TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS

PROJECT NAME:	**BRITAIN WOODS DEIS**
PROJECT NO.:	**22-17**
PROJECT LOCATION:	**442 LITTLE BRITAIN ROAD (NYS ROUTE 207)** **SECTION 97, BLOCK 1, LOT 32.1, 32.2, 32.3 & 40.1** **CITY OF NEWBURGH SECTION 41, BLOCK 1, LOT 2 & 3**
REVIEW DATE:	**17 FEBRUARY 2026**
MEETING DATE:	**19 FEBRUARY 2026**
PROJECT REPRESENTATIVE:	**ENGINEERING & SURVEYING PROPERTIES, PC**

1. The project is before the Board for acknowledgement of receipt of the Draft Final Environmental Impact Statement. By acknowledging the receipt this will start the SEQRA timeframes for agency review of the DFEIS. Attorney Cordisco can explain the SEQRA timeframes for review of the Draft Final Environmental Impact Statement.

Respectfully submitted,

MHE Engineering, D.P.C.

Patrick J. Hines
Principal

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Principal

PJH/kmm

LINK FOR FEIS APPENDIX & FIGURES:
https://mhepc.egnyte.com/fl/XWp4GvBHXmqT

Final Environmental Impact Statement (FEIS)

for

BRITAIN WOODS
RESIDENTIAL DEVELOPMENT

Little Britain Road
City/Town of Newburgh, Orange, New York
SEQRA Type 1 Action

Town of Newburgh Tax Lots: 97-1-32.1, 32.2, 32.3 & 40.1
City of Newburgh Tax Lots: 41-1-2 & 3

Project Sponsor:
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Date of Submission: February 13, 2026
Date of Acceptance:

Please consider the environment before printing or copying this document

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    2. September 5, 2024
B. Written Comments
    1. Interested and Involved Agency Comments
    2. Public Comments
C. Full Environmental Assessment Form revised January 30, 2026
D. Water Resources
    1. ACOE Jurisdictional Determination Letter dated May 9, 2025
    2. NYSDEC Freshwater Wetland Boundary Validation signed September 3, 2025
    3. Stormwater Pollution Prevention Plan (SWPPP) dated February 9, 2026
E. Transportation
    1. NYSDOT Comments dated August 9, 2024
    2. Signalized Intersection Capacity Analysis
    3. Left Turn Lane Concept Plan dated February 3, 2026
F. Community Services
    1. Sewer Flow Authorization Request January 15, 2026
    2. City of Newburgh FOIL Request Letter January 30, 2026
    3. Sewer Main Extension Engineering Report dated February 10, 2026
    4. Water Main Extension Engineering Report dated February 10, 2026
G. Site Plans dated February 11. 2026

1 DESCRIPTION OF THE PROPOSED ACTION

1.1 INTRODUCTION & SEQR OVERVIEW

On July 6, 2022, the Project Sponsor, Farrell Building Company, LLC, filed a site plan and lot consolidation application with the Town of Newburgh Planning Board requesting approval for a 258-unit, multi-family residential development on a +/-48.0-acre parcel known as Britain Woods ("Proposed Action"). After reviewing the conceptual site plan and Full Environmental Assessment Form ("FEAF") for the development, the Planning Board determined the Proposed Action was a Type I Action pursuant to SEQRA Part 617.4(b)(6)(i), and declared its intent to become Lead Agency under the New York State Environmental Quality Review ("SEQR") Act. A Lead Agency Notice dated August 8, 2022, was circulated to interested and involved agencies.

The Planning Board assumed the role of Lead Agency by resolution and issued a Positive Declaration for the Project on October 6, 2022. A Public Scoping Session was held on December 15, 2022, to consider and discuss the potentially significant impacts related to the Proposed Action that should be addressed in the Draft Environmental Impact Statement ("DEIS"). Written comments on the Draft Scope were accepted by the Planning Board until noon on December 20, 2022. The Scoping Document, last revised January 18, 2023, was adopted by the Planning Board and served as the outline for the DEIS.

The DEIS was prepared by the Applicant and submitted for the Planning Board's review on October 6, 2023. In response to comments received from the Planning Board and its consultants, the Applicant revised and resubmitted the DEIS on March 22 and May 17, 2024. The Planning Board deemed the DEIS adequate for public review and the DEIS, with an acceptance date of July 10, 2024, was circulated to Interested and Involved Agencies for comment. Public hearings were held on the DEIS, site plan and lot consolidation applications on August 1, 2024, and September 5, 2024.

This Final Environmental Impact Statement (FEIS) has been prepared in compliance with the rules and regulations of the New York State Environmental Quality Review Act (SEQR). This FEIS addresses comments provided by Interested and Involved Agencies, Planning Board Members, the public, and the Town consultants at two public hearings held on August 1, 2024, and September 5, 2024, and during the specified SEQR written comment period which ran from the DEIS filing date of July 10, 2024, to September 16, 2024.

1.2 PROJECT & SITE DESCRIPTION

The Proposed Action proposes the construction of 11 multi-family residential apartment buildings, a clubhouse with a pool, a pool equipment storage/dog wash/restroom structure and gazebo. Seven of the proposed multi-family residential buildings will be two-stories in height with 22 apartment units consisting of 10 one-bedroom units and 12 two-bedroom units. Four buildings will have three-stories with "walk-out" ground floor and 26 apartment units consisting of 10 one-bedroom units and 16 two-bedroom units. In all, there will be a total of 110 one-bedroom units and 148 two-bedroom units, for a combined total of 258 apartments and 406 bedrooms.

A private roadway will be constructed to provide access to the development from Little Britain Road/NYS Route 207. Parking will be provided for each building in attached and detached garages, and surface parking spaces. There will be 583 parking spaces provided, which exceeds the minimum number of spaces required by the Town of Newburgh Zoning Code. Private utility infrastructure will be constructed on-site and operated by the Project Owner. All buildings will be served by new off-site Town water and sewer main extensions that will be installed by the Project Sponsor. The Project conforms with the Town and City of Newburgh Zoning Codes. No area or use variances are required.

Off-site improvements include the installation of Stop Bars at the intersection of NYS Route 207/Little Britain Road and Wisner Avenue to improve the safety conditions at this intersection. An off-site public watermain extension, approximately 1,300 linear feet in length, will be installed by the Applicant within the Little Britain Road/NYS Route 207 right-of-way from the proposed western roadway entrance to an existing hydrant located on Little Britain Road approximately 900 feet west of the Project Site. An offsite sewer forcemain extension, approximately 7,994 linear feet in length, will be installed by the Applicant within the Little Britain Road/NYS Route 207, Old Little Britain Road and Unity Place rights-of-way, from the southwestern corner of the Project Site to an existing gravity sewer manhole located on Unity Place about 1,100 feet north of its intersection with Old Little Britain Road, approximately 4,400 feet to the west of the Project Site. An irrevocable offer of dedication for the sewer forcemain will be provided to the Town should the Town want to accept the forcemain as a public improvement in the future, at which point adjacent properties could connect to the sewer forcemain.

The Project Site is comprised of ±47.95 acres located in the Town and City of Newburgh, Orange County, New York. Local tax maps identify the Site as Town of Newburgh tax lots 97-

1-32.1, 32.2, 32.3 & 40.1 and City of Newburgh tax lots 41-1-2 & 3. The Applicant is seeking to consolidate all of the Town of Newburgh parcels into a single, new tax parcel with one deed. The remaining two City of Newburgh parcels will remain as is, in separate deeds. Table 1.2 lists the existing area of each parcel and the total area of the Project Site.

Table 1.2 – Project Parcel Area

Section-Block-Lot	Acres
97-1-32.1	12.65
97-1-32.2	3.43
97-1-32.3	2.04
97-1-40.1	28.34
41-1-2	1.41
41-1-3	0.08
Total	**47.95**

The Project Site is located north of Little Britain Road (NYS Route 207), approximately 1,200 feet east of its intersection with Old Little Britain Road, and west of Wisner Avenue. Its only road frontage is on NYS Route 207, which is a two-lane State-maintained roadway.

The site is zoned “R-3” Residential with an “O” Professional Office overlay. This area of the Town is located in the “A” Airport Overlay District (regulated building heights). The City of Newburgh portion of the Site is within the Residential Low-Density (RL) with a Neighborhood Commercial Overlay (NCO). Land uses on adjoining properties include single-family and multifamily residential, commercial, light industrial and institutional. The Town of New Windsor town line is approximately 850 feet south of the Project Site.

A ridge bisects the Project Site that runs generally from north to south through the center of the Site. Elevations on the Site vary from a low point of 198 feet near the midpoint of easternmost Site boundary, to a high point of 324 feet in the central portion of the Site. Slopes on the Project Site vary from almost flat within the wetland area in the southeast, to gently sloping areas, to moderately steep on the ridge in the central portion of the Site.

As late as the 1960’s, the entire parcel was utilized as a farm with a large farmstead containing a farmhouse and numerous outbuildings in the southern portion of the Site, and multiple agricultural crop fields cleared of trees throughout the Site. Today, the property is mostly reforested and entirely vacant, except for the foundation from a late 1800’s era farmhouse and several outbuildings. There are no current land uses on the Project Site, with the exception of four billboard signs adjacent to NYS Route 207. There is an existing 20-foot-wide utility easement through the southeastern portion of the Site that contains the City of Newburgh water

and sewer lines. There is also a 30-foot-wide access easement that parallels the Site's northeast boundary line that benefits the Project Site, which will be extinguished as part of the Proposed Action. There are currently no utilities serving the Site, although public water, sewer, telephone, electric and gas are located adjacent to, or nearby the Site. Since the Project Site is not within the City of Newburgh water or sewer districts, the City's public water and sewer utilities located on or near the Site are not available for connection.

1.3 PROJECT DESIGN AND LAYOUT

1.3.1 SITE DISTURBANCE

Presently the 48-acres Site is covered with vegetation consisting of approximately 46.45 acres of woods, 0.12 acres of lawns, 0.05 acres of impervious surfaces and 1.33 acres of wetlands. The existing impervious surface consists of a former building foundation and an adjacent property's driveway that encroaches onto the Site.

At the completion of the Project there will be approximately 21.18 acres of woods, 14.86 acres of lawns, and 11.14 acres of impervious surfaces on the Site. The area of wetlands will be reduced to 0.77 acres by the disturbance of a 24,220 square foot (0.56 acre) area within an isolated wetland area. Table 1.3.1A tabulates all of the natural and development coverage areas in both the existing and proposed conditions and calculates the total gain or loss of each cover type. The total change in land cover is estimated to be 25.83 acres. Figure 2.3A shows the proposed conditions of the Site.

Table 1.3.1A – Project Parcel Land Coverage (Acres)

Natural Cover	**Existing**	**Proposed**	**Loss of Cover**
Woods	46.45	21.18	-25.27
Surface Water/Wetlands	1.33	0.77	-0.56
		Subtotal	**-**25.83
Development Cover			**Gain of Cover**
Lawn	0.12	14.86	+14.74
Impervious Surfaces	0.05	11.14	+11.09
		Subtotal	**+**25.83

Impervious surfaces, such as buildings, roads and parking lots will account for 11.14 acres or 23% of the overall Site area. Table 1.3.1B shows the acreage that will be covered by the Proposed Action impervious surfaces.

Table 1.3.1B – Proposed Impervious Surfaces	
Type	**Amount (acres)**
Buildings/Structures	4.80
Pavement	5.62
Sidewalks	0.68
Existing to Remain	0.04
TOTAL	11.14

Approximately 26.25 acres of the Site will be disturbed, leaving 21.70 acres, or 45% of the Site as undisturbed open space, of which 20.93 acres are considered usable open space that is not covered by wetlands.

1.3.2 PROPOSED STRUCTURES

There is a total of 11 multi-family residential buildings, a clubhouse, a pool equipment storage/dog wash/restroom structure, and a gazebo proposed on-site. Seven of the proposed multi-family residential buildings will be two-stories in height with 22 apartment units consisting of 10 one-bedroom units and 12 two-bedroom units. Four buildings will have three-stories with an additional "walk-out" ground floor and 26 apartment units consisting of 10 one-bedroom units and 16 two-bedroom units. In all, there will be a total of 110 one-bedroom units and 148 two-bedroom units, for a combined total of 258 apartments and 406 bedrooms. Table 1.3.1C summarizes the footprint area of each proposed structure.

Table 1.3.1C – Proposed Structures	
Type	**Footprint (SF)**
Residential Building Type 1	13,830
Residential Building Type 2	13,830
Detached Garages	4,000
Clubhouse	4,958
Pool Storage/Restroom/Dog wash	464
Gazebo	346

Several community recreational amenities will be constructed. The clubhouse will be located adjacent to the main entrance road in the western portion of the Site. Outdoor clubhouse amenities include a children's playground, pool and sundeck, restrooms, dog wash, two tennis courts, and four pickleball courts. Indoor amenities include an exercise room, lounge area with a TV and fireplace, small kitchen, multi-purpose room, two offices and restrooms. Sidewalks are also proposed throughout the development.

1.3.3 SITE ACCESS, CIRCULATION AND PARKING

Access to the Site will be from a main entrance driveway located in the western portion of the Site from Little Britain Road (NYS Route 207). An emergency access will also be provided from Little Britain Road on the east side of the Site. From the main entrance driveway all buildings will be accessible via a roundabout. Buildings 1 through 7 will be on a looped roadway and Buildings 8-11 will be on the roadway that connects to the emergency access drive. Pedestrian circulation around the Site will be on a network of walkways that connect all of the buildings. Five-foot wide concrete sidewalks are proposed along the roadways throughout the development. There are no existing sidewalks to connect to on Little Britain Road adjacent to the Site.

Roadways and walkways will be owned and maintained by the Project Owner or its assignee. Roads will be 26 feet wide asphalt pavement and there will be 4,511 linear feet of roadway for a total of 2.72 acres of asphalt roadway pavement. The emergency access will be constructed as a 26-foot-wide grasscrete drive.

The number of parking spaces required to serve the Proposed Action is calculated to be 516 in Table 1.3.3. To accommodate this demand, 613 parking spaces are distributed throughout the Site close to each building, of which there are 24 proposed ADA parking spaces. There is no proposed land-banked parking. The Proposed Action will provide 97 more parking spaces than required by the Town of Newburgh Code Chapter 185-13 for Off-Street Parking and Loading Facilities. There will be 18 electric vehicle charging stations installed around the Site.

Table 1.3.3 – Off-Street Parking Calculation

Use	Parking Space Requirement	Number of Units	Parking Spaces
Required			
Multi-family Dwelling	2 space per unit	258 units	**516**
Proposed			
Surface Parking			382
Attached Garage Parking	8 spaces per building	11 buildings	88
Detached Garage Parking	14 spaces per building	8 buildings	112
Clubhouse Parking			31
		Total Spaces Proposed	**613**

At the intersection of NYS Route 207/Little Britain Road and Wisner Avenue, which is currently a three-way stop intersection, the addition of Stop Bars will be installed to improve the safety conditions at this intersection.

The nearest public bus stops are located at the Newburgh Shortline Transportation Center on NYS 17K, at the corner of Broadway and Fullerton Avenue, and at the corner of Broadway and Lake Street, all of which are more than ¾ of a mile away from the Site. There is signage on NYS Route 207/Little Britain Road directing traffic to the Ferry to reach the Metro-North Train Station in Beacon.

1.3.4 UTILITIES

Water

The Project is located within the Town of Newburgh Consolidated Water District, therefore, water for the Project will be provided by the Town of Newburgh. Water will be supplied to all proposed buildings through newly installed water mains on the Project Site. The proposed private on-site water distribution system will begin at a service connection point on NYS Route 207 at the Project's western entrance road and continue throughout the site following the internal roadways. The private, on-site water conveyance system will be owned and maintained by Project Owner.

Additionally, the Applicant proposes to install a 12-inch diameter public watermain extension, approximately 1,300 linear feet in length, within the Little Britain Road/NYS Route 207 right-of-way from an existing hydrant, located on Little Britain Road approximately 900 feet west of the Project Site, to the proposed western roadway entrance. The 12-inch diameter watermain will continue as a private main from the service connection to the internal water main junction within the roadway roundabout. Beyond the water main junction, the private water main will transition to an 8-inch main throughout the rest of the Site.

The watermain extension and on-site conveyance system will be reviewed and approved by the Orange County Department of Health. A use and occupancy permit from the NYSDOT will be required for the service connection portion of the private water system within the highway boundary.

Sewer

Sewage produced on-site will be collected in a proposed series of private gravity sewer mains to a private pump station and directed through a proposed sewage forcemain to a Town of Newburgh sewer manhole and ultimately the City of Newburgh

Wastewater Treatment Plant via existing sewer mains. Under the current sewer agreement between the Town and City of Newburgh, the Town is permitted 3.8 MGD of the treatment facility's capacity. In 2025, Town sewage flow to the City was 1.4 MGD in dry periods and 2.7 MGD in wet periods, leaving an available capacity for future uses in the Town of 1.1 MGD.

The proposed sewage collection system, pump station and forcemain will be owned and maintained by the Project Sponsor. An offsite sewer forcemain extension, approximately 7,994 linear feet in length, will be installed by the Applicant within the Little Britain Road/NYS Route 207, Old Little Britain Road and Unity Place rights-of-way, from the southwestern corner of the Project Site to an existing gravity sewer manhole located on Unity Place 1,100 feet north of its intersection with Old Little Britain Road, approximately 4,400 feet to the west of the Project Site. A use and occupancy permit from the NYSDOT will be required for the private portion of the sewer forcemain within the highway boundary.

Since the Project is not within the Crossroads Sewer District, the Applicant proposes entering into an outside user agreement with the Town of Newburgh for sewer capacity. The proposed sewer forcemain will convey sewage to the Town's collection system. The Applicant is offering to dedicate the sewer forcemain within NYS Route 207 to the Town should the Town desire to own and maintain it. If the Town accepts these improvements a sewer district would need to be formed or extended. If the sewer forcemain is publicly owned, it will potentially provide opportunities for existing and future residents along the almost 1-mile route to have access to public sewer. If the Town chooses not to accept the dedication, the sewer forcemain will remain private.

Table 1.3.4 – Estimated Water/Sewer Demand			
Type of Use	**# of Units**	**Demand Rate (gpd)**	**Average Daily Demand (gpd)**
Apartments			
1-bedroom	110 units	110	12,100
2-bedroom	148 units	220	32,560
Clubhouse			
Lounge & Multi-Purpose Room (Banquet Hall use)	86 seats	10	860
Office	2 Employees	15	30
Fitness Center (Health Club use)	60 People	20	1,200
Swimming Pool	150 Swimmers	10	1,500
Dog Wash	1 Station	500	500
20% Reduction for water saving fixtures			-818
		Total Sewer Demand:	**47,932**
Landscaping Irrigation	1 Lump Sum	5,000	5,000
		Total Water Demand:	**52,932**

Drainage

The Project proposes the construction of a series of catch basins, drainage pipes and stormwater management facilities, designed to collect and treat stormwater runoff for both quantity and quality prior to being discharged off-site. Three stormwater management facilities will be located on the Site down gradient from the proposed development areas. The first is situated between the western entry drive and the western property boundary. The second is located on the northwestern portion of the site adjacent to Building 4. The third is located between Buildings 10 and 11 and Little Britain Road. Stormwater easements are not proposed as the Site will be owned by one entity.

The stormwater management facilities are designed to comply with NYSDEC regulations to attenuate the 1-, 10-, and 100-year storms. Regular inspections and maintenance by the Project Owner will be performed to ensure long-term water quality function. A Stormwater Pollution Prevention Plan is proposed and attached as FEIS Appendix D3, and site drainage is designed and shown in the full-sized set of plans in FEIS Appendix G. The Owner of the Site will enter into a Stormwater Facilities Maintenance Agreement with the Town of Newburgh and the City of Newburgh prior to construction.

Electric and Natural Gas

The Proposed Action is located in the Central Hudson electric and gas service territory. There are existing overhead electric lines located on the north side of Little Britain Road. Natural gas service is available in the vicinity of the Site.

Garbage and Recycling

The Town of Newburgh does not provide waste collection services; therefore, the Project Sponsor intends to contract with a private solid-waste removal service to remove garbage and recycling from the Site.

Energy and Utility saving features

Demand on electric and natural gas energy sources will increase as a result of the Proposed Action. Accordingly, energy conservation techniques and technologies will be evaluated for incorporation into the design and operation of the buildings.

1.3.5 LANDSCAPING, LIGHTING & SIGNAGE PLANS

Landscaping

In compliance with Town of Newburgh Zoning Code §185-21 entitled "Buffer strips and screening", the overall landscaping concept is to preserve existing vegetation as much as possible within the Site and maintain a natural buffer around the perimeter of the Site and along the existing public thoroughfare to the greatest extent practicable. Where this cannot be achieved, plantings are proposed to supplement existing vegetation. The proposed residential units have been intentionally set back from the perimeter property line to provide buffering from adjacent properties. Many of the proposed plants are native to the north-east and suitable for the Site. The plants were selected based on hardiness for the area, disease resistance, deer resistance, habitat and aesthetics. The proposed deciduous trees are also compatible with the existing vegetation to remain. The ornamental deciduous trees were selected for their flowering for pollinators and a food source for existing wildlife.

Lighting

The Proposed Action requires outdoor lighting for the safety and convenience of its residents, guests, employees, and delivery personnel as they move around the Site during nighttime hours. Driveways, parking areas, and walkways will all be illuminated from dusk until dawn. All outdoor lighting will utilize LED bulbs, reducing the amount of energy necessary to power them. The proposed outdoor lighting will consist of forty-four

20-foot high, pole-mounted site lighting fixtures along the roadway and in parking areas. The site lighting fixtures will be shielded and directed downward. The site lighting fixtures are proposed to be Dark Sky lighting compliant. Fixtures are proposed to have temperatures of 3,000K or less. The light fixture's type and placement have been chosen to minimize the amount of light at the Project boundary. Site lighting will comply with the Town of Newburgh Code Chapter 125 entitled "Noise and Illumination Control".

Signage

The development will have a community identification sign located in the Town of Newburgh adjacent to the western entrance drive. The entrance sign and any other proposed signs will comply with the Town of Newburgh Zoning Code §185-14 entitled "Sign regulations". No Sign will be erected, altered, or relocated without first obtaining a building permit for the sign from the Town's Code Compliance Department.

1.4 CONSTRUCTION AND PROJECT PHASING

The Project will be bid out and awarded to a qualified general contractor, who will subcontract specialty trades to appropriate subcontractors. It is estimated that approximately 50 construction jobs will be created during the construction period. Local labor and material suppliers will be utilized to the greatest extent practical, as long as they are both within budget and can commit to the Project schedule.

Anticipated Construction Period

It is estimated that the Project will be fully constructed over a three-year period. Assuming construction begins in the Spring of 2027, the anticipated completion date is Spring 2030.

Construction activities will comply with Chapter 125 entitled "Noise and Illumination Control". §125-5 defines the maximum sound levels as "Except for noise emanating from the operation of motor vehicles on public highways and private roads, the permissible intensity of noise for the foregoing between the hours from 8:00 a.m. to 10:00 p.m. and from 10:00 p.m. to 8:00 a.m., respectively, whether such noise is intermittent, impulsive, sporadic or continuous, is as follows. In the RR, AR, R-1, R-2 and R-3 Zoning Districts of the Town as shown on the most current Zoning Map on file at the Town Clerk's office:

(a) From 8:00 a.m. to 10:00 p.m.: 65 decibels.

(b) From 10:00 p.m. to 8:00 a.m.: 56 decibels

"The maximum sound-pressure level [A-scale reading of standard calibrated sound meter, instrument calibration frequency of 100 cycles per second (hertz)].

Furthermore, in compliance with Chapter 83 entitled "Clearing and Grading", site preparation activities will only be conducted on Monday through Saturday between the hours of 7:30 a.m. and 6:00 p.m. when within 1,500 feet of any residence and never during public holidays.

