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# TOWN OF NEWBURGH PLANNING BOARD TECHNICAL REVIEW COMMENTS

PROJECT: HEALY KIA

PROJECT NO.: 19-25

PROJECT LOCATION: SECTION 95, BLOCK 1, LOT 54.2

REVIEW DATE: 9 JANUARY 2020 MEETING DATE: 16 JANUARY 2020

PROJECT REPRESENTATIVE: DAY & STOKOSA ENGINEERING P.C.

- 1. The Applicants have provided a FIRMette of the project area from the FEMA interactive website identifying the project as located in Zone X which is not considered a flood plain.
- 2. The Applicants have submitted a threatened and endangered species habitat assessment prepared by Michael Nowicki of Ecological Solutions. The report identifies that clearing date restrictions will be imposed in order to minimize any potential impacts to the threatened and endangered bat species. The other species identified are not present on the site based on the existing habitat assessments provided.
- **3.** Height of the light poles should be submitted to the FAA for a no obstruction to aviation determination.
- **4.** The project must be submitted to the Orange County Planning Department once the comments regarding Stormwater Management below have been addressed.
- **5.** The narrative submitted appears to identify that the access will be gated and fenced. The plans do not depict fencing between the existing lot and the proposed inventory parking lot.
- **6.** A detail of the proposed gravel surface and access road should be provided.
- **7.** The following comments will pertain to a Stormwater Pollution Prevention Plan dated 7 January 2020.
  - 1) The introduction section in the second paragraph identifies "construction of the proposed entrance, building expansion and associated improvements. Driveways will add impervious surface that contribute to the increase in surface water due to the
  - Regional Office 111 Wheatfield Drive Suite 1 Milford, Pennsylvania 18337 570-296-2765 •



- development of the site. It is unclear where buildings will be constructed on the site."
- 2) Existing conditions contributed drainage area soils identifies the Dutchess County Soils Map and soils which should not exist in the Town of Newburgh.
- 3) The report identifies that three bio-retention facilities will be constructed within the development. Plans depict one bio-retention area.
- 4) The culverts identify at the driveway crossing are identified 18" RCP in the model while the plans identify 24" HDPE. Further review of the Stormwater Management Plan will be undertaken once revisions are submitted.
- 5) It is requested the Applicant evaluate the submitted Stormwater Pollution Prevention Plan and update it with site specific information.

Respectfully submitted,

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

Patrick J. Hines Principal

PJH/kbw



3 Van Wyck Lane Suite 2 Wappingers Falls, New York 12590 Phone: 845-223-3202

December 24, 2019

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

Re: Town File No. 2019-25 Amended Site Plan for Healey Kia NYS Route 17K, Town of Newburgh



Dear Chairman Ewasutyn:

The following are our responses to the comment letter dated November 25, 2019 from McGoey, Hauser and Edsall.

1. The Applicant is proposing to construct an overflow parking area for the Healy Kia site on Route17K on an adjoining parcel. It appears that the parcels are in common ownership. It is unclear why a lot consolidation or a lot line change cannot be accomplished to place the overflow parking on the dealership lot in order eliminate the requirement for covenants or cross agreements.

**Response:** Per legal counsel, mortgage covenants prohibit a lot line consolidation or lot line change because one parcel has a mortgage and the other one does not.

2. The proposed overflow parking identifies a 2.2 +/- acre disturbance on the adjoining property. It is noted the project is located in the City of Newburgh Watershed for Washington Lake through Murphy's Ditch diversion, when such diversion is utilized. Stormwater Management Facilities will be required to be addressed on the site in order to provide for water quality and quantity control. The Town of Newburgh requires treatment of 110% of the water quality volume within the City of Newburgh Watershed.

**Response:** Included with this submission please find the Drainage analysis prepared by this office.

3. Site development details should be added to the plans including any piping, surface treatment, and Stormwater Management Facilities. Details for removal of the curbing between the existing asphalt parking and adjoining asphalt parking should be provided.

Response: Site development details have been added to the plans.

4. Similar arrangements for off-site parking have been evaluated by the Planning Board in the past including at the Orange County Choppers Facility and Toyota Facility. In each of those cases these sites were not in common ownership.

Response: Comment noted.

5. The EAF identifies potential impacts to threatened or endangered species which must be addressed by the Applicant through the NYS DEC.

