any sewer extensions to serve the project site will be applied for.
12. Our office understands that an Outside User Agreement or creation of a sewer district will be required as part of the project.
13. A Cultural Resource Survey was completed to address the project's proximity to areas designated as archeologically sensitive. A no impact letter is attached as part of this submission.
14. As determined necessary by the NYSDEC, an analysis for a potential Incidental Take Permit from the NYSDEC will be prepared.
15. A hydraulic analysis of the Quassaick Creek at the proposed crossing will be prepared.
16. The Adjoiner's Notices were sent on December 12, 2022.
17. Additional parking spaces have been provided to accommodate guests who visit the project site. A total of 106 guest spaces are provided.
18. See General Note #11.
19. The wetland delineation will be updated, and the plans revised.
20. The 100-year floodplain limit has been updated to reflect the 2009 FEMA floodplain maps adopted by the Town of Newburgh.
21. The location of the proposed sewer line is still under consideration. See response to comment #2.
22. NYSDOT approval for the project access drive will be sought.
23. We respectfully request the Planning Board schedule to confirm lead agency status during the February 2, 2023 Planning Board meeting.

If you have any additional questions and/or comments please don't hesitate to contact this office.

Sincerely,
Engineering & Surveying Properties, PC

A handwritten signature in blue ink, appearing to read 'RW', with a large, sweeping flourish underneath.

Ross Winglovitz, P.E.
Principal

A handwritten signature in blue ink, appearing to read 'Reuben Buck', with a long, horizontal flourish extending to the right.

Reuben Buck
Project Engineer



**New York State
Parks, Recreation and
Historic Preservation**

KATHY HOCHUL
Governor

ERIK KULLESEID
Commissioner

December 14, 2022

Patrick Hines
Town Consultant
MHE Engineering, D.P.C.
33 Airport Center Drive
Suite 202
New Windsor, NY 12553

Re: DOT

The Enclave: New Apartment Construction
NYS Route 300 and Gardnertown Road, Newburgh, NY 12550
22PR08963

Dear Patrick Hines:

Thank you for requesting the comments of the Office of Parks, Recreation and Historic Preservation (OPRHP). We have reviewed the project in accordance with the New York State Historic Preservation Act of 1980 (Section 14.09 of the New York Parks, Recreation and Historic Preservation Law). These comments are those of the OPRHP and relate only to Historic/Cultural resources. They do not include potential environmental impacts to New York State Parkland that may be involved in or near your project. Such impacts must be considered as part of the environmental review of the project pursuant to the State Environmental Quality Review Act (New York Environmental Conservation Law Article 8) and its implementing regulations (6 NYCRR Part 617).

Based upon this review, it is the opinion of OPRHP that no properties, including archaeological and/or historic resources, listed in or eligible for the New York State and National Registers of Historic Places will be impacted by this project.