Schedule of Construction

The proposed general sequencing of construction activities within each Phase is as follows:

1. Installation of erosion control measures (i.e. silt fence, stabilized construction entrance, etc.);
2. Clearing and grubbing;
3. Stripping and stockpiling of topsoil for later use;
4. Excavation of temporary sediment basins and swales (permanent and temporary);
5. Excavation and grading for roadways, parking lots, utilities, building pads and storm water infrastructure;
6. Installation of utilities;
7. Fine grading of roadways, installation of sub-base, base and first course of asphalt, construction of sidewalks and curbs;
8. Building construction and utility service connections;
9. Spread stockpiled topsoil, landscaping and lawn installation; and
10. Removal of temporary erosion control measures after vegetation has been established.

Erosion and Sediment Control

When installing erosion control measures, the following sequence will be utilized.

1. Mark and delineate limits of clearing and grading by installing construction fence, and/or silt fence and install stabilized construction entrances.
2. Strip and stockpile topsoil after clearing and grubbing; stabilize topsoil stockpiles with temporary seeding and silt fence.
3. Install temporary erosion control devices (sediment traps, diversion swales, and check dams) prior to commencing earth moving activities.

4. During and/or immediately after rough grading, install as necessary additional temporary erosion control measures including intermediate silt fences, diversion swales, and check dams.
5. Fine grade, spread topsoil and stabilize within two weeks of establishing final grade.

Proposed Phasing

The Project will be divided into two sections of development with seven different construction phases. The proposed phasing plan is depicted in FEIS Figure 2.4A.

The first section of development includes the Clubhouse and buildings closest to NYS Route 207. Phase A1 encompasses the entrance drive and roundabout and associated parking and utility infrastructure, stormwater management facilities – Forebays C1-A & C1-B, Bioretention Basin C1-A and Detention Basin C1. Phase A1 also includes the installation of the on-site water main and forcemain to serve the Project. Phase A1 is 4.95 acres in size.

Phase A2 consists of the Clubhouse, playground, pool, pool equipment, dog wash, restroom building, tennis and pickleball courts adjacent to the Clubhouse, Building 8 and its detached garage building, associated parking and utility infrastructure, and roadway connection to the entrance drive. Phase A2 also includes the installation of the off-site water main and forcemain to serve the Project. The area of Phase A2 is 4.10 acres.

Phase A3 includes Buildings 9 & 10 and associated parking and utility infrastructure, the roadway connection to the entrance drive and the forebay and bioretention basin A1-A for stormwater management facility Detention Basin A1. Phase A3 is 4.46 acres in size.

Phase A4 consists of Building 11 and associated parking and utility infrastructure, emergency access drive and roadway connecting it to the entrance drive, and stormwater management facilities - Detention Basin A1 and Forebay A1-B. The area of Phase A4 is 2.85 acres.

The second section of development encompasses the looped roadway and the buildings situated thereon. Phase B1 includes Buildings 1, 2 & 3 and their detached garage buildings, associated parking and utility infrastructure, and a roadway connection to the entrance drive. Phase B1 is 4.97 acres in size.

Phase B2 consists of Buildings 6 & 7 and their detached garage buildings, associated parking and utility infrastructure, and a roadway connection to the entrance drive. The area of Phase B2 is 2.92 acres.

Phase B3 includes Buildings 4 & 5 and their detached garage buildings, associated parking and utility infrastructure, and the remaining section of the looped roadway that connects to the entrance drive. Phase B3 is 3.25 acres in size.

Best Construction Practices and Access

Construction will be conducted during specific hours that comply with the Town of Newburgh Noise Code. All construction equipment and materials, construction offices and worker parking will be located on-site. Erosion and sediment control measures, including a stabilized construction entrance, will be installed before construction begins. Process water and slurry resulting from concrete work will be prevented from entering the waters of the State by implementing appropriate concrete handling measures. All vehicles, equipment, and petroleum product storage/dispensing areas will be observed regularly during site observations to detect any leaks or spills, and to identify maintenance needs to prevent leaks or spills. Any chemicals stored in the construction areas will conform to the appropriate manufacturer's recommendations and/or the appropriate State/Federal Regulations. All chemicals will have cover, containment, and protection provided per all Federal and NYSDEC regulations.

Short-term Impacts Resulting from Construction Activity

The short-term use of heavy equipment operations will result in a temporary, minor increase in noise and pollutant emissions from various equipment used in the construction process. Trucks, compressors, cranes, excavators, generators and other equipment will be maintained in good working condition and turned off when not in use. This will reduce the idling of unused equipment in adherence to state regulations. Reduced idling will reduce potential noise and air pollution.

Another short-term concern during the construction operation will be the control of fugitive dust during site clearing, excavation, demolition, grading or blasting operations. Fugitive dust is essentially airborne soil particles caused by heavy equipment operations entraining the freshly exposed soil into the air. To a lesser extent, some fugitive dust emissions will arise from wind erosion of the exposed soils. All construction related air quality impacts will be of relatively short duration. Best construction management practices will be employed to reduce soil erosion and possible sources of fugitive dust.

This generally includes the daily use of water/spray trucks in dry periods, anti-tracking pads at construction entrances, street sweeping at the entrances as needed and adherence to a Storm Water Pollution Prevention Plan (SWPPP) (FEIS Appendix D3), which provides Erosion and Sediment Control.

Short-term stormwater impacts are a concern during land disturbance activities due to erosion and sedimentation. A Stormwater Pollution Prevention Plan (SWPPP) has been prepared to meet NYSDEC technical standards included in the New York State Stormwater Management Design Manual and satisfies the SPDES General Permit requirements for Stormwater Discharges from Construction Activity. The SWPPP includes construction best management practices, standards and general specifications to protect surface waters from the impacts associated with construction and an Erosion and Sediment Control Plan.

Construction traffic to and from the Site is another short-term impact. The proposed western roadway entrance will provide access to the Site for deliveries and construction workers during construction. Construction workers will utilize the Clubhouse parking lot for parking. Based on the anticipated amount of earthwork during construction, it is estimated that 172 truckloads of natural material will be exported from the Site. Construction vehicles will typically operate Monday through Friday from 8:00 AM to 9:00 PM and on weekends and holidays from 9:00 AM to 6:00 PM. It is expected that construction traffic will follow the same arrival and distribution patterns as existing area patterns with 36% of traffic arriving from the west and 64% arriving from the east.

1.5 OPERATION AND MAINTENANCE OF THE PROJECT

A. Project Operation

The Project Sponsor intends to construct the Project and own and operate all buildings and infrastructure improvements on the Site. The Project Sponsor will oversee all aspects of the property management, including maintenance as discussed below. The clubhouse is expected to be open seven days a week. The fitness center within the clubhouse will be available for use from 5 am to 10 pm. The rental office will be open from 8 am to 5 pm on weekdays. Outdoor amenities will be open from 8 am until 8 pm. It is anticipated the clubhouse will employ approximately 2 full-time equivalent employees.

B. Project Maintenance

Stormwater management facilities

Upon completion of the project, the stormwater facilities will be owned and maintained by the property owner. The property owner will be responsible for ensuring that the facilities operate and function as designed through proper maintenance as follows:

a. Regular inspection and maintenance of the proposed facilities are required to ensure their long-term water quality and quantity reduction functions.

b. All stormwater facilities and roadways with associated infrastructure are proposed to be located within lands to be owned by the property owner.

c. All side slopes within the stormwater facilities are a minimum of 3:1, to allow for maintenance.

d. Catch Basins:

i. Basins shall be inspected for accumulated sediment and trash every 6 months.

ii. Accumulated sediment and trash shall be removed from basins annually, or at more frequent intervals, if needed.

e. Forebay & Detention Pond

i. The grass within the pond should be mowed at least 3 times per growing season, limiting the grass to a height of no more than 12 inches

ii. Sediment removal should be done at least every five years.

f. Infiltration Basin

i. The grass within the pond should be mowed at least 3 times per growing season, limiting the grass to a height of no more than 12 inches

ii. Sediment removal should be done at least every five years.

Landscaping

The on-site landscaping will be mowed and trimmed regularly and maintained in good condition. Trees and shrubs shown on the Landscaping Plan will be inspected yearly and replaced as needed.

Snow & Ice removal

The Project Sponsor will contract with a private snow removal company to plow the entrance drives and parking areas during winter months. Snow and ice will be removed from on-site sidewalks, driveways, and parking areas. Salt or other de-icing

agents may be brought to be used on-site by the contractor as needed and will not be stored on-site.

1.6 PROJECT PURPOSE, NEED AND PUBLIC BENEFIT

The purpose of the Proposed Action is to address the need for medium density housing in a location that is accessible to major transportation routes of the region. The Applicant intends to develop a modern residential development in response to a continued need and demand for a variety of housing types in the Town of Newburgh and Orange County. Benefits to the Town include conservation of natural resources accomplished by the clustered nature of the development, generation of additional tax revenue, contributions toward nearby off-site road improvements, and provide on-site recreation facilities for its residents and guests.

A. Public Need

The Proposed Action will address the need for medium density housing in a location that is accessible to major transportation routes of the region. The proposed project intends to address the public and community objectives of residential planning embodied in applicable sections of the Town zoning code and the Town's comprehensive plan.

B. Objectives of the Project Sponsor

The Applicant intends to develop a modern residential development in response to a continued need and demand for a variety of housing types in the Town of Newburgh and Orange County. The Applicant has designed the development to comply with the R-3 Residential District and to relate to the character of surrounding developed areas, the topography and natural features, and community services and facilities. The proposed project will provide a residential neighborhood with community amenities for people seeking to live in the Town of Newburgh on land that is currently undeveloped.

C. Benefits of the Proposed Action

Benefits to the Town include conservation of natural resources accomplished by the clustered nature of the development, generation of additional tax revenue, contributions toward nearby off-site road improvements, and provide on-site recreation facilities for its residents and guests.

The proposed undeveloped potion of the Site occupies 21.70 acres or 45% of the parcel. The remaining open space will help conserve the Town's natural resources in a sustainable, contiguous area of undeveloped lands.

When complete, it is estimated that the Project will generate approximately $837,565 of additional property tax revenue per year for the Town, County and School District.

Off-site road improvements would include a Fair Share contribution to the cost of improvements at the Old Little Britain Road and NYS Route 207/Little Britain Road intersection and installation of Stop Bars at the NYS Route 207/Little Britain Road and Wisner Avenue intersection to improve the safety conditions at this intersection.

Proposed on-site recreation facilities include a children's playground, pool and sundeck, restrooms, dog wash, two tennis courts, and four pickleball courts. Furthermore, the Clubhouse amenities include an exercise room, lounge area with a TV and fireplace, small kitchen, multi-purpose room, two offices and restrooms. Sidewalks are also proposed throughout the development.

1.7 PERMITS AND APPROVALS

Local

a. Site Plan Approval - Town of Newburgh Planning Board
b. Municipal Separate Storm Sewer Systems (MS4) SWPPP Acceptance – Town of Newburgh Town Board
c. Outside Sewer User Agreement – Town of Newburgh
d. Sewer District Creation - Town of Newburgh (if needed)

County

a. GML 239 L, M and N - Orange County Planning Department
b. Water Main Extension – Orange County Department of Health
c. Water Treatment System & Swimming Pool permit - Orange County Department of Health

State

a. ECL Article 17, Title 7, 8: State Pollutant Discharge Elimination System (SPDES) – discharge of treated Stormwater - NYS Department of Environmental Conservation
b. Sewer Main Extension - NYS Department of Environmental Conservation
c. Highway Improvements - New York State Dept. of Transportation

Federal

a. None

INVOLVED AGENCIES

Town of Newburgh Planning Board

Town of Newburgh Town Board

City of Newburgh

Orange County Planning Department

Orange County Department of Health

NYS Department of Environmental Conservation

New York State Department of Transportation

INTERESTED AGENCIES

U.S. Army Corps of Engineers

NYSDEC, Environmental Notice Bulletin

Newburgh Enlarged City School District

Goodwill Fire District

City of Newburgh Fire Department

Town of Newburgh Police Department

City of Newburgh Police Department

Town of Newburgh Emergency Medical Services

Mobile Life Emergency Medical Services

U.S. Fish and Wildlife Services

1.8 ALTERNATIVES TO PROPOSED ACTION

Table 1.8 summarizes the quantitative impacts associated with the Proposed Action and the project alternative.

Table 1.8 – Alternatives Comparison of Impacts

Area of Concern	Proposed Action	No Action	Two Points of Access	Alternative Stormwater Design	Water Service Alternative	Sewer Service Alternative
Number of Dwelling Units	258	0	258	258	258	258
On-Site Disturbance Area	26.25 Ac	0	26.2 Ac	26.00 Ac	27.75 Ac	27.75 Ac
Off-Site Disturbance Area	1.63 Ac	0	1.81 Ac	1.63 Ac	1.33 Ac	0.40 Ac
Additional Impervious Surface	11.14 Ac	0	11.14 Ac	11.14 Ac	11.14 Ac	11.14 Ac
Wetland Disturbance	0.56 Ac	0	0.56 Ac	0.56 Ac	0.56 Ac	0.56 Ac
Population	555	0	555	555	555	555
School Aged Children	43	0	43	43	43	43
Tax Revenue Increase	$837,565	0	$837,565	$837,565	$837,565	$837,565
Traffic Generation Peak Hour Trips	103 AM 132 PM	0	103 AM 132 PM	103 AM 132 PM	103 AM 132 PM	103 AM 132 PM
Water Demand	52,932 gpd	0	52,932 gpd	52,932 gpd	52,932 gpd	52,932 gpd
Sewer Demand	47,932 gpd	0	47,932 gpd	47,932 gpd	47,932 gpd	47,932 gpd

2 PROJECT IMPACTS & MITIGATION MEASURES

2.1 SUMMARY OF SIGNIFICANT IMPACTS & MITIGATION MEASURES

Table 2.1 - Summary of Potential Project Impacts & Mitigation Measures

CONCERN	POTENTIAL PROJECT IMPACTS	MITIGATION MEASURES
1). Land Resources	a) Disturbance of 26.25 acres of soil and topography b) Loss of 14.24 acres of agricultural soil c) Earthwork cut volumes exceed fill volumes by approximately 4,293 cubic yards d) Disturbance of 0.63 acres of regulated steep slopes (25%+) e) Potential erosion & sedimentation during construction f) Groundwater is expected to be encountered during construction g) Bedrock is expected to be encountered during construction	a) A total of 21.70 acres of open space will be preserved b) Compliance with the Town's Clearing and Grading Permit requirements c) Site plan design minimizes earthwork and cut/fill volumes d) Detailed grading and erosion/sediment control plans e) Construction best management practices f) Construction phasing plan g) Dewatering techniques h) Bedrock Removal procedures
2.) Surface Water Resources	a) Disturbance of 0.56 acres of ACOE isolated wetlands	a) A Stormwater Pollution Prevention Plan is proposed that addresses runoff quantity and quality concerns, and includes long-term maintenance practices b) Erosion/sediment control plans c) Green Infrastructure technique soil restoration of disturbed areas
3). Plants & Animals	Loss of 26.25 acres of woods & and subsequent wildlife habitat.	a) A total of 21.70 acres (45% of the Site) of undisturbed vegetation and wildlife habitat will be preserved
4). Aesthetic Resources	a) Disturbance of 26.25 acres of wooded lands b) Outdoor lighting will be installed c) Removal of existing vegetation	a) Preservation of existing vegetation and increased building setbacks to the greatest extent practical b) Use of architectural design elements, colors and materials c) Site Lighting Plan eliminates light trespass at the property line and incorporates Dark Sky compliant fixtures d) An proposed Landscaping Plan to supplement existing vegetation
5). Cultural Resources	None expected	No mitigation required

6). Trans-portation Resources	a) Increased number of vehicles travelling to and from the Site during the peak hours (103 in AM and 132 in PM). b) Increases in traffic delays at some study intersections.	a) Infrastructure improvements to be completed by the Applicant: i) Onsite Electric Vehicle (EV) charging stations ii) Installation of Stop Bars at NYS Route 207 and Wisner Avenue intersection iii) Installation of eastbound left-turn lane on NYS Route 207 at Site Entrance b) NYDOT Improvements to the intersection of Old Little Britain Road and NYS Route 207/Little Britain Road i) The NYSDOT has indicated the intersection is proposed to be upgraded in 2025. ii) In the event the NYSDOT does not improve the intersection, the applicant will undertake the improvements with fair share funding for the improvements. c) Air Quality i) Construction vehicles will be maintained in good working order. ii) Best management practices will be followed during construction to reduce fugitive dust generation iii) Vehicle idling will be discouraged
7). Utilities	a) Average daily water demand is estimated to be 52,932 gallons per day. b) Average daily sewer generation is estimated to be 47,932 gallons per day. c) Reduction of stormwater drainage rate from the Site d) Increased energy demand e) Increased solid waste production	a) Water conservation strategies, fixtures, and landscaping design are proposed b) Energy utilities will be privately contracted, and user-fee supported. c) Energy conservation techniques and technologies will be evaluated for incorporation into the design and operation of the buildings. d) Recycling will reduce the amount of solid waste sent to landfills

8). Land Use & Zoning Resources	The project is consistent with all Town and City Zoning Code requirements & Comprehensive Plans	No further mitigation required.
9). Socio-Economic Impacts	a) Town population increase of 555 people, including 43 school-aged children b) Increased tax revenue of $837,565 generated by the Project	a) Revenue generated by the project will offset costs to the taxing jurisdictions therefore no mitigation is required
10). Community Service	a) Additional residents requiring emergency services (fire, police, and EMS) b) Additional residents requiring health care and recreation facilities and student need for public education c) Increased demand for solid waste removal	a) Additional tax revenue generated for Town, County, and School District b) Recycling will reduce amount of solid waste

2.2 IRREVERSABLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

Land

As a result of grading and construction activities, the project will modify 26.25 acres of the existing topography and soils on the Site. Approximately 4,293 cubic yards of soil will be removed from the Site and replaced with impervious surfaces.

Surface Water

The Proposed Action will result in an increased use of surface water for domestic water. Water will be supplied from the existing Town reservoir and DEP surface water system.

Vegetation & Habitat

As a result of the Proposed Action, 26.25 acres of the site's natural vegetation and habitat will be disturbed. After construction, 11.14 acres will be converted to impervious surface.

Wetlands

As a result of construction of the Project approximately 0.56 Ac acres (24,220 square-feet) of an on-site isolated, non-jurisdictional wetland will be permanently disturbed and filled.

Land Use

The proposed plan will commit the entire Project Site to residential use, for which it is zoned. Once committed to this use, the site would be unavailable for other uses for the foreseeable future.

Materials & Energy

Finite resources would be irretrievably committed by the Proposed Action such as materials and energy required to construct the Project and to maintain its use as a residential development after completion. Construction will involve a commitment of resources such as, concrete, asphalt, steel, lumber, paint products, and other building materials. When completed, the Proposed Action will also result in an increased demand for energy for heating, air conditioning, equipment, and lighting. The operation of construction equipment will result in consumption of fossil fuels and other finite energy sources.

2.3 GROWTH-INDUCING IMPACTS

The proposed residential development of the Project Site is expected to improve the conditions of the property along an established and developed corridor in the southeastern section of the Town of Newburgh. Introduction of residential use on the Site will be consistent with area land use patterns, which is primarily residential.

The proposed residential development of this Site is consistent with the current Town Comprehensive Plan. This development will induce a certain amount of growth in the local region in support services (such as professional services and home contractors) and commercial establishments that cater to residential populations. Use of Town facilities and services, such as Town parks, Town library, and municipal emergency services would experience a limited growth in demand from the proposed project.

No significant direct or indirect adverse impacts to community facilities, however, are anticipated as a result of this project, nor is growth resulting from increased demand for support services and facilities anticipated to cause adverse effects on the local area.

3 RESPONSES TO COMMENTS ON THE DEIS

3.1 INTORDUCTION

This Chapter of the Final Environmental Impact Statement (FEIS) addresses comments that were made on the Draft EIS (DEIS), either verbally at the Public Hearing held on August 1, 2024 and September 5, 2024, or provided in writing through October 5, 2024. This includes all comments made by the public or their representatives, the Town of Newburgh and its technical consultants, and interested and involved agencies.

This chapter provides responses to the substantive verbal and written comments submitted on the DEIS. A full transcript of public testimony and complete correspondence from which these comments are drawn can be found in Appendix A1 & A2 of this FEIS.

Approximately 318 comments were received regarding the DEIS. Comments are presented verbatim. Similar comments, in terms of subject or technical points, by multiple or by the same commenter, are grouped together. Comments are denoted by the agency or last name of the commenter and the date of the comment. Written comments are attached as Appendix B1 & B2 of this FEIS

In accordance with the guidelines established by the New York State Department of Environmental Conservation (DEC) – the governmental agency that promulgates SEQR regulations – only a summary of the public hearing comments should be part of the text of the FEIS. Further, as directed by the NYSDEC:

(i) only substantive comments warrant a response, *i.e.*, comments that are relevant to identified impacts, alternatives and mitigations, or which raise important, new environmental issues that were not previously addressed,

(ii) general statements of objection or support need no response,

(iii) comments may be grouped by topic,

(iv) repetitive comments need to be responded to only once; repetitive comments do not need individual responses,

(v) speculative comments or assertions that are not supported by reasonable observations or data need no response, and

(vi) comments identifying minor discrepancies in wording or typographical errors in the DEIS can be corrected in the FEIS if warranted, without meriting a specific response to such a comment.

3.2 LIST OF COMMENTORS

3.2.1 VERBAL COMMENTS FROM THE AUGUST 1, 2024 PUBLIC HEARING

1. Joseph S. – Pages 80-84, Comments 1.1-6
2. Matt G. – Pages 85-94, & 117-122, Comments 1.7-13, 1.31-39
3. David B. – Pages 95-97 & 117, Comments 1.14-16, 1.30
4. Carol J.C. – Pages 97-98, Comment 1.17
5. Erika G. – Pages 98-106, Comments 1.18-20
6. Susan K. – Pages 106-107, Comment 1.21
7. Douglas S. – Pages 107-108, Comment 1.22
8. Mark S. – Pages 108-112, Comments 1.23-26
9. John C. – Pages 112-116, Comments 1.27-29
10. Mr. Ward – Pages 131-132, Comments 1.40-42

3.2.2 VERBAL COMMENTS FROM THE SEPTEMBER 5, 2024 PUBLIC HEARING

1. Beverly H. – Pages 64-66, 87-88, Comments 2.1 & 2.21
2. Ailda G. – Pages 68-72, Comments 2.2-3
3. Catherine G – Pages 72-74, Comment 2.4
4. Bill F. – Pages 74-75, Comment 2.5
5. Vanessa N. – Pages 75-76, Comment 2.6
6. Mark S. – Pages 76-80, Comments 2.7-13
7. Matt G. – Pages 81-86, Comments 2.14-20
8. John C. – Pages 88-92, Comments 2.22-25
9. Mr. Ward – Page 92, Comment 2.26

3.2.3 WRITTEN COMMENTS FROM INTERESTED & INVOLVED AGENCIES

1. Good Will Fire District dated 9/5/2024 – 8 pages, Comments 3.1.1-36
2. MHE Engineering dated 10/2/2024 - 6 pages, Comments 3.2.1-54
3. Creighton Manning dated 10/13/2024 – 3 pages, Comments 3.3.1-15
4. City of Newburgh dated 7/30/2024 – 9 pages, Comments 3.4.1-33

3.2.4 WRITTEN PUBLIC COMMENTS

1. Catherine Gaspard dated 9/12/2024 – 2 pages, Comments 4.1.1-3
2. Matt & Erika Gallagher undated – 6 pages, Comments 4.2.1-10
3. Unsigned “Aug Hearing Talking Points” undated – 9 pages, Comments 4.3.1-100

3.3 GENERAL COMMENTS

Comment 2.14 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:

I was wondering if Orange County is also required to weigh in on this site, if they have and if there are any concerns that the public would have visibility to from them.

Response 2.14:

Orange County Department of Planning provided comments on the application as part of the SEQR process, which were included in DEIS Appendix A5. These comments were considered in preparing the DEIS.