Response: Ecological Solutions has been retained to do an endangered species study. A copy of that study has been included with this submission.

A portion of the project involves clearing of the adjoining property frontage in order to provide visibility of the dealership from Route 17K. The extent of this clearing activity should be detailed on the plans and potential impacts to the stream should be addressed on the plans.

Response: In discussion with the Planning Board at the December 5, 2019 meeting, it has been decided the clearing shall be limited to cutting down the trees, grinding down the stumps and seeding and mulching the area to minimize the potential impacts.

7. Previously the Planning Board restricted access by the public to the overflow parking areas which were not constructed of conventional asphalt pavement. Appropriate signage and gates should be provided should the Board wish to consider the off-site use.

**Response:** A continuous chain link fence with an entrance gate and appropriate signage has been provided to restrict access to the inventory only parking lot.

8. The metes and bounds of any potential lease area between the adjoining properties should be identified.

Response: There are no proposed lease areas between the adjoining properties.



The properties are owned by the same entity.

Notes should be added to the plans identifying what the sites will operate as a unified site plan and tying the approvals to the current property use of the Kia dealership. Any change in the use of any property should eliminate the adjoining parking spaces without further approvals or action by the Town.

**Response:** A note stating "The approved sites shall operate as a unified site plan and so tying the approvals to the current property use of the Kia dealership. Any change in the use of either property will eliminate the adjoining parking spaces without further approvals or action by the Town." has been added to sheet SP.1.

Per the Planning Boards request at the meeting December 5. 2019, we investigated whether or not the site is located in the 100 year floodplain. Based on our review of the FEMA maps it does not appear to be in the floodplain. Please see the attached FEMA map.

Please review the provided materials at your earliest convenience. If you have any questions or require any additional information please contact this office.

Very truly yours,

Int Ocal

Anita Odell

Cc: file



# Threatened and Endangered Species Habitat Suitability Assessment Report

Healey Kia - Newburgh 114 Route 17K Town of Newburgh Orange County, New York

December 10, 2019

Prepared by:

Michael Nowicki Ecological Solutions, LLC 1248 Southford Road Southbury, CT 06488 (203) 910-4716

#### 1.0 INTRODUCTION

Ecological Solutions, LLC completed a threatened and endangered species habitat assessment on the rear section of the Healey Kia - Newburgh site (Tax Identification Number 95-1-54.2) totaling about 2 acres located at 114 Route 17K in the Town of Newburgh, Orange County, New York (*Figure 1*). The site contains the Healey Kia dealership and associated infrastructure including paved parking area. The area of the proposed project is directly behind the existing parking area.

The New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Mapper indicates that there is a Class "A" watercourse on the eastern boundary of the site and that there are potential State listed threatened/endangered species located at Stewart Airport (Attachment 1). It is known that there are several species of threatened/endangered grassland bird associated with Stewart Airport in the vicinity of the site. These species cannot utilize the habitat on the site. A review of the US Fish and Wildlife Service (USFWS) list of threatened and endangered species indicates that there is potential for the Indiana bat (Myotis sodalis), northern long-eared bat (Myotis septentrionalis), small whorled pogonia (Isotria medeoloides), and upland sandpiper (Bartramia longicauda) to be located on the site (Attachment 2).

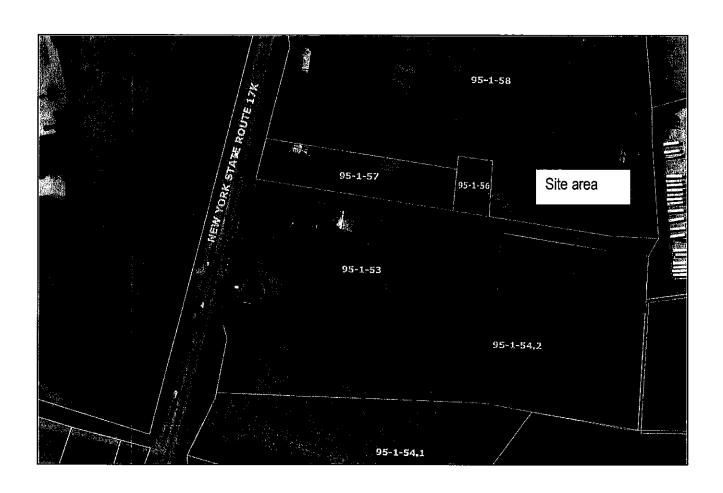
The purpose of the assessment was to determine if potential habitat exists on the site. A field assessment was conducted on December 10, 2019 and habitat on the site was observed and is listed in Table 1.