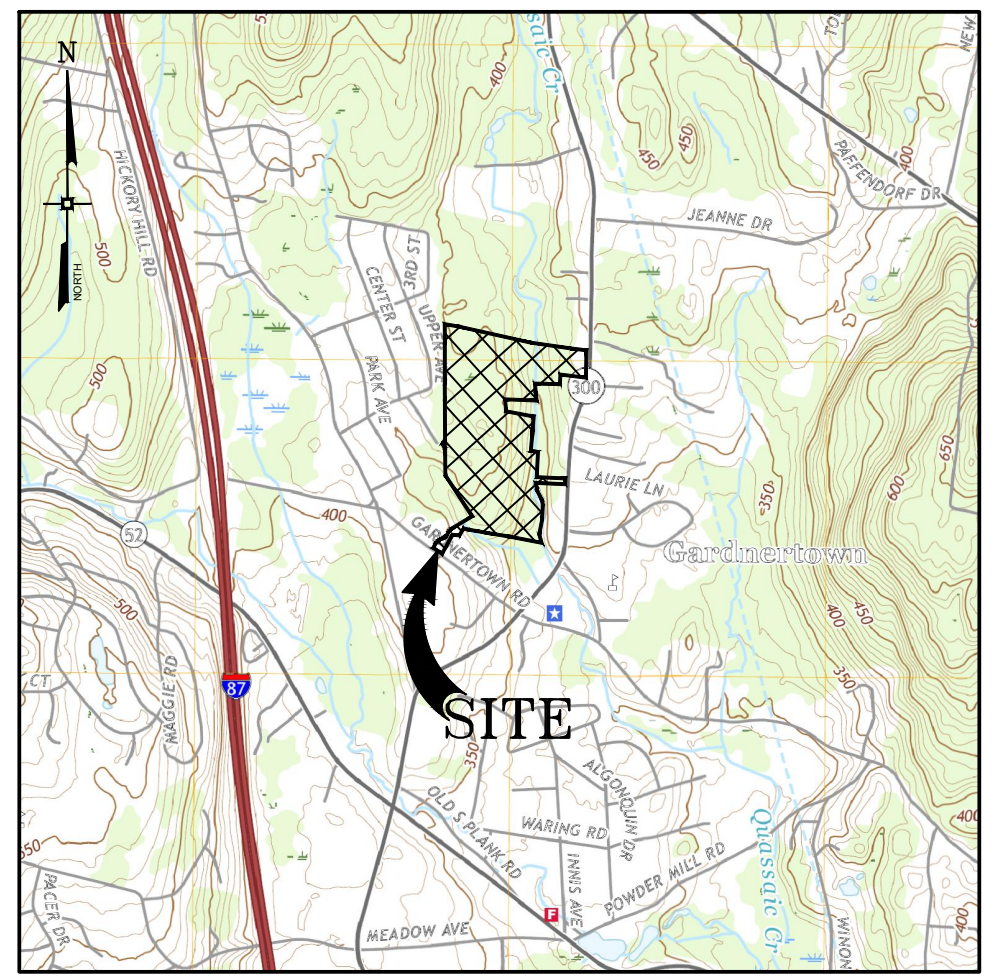
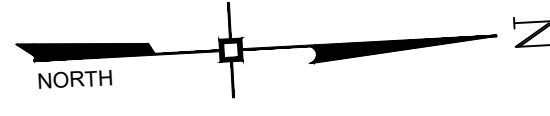
If further correspondence is required regarding this project, please be sure to refer to the OPRHP Project Review (PR) number noted above.

Sincerely,

R. Daniel Mackay

Deputy Commissioner for Historic Preservation
Division for Historic Preservation

rev: B. Russell



LOCATION MAP
SCALE: 1" = 2000'

GENERAL NOTES

- TAX MAP IDENTIFICATION NUMBER: SECTION 34 BLOCK 1 LOTS 46, 52, 12, 53, 5
- TOTAL AREA OF SUBJECT PARCEL: 47.94 ACRES.
- BOUNDARY AND PLANIMETRIC INFORMATION BASED UPON FIELD SURVEY AS PERFORMED BY LANC & TULLY ENGINEERING & SURVEYING, P.C. ON OCTOBER 4, 2004.
- OWNERS: 34-1-46 CHARLES B & KAREN ANN DRISCOLL 1565 STATE ROUTE 300 NEWBURGH, NY 12550
34-1-52-12 MID-HUDSON II HOLDING CO., INC EXCALIBUR 7, INC PO BOX 298 NEW PALTZ, NY 12561
34-1-53-5 L'AMBE, LLC 275 MAIN STREET NEW PALTZ, NY 12561
38-4-25 PFEFFER, LLC C/O SECRETARY OF TATE 16150 COASTAL HIGHWAY LEWES, DE 19958
- APPLICANT: DIVERSIFIED PROPERTIES, LLC 385 MAIN ROAD, SUITE 201 MONTVILLE, NJ 07045
- PROPOSED NUMBER OF LOTS: 1
- THE PROPOSED LOT SHALL BE SERVICED BY PUBLIC WATER AND SEWER SERVICES.
- DUE TO THE PROXIMITY OF THE PROJECT SITE TO A KNOWN INDIANA BAT HIBERNACULUM, ANY TREE CUTTING OR REMOVAL SHALL OCCUR WITHIN THE APPROPRIATE TIME OF YEAR WORK WINDOW, OCTOBER 1ST THROUGH MARCH 31ST, TO AVOID DIRECT IMPACTS TO INDIVIDUALS AND THE NEED FOR AN ARTICLE 11 TAKE PERMIT.
- WETLAND FLAGS SHOWN AS DELINEATED BY ENGINEERING PROPERTIES, PC ON JULY 27, 2004 AND FIELD LOCATED BY LANC & TULLY ENGINEERING AND SURVEYING, P.C. ON DECEMBER 22, 2004.
- APPROXIMATE SIZE AND LOCATION OF FEMA 100-YEAR FLOODPLAIN TAKEN FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) FLOOD INSURANCE RATE MAP, ORANGE COUNTY, COMMUNITY: TOWN OF NEWBURGH, NUMBER: 36071C0137E, PANEL NUMBER 137 OF 630, EFFECTIVE DATE AUGUST 3, 2009.
- A DEMOLITION PERMIT FOR REMOVAL OF ANY EXISTING STRUCTURES WILL BE REQUIRED.
- THIS APPLICATION WILL COMPLY WITH CHAPTER 172 OF THE TOWN OF NEWBURGH ZONING LAW ENTITLED "TREE PRESERVATION AND PROTECTION".