Comment 2.15 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:

For the documents that get shared online for these meetings, when I click through I don't see in any of those resources where that criterion is. Would that be added at a later point in the process?

Response 2.15:

The criteria for the design of the project is laid out in multiple public documents, including but not limited to the Town of Newburgh Zoning Code, NYS and OC Department of Health guidelines, NYSDEC guidelines etc. These criteria are voluminous and are not appended to the DEIS.

Comment 2.16 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:

For subsequent hearings, if the Board would find appropriate to look at properties not just within 500 feet of the main site but properties within 500 feet of the force main. That would probably, in my estimation, be appropriate for consideration for future public hearing notifications because those people are going to have their front yards impacted.

Response 2.16:

The public notice criteria is specifically laid out in the Town of Newburgh Zoning Code §188-57K. The code requires written notice to be mailed to all properties within 500 feet of the subject property and also includes posting of the property as well as publishing the notice in the Town's official paper.

Comment 3.4.30 - City of Newburgh Comment Letter dated 7/30/2024

The applicant needs to clearly locate the lime kilns on the Site Plan.

Response 3.4.30:

The lime kilns are labeled on the site plan (FEIS Appendix G) and are not located on the Applicant's property.

Comment 3.4.31 - City of Newburgh Comment Letter dated 7/30/2024

The applicant should add the City of Newburgh Fire District, MLS, and TONEMS to Fire and Emergency providers on the Environmental Assessment Form.

Response 3.4.31:

The emergency service providers have been added to the FEAF (FEIS Appendix C) as requested.

Comment 3.4.32 - City of Newburgh Comment Letter dated 7/30/2024

The applicant needs to clarify any structures or improvements on parcel 41.1.2, and clarify whether they are primary structures on the parcel, or accessory to other primary structures for the project.

Response 3.4.32:

The only improvements located on the City of Newburgh tax lot 41-1-2 are a fire apparatus access road and a stormwater management pond. These are accessory improvements to the residential structures located on the same parcel which also includes tax lots in the Town of Newburgh.

Comment 3.4.33 - City of Newburgh Comment Letter dated 7/30/2024

The current Environmental Assessment Form should list the zoning designation for parcel 41.1.2 in the City as "Low Density Residential with a Neighborhood Commercial Overlay."

Response 3.4.33:

The zoning designation has been added to the FEAF (FEIS Appendix C) as requested. FEIS Section 1.2 identifies the zoning designation in the City of Newburgh.

Comment 4.2.1 - Matt & Erika Gallagher undated Letter

We understand that, as lead agency, once the draft EIS is finalized, the Planning Board bears responsibility for the contents. We cannot stress enough how exceedingly careful we hope you will be to verify all statistics and statements in this report given the number of errors and contradictory statements it contains. We've only highlighted the few we felt were the most important ones during the public hearing process.

Response* 4.2.1*:

Comment is noted.

Comment 4.2.6 - Matt & Erika Gallagher undated Letter

It would have been nice if the county's response was made publicly available to the development as residents might have had opinions on those as well. The FOIL officer only had documents from the county dating back to 2022 as of this letter.

Response 4.2.6:

It is assumed that the commenter is referring to the Orange County Department of Planning, which provided comments on the Project as part of the SEQR process, and were included in DEIS Appendix A5.

Comment 4.2.7 - Matt & Erika Gallagher undated Letter

Please be aware that minutes from past meetings typically aren't posted for 3 sometimes 4 weeks and often well after deadlines close for public commentary submissions. If you weren't at a meeting, or missed something that was said, there's no way then to go back and reference or clarify before submitting written commentary to the board.

Response 4.2.7:

Comment is noted.

Comment 4.2.8 - Matt & Erika Gallagher undated Letter

Many residents seemed appalled at some of the DEIS mistakes raised during public hearings by the public. Matt and I consider ourselves fairly well-educated professionals but realize this is our first experience involving planning/zoning boards. For future first time home-owners, it might be beneficial to take a moment and explain/educate the public at each meeting where the project is within the SEQR process. I was beyond dumbfounded that no one on the planning board

caught any of the errors in this report after multiple workshops with the architect. I only came to realize well afterwards the board does not perform their full analysis of the report until after the public hearings. I understand this now, but from the public's perspective, if that's not explained, it simply looks like the public has picked up on something the planning board has failed to see.

Response 4.2.8:

Comment is noted.

Comment 4.2.9 - Matt & Erika Gallagher undated Letter

Besides adding your e-mail on the actual Town Planning Board website (I had to continually find it on letterhead in attachments from previous meetings), it might also be beneficial for residents if you included a link to the SEQR process. Both of those actions would demonstrate to residents the boards desire to inform and include the public in the planning process and the processes you work to. Forcing residents to hunt these things down will likely result in a less-educated and less-involved public, and potentially gives the impression of concealment.

Response 4.2.9:

The Board provides information to the public in accordance with the requirements of Town Law and SEQR regulations. A full explanation of the SEQR process is available on the NYS DEC website. https://dec.ny.gov/regulatory/permits-licenses/seqr.

Comment 4.2.10 - Matt & Erika Gallagher undated Letter

Please use the microphones in the town hall during the meetings. People did struggle to hear the board during these past public hearings. I'm beginning to think your stenographer is a bat since I often have to strain to hear comments from board members (she deserves much credit!)

Response 4.2.10:

Comment is noted.

3.4 EXECUTIVE SUMMARY

Comment 1.25 – Mr. Mark S., Verbal Comment from the August 1, 2024 Public Hearing:

You mentioned that Farrell is the developer of this project? Are they still in the area? They sold their property, their office building. I heard, I guess, they're moving down to Florida. Moving out of New York State.

Response 1.25:

Farrell is the developer and Applicant for the Project and have an office in New York State.

Comment 3.2.1 - MHE Engineering Comment Letter dated 10/2/2024:

Local approvals identify outside Sewer User Agreement for the City of Newburgh. This should be revised to state "Town of Newburgh".

Response 3.2.1:

FEIS Section 1.7 has been revised to indicate that the outside Sewer User Agreement is with the Town of Newburgh.

Comment 3.2.2 - MHE Engineering Comment Letter dated 10/2/2024:

The sewer district creation is identified as the Town of Newburgh. It is unclear if a sewer district will be created or the project will be treated as an outside user. Discussion regarding the outside user should be expanded.

Response 3.2.2:

The Applicant is proposing to enter into an outside user agreement with the Town of Newburgh for sewer capacity. To convey the sewer to the Town's collection system it is

proposed that approximately 4,725 feet of sewer forcemain will be constructed. The Applicant is offering to dedicate the sewer forcemain and sewer pump station to the Town should the Town desire own and maintain it. If the Town accepts these improvements a sewer district would need to be formed or extended. If the sewer forcemain is publicly owned, it will potentially provide opportunities for existing and future residents along the almost 1-mile route to have access to public sewer. If the Town chooses not to accept the dedication, the sewer forcemain will remain private.

Comment 3.2.3 - MHE Engineering Comment Letter dated 10/2/2024:

Discuss additional permits and approvals required for the water main extension.

Response 3.2.3:

The Project Site is within the Town of Newburgh Consolidated Water District. The watermain extension to serve the Site will require the approval of the Orange County Health Department and the New York State Department of Transportation for utility work within the New York State Route 207 road right-of-way.

Comment 4.3.1 - Unsigned & undated "Aug Hearing Talking Points":

DEIS With Figures Sponsor – Ferrell (also Applicant?) Lead Agency – Ewasutyn, Planning Board Preparer – Engineering & Surveying Properties

Response 4.3.1:

Farrell is the Sponsor/Applicant for the Project.

Comment 4.3.2 - Unsigned & undated "Aug Hearing Talking Points":

What is a SEQRA Type 1 action: Part 617.4 (b) (6) (i) - State Environment Quality Review Act

Response 4.3.2:

A SEQRA Type 1 Action is a type of project that has been identified by New York State as having the potential for significant environmental impacts. Based on this classification of the Action the Planning Board is required to take a in depth look at the potential impacts of the Project. In this instance the Planning Board required the highest level of analysis, through the preparation of an Environmental Impact Statement.

Comment 4.3.3 - Unsigned & undated "Aug Hearing Talking Points":

Page 3 lists all consultants – Env, Arch, Traffic, Landscape, etc - Pretty sure these are people that helped E&SP, not Involving Agencies

Response 4.3.3:

Correct, Page 3 of the DEIS lists are consultants for the Project.

Comment 4.3.4 - Unsigned & undated "Aug Hearing Talking Points":

Can we do a FOIL to see the DEIS submitted from The Ponds project? And why it was deemed incomplete by the Planning Board?

Response 4.3.4:

Anyone can FOIL a municipality for records and ask why a project was deemed incomplete.

Comment 4.3.5 - Unsigned & undated "Aug Hearing Talking Points":

What does it mean for the city portion to be in the RL zone?

Response 4.3.5:

The City of Newburgh portion of the site is zoned “RL” which stands for “Low Density Residential”. Additionally, the City of Newburgh portion is has a Neighborhood Commercial Overlay (NCO).

Comment 4.3.6 - Unsigned & undated "Aug Hearing Talking Points":

Acknowledgment of the 4 billboard signs

Response 4.3.6:

The four billboard signs were acknowledged six times in the Draft Environmental Impact Statement in the “Project Site Existing Conditions”, “Executive Summary”, “Aesthetic Resources” under both Visual and Lighting subheadings and “Land Use & Zoning” sections.

Comment 4.3.7 - Unsigned & undated "Aug Hearing Talking Points":

How are Stop Bars supposed to meaningfully improve safety?

Response 4.3.7:

Stop bars give motorists a clear, unambiguous stopping point, which helps prevent vehicles creeping into cross traffic, drivers blocking pedestrian crosswalks and confusion about who has the right-of-way. In addition, stop bars increase intersection visibility and drive awareness. The Federal Highway Administration notes that adding pavement markings like stop bars improves driver compliance with stop signs.

Comment 4.3.8 - Unsigned & undated "Aug Hearing Talking Points":

New water line, 1,300ft within right of way to hydrant 900 ft west of project

Response 4.3.8:

The Proposed Action will construct 1,300 ft of watermain within the state right-of-way to a point 900 feet west of the westernmost boundary of the site.

Comment 4.3.9 - Unsigned & undated "Aug Hearing Talking Points":

New sewer, 4,725 ft, within rights of way, to Unity and OLB

Response 4.3.9:

The Proposed Action will construct approximately 7,994 ft of sewer forcemain within the public road rights-of-way to the existing sewer system on Unity Place 600 feet north of the intersection with Old Little Britain Road.

Comment 4.3.10 - Unsigned & undated "Aug Hearing Talking Points":

Address need for medium density housing close to major transport routes

Response 4.3.10:

The Town Comprehensive Plan expresses the need for medium density housing and concludes that the Site is an appropriate location for multi-family development. Furthermore, the Town’s Zoning Code indicates that Multiple Dwellings are a permitted use for the site subject to Site Plan review by the Planning Board.

Comment 4.3.11 - Unsigned & undated "Aug Hearing Talking Points":

“conservation of natural resources by clustered nature”…

Response 4.3.11:

Benefits of the Proposed Action include conservation of natural resources, which is accomplished by clustering the development and avoiding disturbing the entire Site.

Comment 4.3.12 - Unsigned & undated "Aug Hearing Talking Points":

Tax revenue

Response 4.3.12:

A fiscal analysis of the Proposed Action was included as DEIS Appendix H. The study estimated that the Project will generate approximately $837,565 of additional property tax revenue per year for the Town, County and School District.

Comment 4.3.13 - Unsigned & undated "Aug Hearing Talking Points":

Nearby off-site road improvements

Response 4.3.13:

Offsite roadway improvements are discussed in the DEIS and include an eastbound left-turn lane on NYS Route 207/Little Britain Road to be constructed in conjunction with access into the Site, the addition of Stop Bars at the NYS Route 207/Little Britain Road and Wisner Avenue intersection, and the NYSDOT plans to signalize the intersection of Old Little Britain Road and NYS Route 207/Little Britain Road where vehicles are currently experiencing delays in the southbound approach during the Weekday Peak PM Hour.

Comment 4.3.14 - Unsigned & undated "Aug Hearing Talking Points":

On site recreational facilities for residents and guests

Response 4.3.14:

Proposed on-site recreational facilities are outlined in the DEIS which include a children's playground, pool and sundeck, restrooms, dog wash, two tennis courts, and four pickleball courts. Furthermore, the Clubhouse amenities include an exercise room, lounge area with a TV and fireplace, small kitchen, multi-purpose room, two offices and restrooms. Sidewalks are also proposed throughout the development.

Comment 4.3.15 - Unsigned & undated "Aug Hearing Talking Points":

GML 239 L,M,N

Response 4.3.15:

GML refers to NYS General Municipal Law. The specific Sections 239 L, M, and N[1] require certain planning and zoning actions to be coordinated and/or referred to the County Planning Department.

Comment 4.3.16 - Unsigned & undated "Aug Hearing Talking Points":

ECL Article 17, Title 7,8 SPDES and discharge of treated storm water

Response 4.3.16:

ECL refers to NYS Environmental Conservation Law. The specific Titles 7 & 8 refer to the permits and requirements for the treatment of storm water discharge under the State Pollutant Discharge Elimination System (SPDES).

Comment 4.3.17 - Unsigned & undated "Aug Hearing Talking Points":

Army Corps, school, fire, police are Interested Agencies, not Involved

Response 4.3.17:

These agencies are considered interested agencies in the SEQR process since they do not have an approval authority over the Project.

Comment 4.3.18 - Unsigned & undated "Aug Hearing Talking Points":

What is Bedrock Removal procedure?

Response 4.3.18:

Bedrock removal procedures are outlined in Section 3.1.3 of the DEIS.

[1] https://www.nysenate.gov/legislation/laws/GMU/A12-B

Comment 4.3.19 - Unsigned & undated "Aug Hearing Talking Points":

Aesthetics, building setbacks to greatest extent practical. What if that means no Bldg 8?

Response 4.3.19:

FEIS Table 1.7. lists the first Aesthetic Resources mitigation measure as "a) Preservation of existing vegetation and increased building setbacks to the greatest extent practical" If Building 8 was not constructed 130 feet from the front property line, the next closest building to the front property line would be the clubhouse at a distance of 200 feet.

Comment 4.3.20 - Unsigned & undated "Aug Hearing Talking Points":

Eliminating light trespass at property line, during build, immediately after build and even during winter leaf loss?

Response 4.3.20:

A lighting plan has been developed to ensure the safety of future residents and guests of the Site. The lighting plan shows lighting levels on the Site and confirms that there are no significant impacts to abutting properties from proposed outdoor lighting.

Comment 4.3.21 - Unsigned & undated "Aug Hearing Talking Points":

406 bedrooms (555 people), 583 parking spaces, but only adding 132 cars in the afternoon?

Response 4.3.21:

The number of projected vehicle trips is calculated based on the amount and type of proposed residential units using the Institute of Transportation Engineers Trip Generation Manual, which is the industry standards for estimating vehicle trips.

Comment 4.3.22 - Unsigned & undated "Aug Hearing Talking Points":

Are on-site EV charging stations DC, high voltage? Separate permits required?

Response 4.3.22:

EV charging stations are proposed to be Level 2, alternating-current (AC) 240 volts. A permit will be required from the Town building department to install the chargers.

Comment 4.3.23 - Unsigned & undated "Aug Hearing Talking Points":

Fair share for what improvements at OLB, the paint?

Response 4.3.23:

Should the NYS Department of Transportation not complete the improvement at the NYS Route 207 and Old Little Britain Road intersection, the Applicant has offered to pay their fair share of the cost of this improvement. The share would be determined by the Planning Board prior to final approval of the project

Comment 4.3.24 - Unsigned & undated "Aug Hearing Talking Points":

Sewer - 47,452 gallons per day, no comments on mitigation measures

Response 4.3.24:

The sewer flow rate has been revised to 47,932 gallons per day.

Comment 4.3.25 - Unsigned & undated "Aug Hearing Talking Points":

Reduction of drainage, no mitigation measures?

Response 4.3.25:

A Stormwater Pollution Prevention Plan (FEIS Appendix D3) has been designed to address the potential impacts to drainage infrastructure.

Comment 4.3.26 - Unsigned & undated "Aug Hearing Talking Points":
How do we know that tax revenue will be allocated to fire/police/EMS? Can't add 0.x officers/detectives.

Response 4.3.26:
Additional tax revenue collected from the Project will be allocated in accordance with corresponding Taxing Jurisdiction's budget, over which the Applicant has no involvement.

Comment 4.3.27 - Unsigned & undated "Aug Hearing Talking Points":
Why explore an alternative with no stormwater management in City land?

Response 4.3.27:
An alternative with no stormwater management proposed on land within the City of Newburgh was studied as an option that would require less jurisdictional oversight and regulation by the City of Newburgh.

Comment 4.3.28 - Unsigned & undated "Aug Hearing Talking Points":
Are the water and sewer alternatives to connect eastward (vs Unity)?

Response 4.3.28:
Yes, the water and sewer alternatives involve connecting into the City of Newburgh's water and sewer infrastructure to the east. To date the City has indicated that these alternatives are not acceptable and therefore the Applicant's is pursuing a connection to the Town of Newburgh water and sewer systems.

Comment 4.3.29 - Unsigned & undated "Aug Hearing Talking Points":
Non-relevant for Flooding

Response 4.3.29:
The Project Site is not located within the100-year floodplain.

Comment 4.3.30 - Unsigned & undated "Aug Hearing Talking Points":
Groundwater – was source of domestic/fire the only possible concern?

Response 4.3.30:
Groundwater is listed as a non-significant or irrelevant issue in the DEIS since the proposed domestic and fire protection water will be supplied by surface water sources rather than groundwater sources.

3.5 DESCRIPTION OF THE PROPOSED ACTION

Comment 1.2 – Mr. Jospeh S., Verbal Comment from the August 1, 2024 Public Hearing:
The second thing is, there was an emergency exit. If you look at the map, contiguous to the top left part of it there was an emergency exit. The gentleman apparently has constructed another emergency exit on the Newburgh side. Is that correct?

Response 1.2:
Yes, the only emergency exit proposed is located on lands owned by the Applicant within the City of Newburgh.

Comment 1.8 - Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:
Also during the winter months the applicant states that private snow removal services will be responsible for clearing the entrance. The DEIS has no mention of where that cleared snow will be placed. Common observation in the Town of Newburgh suggests that the snow will likely be pushed to berms on either side of the entrance which tends to create an obstacle for intersection

sight distance. You also have the added complexity of private snow removal, trying to keep an entrance clean as New York State DOT is coming by on Route 207, pushing more snowfall right back on the entrance. It would be good to hear how they plan on handling that.

Response 1.8:

Snow removal will be completed using best management practices. General Note 9 has been added to Sheet O-100 Overall Plan (FEIS Appendix G) addressing maintenance of the snow storage along the roadway to ensure sight distance is maintained.

Comment 1.17 – Ms. Carol J.C., Verbal Comment from the August 1, 2024 Public Hearing:

256 multi-family units, is that what I heard? Okay. So you indicated 141 one-bedroom and then 148 two-bedroom?

Response *1.17*:

There will be a total of 110 one-bedroom units and 148 two-bedroom units, for a combined total of 258 apartments.

***Comment 1.24 – Mr. Mark S., Verbal Comment from the August 1, 2024 Public Hearing*:**

It's been a little while. I'm not sure which Member of the Board mentioned that the main entrance was going to be on a one-acre lot in the Town. I've since heard on the western end of the property would be the main entrance there.

Response *1.24*:

The western entrance in the Town of Newburgh is the proposed main entrance to the development. The entrance on the east side of the Site, within the City of Newburgh, is currently proposed as an emergency-only access.

***Comment 1.23 – Mr. Mark S., Verbal Comment from the August 1, 2024 Public Hearing*:**

I also heard that there are ten structures, residential structures on the property. Is that correct?

Response *1.23*:

There are 11 residential buildings and one club house shown on the proposed Site Plan.

***Comment 1.28 – Mr. John C., Verbal Comment from the August 1, 2024 Public Hearing*:**

Some of the areas, I don't know if I'm going to get a ladder truck in. I don't know how we're going to access some of the back of the buildings. These are just a few of the things.

Response *1.28*:

The site plan complies with NYS Fire Code for aerial apparatus access. FEIS Figure 3.6C has been prepared to show the turning movements of an aerial fire truck through the site and the required aerial apparatus staging areas adjacent to each building. Access around the building provides approximately 215 feet to the furthest point of the building from the traversable route. This distance is permitted under the exception to Section 503.1.1 of the NYS Fire Code, which allows greater than 150 ft distances when the building is protected by the use of an approved sprinkler system. Under the building code each building will be required to install an approved sprinkler system.

***Comment 1.38 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing*:**

Who determines the frequency of that street sweeping and what is the recourse of any board or group if street sweeping is not occurring during the build?

Response *1.38*:

Compliance with the site plans will be enforced by the Town of Newburgh Building Department.

Comment 1.42 – Mr. Ward., Verbal Comment from the August 1, 2024 Public Hearing:

Last was with the City of Newburgh. They were suggesting a sidewalk. I'm suggesting a sidewalk in the Town of Newburgh along 207 for pedestrian safety.

Response *1.42*:

Residents of the Project will be able to walk on internal walkways from one side of the site to the other. The nearest offsite sidewalk on the Project's side of NYS Route 207 is over 700 feet northeast of the proposed emergency access drive and over 1400 feet from the nearest proposed residential building. With no pedestrian trip generating uses in the area and over a ¼ mile to the nearest sidewalk, a sidewalk along NYS Route 207 has not been proposed.

Comment 2.10 – Mark S., Verbal Comment from the September 5, 2024 Public Hearing:

Are there interior walking paths for the residents or will they be walking out on the highway to get their exercise? Sidewalks, not walking paths?

Response *2.10*:

The site is designed with an internal pedestrian circulation system consisting of sidewalks.

Comment 2.22 –John Connor, Verbal Comment from the September 5, 2024 Public Hearing:

During the winter we have significant snowfall. Have you addressed where the snow is going to go?

Response *2.22*:

The proposed location of the snow storage areas is shown on the site plans.

Comment 2.26 –Mr. Ward, Verbal Comment from the September 5, 2024 Public Hearing:

With the traffic circle and the two buildings there, if you did a flip flop and moved the entrance instead straight down -- over to your right – my right. Right in that area. A little over. Right in that area. That might solve the both ways looking with the speed.

Response *2.26*:

The main entrance has been moved to the east to improve sight distance looking east.

Comment 3.1.7 - Good Will Fire District Comment Letter dated 9/5/2024

The site layout plan indicates there are several elevation changes and steep slopes around the building to the rear and sides. On the Type 2 first floor plan retaining walls are shown as close as 8 feet behind Units. This could present a problem with effective firefighting and rescue efforts. Has any consideration been given to increase the amount of flat terrain around the building? Minimal fairly level ground area around the buildings will have a detrimental effect on firefighting efforts and rescue operations. As found with the completion of the recent Farrell complex on Gardnertown Road, there is no firetruck access to the rear of any of the buildings. Firefighting and rescues of any type for all second floor and higher will require the use of ground ladders. Firetruck access limited to only the front of the units.

Response 3.1.7:

The plan has been designed with a minimum of 15 feet of level ground area (less than 5% slope) to ensure access around each entire building.

Comment 3.1.8 - Good Will Fire District Comment Letter dated 9/5/2024:

The Type 1 buildings have an enclosed garage space sandwiched between a mechanical space below and living space above. There is no direct access to Mech/Elect Rooms from the exterior of the building. The only access to this is space is through the apartment living space. This does not appear to be a safe construction design.

Response 3.1.8:

The required fire separation between the enclosed garage, mechanical space below and living space above will be provided per NYSBD Section 406.3.2. The entrance to the Mech/Elect rooms is from the egress corridors on each side of the building and not through the apartment living space.