TABLE 1
COVER TYPES IDENTIFIED ON THE SITE

|     |  | 1. 1 | <u>Ha</u> | BITAT COVER TYPES |     |  |  |
|-----|--|------|-----------|-------------------|-----|--|--|
| NO. |  |      |           |                   |     |  |  |
| 1   |  |      |           | Mixed Upland Fore | est |  |  |

1. Mixed Upland Forest – The area is generally mixed upland forest with eastern red cedar, ash, black cherry, poplar, and some maples and oaks in the 4-6 inch dbh range.

Figure 1 Location Map



#### 2.0 HABITAT SUITABILITY ASSESSMENT/CONCLUSION

#### 2.1 Small whorled pogonia

The small whorled pogonia is a member of the orchid family. It usually has a single grayish-green stem that grows about 10 inches tall when in flower and about 14 inches when bearing fruit. The plant is named for the whorl of five or six leaves near the top of the stem and beneath the flower. The leaves are grayish-green, somewhat oblong and 1 to 3.5 inches long. The single or paired greenish-yellow flowers are about 0.5 to 1 inch long and appear in May or June. The fruit, an upright ellipsoid capsule, appears later in the year. This orchid grows in older hardwood stands of beech, birch, maple, oak, and hickory that have an open understory. Sometimes it grows in stands of softwoods such as hemlock. It prefers acidic soils with a thick layer of dead leaves, often on slopes near small streams.

**Conclusion** - There is no potential habitat for this species since the forest is young woods with a thick dense understory.

#### 2.2 Indiana bats

The Indiana bat typically hibernates in caves/mines in the winter and roosts under bark or in tree crevices in the spring, summer, and fall. Suitable potential summer roosting habitat is characterized by trees (dead, dying, or alive) or snags with exfoliating or defoliating bark, or containing cracks or crevices that could potentially be used by Indiana bats as a roost. The minimum diameter of roost trees observed to date is 2.5 inches for males and 4.3 inches for females. However, maternity colonies generally use trees greater than or equal to 9 inches dbh. Overall, roost tree structure appears to be more important to Indiana bats than a particular tree species or habitat type. Females appear to be more habitat specific than males presumably because of the warmer temperature requirements associated with gestation and rearing of young. As a result, they are generally found at lower elevations than males may be found. Roosts are warmed by direct exposure to solar radiation, thus trees exposed to extended periods of direct sunlight are preferred over those in shaded areas. However, shaded roosts may be preferred in very hot conditions. As larger trees afford a greater thermal mass for heat retention, they appear to be preferred over smaller trees.

Streams associated with floodplain forests, and impounded water bodies (ponds, wetlands, reservoirs, etc.) where abundant supplies of flying insects are likely found provide preferred foraging habitat for Indiana bats, some of which may fly up to 2-5 miles from upland roosts on a regular basis. Indiana bats also forage within the canopy of upland forests, over clearings with early successional vegetation (e.g., old fields), along the borders of croplands, along wooded fencerows, and over farm ponds in pastures. While Indiana bats appear to forage in a wide variety of habitats, they seem to tend to stay fairly close to tree cover.

**Conclusion** – The mixed upland forest is not potential roosting habitat but may provide suitable foraging habitat for the Indiana bat. The proposed parking area will impact less than 2 acres of the forested area. The Applicant will incorporate the following conservation measures as is typically requested by the NYSDEC to ensure no impact occurs to this species. The Applicant will avoid, minimize, and mitigate impacts to this species by:

• Implementing tree clearing for site activities during timeframes when bats are not resident on the site October 1 – to March 31.

#### 2.3 Northern long-eared bat

Winter Habitat: Same as the Indiana bat northern long-eared bats spend winter hibernating in caves and mines, called hibernacula. They typically use large caves or mines with large passages and entrances; constant temperatures; and high humidity with no air currents. Specific areas where they hibernate have very high humidity, so much so that droplets of water are often seen on their fur. Within hibernacula, surveyors find them in small crevices or cracks, often with only the nose and ears visible.