BULK REQUIREMENTS

TOWN OF NEWBURGH - ZONING DISTRICT R-3
PROPOSED USE: MULTIPLE DWELLINGS (USE §185-25)

MINIMUM BUILDING REQUIREMENTS	REQUIRED	PROPOSED
LOT AREA	4 ACRES	47.94 ACRES
LOT DEPTH	150 FEET	3,139 FEET
FRONT YARD	40 FEET	300 FEET
REAR YARD	50 FEET	100 FEET
SIDE YARD (ONE / BOTH)	25 / 50 FEET	70 / 439 FEET
MAXIMUM ALLOWABLE		
BUILDING HEIGHT	35 FEET	< 35 FT
LOT COVERAGE (BUILDINGS)	35%	< 35%
IMPERVIOUS COVERAGE	60%	< 60%

PARKING REQUIREMENTS

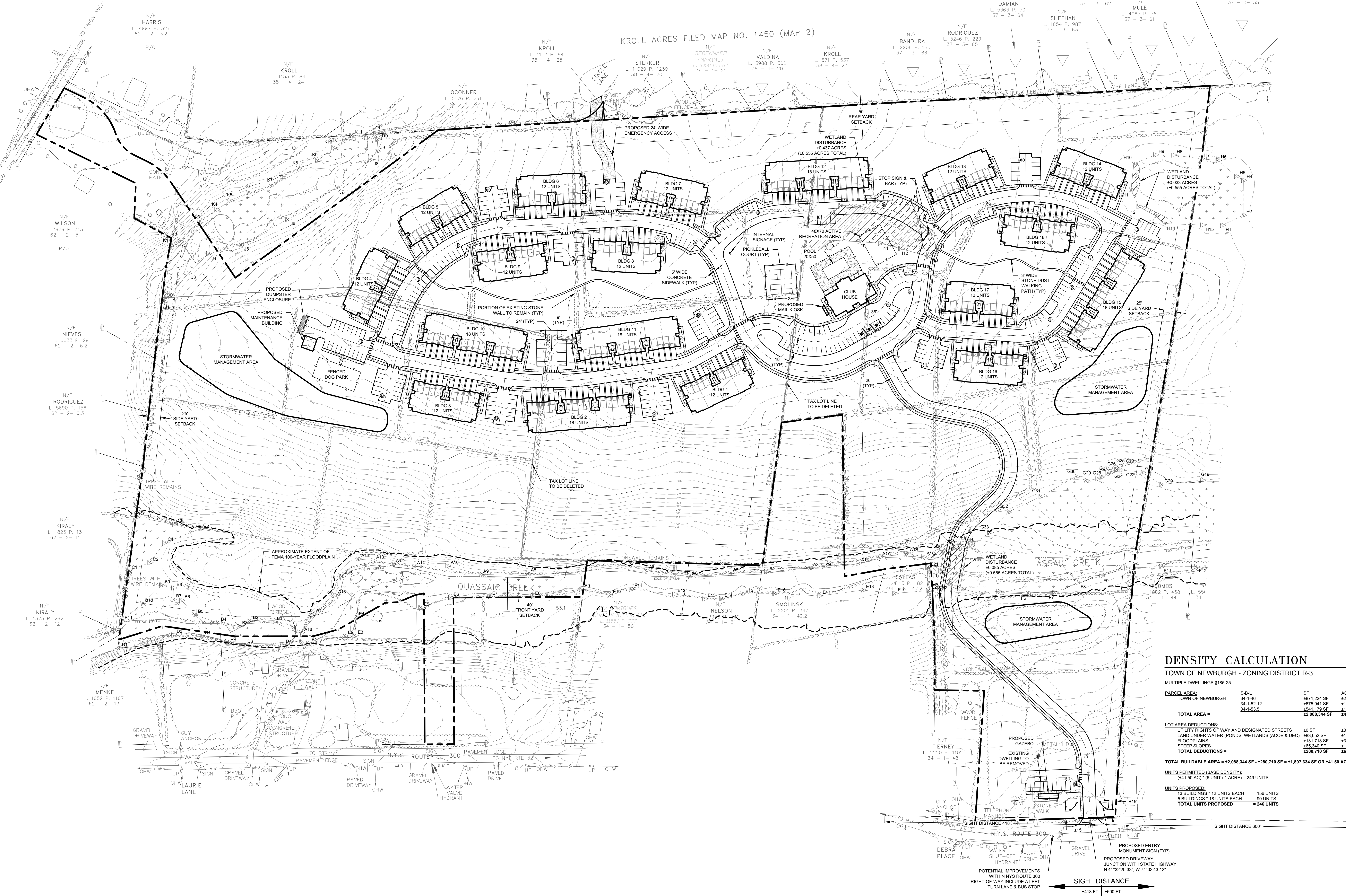
TOTAL UNIT COUNT: 246 UNITS
TOTAL SPACES REQUIRED: 2 SPACES PER UNIT X 246 UNITS = 492 SPACES