Comment 3.1.9 - Good Will Fire District Comment Letter dated 9/5/2024:

However, The Type 2 units do not indicate any mechanical spaces similar to the Type 1 design. Are these mechanical spaces where the HVAC's, electrical panels, fire alarm systems, etc. If so, where are they in this type unit?

Response 3.1.9:

The Type 2 building does not have a basement like the Type 1 building. The mechanical units will be installed in the roof attic and will comply with the 2025 NYSBC requirements for fire resistance and egress (Sections 703.4, 711.2.4.3, 1009, and 712). This information will be shown in the Mechanical Plans within the Building Department submission set.

Comment 3.1.10 - Good Will Fire District Comment Letter dated 9/5/2024:

Are there electric generators for each building?

Response 3.1.10:

No. Electric generators are not required for the proposed 2-story residential buildings under the 2025 NYS Building Code, as they do not have fire pumps, elevators, or other life-safety systems that would mandate emergency power (NYSBC Sections 403, 604, NFPA 110). The owner and project team will determine during the design development phase whether a generator is necessary based on the project needs.

Comment 3.1.11 - Good Will Fire District Comment Letter dated 9/5/2024:

It is understood that the plantings shown on the drawings are only for diagrammatic purposes, but they must be positions such that they do not impede firefighting and rescue efforts or positioning of fire apparatus.

Response 3.1.11:

Comment is noted.

Comment 3.1.12 - Good Will Fire District Comment Letter dated 9/5/2024:

Is there a site smoking policy?

Response 3.1.12:

The on-site smoking policy will align with NYS laws.

Comment 3.1.13 - Good Will Fire District Comment Letter dated 9/5/2024:

Is each unit within a building separated by fire walls?

Response 3.1.13:

Yes. We will provide the required 1-hour fire-resistance-rated assemblies between dwelling units, between units and corridors, and between floors, in accordance with 2025 NYSBC Sections 703.4 and 711.2.4.3.

Comment 3.1.14 - Good Will Fire District Comment Letter dated 9/5/2024:

Some bedroom spaces are well in excess of 75 feet to an exit {ex: Type 2 - 2nd floor Unit 3 bedroom is about 70+feet to the top of the stairwell). With the limited space behind the buildings, it is crucial to have sufficient space outside to allow for rescue efforts.

Response 3.1.14:

Two means of egress are provided for both Building Type 1 and Building Type 2. According to NYSBC Section 1017.2, the maximum exit travel distance for R-2 occupancies is 200 feet without an automatic sprinkler system and 250 feet with an automatic sprinkler system. The proposed maximum travel distance on the second floor is approximately 91 feet, which is less than the required maximum. This information will be shown in the life safety plans in the Building Department set.

Comment 3.1.15 - Good Will Fire District Comment Letter dated 9/5/2024:

Will electric vehicles be allowed inside building areas? Have any considerations been made for electric vehicle charging stations in or around the garage areas? Is it a good practice to have electric vehicles in garages under living quarters?

Response 3.1.15:

The location of electric vehicle parking will align with NYS laws.

Comment 3.1.34 - Good Will Fire District Comment Letter dated 9/5/2024

These type of condominium complexes attract a mobile generation who are likely to use more electric vehicles.

a) Where are charging stations
b) Where are charging stations
c) Are EV's allowed inside garages under bedrooms?
d) Where is/are standby generators

Response *3.1.34*:

The charging stations will be located throughout the site near the residential buildings. The location of electric vehicle parking will align with NYS laws. A standby generator is not proposed.

Comment 4.1.1 - Catherine Gaspard Letter dated 9/12/2024:

We are all aware of Global Warming, yet we continue to do away with green areas that are so important to help sustain a healthy environment.

Response *4.1.1*:

Comment is noted. Medium-density residential design is a planning method that reduces potential climate change as it utilizes less land area per capita and provides places for people to live near infrastructure and existing businesses, which reduces driving distances, both of which are less impactful on greenhouse gas emissions than large lot subdivisions.

Comment 4.3.31 - Unsigned & undated "Aug Hearing Talking Points":

30-ft easement on the North being “extinguished”?

Response 4.3.31:

The 30-ft easement on the north side of the property will be extinguished by matter of law as the easement benefits a lot that it will be combined with property containing the easement.

Comment 4.3.32 - Unsigned & undated "Aug Hearing Talking Points":

How do you reduce area of wetlands? By filling in? .75 to .74

Response 4.3.32:

The isolated non-jurisdictional wetlands in the area of Building 7 will be filled during construction of the Project.

Comment 4.3.33 - Unsigned & undated "Aug Hearing Talking Points":

Stop Bars at Wisner – how is this related to increased flow?

Response 4.3.33:

The proposed Stop Bars may assist in improving the safety of the Route 207/Wisner Ave intersection. There is limited sight distance at this location due to the proximity of the existing building on the northeast corner which may contribute to the higher crash rate.

Comment 4.3.34 - Unsigned & undated "Aug Hearing Talking Points":

Where is the hydrant 900 ft west?

Response 4.3.34:

The hydrant located 900 feet west of the Project Site is on the north side of NYS Route 207 between the driveways for 470 and 484 Little Britain Road.

Comment 4.3.35 - Unsigned & undated "Aug Hearing Talking Points":

Is the Ferrell responsible for costs if existing mains/hardware is damaged during extension?

Response 4.3.35:

The public watermain extension improvements will be bonded by the Applicant to ensure proper construction of the new mains and maintenance of existing infrastructure during construction.

Comment 4.3.36 - Unsigned & undated "Aug Hearing Talking Points":

Pump station and forcemain to be owned/maintained by Sponsor (Ferrell)

Response 4.3.36:

It is proposed that the pump station and sewer forcemain will be privately owned and maintained. In addition, they will be an offer of gratuitous dedication to the Town should the Town choose to own this infrastructure for the future benefit of Town residents along the sewer forcemain route.

Comment 4.3.37 - Unsigned & undated "Aug Hearing Talking Points":

So not feasible for other properties to tie-in/benefit from forcemain?

Response 4.3.37:

See ***Response 4.3.36*** above.

Comment 4.3.38 - Unsigned & undated "Aug Hearing Talking Points":

Routine inspection requirements set by whom?

Response 4.3.38:

Inspection requirements for the sewer pump station and sewer forcemain are set by the Town and the NYSDEC.

Comment 4.3.39 - Unsigned & undated "Aug Hearing Talking Points":

Impact to residents on LBR/OLB for construction and future inspections?

Response 4.3.39:

There will be some construction impacts to residents along Little Britain Road and Old Little Britain Road as the water main and sewer forcemain are installed across the driveways within the road right-of-way.

Comment 4.3.40 - Unsigned & undated "Aug Hearing Talking Points":

Potential supplementary evergreen to bolster winter buffer / stop reflected light (in addition to flowering deciduous?

Response 4.3.40:

The applicant has prepared a robust landscape plan consistent with the Town's landscaping regulations and with feedback from the Town's landscape consultant.

Comment 4.3.41 - Unsigned & undated "Aug Hearing Talking Points":

20ft high light poles, on the parking side of Bldg 8, which is __ ft high?

Response 4.3.41:

The proposed outdoor lights will be mounted on 20-foot-high poles. Building 8 will be 31 feet tall on the street/parking side where the light pole is located.

Comment 4.3.42 - Unsigned & undated "Aug Hearing Talking Points":

Check out town code Chapter 125 "Noise and Illumination Control" for light and construction noise

Response 4.3.42:

As stated in Sections 2.3.5 and 2.4 of the DEIS, site lighting and construction activities will comply with the Town of Newburgh Code Chapter 125 entitled "Noise and Illumination Control".

Comment 4.3.43 - Unsigned & undated "Aug Hearing Talking Points":

3 years to complete construction?

Response 4.3.43:

It is estimated that the Project will take 3 years to construct.

Comment 4.3.44 - Unsigned & undated "Aug Hearing Talking Points":

The entire project is essentially within 1500 ft of Chris' house, so 7:30am to 6pm for clearing and grading

Response 4.3.44:

The hours of construction will comply with the Town of Newburgh Code Chapter 125 entitled "Noise and Illumination Control".

Comment 4.3.45 - Unsigned & undated "Aug Hearing Talking Points":

Then allowed up to 65 decibels until 10pm, then 56 decibels until 8am

Response 4.3.45:

Town of Newburgh Code Chapter 125 lists different noise level restrictions depending on the time of day. In the R-3 Zoning District up to 65 decibels are permitted from 8:00 a.m. to 10:00 p.m. and 56 decibels are permitted from 10:00 p.m. to 8:00 a.m.

Comment 4.3.46 - Unsigned & undated "Aug Hearing Talking Points":

Light pollution during construction? See page 27, Construction Offices Page 26

Response 4.3.46:

Outdoor lighting will not be installed for construction purposes. Permanent outdoor lighting will be shielded, directed downward and Dark Sky lighting compliant to minimize light pollution.

Comment 4.3.47 - Unsigned & undated "Aug Hearing Talking Points":

Bldgs have detached garage? Not show on any BLDG Type drawings Page 27

Response 4.3.47:

Each residential building will have a detached garage that will have architectural elements consistent with the residential buildings.

Comment 4.3.48 - Unsigned & undated "Aug Hearing Talking Points":

Construction offices located where? Ask for them to be “setback” at least as far as buildings since they will exist for 3 years

Response 4.3.48:

Construction office locations have not yet been determined and will be located by the builder with a permit from the Town of Newburgh Building Department and consistent with the Town of Newburgh Code.

Comment 4.3.49 - Unsigned & undated "Aug Hearing Talking Points":

For construction fugitive dust/dirt on the road, were anti-tracking pads etc in use on 17K next to Kia, because 17k became a dirt road during construction.

Response 4.3.49:

The Applicant is unfamiliar with the Kia site construction methods.

Comment 4.3.50 - Unsigned & undated "Aug Hearing Talking Points":

Mandatory street sweeping based on what?

Response 4.3.50:

Street sweeping will be conducted on a routine basis, with frequency adjusted according to site activity and weather conditions. Any soil tracked onto the state highway is strictly prohibited and shall be removed immediately. Compliance will be monitored and enforced by the Town Building Department and the appropriate police jurisdictions.

Comment 4.3.51 - Unsigned & undated "Aug Hearing Talking Points":

We keep our cars clean and always use OLB for errands and work. Not going to drive through a section of dirt for 3 years. Who do we call when the road gets covered in dirt and is not swept in a timely manner?

Response 4.3.51:

See ***Response 4.3.50*** above.

Comment 4.3.52 - Unsigned & undated "Aug Hearing Talking Points":

Particular risk for motorcyclists and driving in bad weather when the street corner /entrance braking area is covered in debris

Response 4.3.52:

See ***Response 4.3.50*** above.

Comment 4.3.53 - Unsigned & undated "Aug Hearing Talking Points":

Construction vehicles M-F 8am-9pm, but type-o on weekends/holidays where it states 9am to 8am.

Response 4.3.53:

The typo has been corrected in FEIS Section 1.4 “Construction vehicles will typically operate Monday through Friday from 8:00 AM to 9:00 PM and on weekends and holidays from 9:00 AM to 6:00 PM”.

Comment 4.3.54 - Unsigned & undated "Aug Hearing Talking Points":

Clubhouse open at 5am, why? What are Ferrell's noise policies in addition to town requirements?

Response 4.3.54:

The fitness center within the clubhouse will be available for use at 5 am. The Project Owner will comply with the Town's noise code.

Comment 4.3.55 - Unsigned & undated "Aug Hearing Talking Points":

Is there existing legislation that requires snow removal contractors to keep 207 clear and not pile snow affecting visibility of the entrance?

Response 4.3.55:

Chapter 135-2 of the Town Code specifies: "No person shall throw, put or place or cause to be thrown, put or place any snow or ice into any public highway, street, public place or thoroughfare in the town."

Comment 4.3.56 - Unsigned & undated "Aug Hearing Talking Points":

Please cite a reference/study etc for this "need"

Response 4.3.56:

The need for multifamily housing is outlined in Governor Hochul's NY Housing Compact.

Comment 3.3.1 - Creighton Manning Comment Letter dated 10/13/2024

Section 2.4 – Construction and Project Phasing: The anticipated construction period suggests a Spring 2024 start date, this should be updated to reflect the current estimated start and completion dates.

Response 3.3.1:

The revised expected construction start date has been updated in FEIS Section 1.4 to Spring 2027.

Comment 3.3.2 - Creighton Manning Comment Letter dated 10/13/2024

Section 2.4 – Short-term Impacts Resulting from Construction Activity: Last paragraph, clarify the typical operating hours on weekend and holidays – "*9:00 AM to 8:00 AM*."

Response 3.3.2:

The typo has been corrected in FEIS Section 1.4 "Construction vehicles will typically operate Monday through Friday from 8:00 AM to 9:00 PM and on weekends and holidays from 9:00 AM to 6:00 PM".

Comment 3.3.3 - Creighton Manning Comment Letter dated 10/13/2024

Section 2.5.A Project Operation: Clarify what amenities in the clubhouse may be available as early as 5 am and as late as 10 pm. Will there be a rental office with hours of operation?

Response 3.3.3:

The fitness center within the clubhouse will be available for use at 5 am to 10pm. The rental office will be open from 8am to 5pm on weekdays. Outdoor amenities will be open from 8 am until 8 pm.

Comment 3.3.4 - Creighton Manning Comment Letter dated 10/13/2024

Section 2.7.A Public Need: Does the applicant have an estimate on the occupancy rate of apartments in the Town, City, or surrounding area?

Response 3.3.4:

The Applicant does not know the occupancy rate for the Town, City, or surrounding area.

Comment 3.4.12 - City of Newburgh Comment Letter dated 7/30/2024

Page 3, Paragraph 3. Under the heading, "Description of the Proposed Action," the City of Newburgh zoning designation is incorrect. The zone is "Low Density Residential with a Neighborhood Commercial Overlay."

Response 3.4.12:

FEIS Section 1.2 specifies the zoning district designation as “The City of Newburgh portion of the Site is within the Residential Low-Density (RL) with a Neighborhood Commercial Overlay (NCO)”.

Comment 3.4.13 - City of Newburgh Comment Letter dated 7/30/2024

Page 6, Section II(D)(l)(C). Should read, "Outside Sewer User Agreement." Additional approvals may be needed from the City depending on the final project scope.

Response 3.4.13:

Comment is noted. FEIS Section 1.7 lists the approval authority for the Outside Sewer User Agreement as the Town of Newburgh.

Comment 3.4.27 - City of Newburgh Comment Letter dated 7/30/2024

The applicant needs to clarify the right-of-way/easement/farm road visible on the Site Plan on parcel 41.1.2.

Response 3.4.27:

The easement through parcel 41.1.2 has been labeled on the site plan.

Comment 3.4.28- City of Newburgh Comment Letter dated 7/30/2024

The applicant needs to clarify any and all existing or proposed easements within the City or which affect any parcel within the City of Newburgh. Please provide draft updated easement language when available.

Response 3.4.28 :

The easements through the City of Newburgh parcels have been labeled on the site plan. There is a proposed easement that encompasses the actual location of the City’s water main.

Comment 3.4.29 - City of Newburgh Comment Letter dated 7/30/2024

The applicant needs to clarify the nature and age of the stone walls visible on the Site Plan on parcel 41.1.2. Please clarify into an affirmative response with Archeological commentary or SHPO commentary.

Response 3.4.29:

According to the Phase 1A Literature Review and Sensitivity Analysis and Phase IB Archaeological Field Reconnaissance Survey dated August 22, 2004, completed by CITY/SCAPE Cultural Resource Consultants for a project previously proposed on the Project Site, in the eastern portion of the 41.1.2 (identified as Parcel 7 in the report) there are the foundations of two barn buildings. The date of these buildings has not been determined, but based on an examination of the construction techniques, portions of the barns, now collapsed, could be contemporaneous with the 1842 house next door. It is presumed that the stone walls along the farm lane that provided access to the parcel were also constructed around the same timeframe.

3.6 LAND RESOURCES

***Comment 1.36 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing*:**
Blasting. The report still indicates that blasting should be kept to a minimum or not even required. If it is determined that blasting is required for the entrance, because we're a site located close to that, is there any mechanism that we would get notified that blasting has been determined to be appropriate and when that would happen?

Response 1.36:
If blasting is unavoidable, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements, including Chapter 66 of the Newburgh Town Code, entitled "Blasting". Since blasting impacts and protocols are specific to each location, they will be addressed by the construction contractor through a pre-blasting analysis and development of a blasting protocol.

Comment 1.37 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:
If you saw fit to require it, put some sensors at neighboring sites.

Response 1.37:
If the blasting protocol recommends sensors, they will be located as required.

Comment 2.5 – Bill Fetter, Verbal Comment from the September 5, 2024 Public Hearing:
Given the nature of the soils in the area, I just ask that sufficient detention be considered prior to discharging into the adjacent streams. The Quassaick I believe. Directly into the Quassaick Creek. It's the clay content of the soils that is -- it's sustained in the water. It doesn't settle out very quickly in the detention pond which would lead to putting clay into the streams and impacting wildlife.

Response 2.5:
The SWPPP (FEIS Appendix D3) provides adequately sized detention areas both during construction and operation of the Site.

Comment 2.19 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:
For blasting, you talked about opening up the sight distance a little more, taking away a little more to get some of that left-turn view out. It sounds more and more like there is going to be blasting that occurs. It would be good for those of us that are directly adjacent to know how the liability is handled during that. It was addressed last time that there would be sensors placed and the person who does the blasting is insured. We don't know if we might end up in a litigation situation that goes far beyond the three or five years it takes them to build the site. We don't know if the burden is on them to settle any damage before they continue to build. A forecast in terms of what our exposure would be to that would be appreciated, because I think that's part of the environmental impact.

Response 2.19:
If blasting is unavoidable, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements, including Chapter 66 of the Newburgh Town Code, entitled "Blasting". Before the issuance of a blasting permit, the Applicant is required to file with the Town a certificate of general public liability insurance for personal injury and for property damage as well as a surety bond or letter of credit that shall indemnify all persons and the Town of Newburgh against any loss, expense, cost or damages of any kind or nature to persons or property resulting from blasting during the license period.

Comment 3.2.24 - MHE Engineering Comment Letter dated 10/2/2024:

The project has a Figure 3.1E identifying general cuts and fill depths. Cut and fill depths should be identified on Figure 3.1B, which would provide the ability to determine impacts regarding depth to bedrock. Adding a column to the figure identifying finish grades and foundation depths in the area of these test pits will provide an evaluation of potential rock impact. A discussion regarding proposed foundations and utilities which will be below proposed grade should also be provided with appropriate analysis as to potential impacts for rock to be encountered.

Response 3.2.24:

As noted, cut and fill depths are shown on Figure 3.1E. The Test pit depth shown on Figure 3.1D matches the depth of required cut at each of the locations tested and identifies if rock or ground water was encountered. The site layout has been added to Figure 3.1C to show the location of the test pits in relation to the improvements. All foundations are slab on grade.

The exploration included the excavation and observation of 25 test pits extending to depths from 4 to 25 feet. The test pit locations along with the proposed site layout are shown on Figure 3.1C and the Soil Test Pit Logs are listed on Figure 3.1D. Bedrock was encountered in 7 test pits at depths of 2 to 14 feet throughout the Site. Specifically, rock was encountered in test pits 13, 14 and 15 at the top of the hill in the Area of Buildings 1, 2. Approximately 3-4 feet of the rock in this area will need to be removed to construction the building pads and roads in this area. The associated utilities for these buildings will be excavated to approximately 5 feet below the proposed finished grade. Trenching for utilities in these locations will require an additional 5 feet of rock removal within these trenches. Rock was also encountered at test pit 17 near the Site's emergency access road connection with NYS Route 207. At this location there are no utilities but 5 feet of rock removal will be necessary to construct the emergency access drive. This area is near the City of Newburgh potable water transmission mains and sewer main which provide the primary source of potable water to the City. A note has been added to the grading plans indicating that rock removal in this area is by mechanical means only and is subject to approval from the City of Newburgh. Test pit 20 and 23 were performed in the area of the cut slope above building #8 and #9. These test pits indicated that up to 12 feet of rock removal will be required. A note has been added to the plan set indicating that a site-specific geotechnical evaluation and design of the cut slopes above building #8 and #9 will be provided prior to issuance of a building permit for these buildings. Test pit 25 was performed in the previously proposed location of the site entrance. This test pit indicated that up to 5 feet of rock removal will be required construct the entrance. A 12-inch water service is also proposed in this location. To install this main an additional 5 feet of rock will need to be removed.

Based on the field investigations, it appeared that some of the bedrock removal outlined above is capable of being excavated using machinery. Should mechanical removal not be possible blasting will be required and will be performed in accordance with the Town of Newburgh Blasting Permit requirements.

Comment 3.2.25 - MHE Engineering Comment Letter dated 10/2/2024:

The discussion on agricultural soils should be expanded. The statement that the site contains a total of 24 acres of agricultural soils should be expanded. The group number for this agricultural soil and impacts associated with loss of agricultural soils should be specifically addressed.

Response 3.2.25:

The Site contains a total of 24.0 acres of agricultural soils consisting of one soil group, Pittsfield (PtB), which is a Soil Group Number 2. Agricultural soils are identified as Soil Group Numbers 1 through 4 in the New York State Land Classification System. Despite the loss of agriculturally productive soils, it will not affect the agricultural nature of the Site since it has been a wooded parcel for at least the last 38 years and not used for agricultural purposes. The loss of agricultural productive soils due to residential development represents a largely irreversible environmental impact. Land disturbance leads to reduced soil fertility, increased erosion, hydrologic alteration, and degradation of water quality, as well as potential long-term land-use and ecological consequences. Mitigations are proposed to minimize these impacts, which include erosion and sediment controls, topsoil preservation, and stormwater management measures.

Comment 3.2.26 - MHE Engineering Comment Letter dated 10/2/2024:

Discussion regarding bedrock and ground water should be expanded to address impacts associated with bedrock removal. Impacts related to blasting or mechanical removal of the rock should be further discussed. Bedrock was identified in the areas of Buildings 1, 2, 8 and 10 and along the entrance to NYS Route 207. Discussions regarding impacts of utility installation should be further clarified. An evaluation of potential bedrock along proposed utility routings should be addressed.

Response 3.2.26:

See **Response 3.2.24** above.

Comment 3.2.27 - MHE Engineering Comment Letter dated 10/2/2024:

The discussion regarding blasting identifies rock processing activities. Additional discussion should be included in the document regarding rock processing, will a crusher be utilized at the site. Nosie and dust impacts from crushing should be appropriately addressed. The quantity and time frames for blasting activities should be addressed. Discussions regarding blasting requirements should also be incorporated into the document. Seismograph and air monitoring should be discussed.

Response 3.2.27:

Based on existing site conditions and anticipated subsurface materials, limited rock processing may be required to achieve proposed design grades and utility installation depths. If bedrock removal generates material suitable for reuse as structural fill, on-site processing may be conducted to reduce the need for imported aggregate. Should rock processing be performed, a portable crusher will be utilized on site. Crusher operations, if required, will be conducted in accordance with applicable state and local regulations governing noise, dust control, and equipment operation. Noise from crushing activities will be minimized through the use of modern, well-maintained equipment, strategic placement of the crusher away from sensitive receptors, and adherence to permitted hours of operation. Dust generation will be controlled through standard best management practices, including water spray systems, moisture conditioning of processed material, and covering or stabilizing stockpiles. These measures are consistent with accepted construction-phase air quality controls.

Blasting will be limited to areas where mechanical excavation is not feasible due to bedrock hardness or depth. The total quantity of blasting is expected to be confined to the building footprints, utility trenches, and select grading areas. While final quantities will be determined following pre-blast surveys and contractor evaluation, blasting is anticipated to occur intermittently over a defined period during the initial site preparation phase. Blasting will be scheduled during permitted daytime construction hours and will not occur continuously. Each

blast event will be brief, controlled, and conducted only as necessary to achieve required excavation depths. Advance notice will be provided to the municipality and adjacent property owners in accordance with regulatory requirements. All blasting activities will be performed by a licensed blasting contractor in compliance with applicable federal, state, and local regulations, including storage, handling, and detonation requirements for explosives. Pre-blast surveys will be conducted for structures within the required radius to document existing conditions. The blasting contractor will prepare a site-specific blasting plan detailing charge sizes, delay sequencing, safety protocols, and communication procedures. This plan will be submitted to the appropriate authorities prior to initiation of blasting.