Summer Habitat: During summer, northern long-eared bats roost singly or in colonies underneath bark, in cavities, or in crevices of both live and dead trees. Males and non-reproductive females may also roost in cooler places, like caves and mines. This bat seems opportunistic in selecting roosts, using tree species based on suitability to retain bark or provide cavities or crevices. It has also been found, rarely, roosting in structures like barns and sheds.

Feeding Habits: Northern long-eared bats emerge at dusk to fly through the understory of forested hillsides and ridges feeding on moths, flies, leafhoppers, caddisflies, and beetles, which they catch while in flight using echolocation. This bat also feeds by gleaning motionless insects from vegetation and water surfaces.

**Conclusion** - The northern long eared bat requires/occupies practically the same habitat niche as the Indiana bat. Impacts to habitat and mitigation would be consistent with the recommendations for the Indiana bat.

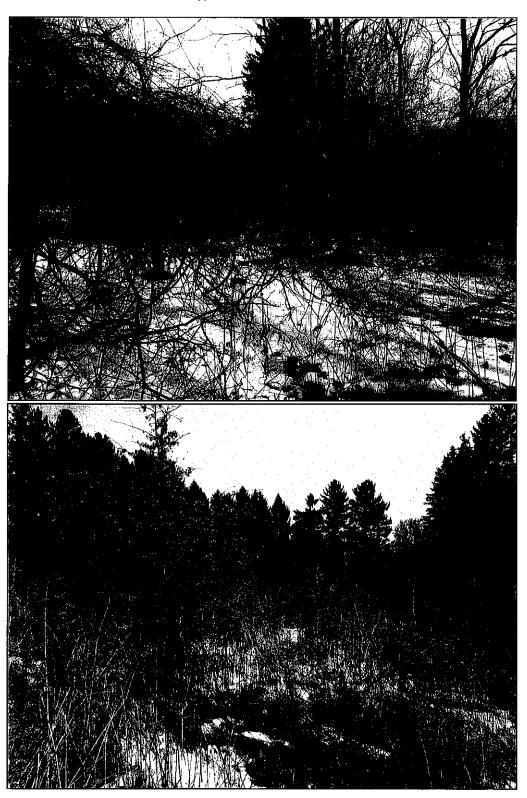
#### 2.4 Upland Sandpiper

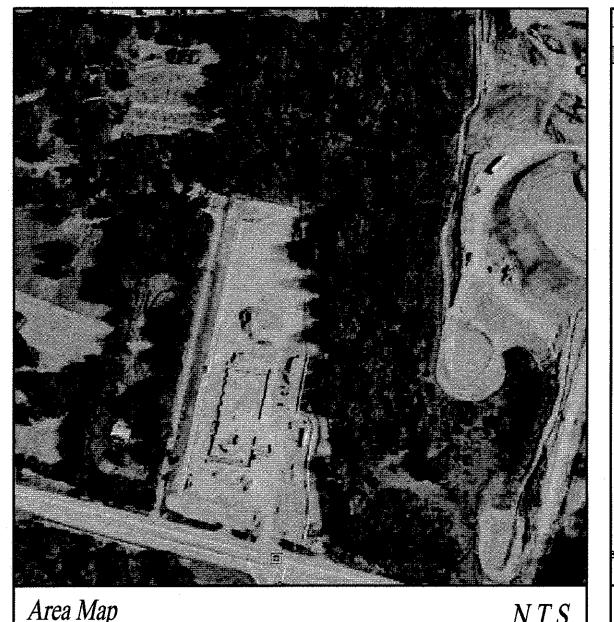
Upland sandpipers require large open grasslands and show a preference for nesting, feeding, and courtship in vegetation less than 60 cm in height and most commonly in areas interspersed with taller grasses which provide concealment. Typical nesting cover includes idle cropland, pasture, highway edges, hayfields, untilled crops such as clover, alfalfa or blueberries, and mowed grass at airports.