TOTAL SPACES PROVIDED:	REQUIREMENTS
SURFACE PARKING = 220 SPACES	
EV SURFACE PARKING = 11 SPACES	
DRIVEWAY PARKING = 164 SPACES	
GARAGE PARKING = 164 SPACES	
CLUBHOUSE PARKING = 39 SPACES	
TOTAL SPACES = 598 SPACES	

DENSITY CALCULATION

TOWN OF NEWBURGH - ZONING DISTRICT R-3
MULTIPLE DWELLINGS §185-25

PARCEL AREA	S-F	ACRES
TOWN OF NEWBURGH	34-1-46	220.00 AC
	34-1-52-12	115.52 AC
	34-1-53-5	112.42 AC
TOTAL AREA =	547.94 SF	547.94 AC
LOT AREA DEDUCTIONS:		
UTILITY RIGHTS OF WAY AND DESIGNATED STREETS	40 SF	0.00 AC
LAND UNDER WATER (PONDS, WETLANDS (ACOE & DEC)	853,652 SF	1.92 AC
FLOODPLAIN/ STEEP SLOPES	131,178 SF	3.02 AC
TOTAL DEDUCTIONS =	893,365 SF	11.94 AC
TOTAL BUILDABLE AREA = 547,944 SF - 893,365 SF = 1,078,634 SF OR 246 UNITS		
UNITS PERMITTED (BASE DENSITY):		
(41.50 AC) * (6 UNIT / 1 ACRE) = 249 UNITS		
UNITS PROPOSED:		
12 BUILDINGS * 12 UNITS EACH = 156 UNITS		
5 BUILDINGS * 18 UNITS EACH = 90 UNITS		
TOTAL UNITS PROPOSED = 246 UNITS		



No.	DATE	DESCRIPTION

DRAWING STATUS

ISSUE DATE:	SHEET NUMBER
01/11/23	1 OF 1
PLANNING BOARD APPROVAL	N/A OF N/A
OCDOH REALTY SUBDIVISION APPROVAL	N/A OF N/A
OCDOH WATERMAIN EXTENSION APPROVAL	N/A OF N/A
NYSDEC APPROVAL	N/A OF N/A
NYSDOT APPROVAL	N/A OF N/A
OTHER	N/A OF N/A
FOR BID	N/A OF N/A
FOR CONSTRUCTION	N/A OF N/A

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ROSS WINGLOVITZ, P.E.
NEW YORK LICENSE # 071701

1 inch = 80 ft.

ENGINEERING & SURVEYING PROPERTIES
71 CLINTON STREET
MONTGOMERY, NY 12549
Ph: (845) 457-7727
WWW.EP-PC.COM

MONTGOMERY OFFICE
71 CLINTON STREET
MONTGOMERY, NY 12549
Ph: (845) 457-7727
WWW.EP-PC.COM

SKETCH PLAN

THE ENCLAVE
300 & GARDNERTOWN ROAD
TOWN OF NEWBURGH
ORANGE COUNTY, NEW YORK

JOB #: 996.0602
DATE: 01/11/23
REVISION: 0

DRAWN BY: RMB
SCALE: 1" = 80'
TAX LOT: 38-4-25, 34-1-46, 52, 12 & 53

SK-6

TOWN OF NEWBURGH
PLANNING BOARD APPROVAL BOX
NEWBURGH PB #2022-25

NYS DOT SIGHT DISTANCE MATRIX

DESIGN SPEED LIMIT	POSTED SPEED LIMIT	LEFT TURN FROM STOP	RIGHT TURN FROM STOP	STOPPING DISTANCE	LEFT TURN FROM MAJOR ROAD
45 MPH	45 MPH	± 600 FEET	± 416 FEET	± 520 FEET	± 600 FEET