Seismograph monitoring will be implemented as required during blasting operations to ensure that ground vibration and air overpressure remain within regulatory thresholds. Monitoring equipment will be placed at representative locations to document compliance and provide real-time feedback to the blasting contractor. Blasting parameters will be adjusted as necessary to maintain vibration levels below established limits. Air monitoring will be conducted as appropriate to evaluate dust levels during blasting and rock processing activities. Dust suppression measures—including water application, controlled blast matting, and prompt stabilization of disturbed areas—will be employed to minimize airborne particulates. These practices are consistent with standard construction air-quality management requirements and will ensure compliance with applicable dust and nuisance regulations.

Comment 3.2.28 - MHE Engineering Comment Letter dated 10/2/2024:

The document should discuss whether a Clearing or Grading Permit will be sought for clearing and grading of the site prior to all other approvals being obtained. Public Hearings are required to be held if clearing and grading permit is proposed. The public hearing notice for the DEIS did not identify Chapter 83 for Clearing and Grading Permit.

Response 3.2.28:

A Clearing and Grading Permit is not currently being sought prior to other approvals.

Comment 3.2.29 - MHE Engineering Comment Letter dated 10/2/2024:

The discussion regarding erosion and sediment control identifies that disturbed areas that have established final grade or temporary grade and will be idle for more than 14 days will be stabilized immediately to minimize potential exposure to erosion sediment. It is noted that if greater than 5 acres or proposed to be disturbed this stabilization time frame becomes reduced to 7 days.

Response 3.2.29:

The proposed Construction Phasing Plan indicates that the area of disturbance will be less than 5 acres for each phase.

Comment 3.2.30 - MHE Engineering Comment Letter dated 10/2/2024:

The basis for the statement which states that rock removal by blasting is not anticipated should be further discussed. Basis for this should be determined. The removal of 20,000 yards of material by mechanical means will result in long-term impacts associated with noise from the mechanical rock removal. As stated above blasting impacts protocols and procedures be further expanded. Time frame for mechanical removal of rock should be addressed.

Response 3.2.30:

See **Response 3.2.24** for a discussion of the areas and depth that rock is expected to be encountered and **Response 3.2.27** for a discussion of blasting protocols.

Additionally, DEIS Section 3.1.2 states "Based on the preliminary subsurface soil investigation and the proposed depth of earthwork cuts, bedrock is expected to be encountered during construction of the Project. Every attempt will be made to remove the rock to the desired grade by mechanical means such as bulldozers, backhoes, rock hammers and/or pneumatic hammers. The use of blasting or other special rock removal techniques is expected to be employed, which will generate noise. Due to the quantity and depth to weathered rock or bedrock discovered on site, the use of blasting may need to be employed to construct the site plan. In removing bedrock, the contractor will minimize the need for blasting by first attempting to remove rock by mechanical means. If blasting is necessary, it will be performed by a fully insured, licensed blasting contractor in accordance with all applicable state and local requirements. If necessary, blasting will likely occur in the central portion of the site. It is expected that approximately 20,000 cubic yards of rock will require blasting. According to GTA's report, shale and gray sandstone are the bedrock found within the blasting location.

All weathered rock and bedrock blasting, and rock processing activities will be carried out in a method that conforms to all local, state and federal guidelines. In accordance with the Town of Newburgh Municipal Code Chapter 66 entitled "Blasting", the contractor must be the holder of a blaster's license issued by the State of New York and apply for a blasting permit from the Town Building Inspector before any blasting operations begin. The contractor must also submit to the Town of Newburgh a certificate of general public liability insurance and a surety bond or letter of credit. If the Building Inspector determines that the extent of the blasting operations and the danger involved requires greater amounts of liability insurance coverage and/or bonding, (s)he can request an increase in the policy amounts. Blasting or rock processing will not occur after 7:00 p.m. or before 8:00 a.m., nor will any blasting be done on Sunday."

The time frame for the removal of rock by mechanical means will be in accordance with Chapter 83 entitled "Clearing and Grading", which limits site preparation activities to Monday through Saturday between the hours of 7:30 a.m. and 6:00 p.m. when within 1,500 feet of any residence and never during public holidays.

Comment 4.3.57 - Unsigned & undated "Aug Hearing Talking Points":

How was recent rainfall during June 2023 when they checked the test pits for ground water?

Response 4.3.57:

According to NOAA National Centers for Environmental Information website[2], the following monthly precipitation was measured at the nearest weather station to the Site, Cornwall on Hudson US1NYOR0002.

Month	Precipitation Total (Inches)
January 2023	4.06
February 2023	1.52
March 2023	2.13
April 2023	5.58
May 2023	2.91
June 2023	2.68

[2] https://www.ncdc.noaa.gov/cdo-web/datatools/findstation

Comment 4.3.58 - Unsigned & undated "Aug Hearing Talking Points":
Is that to say that only 3-5 acres of trees will be removed as-needed for the next phase, to keep wind breaks and root structures strong thereby avoiding unnecessary erosion?

Response 4.3.58:
The Phasing Plan discussed in FEIS Section 1.4 indicates that each construction phase will be less than 5 acres in size to limit the amount to soil disturbance at one time to reduce the potential for erosion and sedimentation.

Comment 4.3.59 - Unsigned & undated "Aug Hearing Talking Points":
For regulated steep slopes, what do the regulations say/require?

Response 4.3.59:
According to the Town of Newburgh Zoning Code §185-3, a steep slope is defined as "a contiguous area of at least 5,000 square feet containing a slope with a topographical gradient equal to or greater than 25%"

Comment 4.3.60 - Unsigned & undated "Aug Hearing Talking Points":
Again, only "5 acres" at a time, meaning trees will remain until within active phase?

Response 4.3.60:
The on-site trees within each construction phase will be felled all at one time.

Comment 4.3.61 - Unsigned & undated "Aug Hearing Talking Points":
Is Ferrell responsible for all damage to surrounding areas if blasting is used?

Response 4.3.61:
See ***Response 2.19*** above.

Comment 4.3.62 - Unsigned & undated "Aug Hearing Talking Points":
PERMIT – Clearing and Grading (Building Inspector)

Response 4.3.62:
Activities performed in conjunction with site plan approvals and subdivision approvals granted by the Planning Board are exempt from obtaining a Clearing and Grading Permit in accordance with Town Code Chapter 83, however the Project will still conform to the standards set forth in this chapter.

Comment 4.3.63 - Unsigned & undated "Aug Hearing Talking Points":
Planning board can impose reasonable conditions during clearing/grading (to include regular cleaning of 207 road surface)?

Response 4.3.63:
Comment is noted.

3.7 SURFACE WATER RESOURCES

Comment 3.2.9 - MHE Engineering Comment Letter dated 10/2/2024:
Provide response to the 19 April 2022 letter to the Army Corps of Engineers requesting a Jurisdictional Determination. Has any response to this letter been received? What is status of Army Corps Jurisdictional Determination.

Response 3.2.9:
A letter from the ACOE dated May 9, 2025 (FEIS Appendix D1) confirms that the on-site wetlands do not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act and are therefore non-jurisdictional wetlands.

Comment 3.2.31 - MHE Engineering Comment Letter dated 10/2/2024:

It should be noted that 1 or all of the 3 wetlands on the site could be potentially considered wetlands of unusual importance by NYSDEC if and when proposed freshwater wetland jurisdiction and classification regulations are updated. The new regulations are expected in effect 1 January 2025. The project site most likely be located in a "urban area" which may impact areas developable on this site due to the potential for required buffers under the new regulations.

Response 3.2.31:

The NYSDEC was consulted to determine if any on the onsite wetlands became part of their jurisdiction as a result of the regulations that took effect on January 1, 2025. A NYSDEC Freshwater Wetland Boundary Validation was signed on September 3, 2025, which expires on September 3, 2030 (FEIS Appendix D2). The map shows Wetlands "A" and "B" on the eastern side of the Site as NYSDEC jurisdictional wetlands with 100-foot adjacent areas. Wetland "C" on the western portion of the Site is not regulated by the NYSDEC.

Comment 3.2.32 - MHE Engineering Comment Letter dated 10/2/2024:

The DEIS should identify and discuss if any of the 3 wetlands on the site are classified as vernal pools.

Response 3.2.32:

None of the onsite wetlands are a vernal pool type of habitat.

Comment 3.2.37 - MHE Engineering Comment Letter dated 10/2/2024:

Applicant's engineer to verify the drainage area to the south east of the existing pipe, under NYS Route 207, as it appears the drainage area that goes off site does not follow existing contours. Also, verify the drainage area of the pipe under NYS Rte. 207 that feeds the wetlands, as it appears this drainage area does not follow the existing contours.

Response 3.2.37:

The Applicant's Engineer has performed multiple site walks to analyze the drainage areas for the Site. Two drainage pipes run under NYS Route 207. The pipe to the southwest leaves the site and discharges to a swale on the property to the south. The pipe to the southeast feeds onto the site, this area collects a small amount of runoff from the roadway and parts of Corwin Court via a swale. This discharge is directed to the on-site wetland which in high flow storms overflows into the Harrison Pond and an outlet pipe to this area is provided to relieve this inundated area in high flow storms.

Comment 3.2.38 - MHE Engineering Comment Letter dated 10/2/2024:

Revise the curve numbers for woods in both existing and proposed conditions. Hydrologic Group B soils must have a CN of 55. Hydrologic Group C soils must use a CN of 70 and Hydrologic Group D soils must use a CN of 77.

Response 3.2.38:

The CN calculations have been revised as requested.

Comment 3.2.39 - MHE Engineering Comment Letter dated 10/2/2024:

Applicant's engineer to verify the curve number calculation for area PR-A2, as this area only has 0.01 acres of impervious, which is only about 20 linear feet of roadway. Grasscrete, while pervious, cannot be considered grass in the curve number calculation. Use a gravel road in the curve number calculation for the areas with grasscrete.

Response 3.2.39:

The grasscrete paver area has been revised to be calculated as impervious area. The CN, Tc, WQv and RRv calculations have been updated accordingly.

Comment 3.2.40 - MHE Engineering Comment Letter dated 10/2/2024:
Applicant's engineer to verify the curve number calculation for area PR-C1-B, as this area does not appear to have any woods, yet over 1.5 acres of woods is called out in the CN calculation.

Response 3.2.40:
The drainage areas have been revised per the new stormwater design. A small, wooded area is split between areas PR-C1-A & PR-C1-B, this area is located adjacent to Garage 3.

Comment 3.2.41 - MHE Engineering Comment Letter dated 10/2/2024:
Revise the TC for area PR-A2, as the provided calculation shows it starting in a grass area, yet the plan shows it in grasscrete pavers which should not be considered as grass.

Response 3.2.41:
See **Response 3.2.29** above.

Comment 3.2.42 - MHE Engineering Comment Letter dated 10/2/2024:
Show the infiltration testing locations on a plan that shows the location of the proposed basins along with the proposed grading.

Response 3.2.42:
Infiltration basins are no longer proposed as part of the stormwater management design.

Comment 3.2.44 - MHE Engineering Comment Letter dated 10/2/2024:
Applicant's engineer to show that the proposed stormwater pipes are sized appropriately, as they are almost all 15" diameter pipes and not capable of handling the required flow.

Response 3.2.44:
Stormwater pipes have been designed for a 25-year storm and calculations are included in Appendix 16 of the SWPPP.

Comment 3.2.45 - MHE Engineering Comment Letter dated 10/2/2024:
Provide ACOE approval for the proposed wetland disturbance of over 23,000 sq. ft.

Response 3.2.45:
A letter from the ACOE dated May 9, 2025 (FEIS Appendix D1) confirms that the on-site wetlands do not meet the current criteria of waters of the United States under Section 404 of the Clean Water Act and are therefore non-jurisdictional wetlands. ACOE approval is not required for the disturbance of these wetlands.

Comment 3.2.46 - MHE Engineering Comment Letter dated 10/2/2024:
Basin A1 and C1 both have infiltration rates, but no infiltration testing has been provided. Provide infiltration testing in accordance with the NYSDEC Stormwater Design Manual and provide the infiltration results on the plan. Note that a minimum of 4 infiltration tests and deep tests are required per infiltration basin.

Response 3.2.46:
Filtration bio-retention basins are proposed in lieu of infiltration basins. Additional soils testing will be provided at a later date.

Comment 3.2.47 - MHE Engineering Comment Letter dated 10/2/2024:
This office recommends installing an underdrain in both of the proposed infiltration basins with a valve that is to remained closed. This office recommends using a safety factor of 2 for all infiltration rates for infiltration basins due to the fact that infiltration rates rarely stay the same after the project is constructed.

Response 3.2.47:

Infiltration basins are no longer proposed as part of the stormwater management design.

Comment 3.2.48 - MHE Engineering Comment Letter dated 10/2/2024:

It appears that basin A1 does not meet the separation requirements to ground water, as mottling was found 3ft. deep while it appears the bottom of the basin is 2 ft. below existing grade. Revise the plans to be in compliance with the NYSDEC Stormwater Design Manual.

Response 3.2.48:

Filtration bio-retention basins are proposed in lieu of infiltration basins. Additional soils testing will be provided at a later date.

Comment 3.2.49 - MHE Engineering Comment Letter dated 10/2/2024:

Applicant's engineer to verify that there is no conflict at the pipe crossing from FES B7 and the outlet from CB 52.

Response 3.2.49:

The Applicant's Engineer has analyzed the crossing and confirms there is no conflict between the two pipes.

Comment 3.2.50 - MHE Engineering Comment Letter dated 10/2/2024:

The forebays on the plan for basin C1 have the same name, while the model has two different forebays for basin C1. Revise the names of the forebays on the plans to match the model.

Response 3.2.50:

The stormwater management areas' nomenclature has been revised per the new stormwater design.

Comment 3.2.51 - MHE Engineering Comment Letter dated 10/2/2024:

Applicant's engineer to verify that the model does not count any storage volume for the forebays and detention basins below the lowest outlet elevation.

Response 3.2.51:

Storage volume below the lowest outlet elevation has not been calculated.

Comment 3.2.52 - MHE Engineering Comment Letter dated 10/2/2024:

Applicant's engineer to verify that two roof leaders are sufficient per building.

Response 3.2.52:

Final Architectural drawings showing the number of roof leaders will be provided prior to the issuance of any building permits. In any case, ALL roof leaders will be tied into the proposed drainage system.

Comment 3.2.53 - MHE Engineering Comment Letter dated 10/2/2024:

Show that the proposed swales will not create erosive velocities as defined by the NYS Standards and Specifications for Erosion and Sediment Control.

Response 3.2.53:

Swale velocity calculations will be provided prior to Site Plan approval.

Comment 3.2.54 - MHE Engineering Comment Letter dated 10/2/2024:

Provide level spreaders for the pipe outlets in accordance with the NYS Standards and Specifications for Erosion and Sediment Control. Confirm that the NYSDOT will accept with the first 200 ft. of the northeastern road running onto NYS Route 207.

Response 3.2.54:

Level spreaders have been provided for pipe outlets to be promoted to sheet flow. NYSDOT will review the roadway design as part of the Highway Access Permit approval process.

Comment 3.4.7 - City of Newburgh Comment Letter dated 7/30/2024

The proposal currently depicts a stormwater management area (stormwater pond) within the City's boundary. This may cause issues with MS4 compliance and dual inspections. The City suggests redesigning the SWPPP to remove the stormwater pond from parcel 41 1 2. If the applicant opts to keep the stormwater pond on site as proposed, the City will issue a series of stormwater related comments and requirements with respect to the proposed installation.

a. The applicant's engineer shall add an additional drainage area and drainage point along Little Britain Road near the proposed roadway located in the City's portion of the project. This additional drainage area and design point shall evaluate the pre vs. post development impacts for the proposed stormsewer outfall that will discharge to the drainage system along Little Britain Road.
b. The newly proposed stormsewer outfall shown along Little Britain Road in the City shall be revised to show the stormsewer connected to the existing catch basin and stormsewer drainage system along Little Britain Road. The data obtained from comment-a above shall be used to evaluate the existing stormsewer system to be sure that there aren't downstream impacts from the increase in stormwater as a result of this project and connection. Plans shall clarify ownership and maintenance of all stormsewer pipes and catch basins.
c. Show the municipal boundary line on all drainage and SWPPP documents.
d. Sheet#P.-1 Location Map in the SWPPP document shows the Catskill Aqueduct as passing directly through the site. Please confirm the location of the Catskill Aqueduct as it relates to site and the Location Map.

Response 3.4.7:

a. Runoff from the proposed action will not affect the stormsewer outfall on the east side of NYS Route 207. Runoff from the small portion of grasscrete will run to the westerly roadside swale and continue down towards Harrison Pond.
b. Connection to the City stormsewer system is no longer proposed.
c. SWPPP figures have been revised to include the municipal boundary.
d. The Catskill Aqueduct does not run through the Site and is several thousand feet to the southwest of the site.

Comment 3.4.8 - City of Newburgh Comment Letter dated 7/30/2024

The applicant should note the distance to Harrison's Pond and the Quassaick Creek from all properties along the eastern boundary of the project that lie within the City. The applicant also needs to note any and all stormwater or runoff impacts into Harrison's Pond.

a. Discharge through Design Point A will be through the City's MS4. The City will coordinate with the Town to determine how to authorize the MS4 related documents because this project has stormwater facilities in both the Town and the City with the Town being the lead on the project.
b. As part of the MS4 annual reporting, the City will require documentation of the maintenance and inspection conducted at the stormwater facilities that contribute to the City's MS4, including the contributing conveyance system. This shall be documented and forwarded to the City Engineering Department annually for the reporting year of March 10th of a given year through March 9th of the following year. Additionally, the City of Newburgh will require legal rights to inspect all facilities that contribute stormwater

the City's MS4. The SWPPP and DEIS shall be updated appropriately. The applicant should clarify what entity shall own and maintain the stormwater facilities in perpetuity.

Response 3.4.8:

The Applicant will engage in an Stormwater Maintenance Agreement with both the Town of Newburgh and the City of Newburgh for the discharge to Design Point A.

Comment 3.4.14 - City of Newburgh Comment Letter dated 7/30/2024

Page 8, Section III(B)(l)(d). Should read, "Discuss existing on-site drainage patterns, including drainage towards Harrison's Pond."

Response 3.4.14:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.15 - City of Newburgh Comment Letter dated 7/30/2024

Page 9, Section III(B)(2)(a). Should read, "Quantify, map and describe encroachments, if any, into any on-site surface waters or associated regulated areas, including whether encroachments are temporary or permanent, and discuss the potential effect on the quality and function of these resources, including City of Newburgh WPO and other regulations."

Response 3.4.15:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.16 - City of Newburgh Comment Letter dated 7/30/2024

Page 9, Section III(B)(3)(a). Should read, "Discuss permitting standards that must be met for impacts to any regulated wetland or waterbody in accordance with the NYS Department of Environmental Conservation's "Stormwater Management Design Manual" (current version), Town of Newburgh requirements, and City of Newburgh requirements."

Response 3.4.16:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 4.2.4 - Matt & Erika Gallagher undated Letter

Reducing impervious surface by eliminating the 4 pickleball courts and tennis court would reduce ground water runoff into the Quassaick Creek- a clean-up project several high profile groups within the city are working hard on and there’s much visibility to. This would look exceedingly poor on behalf of the town to not take those efforts into account. There are plenty of tennis courts in the area just down the road by San Giacomo Park or for use elsewhere in the town of Newburgh whether at Chadwick Lake, Cronmer Hill or the New Windsor Sports Plex.

Response 4.2.4:

The amount of additional impervious surface area proposed for the pickleball and tennis courts is approximately 0.4 acres, which is 4% of the total 9.56 acres of impervious surface area for the Proposed Action. Furthermore, with the installation of the proposed stormwater management infrastructure outlining in the SWPPP (FEIS Appendix D3), the rate of stormwater runoff from the Site in the proposed condition will decrease.

3.8 PLANTS & ANIMALS

Comment 1.16 -Mr. David B. , Verbal Comment from the August 1, 2024 Public Hearing:

My last concern, and I didn't see anything in this in the report, I know there was a wildlife study done. There was no mention of Bald Eagles. Harrison Pond is right off the map. That is a feeding pond for the Bald Eagles. I can see the pond in the wintertime. They're there every spring.

There was a comment about runoff or watershed and it pointed to the pond. That just increases my concern.

Response 1.16:

There is no suitable onsite habitat for Bald Eagles, either in the form of nest locations or normal feeding opportunities. Eagle populations have successfully come back from historic lows and as a result have been removed from the federal list of rare and endangered species. Current DEC building restrictions regarding Bald Eagles deal specifically only with existing nests. Harrison Pond is a small pond and is already developed on three sides so it cannot be considered an example of pristine habitat. With the increase in the Bald Eagle population there is naturally an increased number of sightings. Eagles will fly from lake to lake looking for any available fish, sighting an eagle at such a small body of water attests to their increase in population. The Hudson River is just a few miles to the east and eagle sightings along the river are quite common. There are no eagle nests on the Windsor Woods site so the project will not impact the Bald Eagle. As far as potential impacts to the water quality of Harrison Pond, any runoff from the developed portion of the Project that reaches Harrison Pond will first be treated in one of the four stormwater management ponds that will be built as part of the Proposed Action and will therefore not affect the water quality. Harrison Pond is a part of the Quassaic Creek system, which flows past numerous other existing developments that do not have any sort of modern storm water treatment and contribute to the Creek's water quality degradation.

Comment 1.22 – Mr. Douglas S., Verbal Comment from the August 1, 2024 Public Hearing:

Is the Board aware that there's a deer population on their property? There's wild turkeys in that property and there's occasionally a bear that runs through there. It is a wildlife refuge right now. From what I understand, Scenic Hudson and the Orange County Land Trust might be looking at that property to maybe put it onto -- add it to the Snake Hill Preserve.

Response 1.22:

None of these animals are listed as being rare and endangered. All three of these species have hunting seasons when it is lawfully permitted to harvest them. Furthermore, the project will only disturb 26.25 acres of the total 47.95-acre Site. Once construction is completed there will still be large areas of undisturbed woods for native wildlife to continue to use. The Proposed Action is just a short distance from the City of Newburgh and the existing surrounding area is already well developed.

Comment 2.20 – Matt Gallagher from the September 5, 2024 Public Hearing:

Then lastly, when we consider – if you drop a pin kind of right where Central Hudson is, we consider about that half mile radius that's been affected by Unity warehouse, Jehovah's Witnesses expansion across from the Baptist church, the new Stonegate apartment further down in New Windsor. If this project is also approved, you're looking at old or second growth forest disruption of about 150 acres which is about 30 to 40 percent of that small half mile radius area. This area is really being substantially disrupted in terms of tree canopy.

Response 2.20:

The project site is 47.95 acres in size and there will be only 26.25 acres of proposed clearing. This site already has existing development on three sides so one cannot say that the project site is part of a large area of undisturbed woods.

Comment 4.1.2 - Catherine Gaspard Letter dated 9/12/2024:

The construction of a large residential complex will lead to habitat destruction & displacement of wildlife. This disturbance can have a cascading effect, not just on local fauna, but also on biodiversity & overall health of our environment.

Response 4.1.2:

The Site is adjacent to the most populous city in Orange County and does not contain any rare or unique habitat of any form. The Site also does not contain any habitat that would potentially support listed rare, threatened or endangered plants or animals. Animals found on site are those commonly found in suburban areas, and once the Project is completed, the Site will still contain 21 acres of undisturbed woods to support natural flora and fauna.