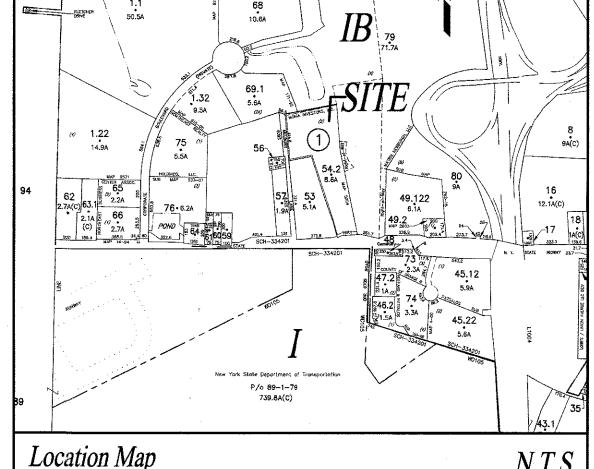
**Conclusion** - The site is wooded. Upland Sandpipers utilize open low growing grass areas for nesting and socializing. The site contains no large open areas and cannot support this species. There is no habitat for this species on the site and no impacts will occur. Typical habitat for this species in this area of Orange County is associated with the open areas of Stewart Airport.

#### 3.0 PHOTOGRAHS

Typical habitat on the site







# **ZONING INFORMATION**

TAX MAP No. 95-1-54.2 IB-INTERCHANGE BUSINESS **ZONING DISTRICT:** TOPOGRAPHIC DATUM: USGS 8.62 ACRES (+/-) TOTAL ACREAGE: TOWN OF NEWBURGH WATER & SEWER:

| BULK REQUIREMENTS                                | <u>REQUIRED</u> | <u>PROPOSED</u> |  |  |  |  |  |
|--|-----------------|-----------------|--|--|--|--|--|
| MIN. LOT AREA (SQ. FT.)                          | 40,000 S.F.     | 375,301 S.F     |  |  |  |  |  |
| MIN. WIDTH (FEET)                                | 150'            | >150'           |  |  |  |  |  |
| MIN. LOT DEPTH (FEET)                            | 150'            | >150'           |  |  |  |  |  |
| MIN. FRONT YARD (FEET)                           | 50'             | N/A             |  |  |  |  |  |
| MIN. REAR YARD (FEET)                            | 60'             | N/A             |  |  |  |  |  |
| MIN. ONE SIDE YARD (FEET)                        | <i>30</i> '     | N/A             |  |  |  |  |  |
| MIN. BOTH SIDE YARDS (FEET)                      | 80'             | N/A             |  |  |  |  |  |
| HABITABLE FLOOR AREA PER<br>DWELLING UNIT (S.F.) | N/A             | N/A             |  |  |  |  |  |
| DWELLING UNITS PER ACRE                          | N/A             | N/A             |  |  |  |  |  |
| MAX. LOT BLDG COVERAGE (%)                       | 40%             | N/A             |  |  |  |  |  |
| MAX BUILDING HEIGHT (FEET)                       | 35'             | N/A             |  |  |  |  |  |
| MAX. LOT SURFACE COVERAGE (%)                    | 80%             | 20%             |  |  |  |  |  |
|  | ŀ               | 1               |  |  |  |  |  |

SOURCE: TOWN OF NEW NEWBURGH ZONING CODE "TABLE OF USE AND BULK REGULATIONS" DATED 4-9-18 \*EXISTING NON-CONFORMING

# OWNER/APPLICANT

PDH REALTY, LLC 2528 ROUTE 17M GOSHEN, NEW YORK 10924

## OWNER'S CONSENT NOTE

THE UNDERSIGNED OWNER OF THIS PROPERTY HEREON STATES THAT HE IS FAMILIAR WITH THIS MAP, ITS CONTENTS AND ITS LEGENDS AND HEREBY CONSENTS TO ALL SAID TERMS AND CONDITIONS AS STATED HEREON.