3.9 AESTHETIC RESOURCES

Comment 1.3 – Mr. Joseph S., Verbal Comment from the August 1, 2024 Public Hearing:

Okay. The third issue that I have -- this is just me now. I'm not saying Stony Brook. Reading the report that was rendered, it said that the pictures were taken and that the units -- your units would be seen from the Stony Brook units through the foliage. Can you describe what that means?

Response 1.3:

DEIS Figures 3.4F and G show the existing and proposed views from two locations within the Stoney Brook residential development. Viewpoint 5 is from High Point Circle looking south toward the Site. In Viewpoint 5, the proposed multifamily residential homes are visible. Proposed Building #3 will be visible from this viewpoint through the existing vegetation that will be preserved when the Proposed Action is constructed. Similarly, Viewpoint 6 is from Westbrook Road looking southeast into the Site. In Viewpoint 6, the future multifamily residential homes are visible. Proposed Building #4 will be visible from Viewpoint 6 through the existing vegetation that is to remain once the Proposed Action is constructed. The location of an additional proposed residential building that will be hidden from view by existing vegetation and terrain is also outlined in this rendering.

Comment 1.4 – Mr. Joseph S., Verbal Comment from the August 1, 2024 Public Hearing:

You wouldn't consider putting more vegetation in there in order to do better screening?

Response 1.4:

The Landscape Plan (FEIS Appendix G) shows the existing trees that will be preserved along with the proposed plantings that will supplement the vegetation that will remain once the development is constructed.

Comment 1.39 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

Lastly, for the landscape plan, I forget which attachment but they showed all the trees they plan on installing. There's a section of the overall site plan that was missing. It was specifically the section that would show the southeast corner of building 8, which is the closest to our viewpoint. It would be nice if we could see that in PDF uploaded with the rest of the DEIS just to kind of see what nature curtain is proposed along that southeast side of building 8.

Response 1.39:

Buildings 8 & 9 will be landscaped in accordance with the Typical Planting Plan shown on Sheet C-134 of the Sites Plans (FEIS Appendix G).

Comment 1.41 – Mr. Ward., Verbal Comment from the August 1, 2024 Public Hearing:
Another thing. If you can possibly for Stony Brook, give more of a buffer over in that area.

Response 1.41:
A buffer of existing vegetation and trees will be preserved between the common boundary line with the Stony Brook Condominiums and the nearest proposed building of at least 30 feet. In addition, the Landscape Plan (FEIS Appendix G) shows proposed supplemental tree, shrub and grass plantings in the disturbed areas along the roadway and surrounding each building.

Comment 3.4.17 - City of Newburgh Comment Letter dated 7/30/2024
Page 10, Section III(C)(3). Should add subparagraph (b) to read, "Discuss standards that must be met for buffers and fencing adjacent to neighboring residential areas in accordance with the City of Newburgh Zoning Code."

Response 3.4.17:
The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.18 - City of Newburgh Comment Letter dated 7/30/2024
Page 9, Section III(C)(b)(2). Should be renumbered and read, "Discuss conformance with the Town's Zoning Code and the City of Newburgh's Zoning Code."

Response 3.4.18:
The DEIS Scoping Document was revised as requested prior to adoption.

3.10 HISTORIC & ARCHEOLOGICAL RESOURCES

Comment 3.2.23 - MHE Engineering Comment Letter dated 10/2/2024
Project received a “No Impact” letter from the Office of Parks, Recreation Historic Preservation. It is noted that the former “lime kilns” are located immediately west of the project site. Plans should address protection of these facilities during off-site water, sewer and traffic work. A discussion regarding protection of the lime kilns should be incorporated into the FEIS. The 24 August 2022 letter identifies the “independence property lime kilns’”. Office of Parks, Recreation Historic Preservation (OPRHP) stated “we are requesting that measures be taken to avoid any impacts to the site. That would involve securing the services of an Archeological Consultant to confirm the location, site boundaries and current condition of the site to establish avoidance measures. This may necessitate adjustments to the Site Plan to avoid disturbance of the site depending on the precise location of the kilns and their relationship to the entrance road and nearby stormwater management area in the southwest corner of the planned development”. Since the OPRHP letter the water and sewer mains are proposed to extend in the vicinity of the kilns. A Work Plan should be prepared and implemented in order to protect the historic features. The proposed water line extension proposed will run along the shoulder of the highway between the roadway and the kilns. Office of Parks, Recreation and Historic Preservation approval of the work plan should be received.

Response 3.2.23:
In response to SHPO’s August 24, 2022 comments, a letter was sent to SHPO dated March 20, 2024 (DEIS Appendix E1) that included Figure F-1 entitled “Proposed Off-Site Utilities Figure” that shows the work plan for the protection of the kilns during construction of the off-site water, sewer and traffic work. SHPO’s response dated May 14, 2024 (DEIS Appendix E1) stated “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.” In addition, the

proposed construction fencing that will be installed to protect the kilns during the installation of the off-site water, sewer and traffic work is shown on Sheet C-111 (FEIS Appendix G).

Comment 3.4.19 - City of Newburgh Comment Letter dated 7/30/2024

Page 10, Section III(D)(l)(c). Should read, "Provide a Phase A/B Archaeological Survey of the Site following the standards of the New York State Office of Parks Recreation and Historic Preservation to be included in the Appendix on all project parcels, including specifically sites and test pits within the City of Newburgh's boundaries."

Response 3.4.19:

The DEIS Scoping Document was revised as requested prior to adoption.

3.11 TRANSPORTATION RESOURCES

Comment 1.5 – Mr. Joseph S., Verbal Comment from the August 1, 2024 Public Hearing:

Route 207, Little Britain Road, a lot of concern. Maybe not me, I don't drive it that much, but 207 is a little two-lane road, as you know. You're an expert. I know coming out of Stony Brook, we have150 some odd units, it's really troublesome because we don't have a traffic light. Even if we had a traffic light, it's very dangerous. I'm wondering what your comment is on ingress and egress of this community with 250 units. It's a little scary for me.

Response 1.5:

The proposed site driveway will operate under stop sign control. There will be appropriate sight distance provided. The intersection will operate at appropriate levels of service and delays will not be significant.

Comment 1.6 – Mr. Jospeh S., Verbal Comment from the August 1, 2024 Public Hearing:

What about going the other way?

Response 1.6:

As described above, the proposed site driveway will operate under stop sign control. There will be appropriate sight distance provided. The intersection will operate at appropriate levels of service and delays will not be significant.

Comment 1.7 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

Regarding intersection line of sight, there was a figure that was added since the last public hearing. It's called figure 3-6B. It's where the applicant demonstrates that with some shaving away of the earth and bedrock, they can establish a 360-foot line of sight for oncoming traffic for people making a left out of the neighborhood. Departure distribution from the site, according to appendix figure 10, suggests that 79 percent of traffic leaving this site will be making a left turn onto Route 207. As the representative said, left is always the problem. The applicant has submitted that the sight distance from the main entrance will be sufficient for a left-turning vehicle from the neighborhood emerging on Route 207 eastbound, as shown in their figure 3.6B. They claim by removing that grade, a 3.5 foot high driver's eye vantage point will be able to see 360 feet of approaching traffic. By using the posted speed limit of 45 miles-per-hour on the A-A-S-H-T-O or AASHTO chart for stopping sight distance, that aligns with 360 feet as a requirement. We would like to note that the traffic study did not assess the prevailing speed on Route 207. 45 miles-per-hour is likely an insufficient design input to assure safe operation at the proposed intersection. However, even with the speed input of 45 miles-an-hour, the applicant has only included in the figure a portion of the AASHTO chart for criteria. The third column called design intersection sight distance is seen on every other AASHTO chart that I could find online associated with every other project I could review. It specifies distances of a greater margin to

help ensure that the intersection operates smoothly. In this case, to ensure that the Route 207 traffic would not be required to make sudden decisions to avoid traffic conflicts with the complex. That distance at the posted speed limit is 500 feet. That grows by another 55 feet for every additional 5 miles-per hour. The bare minimum approach of 360 feet stopping distance appears even more inappropriate as the proposed intersection has unfavorable curvature affecting the left-lane turnout. The references I found for the Federal Highway Safety Administration quote a Kihlberg and Tharp study showing that crash rates increased 35 percent for highway segments with curved intersections over highway segments with straight intersections. The FHA also maintains a web page dedicated to intersection design to account for aging population. As of 2021, more than half the cars in America were operated by people over 60 which they find affects increased perception-reaction time. We have a link to that material here. I can leave a copy of this with the Board. There are also two seasonal factors that merit consideration when evaluating sight distances that are not discussed in the DEIS. During the winter months, westbound 207 drivers that are approaching the proposed intersection will have the sun directly in their eyes during the afternoon. As our attachment shows, and I'll hand this out, as an example, 4 p.m. on the solstice the sun was at a 12-degree elevation dead ahead. There are no trees there to block the sun. There is no canopy to provide any coverage from that.

Response 1.7:

Some additional modifications have been made to increase sight distance. The driveway has been shifted 50 feet east to provide appropriate sight distance and the travel speeds on the road are being accounted for. This will also be reviewed by NYSDOT. The orientation of NYS Route 207 relative to the setting sun is an existing condition that the Applicant has no control over. Vehicles exiting the proposed entrance drive will have full visibility of westbound traffic and the proposed left turn lane will provide a separate area for vehicles waiting to turn into the Site. The amount turning left is conservative and drivers will have the option to turn right.

Comment 1.9 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

It seems apparent to us that the Planning Board may wish to require further improvements to the sight distance requirements, citing driver safety is a primary concern. The increased potential for line-of-sight challenges and unfavorable curvature at this location also suggests that the Board should reconsider the risk and reward of allowing the proposed eastern entrance to continue as emergency only. Commonsense suggests that if the applicant would make the western entrance by the pool a right only -- right turn only onto 207 and direct traffic heading towards the city to use the eastern entrance, then the eastbound traffic would not only be crossing onto 207 at a straight intersection without direct afternoon sun, but also within a posted 35 mile-an-hour speed limit. Again, the applicant claims that 79 percent of the departures will turn left. Please also consider that a reinstatement of the eastern entrance would allow eastbound drivers arriving at the complex to execute their left turns off of 207 with full line of sight of traffic from Wisner and within a lower 35 mile-an-hour zone.

Response 1.9:

Some additional modifications have been made to increase sight distance. The driveway will be installed in a location to provide proper sight distance. The amount turning left is conservative and drivers will have the option to turn right. At this time, the eastern driveway is to be for emergency purposes only.

Comment 1.10 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

The scoping document, Section F, Subsection D, asked for a determination of peak traffic hours to be used in various analyses. The applicant determined a morning peak of 7:30 to 8:30 a.m. and an afternoon peak of 4:00 to 5:00 p.m. This was based on ATR data taken from Tuesday,

April 25, 2023. It should be noted that ATR counts on that day were not only the lowest numbers of the Monday through Friday, but the daily totals indicate both Tuesday and Wednesday were of notably lower volume. On those days Route 207 was undergoing road work that had modified and restricted traffic flow. It was down to one lane. If the morning peak determination was taken from Monday, Thursday or Friday, it would be clear from the data that the morning traffic continues to swell through noon, making 11 a.m. to noon the peak morning hour on 207. The 11 a.m. numbers for every weekday other than Tuesday were substantially higher than the 7 to 8 a.m. Tuesday numbers. Similarly, the Tuesday afternoon numbers at the peak of 4 to 5 p.m. are obviously less than the corresponding Monday, Thursday or Friday afternoon numbers due to the road work. It appears from appendix F, the traffic data, that this outlier peak information was the basis for all calculations of the existing, the no build and the build traffic scenarios. We believe that the selection and use of these numbers, the lowest possible available during that week, was in bad faith and that the Board should review the ATR data to help choose a more suitable baseline for the traffic analysis. Accepting this study as is would represent approval of bad data.

Response 1.10:

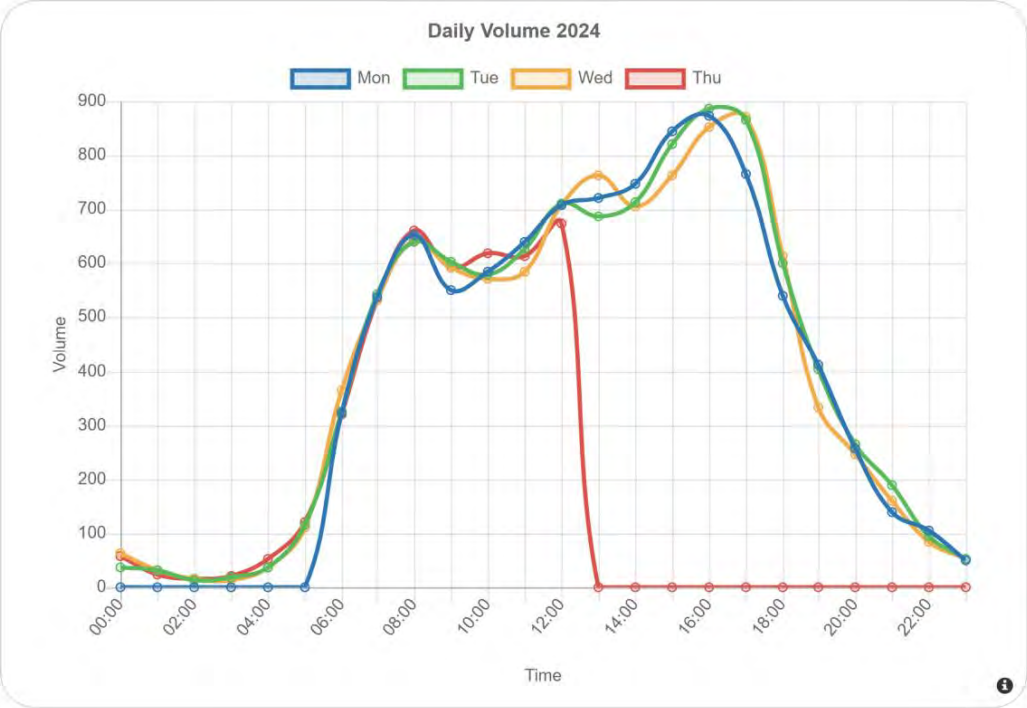
The Scope of Study (Section F.1e.) was established by the Town and its Consultants and determined that the 7:00 – 9:00 AM and 4:00 – 6:00 PM were the times the traffic counts should be performed an analyzed, as typical for a residential project. The NYSDOT also requires those same hours be analyzed.

DTS Provident's original traffic counts for the Project Area were performed on a typical weekday while schools were in session. The traffic counts were reviewed by the Town's Traffic Consultant as well as the NYSDOT. There was no evidence of construction activity in the area that would alter the traffic data that we were aware of at the time nor that was found in an online search that would have significantly impacted the traffic counts. That is not to say that there could not have been any construction in the area as construction is always ongoing somewhere in the area in the warmer months. The Peak Hours were determined based on this count data and are defined as the hours when the overall traffic was at its highest during the AM and PM.

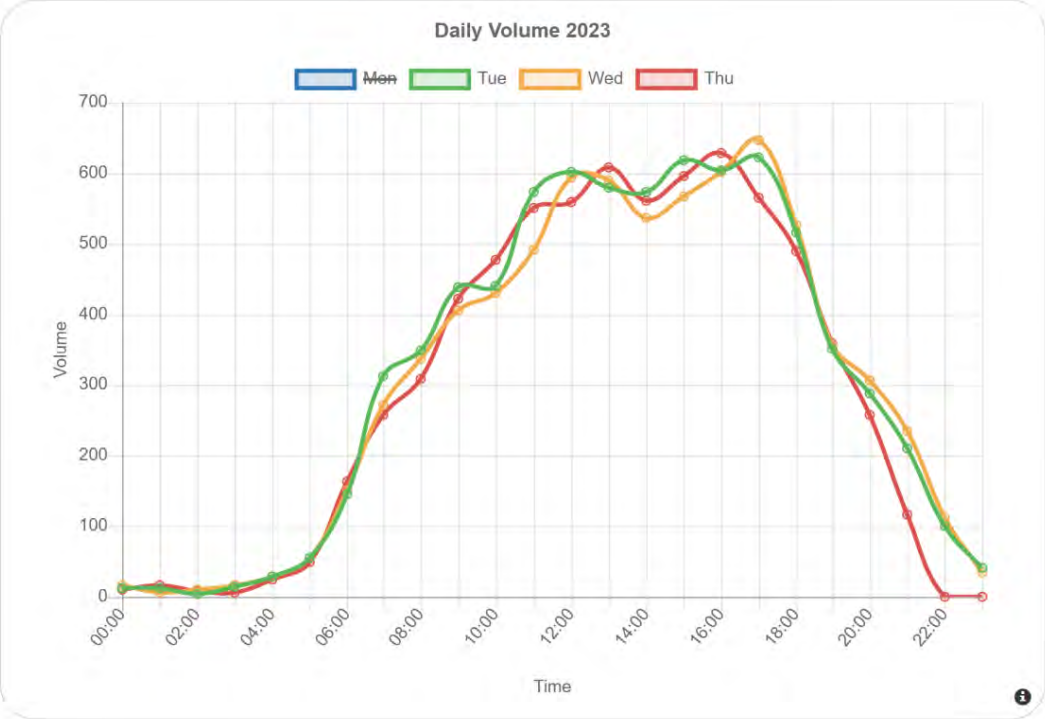
However, DTS Provident has taken additional steps to ensure the validity of the data. DTS Provident did not see any indication of construction occurring on NY-207 at the time of the original ATRs. DTS Provident reviewed the traffic count videos at each of the Study Locations and did not observe any on-going construction at any of the locations.

Below are graphs of Little Britain Road and Old Little Britain Road obtained from the NYSDOT which shows Tuesday being a typical day.

Little Britain Road – Daily Volume 2024



Old Little Britain Road – Daily Volume 2023



DTS Provident also obtained traffic count information for the intersection of Old Little Britain Road and Little Britain Road performed by WSP on behalf of the NYSDOT in conjunction with the NYSDOT's redesign of the intersection. DTS Provident compared the WSP/NYSDOT count to DTS Provident's traffic counts/volumes from the Traffic Study and

determined that DTS Provident's counts are appropriate. The overall intersection volumes are illustrated in the table below:

Table 3.11.1 - Intersection of Little Britain Road & Old Little Britain Road Volume Comparison		
	AM	PM
WSP/NYSDOT Traffic Volumes	888	1350
DTS Provident Design Engineering Volumes	822	1234
Difference	7.40%	8.60%

As illustrated in Table 1 above, the DTS Provident counts are within 7.4% of the WSP volumes during the AM peak period and 8.6% during the PM peak period. Traffic tends to fluctuate approximately 10-20% daily and therefore the DTS Provident counts are appropriate.

DTS Provident also compared its traffic volumes to other traffic counts provided by the NYSDOT for Old Little Britain Road as well as for Little Britain Road. Below is a summary table comparing the NYSDOT's volume and DTS Provident's. As illustrated in the Table, DTS Provident's counts are within the appropriate threshold, and generally higher than the NYSDOT volumes. Thus, the traffic count data is appropriate, and no further counts are needed.

TABLE 3.11.2 – Traffic Volumes Summary

	Old Little Britain Road AM Peak Hour Volumes						Old Little Britain Road PM Peak Hour Volumes					
	NYSDOT Volumes			DTS Provident Volumes			NYSDOT Volumes			DTS Provident Volumes		
	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
Thursday March 7th, 2019	132	147	279	-	-	-	231	325	556	-	-	-
Tuesday April 25, 2023	-	-	-	126	174	300	-	-	-	303	309	612
Tuesday August 8, 2023	152	179	331	-	-	-	293	312	605	-	-	-
Wednesday August 9, 2023	139	165	304	-	-	-	290	312	602	-	-	-
Thursday August 10, 2023	122	161	283	-	-	-	296	333	629	-	-	-

	Little Britain Road AM Volumes						Little Britain Road PM Volumes					
	NYSDOT Volumes			DTS Provident Volumes			NYSDOT Volumes			DTS Provident Volumes		
	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
Tuesday May 10, 2016	312	315	627	-	-	-	492	418	910	-	-	-
Wednesday May 11, 2016	300	354	654	-	-	-	539	398	937	-	-	-
Tuesday April 25, 2023	-	-	-	336	303	639	-	-	-	566	322	888
Tuesday August 8, 2023	281	244	525	-	-	-	371	356	727	-	-	-
Wednesday August 9, 2023	271	286	556	-	-	-	469	332	801	-	-	-
Thursday August 10, 2023	260	264	524	-	-	-	489	371	860	-	-	-

Comment 1.11 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

Table 3.6.2B in the DEIS, which is also table C-3 in appendix F, regarding the Old Little Britain and Little Britain Road intersection, the applicant claims to accomplish a level of service improvement for build with signal two grades above the no build scenario, and they are referencing a notional signal at that intersection. The New York State DOT project 881570 for that possible signalization or roundabout is still in development and has not been approved. If a State initiated improvement is being claimed for the benefit in the build scenario, shouldn't it also be accounted for in the no build scenario or does the DEIS imply that the applicant will ensure the controls are installed on Old Little Britain and Little Britain even if the State doesn't?

Response 1.11:

This traffic signal is under NYSDOT contract and will be built regardless of the proposed project. The No Build without the traffic signal was illustrated for reference purposes to be consistent with the earlier traffic study.

Comment 1.12 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

Is it possible to request a New York State DOT consultant be present at a public hearing on this topic so that we could hear their considerations about roundabout versus signalization if they decide to go forward?

Response 1.12:

Based upon discussions with the NYSDOT and their consultants, a traffic signal will be installed.

Comment 1.13 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

Growth traffic projections are still shown for 2026 even though the project cannot be completed any earlier than 2027. We're asking the Board to ensure that the growth and therefore the build numbers are adjusted appropriately while the DEIS is still in review.

Response 1.13:

The original analysis year was determined in the project development during the scoping process. The combination of the growth rate utilized as well as the additional adjacent developments will account for the later design year. It is noted that recent NYSDOT count data from September 2024 on Little Britain Road suggests traffic has actually decreased slightly.

Comment 1.14 – Mr. David B., Verbal Comment from the August 1, 2024 Public Hearing:

I know in the report it did mention a possible traffic light at Old Little Britain Road and Little Britain Road in the Town of Newburgh. I didn't see any mention of the other intersection in the City of Newburgh. I think that's Little Britain Road and maybe the end of Wisner Avenue where the Rite Aid is. That's a three-way stop sign. If a majority of the traffic is going to take a left out, they're going to head right to that intersection. That's concerning.

Response 1.14:

Traffic turning left out of the Site will generally be traveling through the intersection of Little Britain Road and Wisner Avenue. This is a 3-legged all-way stop control intersection that currently experiences some delays in the peak PM hour. The operations of this intersection are discussed in detail in the DEIS.

Comment 1.18 –Ms. Erika Gallagher, Verbal Comment from the August 1, 2024 Public Hearing:

Besides the fact that this report does not contain the last five accidents that took place this year, the most recent occurring this past Friday, and one accident the week before Thanksgiving that ended in fatality. Understand these accidents happened on a stretch of road not measured in miles but in feet and between where the two entrances to this complex are being suggested.

Response 1.18:

The report was prepared with the most recent crash data available from the NYSDOT at the time. Additional data was obtained from the Town of Newburgh. DTS Provident had analyzed 7 years of data from the year 2015-2022 and no fatalities were identified during those years. DTS Provident has since obtained additional crash data from the NYSDOT that goes out to the end of 2023 which included is the fatality mentioned in the above comment. This fatality occurred during daylight hours on a wet roadway and the apparent contributing factor was

failure to keep right and traveling at an unsafe speed. Thus, this was driver error and not directly related to the roadway itself.

A comparison of the recently requested crash data from the NYSDOT ranging from the last date of the initial request (July 31, 2022) to the most recent available (which is December 31, 2023) and the number of crashes during the two timeframes is illustrated in the Table below.

TABLE 3 CRASH DATA SUMMARY TABLE

	Location and Total Number of Crashes (and Crashes Per Month)				
Crash Data Period	# of months	Intersection of Wisner Avenue & Little Britain Road	NY Route 207 between Wisner Avenue & Old Little Britain Road	Intersection of Little Britain Road & Old Little Britain Road	Old Little Britain Road between Little Britain Road & Unity Place
Original 7 Years in Study (07/31/15 - 07/31/22)	84	28 (0.33)	34 (0.41)	25 (0.30)	24 (0.29)
After 7 Years in Study (08/01/22 - 12/31/23)	17	12 (0.71)	8 (0.47)	7 (0.41)	8 (0.47)

As illustrated in the Table, the number of crashes (and fatalities) per month has slightly increased in the Study Area, which is something seen nation-wide as well as in New York State since Covid combined with an increase in distracted driving.

One location where there was a higher trend of crashes is the intersection of Old Little Britain Road and Little Britain Road. The NYSDOT has proposed additional turn lanes and future signalization of this intersection which should increase safety and lower crash rates at this location.

It is the opinion of DTS Provident that the proposed project will not have a significant impact on the rate of crashes in the area.

Comment 1.19 –Ms. Erika Gallagher, Verbal Comment from the August 1, 2024 Public Hearing:

Furthermore, the data selected to represent the average daily flow of traffic is based on a day our road was partially closed for pothole filling and is not indicative at all of the normal traffic volume.

Response 1.19:

Furthermore, the data selected to represent the average daily flow of traffic is based on a day our road was partially closed for pothole filling and is not indicative at all of the normal traffic volume.

Response: DTS Provident was unable to verify the road closures. Generally, roadway pothole filling is not performed during the peak commuter hours and is limited to short times at any one location so it would have limited impact on any traffic counts during the peak commuter periods. No roadway pothole filling was observed on the traffic count videos. As mentioned earlier, a comparison of traffic volumes to NYSDOT ATR data illustrates the traffic volumes utilized in the original study are valid. See tables below for this comparison:

TABLE NO. 3.11.4A LITTLE BRITAIN ROAD (NY-207) (WEST OF OLD LITTLE BRITAIN ROAD) TRAFFIC COMPARISON				
PEAK HOUR TRIPS	**VOLUMES FROM ANALYSIS**		**VOLUMES FROM NYSDOT**	
Little Britain Road (NY-207)				
	April 25, 2023		**Sep 17, 2024**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	336	356	295	298
PM (4:00 – 5:00)	566	395	494	392
Old Little Britain Road (NY-207)				
	April 25, 2023		**March 7, 2019**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	130	164	132	147
PM (4:00 – 5:00)	298	300	231	325

TABLE 3.11.4B – TRAFFIC VOLUMES SUMMARY

	Old Little Britain Road AM Peak Hour Volumes						Old Little Britain Road PM Peak Hour Volumes					
	NYSDOT Volumes			DTS Provident Volumes			NYSDOT Volumes			DTS Provident Volumes		
	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
Thursday March 7th, 2019	132	147	279	-	-	-	231	325	556	-	-	-
Tuesday April 25, 2023	-	-	-	126	174	300	-	-	-	303	309	612
Tuesday August 8, 2023	152	179	331	-	-	-	293	312	605	-	-	-
Wednesday August 9, 2023	139	165	304	-	-	-	290	312	602	-	-	-
Thursday August 10, 2023	122	161	283	-	-	-	296	333	629	-	-	-

	Little Britain Road AM Volumes						Little Britain Road PM Volumes					
	NYSDOT Volumes			DTS Provident Volumes			NYSDOT Volumes			DTS Provident Volumes		
	EB	WB	Total	EB	WB	Total	EB	WB	Total	EB	WB	Total
Tuesday May 10, 2016	312	315	627	-	-	-	492	418	910	-	-	-
Wednesday May 11, 2016	300	354	654	-	-	-	539	398	937	-	-	-
Tuesday April 25, 2023	-	-	-	336	303	639	-	-	-	566	322	888
Tuesday August 8, 2023	281	244	525	-	-	-	371	356	727	-	-	-
Wednesday August 9, 2023	271	286	556	-	-	-	469	332	801	-	-	-
Thursday August 10, 2023	260	264	524	-	-	-	489	371	860	-	-	-

Comment 1.20 –Ms. Erika Gallagher, Verbal Comment from the August 1, 2024 Public Hearing:

Along those lines, for planning purposes I think it's important that we also look at the worst-case scenario, not even the average case of volume of traffic. By considering the worst case, you leave yourself room to grow by padding in a buffer to your solution. It's something that is especially critical when you're talking about adding 500 cars to a road that's already overleveraged.

Response 1.20:

DTS Provident utilized the appropriate standard traffic engineering procedures as required by the NYSDOT and other agencies to conduct the Traffic Study. This includes performing traffic counts to obtain real-world data and analyzing those. Various adjacent developments

and a growth rate were applied. Arbitrarily designing for the worst-case scenario is not a practical engineering practice and would result in various environmental impacts such as excessive pavement, loss of right-of-way and extensive costs.

Comment 1.21 –Ms. Susan K., Verbal Comment from the August 1, 2024 Public Hearing: I I just would like to echo my concerns about the traffic. Since I'm in Stony Brook, it's half the population. Getting out onto State Route 17K is like taking a walk on the boulevard of death. I've seen accidents occur there, and that's half the population of what you are proposing. I ask you to be -- respectfully, I ask you to be very, very cautious in moving forward with this project. 258 units, unless you have a very elaborate infrastructure of roads, and maybe you do, maybe it's coming, I don't know, but I am very much opposed to this for this area. We'll be landlocked with two State roads that are going to be just constant traffic and dangerous.

Response 1.21:

Comment Noted. State Routes 17K is under the jurisdiction of the NYSDOT and is outside of the scope of the traffic study.

Comment 1.26 –Mr. Mark S., Verbal Comment from the August 1, 2024 Public Hearing:
Has any Member of the Board stood at that entrance and looked at the traffic go by and the line of sight that you would have coming out of there?

Response 1.26:

Field observations of the Site entrance have been performed. Appropriate sight distance will be provided for the Site Driveway.

Comment 1.27 –Mr. John C., Verbal Comment from the August 1, 2024 Public Hearing:
The first things that come to mind, they show six accidents at the intersection of Old Little Britain Road and Little Britain Road since February 2020. I just quickly thumbed through the records and found out that you forgot 3/18/2022, 8/18/2023, 5/14/2022, 6/3/2023, 5/25/2024. The list goes on and on. Eight accidents in this period. DOT does not have -- does not appear to have the correct count.

Response 1.27:

At the time of writing the original report DTS Provident had obtained the latest 7 years of crash data available from the DOT which did not include the dates listed above. In August of 2024, DTS Provident obtained additional data which goes out until the end of 2023.

Comment 1.29 –Mr. John C., Verbal Comment from the August 1, 2024 Public Hearing:
You say it's not going to have -- on departure and on arrival, no traffic at all on D'Alfonso Road. Give me a break. I can sit in that traffic for fifteen or twenty minutes trying to get onto 207 sometimes. It all depends on the time of day. You look at a one-hour segment at the time period where you have your maximum traffic pattern. I find any time from 12 to 3 in the afternoon being your afternoon peak. Your morning ends at 12. 300 to 600 cars. Come on.

Response 1.29:

The trip distributions were based upon existing travel patterns and potential destinations from the Site and the access to nearby highways. DTS Provident does not anticipate a large portion of the Site traffic to utilize D'Alfonso Road and were conservative in the distributions which have been reviewed by the NYSDOT and the Town's Traffic Consultant. Some site traffic was projected to pass D'Alfonso Road, and thus even if some rerouting were to take place with the distributions, it's unlikely it would change the Level of Service (LOS) or delay significantly.

Comment 1.30 –Mr. David B., Verbal Comment from the August 1, 2024 Public Hearing:

I reviewed the report. There was something about how there would be no traffic affected on D'Alfonso. I find that very hard to believe. Any of the 250 residents, if they are going to Aldi's, Target, Adam's, anything on 17K, they're going from their entrance, taking the right and they are going down D'Alfonso.

Response 1.30:

See ***Response 1.29***. Re-directing some traffic to D'Alfonso Road will not have a significant impact.

Comment 1.40 –Mr. Ward, Verbal Comment from the August 1, 2024 Public Hearing:

I'm suggesting to reevaluate the traffic study with the numbers, with the accident reports, everything and see what happens, not that it's in a work zone and there is only one lane. Make it accurate with the timing and everything else. A school year, maybe during that. Not the summer when it's slow.

Response 1.40:

DTS Provident performed this traffic study under normal operating conditions during the school year while schools were open. DTS Provident was unable to verify the claims of road work occurring during the counts. The recent NYSDOT ATR data on NY-207 backs up the original data used in the analysis. Additionally, as mentioned earlier, DTS Provident utilized the latest crash data available at the time of writing the report and has updated that data since.

Comment 2.1 – Beverly H., Verbal Comment from the September 5, 2024 Public Hearing:

I was wondering, what plans do you have for traffic control at the intersection of Old Little Britain Road and Little Britain Road? There are multiple accidents there. Have you done any research on the accident history or the frequency at the intersection of Little Britain Road and Old Little Britain Road? Over the years the frequency has been increasing.

Response 2.1:

The crash history was contained in the DEIS. The NYSDOT plans to install a traffic signal at this location which will improve its operations and safety.

Comment 2.2 – Allda G., Verbal Comment from the September 5, 2024 Public Hearing:

With this traffic, how long is it going to take me to get out of my driveway? A half an hour? An hour?

Response 2.2:

The location of the commentor's driveway is not provided but the project will not have a significant impact on the nearby residential driveways. As an example, a vehicle on Corwin Court exiting onto Little Britain Road will experience an average delay of 12.2 seconds in the AM peak period and 13.3 seconds in the PM peak period, which are both less than a second more than without the Project, and this accounts for multiple vehicles exiting Corwin Court. Vehicles exiting D'Alfonso Road with the Project experience less than one second of an increase over the condition without the Project.

Comment 2.3 – Allda G., Verbal Comment from the September 5, 2024 Public Hearing:

Wasn't a traffic light approved and they said there wasn't enough money in the budget or something?

Response 2.3:

This traffic signal is under contract with the NYSDOT and will be installed.

Comment 2.6 – Vanessa N., Verbal Comment from the September 5, 2024 Public Hearing:
The increased traffic impact, is it possible to mitigate it with an egress on the north side of the property leading up to Broadway, to not impact Little Britain Road so harshly with traffic? We do need housing. We do need affordable housing stock. If it's something that's going to really disrupt the residents that you are speaking to at that intersection, then the risk for the drivers in the area needs to be accounted for.

Response 2.6:
The site does not have the ability to connect to Broadway.

Comment 2.8 – Mark S., Verbal Comment from the September 5, 2024 Public Hearing:
The recent project that was completed, the Café Spice facility up in New Windsor, it's not Newburgh, the apartment project, was that included in the traffic study? In the parking lot of the Rider office there, they're reconfiguring the sewer pump there. I want to make sure that's accounted for in the traffic count. That will be coming out to that highway and that intersection.

Response 2.8:
DTS Provident had contacted the Towns of Newburgh, City of Newburgh, and Town of New Windsor in the beginning stages of the project in order to determine which adjacent developments to include in the study. In addition, some other projects were considered to be part of the growth rate

Comment 2.9 – Mark S., Verbal Comment from the September 5, 2024 Public Hearing:
You mentioned the State reviewed this. Have they approved it? Do you have final approval from the State DOT?

Response 2.9:
The NYSDOT has been involved throughout the traffic analysis process and has provided comments along the way. DTS Provident has addressed and responded to all NYSDOT comments at this time. As the Project proceeds, a Highway Work Permit will be required to be obtained from the NYSDOT.

Comment 2.13 – Mark S., Verbal Comment from the September 5, 2024 Public Hearing:
That line of sight is still a concern to me. They're talking about a left-hand turning lane, but that's not going to be the problem. It's the traffic coming out of the City as you go from the 30 to 45. That's where the line of sight is challenged. That's where I think the concern is going to be. It's for the safety of all the passengers there.

Response 2.13:
The Site Driveway will be located where there is appropriate sight distance available.

Comment 2.24 –John C., Verbal Comment from the September 5, 2024 Public Hearing:
Would it make sense to incorporate the entire corridor, 207 and Old Little Britain Road, into one study for traffic? One thing that seems to be missing is on the weekends the 500 or 800 cars that the Jehovah's Witnesses bring in that crowd the roads at the same intersections.

Response 2.24:
The Traffic Study including the Study Area and intersections was determined at the beginning of the Project. A corridor study of Route 207 is something that the NYSDOT may perform but is not related to this Project.

Comment 2.25 –John C., Verbal Comment from the September 5, 2024 Public Hearing:
There are a couple planned construction sites, I believe on Unity, a hotel and am warehouse. Wouldn't it make sense to incorporate all of them into one traffic study?

Response 2.25:

DTS Provident has included 4 specific adjacent developments after discussion with the relevant agencies including the hotel and warehouse. The 4 included developments include the following:

- 935 Union Avenue (93-room hotel)
- 321 Temple Hill Road (200,000 SF Warehouse)
- Stonegate (84 adult residential units)
- Unity Place – (154,700 SF Warehouse)

Additional projects are accounted for in the growth rate utilized.

Comment 3.2.34 - MHE Engineering Comment Letter dated 10/2/2024:

During the DEIS Public Hearing it was noted that a potential to relocate the primary access road was to be evaluated. Additional traffic and geotechnical information should be provided, if the access drive is relocated.

Response 3.2.34:

The primary road access was only moved 50 feet to the east and does not warrant additional traffic and geotechnical information.

Comment 3.1.19 - Good Will Fire District Comment Letter dated 9/5/2024

There are several items includes with our review of the traffic study. Also, there are several questionable areas in the study which leads to our suspect to the validity of the data interpretation.

Response 3.1.19:

The traffic data utilized is supported by other traffic information including information provided by the NYSDOT.

Comment 3.1.20 - Good Will Fire District Comment Letter dated 9/5/2024

The study was performed on April 25 - 28, 2023

a) The area of the traffic study had posted detours which changed the probable outcome for routine traffic assessment
b) There was ongoing road work during this period which altered the traffic pattern

Response 3.1.20:

DTS Provident has been unable to verify that road work was taking place during the peak commuter hours of the date of the original traffic count. This work is usually not performed during the peak commuter hours. DTS has compared its traffic volumes to counts performed by the NYSDOT and the counts are similar as shown in the table below:

TABLE NO. 3.11.5 LITTLE BRITAIN ROAD (NY-207) (WEST OF OLD LITTLE BRITAIN ROAD) TRAFFIC COMPARISON				
PEAK HOUR TRIPS	**VOLUMES FROM ANALYSIS**		**VOLUMES FROM NYSDOT**	
Little Britain Road (NY-207)				
	April 25, 2023		**Sep 17, 2024**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	336	356	295	298
PM (4:00 – 5:00)	566	395	494	392
Old Little Britain Road (NY-207)				
	April 25, 2023		**March 7, 2019**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	130	164	132	147
PM (4:00 – 5:00)	298	300	231	325

Comment 3.1.21 - Good Will Fire District Comment Letter dated 9/5/2024

According to a report by one of the largest traffic violations attorneys in New York and New Jersey

a) In New York State, April is the lowest rate of accidents of any month
b) This raises the question was April chosen to make the site look more attractive or to deceive the public and planning board?

Response 3.1.21:

The traffic counts record traffic volumes, not crashes. The fact that April was chosen as the count month has no relevance to whether the crash rates are allegedly lowest then. April is a typical month for commuter traffic and school traffic. DTS Provident performed a crash analysis by ordering crash data from the NYSDOT for 7 years from 2015-2022. Thus, every month was considered over a seven-year period and is not skewed towards any time of year. Many crashes occur when the weather is bad even though there is less traffic.

Comment 3.1.22 - Good Will Fire District Comment Letter dated 9/5/2024

DOT Accident data may not reflect local emergency agency data. Only 6 accidents were reported in the study for Little Britain and Old Little Britain. Fire department records have indicated an additional 5 accidents at that location in only the past 2 years. Over the past 4 years there have been at least 70 reported accidents between the City line, through the Little Britain/Little Britain and across Old little Britain road. Of these accidents approximately 25% were personal injury accidents and 1, located near the front of the Britain Woods site was a fatal. The additional traffic from Britain Woods will impact all of the locations of these accidents and will create potential hazards at the entrances to the site unless designed properly.

Response 3.1.22:

At the time of writing the original report DTS Provident had obtained the latest 7 years of crash data available from the NYSDOT which did not include the dates listed above. Any reported crash would be filed in the NYSDOT database. Recently, DTS Provident obtained additional data which goes out until the end of 2023 which includes the fatal accident and some of the others mentioned above. Additionally in the original report, DTS Provident also obtained crash data obtained from the Town of Newburgh which generally agreed with the NYSDOT data.

Comment 3.1.23 - Good Will Fire District Comment Letter dated 9/5/2024

It is inaccurate to contain the peak traffic to a single hour between Dewey and D'Alfonso. Traffic is consistently heavy 10AM and 6PM (400 or more cars).

Response 3.1.23:

Traditional traffic analysis in conjunction with a residential project analyzes the peak hours of the day. Generally, these are the peak commuting hours which are between 7-9 AM and 4-6 PM. The times for the traffic counts were established by the Town and its Traffic Consultants and is consistent with the NYSDOT procedures. The peak hours are based upon the entire Study Area, not just one or two roads.

Comment 3.1.24 - Good Will Fire District Comment Letter dated 9/5/2024

Entrance to Rt 207 from Old Little Britain is constantly a challenge since it is only a 1 way stop for Old Little Britain and the traffic rarely stops on Rt 207 to allow cars to exit from Old Little Britain.

Response 3.1.24:

A traffic signal is planned to be installed at this location by the NYSDOT which will improve the operation of this intersection.

Comment 3.1.25 - Good Will Fire District Comment Letter dated 9/5/2024

Are school bus stops on the property or are the children expected to await the bus on the highway? Additional clear view distance may be required.

Response 3.1.25:

A bus stop will be provided for the Project and will be confirmed with the School District and bus company. Appropriate sight distance will be provided.

Comment 3.1.26 - Good Will Fire District Comment Letter dated 9/5/2024

Traffic control devices are lacking at the major intersections and in front of the site.

Response 3.1.26:

A traffic signal is planned to be installed at the intersection of Little Britain Road and Old Little Britain Road by the NYSDOT. The Site Driveway does not warrant a traffic signal and will operate under Stop control.

Comment 3.1.27 - Good Will Fire District Comment Letter dated 9/5/2024

Acceleration lanes for Emergency to be inadequate. During an emergency, or with large trucks and busses, additional time is required to enter and exit the site.

Response 3.1.27:

The driveway has been designed to NYSDOT standards and will be able to accommodate emergency vehicles as well as trucks and buses. There will also be a separate driveway for emergency purposes.

Comment 3.1.28 - Good Will Fire District Comment Letter dated 9/5/2024

Will sidewalks be installed along the highway?

Response 3.1.28:

Sidewalks are proposed along the on-site roadways. No sidewalks are proposed along NYS Route 207.

Comment 3.1.29 - Good Will Fire District Comment Letter dated 9/5/2024

The study indicates there will be no impact on the traffic on D'Alfonso, which is the best route with traffic control to local shopping and a direct route to 17K and I-84. Local residents travel

this way to avoid using Wisner Avenue in the City of Newburgh. The new residents from the Proposed Britain Woods will probably do the same when the find it is easier, faster and safer

Response 3.1.29:

The trip distributions were conservatively based upon existing travel patterns and estimated destinations. DTS Provident does not anticipate a large portion of the Site traffic to utilize D'Alfonso Road. Even if a minor rerouting were to take place with the distributions, it would not change the LOS and delay significantly.

Comment 3.1.30 - Good Will Fire District Comment Letter dated 9/5/2024

The study indicates there is Westbound traffic on D'Alfonso (a N-5 road). This is confusing. It is also confusing how the study shows there will be no additional traffic impact on D'Alfonso Road. That will never happen and people will continue to cut through this neighbor hood of almost 100 single family homes.

Response 3.1.30:

It is not clear where the comment refers to westbound traffic on D'Alfonso Road. In the level of service tables, there is an Old Little Britain Road westbound approach at the intersection with D'Alfonso Road. As for the traffic distribution on D'Alfonso Road please see previous response. Some traffic may turn onto D'Alfonso Road but the distributions utilized in the Traffic Study were conservative.

Comment 3.1.31 - Good Will Fire District Comment Letter dated 9/5/2024

Typical of other errors, Old Little Britain and D'Alfonso is a 1-way stop, not 2-way as indicated by the study

Response 3.1.31:

It is not clear f where this comment is referring to in the Study, but yes there is a stop sign on the D'Alfonso Road approach. There is also a Stop sign on Jehovah's Witness Driveway which is slightly offset from D'Alfonso Road.

Comment 3.1.32 - Good Will Fire District Comment Letter dated 9/5/2024

With larger vehicles like school busses, trash trucks, delivery vehicles and firetrucks and much longer line of sight and stopping distances is needed on Rt 207 in front of the site.

Response 3.1.32:

Appropriate sight distance will be provided. According to AASHTO Section 3.3.3.5, it states the following:

"The recommended stopping sight distances are based on passenger car operation and do not explicitly consider design for truck operation. Trucks as a whole, especially the larger and heavier units, need longer stopping distances for a given speed than passenger vehicles. However, there is one factor that tends to balance the additional braking lengths for trucks with those for passenger cars. The truck driver is able to see substantially farther beyond vertical sight obstructions because of the higher position of the seat in the vehicle. Separate stopping sight distances for trucks and passenger cars, therefore, are not generally used in highway design."

Comment 3.1.33 - Good Will Fire District Comment Letter dated 9/5/2024

Emergency access driveway on the east end of the site:

a) Emergency exit only 20' wide should this be designed as a full service access point?
b) Turning into the site via the Emergency exit from east not practical
c) The vehicle speed of turn into sight is slow and there is insufficient clear sight on Rt 207

d) Unless monitored 24/7, the speed on 207 routinely exceeds 55mph
e) Additional thoughts and considerations: Electric Vehicle

Response 3.1.33:

a) This driveway is not intended to be used regularly and will only be for emergencies and will be reviewed by the Emergency Services during the Site Plan Approval process.
b) This will not be a regular occurrence and will only be used during emergencies if the regular driveway is blocked.
c) Appropriate sight distance will be provided.
d) NYSDOT and ATR data indicate that the average speed for NY-207 ranges between 40 MPH and 43 MPH and the 85th percentile is much less than the 55 mph stated in the comment. The respective Police Departments monitor speeds on this road and the other surrounding roadways.
e) EV charging stations for electric vehicles will be provided.

Comment 3.1.36 - Good Will Fire District Comment Letter dated 9/5/2024

There are additional planned construction sites that will impact the traffic flow in the same Old Little Britain/Little Britain Road corridor

a) A warehouse facility is planned near Old Little Britain and Unity Place
b) A hotel is proposed for Unity Place
c) The additional planned and or proposed facilities will add an unknown amount of traffic. The increase in commercial, truck, transient and residential traffic will a detrimental impact on traffic flow on Old Little Britain and Unity Place.
d) The Jehovah Witness convention center as well as the 2 Jehovah Witness buildings on Old Little Britain add several hundred vehicles on the same Old Little Britain Road corridor every week. This traffic impact was never studied for this project.
e) A once quiet residential area is being transformed in a bad way.

Response 3.1.36:

a) DTS Provident has included the Unity Place warehouse in its analysis as an adjacent development.
b) DTS Provident has included the hotel at 935 Union Avenue in its analysis as an adjacent development.
c) The effects of these developments and others have been accounted for in the analysis.
d) These facilities were included during the traffic counts during the times the analyses were required and therefore have been accounted for.
e) A detailed Traffic Study was performed for the Project and has been reviewed by the Town, the Town's Traffic Consultant and the NYSDOT.