DATE PAUL HEALY, PDH REALTY, LLC

### ADJACENT PROPERTY OWNERS

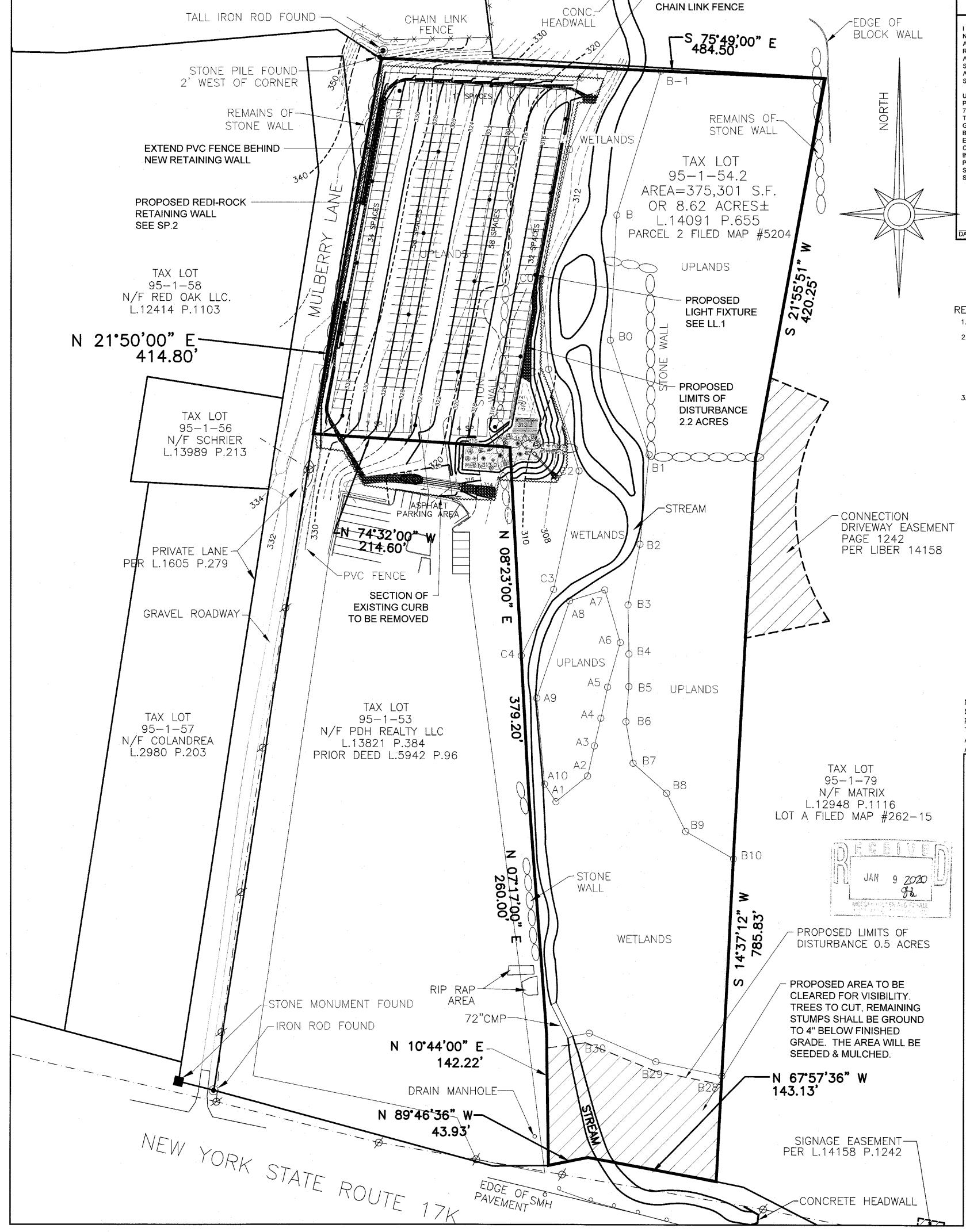
334600-95-1-69.1, A. Duie Pyle, Inc., P.O. Box 546, West Chester, PA. 19381 334600-95-1-58, Red Oak SOS, LLC, 57 Alexander Street, 334600-95-1-57, Cosimo J. Colandrea, P.O. Box 3257, Newburgh, New York 12550 334600-95-1-47.2, DP66, LLC, 333 North Bedford Rd, Ste. 145, Mt. Kisco, New York 10549 334600-95-1-53, PDH Realty, LLC, P.O. Box 859, Goshen, New York 10924 334600-95-1-54.2, PDH Realty, LLC, P.O. Box 859 Goshen, New York 10924 334600—95—1—56, Van Shrier, 120 Route 17K, Newburgh, New York 12550 334600—89—1—79, New York State Department of Transportation, Albany, New York 12201 334600—95—1—1.32, Business Center Northeast, 4.5 Associates, 3 Manhattanville Rd., Purchase, NY 10577 7) 334600–95–1–48, Patten Cemetary, Newburgh, New York 12550 1) 334600–95–1–73, Exit 21 Real Estate. LLC, P.O. Box 10804, Newburgh, New York 12550 2) 334600–95–1–49.122, Debrizzi, 1089 Little Britain Road, New Windsor, New York 12550

### TOWN PLANNING BOARD TOWN OF NEWBURGH, NEW YORK

APPROVED BY RESOLUTION OF THE PLANNING BOARD OF THE TOWN OF NEWBURGH, NEW SUBJECT TO ALL REQUIREMENTS AND YORK ON THE CONDITIONS OF SAID RESOLUTION. ANY CHANGE, ERASURE, MODIFICATION OR REVISION OF THIS SITE PLAN, AS APPROVED, SHALL VOID THIS APPROVAL. SITE PLAN IS VOID IF CONSTRUCTION IS NOT STARTED WITHIN ONE YEAR AND COMPLETED IN TWO YEARS OR THE DATE OF THE SIGNING OF THIS PLAN.

TOWN OF NEWBURGH PLANNING BOARD SIGNED THIS DAY OF

Chairman, Planning Board



PROPOSED 6' HIGH

**SURVEY CERTIFICATION** 

NOTES OF THE SURVEY AND OTHER REFERENCES SHOWN. ALL RECORDED EASEMENTS OR RIGHT-OF WAY AS SHOWN IN THE TIT REPORT AND OTHER REFERENCES ARE SHOWN. ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE

ALL OBSERVABLE, ABOVE GROUND EVIDENCE OF THE BUILDING, STRUCTURES AND OTHER IMPROVEMENTS ARE SHOWN

UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYORS SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW. THIS CERTIFICATION IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE, IT IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
PLAN PREPARED PURSUANT TO SECTION 7208m OF THE NEW YORK

STATE EDUCATION LAW. SUBJECT TO THE FINDINGS OF AN UP-TO-DATE TITLE SEARCH.

DARREN J. STRIDIRON, PROFESSIONAL LAND SURVEYOR NYS LIC. #050487

THE SURVEY INFORMATION CONTAINED HEREON WAS OBTAINED FROM THE MAP ENTITLED "WETLAND LOCATION SURVEY" PREPARED BY HERITAGE LAND SURVEYING, PC ON 7-16-18

**REFERENCES:** 

L.12341 P.857

1. TOWN OF NEWBURGH TAX MAP SECTION 95.

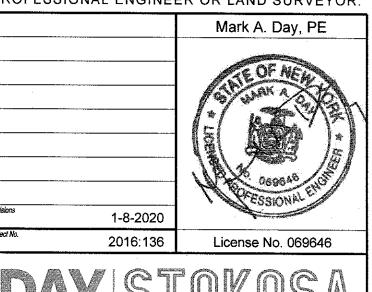
2. DEEDS FILED IN THE ORANGE COUNTY CLERK'S OFFICE AS: L.14091 P.655 L.12414 P.1103 L.13989 P.213 L.2980 P.203 L.13821 P.384 L.5942 P.96 L.12948 P.1116

3. MAPS FILED IN THE ORANGE COUNTY CLERK'S OFFICE AS: FILED MAP #5204

FILED MAP #171-95 FILED MAP #262-15

NOTE: THE APPROVED SITES SHALL OPERATE AS A UNIFIED SITE PLAN AND SO TYING THE APPROVALS TO THE CURRENT PROPERTY USE OF THE KIA DEALERSHIP. ANY CHANGE I THE USE OF EITHER PROPERTY WILL ELIMINATE TH ADJOINING PARKING SPACES WITHOUT FURTHER APPROVALS OR ACTION BY THE TOWN OF NEWBURGH

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSONS TO ALTER THESE PLANS. SPECIFICATIONS, OR REPORTS IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER OR LAND SURVEYOR.



ENGINEERING P.C.

3 Van Wyck Lane Suite 2 Wappingers Falls, New York (845)-223-3202

Town of Newburgh

-CONCRETE HEADWALL

Healey KIA - Newburgh

Orange County, New York

SITE PLAN

1" = 60' SP.1 11-14-19 1 of 4

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