Comment 4.1.3 - Catherine Gaspard Letter dated 9/12/2024:

Moreover, the potential increase in traffic would result in higher traffic volume. With the number of units possibly going in Britian Woods, the new residents will undoubtedly exacerbate the situation. Increased congestion can lead to longer commute time, heighted frustration, potential safety hazards & air quality issues. I know you have evaluated traffic studies so that you can implement measures to mitigate these concerns. It will not totally solve the impact of increased usage of Route 207 & old Little Brittian Road. Has air quality been done?

Response 4.1.3:

Traffic mitigation has been proposed for the Project where appropriate. Air Quality was not identified in the DEIS Scoping Document (DEIS Appendix A7) as a potentially impacted resource resulting from the Project.

Comment 4.3.64 - Unsigned & undated "Aug Hearing Talking Points":
"future" = 2026 decided based on New York State Department of Transportation (NYSDOT) Region 8 Planning and Program Management Group

Response 4.3.64:
The year 2026 was the projected Build Year at the time of the initial analyses.

Comment 4.3.65 - Unsigned & undated "Aug Hearing Talking Points":
"Roundabout also being studied" – according to whom? Wersted?

Response 4.3.65:
This is a requirement from NYSDOT before looking at signalization. It was determined not to be feasible at the intersection of Old Little Britain Road and Little Britain Road based on space constraints.

Comment 4.3.66 - Unsigned & undated "Aug Hearing Talking Points":
"ATR data compared favorably with historical from NYSDOT" yeah, we know why

Response 4.3.66:
The ATR data was compared to the NYSDOT ATR as described above.

Comment 4.3.67 - Unsigned & undated "Aug Hearing Talking Points":
Peaks determinations are misleading

Response 4.3.67:
The proper peak hours were analyzed, as described above.

Comment 4.3.68 - Unsigned & undated "Aug Hearing Talking Points":
Did Ross comply with the board requests from 21 Dec Minutes?

Response 4.3.68:
It is unclear to which Board requests the commentor is referring.

Comment 4.3.69 - Unsigned & undated "Aug Hearing Talking Points":
We'd like to see DOT comments that Winglovitz received on 2023 Nov 3rd, requested by Wersted

Response 4.3.69:
The comments received from NYSDOT are attached (FEIS Appendix E1).

Comment 4.3.70 - Unsigned & undated "Aug Hearing Talking Points":
Page 81 of minutes (Dec), did Ross incorporate the sight distances that Wersted asked for? Check page 74/75 and Figure 3.6B

Response 4.3.70:
The sight distances for the Site Driveway have been updated in Figure 3.6B.

Comment 4.3.71 - Unsigned & undated "Aug Hearing Talking Points":
Page 82, what is the "commitment" in response to Wersted? Mentioned that DOT funding is not a certainty

Response 4.3.71:
The NYSDOT is installing the traffic signal at the intersection.

Comment 4.3.72 - Unsigned & undated "Aug Hearing Talking Points":
Page 82, Wersted, "Turning movement counts should be included in the appendices". Were they added?

Response 4.3.72:
Yes, these were included in DEIS Appendix F5.

Comment 4.3.73 - Unsigned & undated "Aug Hearing Talking Points":
Page 85, Hines, “emergency access” idea should be fleshed out as an alternative so that the #s could be compared. Did Ross make a primary/emergency model?

Response 4.3.73:
An emergency access will be provided. The traffic model takes into account a primary and emergency access.

Comment 4.3.74 - Unsigned & undated "Aug Hearing Talking Points":
Page 86 about Stonegate, MR. WERSTED: I'm not familiar with it. I don't recall seeing it in the traffic study. Along with Unity Place, that can be incorporated.”

Response 4.3.74:
Stonegate and Unity Place were incorporated in the traffic study.

Comment 4.3.75 - Unsigned & undated "Aug Hearing Talking Points":
The limited amount of traffic to be generated by the Project is not anticipated to significantly impact the number of crashes in the future.”

Response 4.3.75:
The proposed project is adding 119 total (in and out) trips during the peak AM hour and 143 total (in and out) trips during the peak PM hour.

Comment 4.3.76 - Unsigned & undated "Aug Hearing Talking Points":
What about the introduction of an entrance with reduced line of sight? People are used to accelerating from the city (increased speed limit) and for a good portion of the year, afternoon peak traffic has the sun in their eyes as they would need to recognize a slow/stalled vehicle or a school bus

Response 4.3.76:
Modifications have been made to provide the appropriate sight distance.

Comment 4.3.77 - Unsigned & undated "Aug Hearing Talking Points":
Page 71, mentions Unity and Stonegate – check Fig 4-7 App F

Response 4.3.77:
Yes, these adjacent developments are included in those figures.

Comment 4.3.78 - Unsigned & undated "Aug Hearing Talking Points":
Page 72, Fig 8 “no build” is said to include Unity, Stonegate and 1.2% per year o Build volumes solely based on adding Peak (which is not accurate)

Response 4.3.78:
The Build volumes are the No-Build volumes plus the Site-generated traffic. The growth rate is already included in the no-build volumes along with the two adjacent developments listed above as well as two additional adjacent developments.

Comment 4.3.79 - Unsigned & undated "Aug Hearing Talking Points":
“ITE’s publication entitled, “Trip Generation”, 11th Edition, utilizing Land Use Code 220 (Multifamily Housing [Low- Rise])” for the growth projections

Response 4.3.79:
That was the land use utilized in the Study from ITE.

Comment 4.3.80 - Unsigned & undated "Aug Hearing Talking Points":

Fig 9 and 10 in App F, "The anticipated arrival/departure distribution patterns for the Project's traffic were developed based upon existing travel patterns, potential destinations, and the existing roadway network"

Response 4.3.80:

Correct.

Comment 4.3.82 - Unsigned & undated "Aug Hearing Talking Points":

Page 73, Table 3.6.2B, Build shows substantial improvements for OLBR/LBR, how?

Response 4.3.82:

The Table is showing with the intersection being signalized. The NYSDOT is currently under contract to signalize the intersection.

Comment 4.3.83 - Unsigned & undated "Aug Hearing Talking Points":

No build continues to get worse, so can't be attributed to separate NYSDOT plans

Response 4.3.83:

No-build is the existing volumes grown to a future design year using an appropriate growth rate for the area which was determined to be 1.2%. It does not include the Project.

Comment 4.3.84 - Unsigned & undated "Aug Hearing Talking Points":

Page 74, "the proposed Project will have essentially no change in level of service or delays experienced at the intersections." Then how is LOS improved in Table 3.6.2B?

Response 4.3.84:

The NYSDOT is installing a traffic signal that will improve the Level of Service at the intersection of Old Little Britain Road and Little Britain Road.

Comment 4.3.85 - Unsigned & undated "Aug Hearing Talking Points":

Buses don't typically enter developments here, they stop on the road, presenting a hazard for westbound traffic on 207

Response 4.3.85:

Bus operations will be discussed with the School District Bus Company and the NYSDOT. There is a turnaround for buses within the complex.

Comment 4.3.86 - Unsigned & undated "Aug Hearing Talking Points":

What about line of sight for westbound traffic on 207?

Response 4.3.86:

The required sight distance has been provided.

Comment 4.3.87 - Unsigned & undated "Aug Hearing Talking Points":

Departure Distribution, according to Appendix F, Figure 10, suggests that 79% of traffic leaving the site will be making a left turn on to RT-207. The Applicant has submitted that sight distances from the main entrance will be sufficient for a left-turning vehicle from the neighborhood emerging out on to Rt-207 (eastbound) as shown in Fig 3.6B. They claim that by removing some existing grade, the 3.5' driver's eye height vantage point will clear all obstructions for a distance of 360' to see approaching traffic. By using the posted limit speed of45 MPH on the AASHTO Sight Distance chart, the corresponding Stopping Sight Distance requirement is 360'. We would like to note that the traffic study did not assess prevailing speeds on RT-207, and that 45 MPH is likely an insufficient design input to ensure safe operation at the proposed intersection.

Response 4.3.87:

The location of the site driveway is currently being analyzed and appropriate sight distances will be provided. ATR data shows the average speed for NY-207 ranges between 40 MPH and 43 MPH.

Comment 4.3.88 - Unsigned & undated "Aug Hearing Talking Points":

However, even with a speed input of 45 MPH, the Applicant has only included a portion of then AASHTO chart/criteria. A third column “Design Intersection Sight Distance” is seen on every other AASHTO chart that I could find online. It specifies distances of greater margin to help ensure that the intersection operates smoothly, to ensure that Rt-207 traffic would not require sudden decisions to avoid traffic conflicts from the complex. *That* distance, at the posted speed limit, is 500’ and grows by 55’ for every additional 5 MPH.

Response 4.3.88:

The primary entrance has been relocated 50 feet to the east, and the proposed sights distances meet the required distances.

Comment 4.3.89 - Unsigned & undated "Aug Hearing Talking Points":

The bare-minimum approach of 360’ stopping distance appears even more inappropriate as the proposed intersection has unfavorable curvature affecting the left turn-out. The Federal Highway Administration still quotes a Kihlberg and Tharp study (1968) showing that crash rates increased 35 percent for highway segments with curved intersections over highway segments with straight intersections. The FHA also maintains a web page dedicated to intersection design for the aging population, which further discusses rationale behind increased sight distance to accommodate increased perception-reaction time. We have the link to that material here. https://safety.fhwa.dot.gov/older_users/handbook/ch7.cfm#ss4

Response 4.3.89:

The primary entrance has been relocated 50 feet to the east, and the proposed sight distances meet the required distances.

Comment 4.3.90 - Unsigned & undated "Aug Hearing Talking Points":

There are also two seasonal factors that merit consideration when evaluating sight distance. During the winter months, westbound RT-207 drivers that are approaching the proposed intersection will have the sun directly in their eyes during the afternoon. As our attachment shows just one example, at 4PM on the solstice the sun is at a 12 degree elevation dead-ahead as the driver enters this turn. Also during the winter months, the Applicant states that private snow removal services will be responsible for clearing the main entrance. The DEIS has no mention of where that cleared snow will be placed. Common observation in the Town of Newburgh suggests that the snow will likely be pushed to berms on either side of the entrance, which tends to create an obstacle for Intersection Sight Distance.

Response 4.3.90:

The primary entrance has been relocated 50 feet to the east, and the proposed sight distances meets the required distances. Snow removal will be performed to not interfere with the sight distance.

Comment 4.3.91 - Unsigned & undated "Aug Hearing Talking Points":

It seems apparent to us that the Planning Board may wish to require further improvements to the sight distance. Citing driver safety as the primary concern, the increased potential for line-of-sight challenges and unfavorable curvature at this location also suggests that the Board should reconsider the risk/reward of allowing the proposed eastern site entrance to continue as

emergency-only. Common sense suggests that if the Applicant would make the western entrance a right-only on to RT-207 and direct traffic heading toward the City to use the eastern entrance, that east-bound traffic would not only be crossing on to RT-207 at a straight intersection, and without direct afternoon sun, but also within a posted 35MPH speed limit. Again, the Applicant claims that 79% of departures will turn left.

Response 4.3.91:

The location of the primary site driveway will meet the appropriate sight distances. The eastern emergency access was also reviewed.

Comment 4.3.92 - Unsigned & undated "Aug Hearing Talking Points":

Please also consider that a re-instatement of the eastern entrance would allow eastbound drivers arriving at the complex to execute their left turns off of RT-207 with full line-of-sight of traffic from Wisner and within the lower 35 MPH zone.

Response 4.3.92:

The eastern entrance is proposed as an emergency only access.

Comment 4.3.93 - Unsigned & undated "Aug Hearing Talking Points":

The Scoping Document Section F., subsection d. asked for a determination of peak traffic hours to be used in various analyses. The Applicant has determined a morning peak of 7:30-8:30am and an afternoon peak of 4-5pm. This was based on ATR data taken from Tuesday April 25, 2023. It should be noted that ATR counts on 4/25/23 were not only the lowest numbers of the M-F week, but the daily totals indicate that both Tuesday and Wednesday were of noticeably lower volume. On both of those days, RT-207 was undergoing roadworks that had modified and restricted traffic flow (down to one lane).

Response 4.3.93:

DTS Provident was unable to verify the road work being performed on this data during the peak hours. NYSDOT data has verified that the counts obtained by DTS Provident and they validate the peak hours. Below is a comparison of the NYSDOT traffic data versus the existing count data used in the analysis.

TABLE NO. 3.11.10
LITTLE BRITAIN ROAD (NY-207) (WEST OF OLD LITTLE BRITAIN ROAD)
TRAFFIC COMPARISON

PEAK HOUR TRIPS	VOLUMES FROM ANALYSIS		VOLUMES FROM NYSDOT	
Little Britain Road (NY-207)				
	April 25, 2023		**Sep 17, 2024**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	336	356	295	298
PM (4:00 – 5:00)	566	395	494	392
Old Little Britain Road (NY-207)				
	April 25, 2023		**March 7, 2019**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	130	164	132	147
PM (4:00 – 5:00)	298	300	231	325

Comment 4.3.94 - Unsigned & undated "Aug Hearing Talking Points":

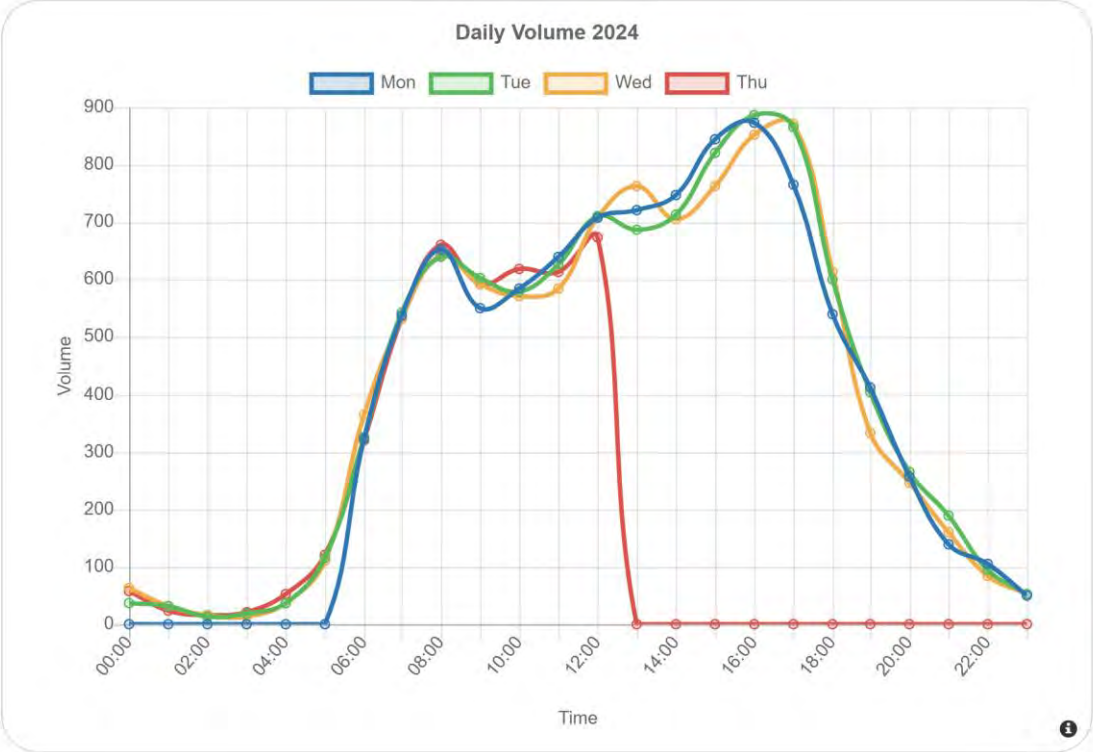
If the morning peak determination were taken from Monday, Thursday or Friday, it would be clear that the morning traffic continues to swell through noon, making 11am-noon the peak

morning hour. The 11am numbers for every weekday other than Tuesday were substantially higher than the 7-8am Tuesday numbers. Similarly, the Tuesday afternoon numbers at "peak" of 4-5pm are obviously less than the corresponding M/Th/F afternoon numbers.

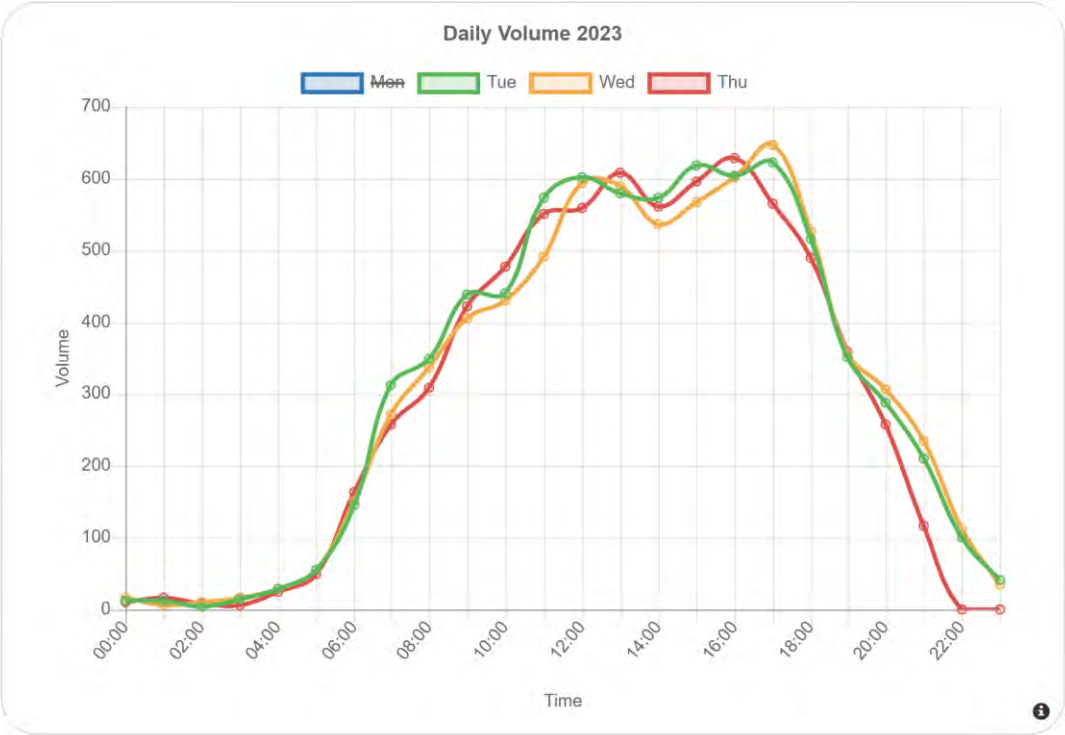
Response 4.3.94:

A review of recent NYSDOT ATR data verifies the original peak hours used in the analysis. See graph below which has graphed the daily volume experienced by NY 207 from Monday September 16, 2024, through Thursday September 19, 2024. It should be noted that Thursday was a partial count. The commuter peak hours are what are to be analyzed for a residential development.

Little Britain Road – Daily Volume 2024



Old Little Britain Road – Daily Volume 2023



Comment 4.3.95 - Unsigned & undated "Aug Hearing Talking Points":

It appears from Appendix F that this outlier "peak" information was the basis for all calculations of the "existing", "no-build" and "build" traffic scenarios. We believe that the selection and use of these numbers (the lowest-possible during that week) was in bad faith and that the Board should review the ATR data to help choose a more suitable baseline for traffic analysis. Accepting the study as-is would represent approval of bad data.

Response 4.3.95:

DTS Provident performed a standard traffic analysis with the counts and determined appropriate peak hours that compare favorably with the NYSDOT Data. See previous answer.

Comment 4.3.96 - Unsigned & undated "Aug Hearing Talking Points":

Table 3.6.2B in the DEIS, (Table C-3 in Appendix F), regarding OLBR/LBR intersection: The Applicant claims to accomplish LOS improvements for "Build With Signal" over the "No-Build" scenario. They are referencing a notional signal at that intersection.

a. NYSDOT project 881570 is still in development and has not been approved
b. If a State-initiated improvement is being claimed for benefit in the "Build" scenario, it should also be accounted for in the "No-Build". Or does the DEIS imply that the applicant will ensure controls are installed at OLBR/LBR even if the State doesn't?
c. Is it possible to request that a NYSDOT consultant be present at a public hearing for this development to elaborate on roundabout options as well as general project updates for this intersection?

Response 4.3.96:

a. The Traffic Signal is currently under contract with the NYSDOT.
b. See below for the inclusion of the No-Build with Signal.

TABLE 3.11.11

PEAK HOUR LEVEL OF SERVICE SUMMARY TABLE

Route 207/Little Britain Road & Old Little Britain Road

APPROACH		AM PEAK HOUR				PM PEAK HOUR			
		2023 EXISTING	2026 NO-BUILD	2026 NO-BUILD[1] WITH SIGNAL	2026 BUILD[1] WITH SIGNAL	2023 EXISTING	2026 NO-BUILD	2026 NO-BUILD[1] WITH SIGNAL	2026 BUILD[1] WITH SIGNAL
		LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)
Old Little Britain Road									
SB	TOTAL	c 18.2	c 21.6	B 16.7	B 16.5	f 239.0	f 372.1	B 17.6	B 17.6
Little Britain Road (NY 207)									
EB	TOTAL	a 8.5	a 8.7	A 5.4	A 5.5	a 9.1	a 9.4	A 9.5	A 9.8
WB	TOTAL	- 0.0	- 0.0	A 5.0	A 5.2	- 0.0	- 0.0	A 5.8	A 5.9
INTERSEC.		a 5.5	a 6.2	A 7.7	A 7.9	f 69.4	f 105.4	B 10.8	B 11.0

(1) Intersection was studied as signalized.

c. The Town can speak with the NYSDOT.

Comment 4.3.97 - Unsigned & undated "Aug Hearing Talking Points":

Growth traffic projections are still showing “for 2026” even though the project cannot be completed any earlier than 2027. We’re asking the Board to ensure that the “growth” (and therefore “Build”) numbers are adjusted appropriately while the DEIS is still in review.

Response 4.3.97:

The original analysis year was determined in the project development during the scoping process. The combination of the growth rate utilized as well as the additional adjacent developments will account for the later design year. It is noted that recent NYSDOT count data from September 2024 on Little Britain Road suggests traffic has actually decreased slightly.

Comment 4.3.98 - Unsigned & undated "Aug Hearing Talking Points":

In light of the concerns mentioned, we request that Board keep the public hearing open so that we may review and discuss more appropriate traffic analysis and proposed solutions.

Response 4.3.98:

Comment directed to Board.

Comment 4.3.99 - Unsigned & undated "Aug Hearing Talking Points":

EV charging – do the locations of these present concerns for firefighters if they need to respond to an electrical vehicle fire at the charging stations?

Response 4.3.99:

The locations will be coordinated with the Building Department and the Fire Department.

Comment 4.3.100 - Unsigned & undated "Aug Hearing Talking Points":

Stonegate: According to Appendix F2 Figure 6, Stonegate will affect morning peak traffic by bringing 18 cars toward Stonegate and only 6 cars away from? Is that backwards?

Response 4.3.100:

The volumes were taken directly from the Stonegate Traffic Study's Site Generated Traffic Volumes Figure (Figure No. 12 of their Traffic Study). There appears to be a mistake in the Stonegate's Traffic Study Figure as the amounts should have been 12 going away and 6 coming towards the Stonegate Site. The larger amounts were utilized in the adjacent development traffic to be conservative.

Comment 3.3.5 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.1 Existing/Proposed Near-term Traffic Improvement Plans: What's the status of the NYSDOT design approval for work at the NYS-207/Old Little Britain intersection? What is the preferred design alternative and lane arrangement?

Response 3.3.5:

The signalization of the intersection is currently under contract. The eastbound approach will have a left-turn lane and a through lane. The westbound approach will have one lane. The southbound approach will have a left-turn lane and a right-turn lane. DTS Provident has analyzed the intersection of Route 207 and Old Little Britain Road with the NYSDOT's currently proposed signalized design and the above lane assignments. Below is a summary of the operations of the intersection with signalization and the lane assignments:

TABLE 3.11.6
PEAK HOUR LEVEL OF SERVICE SUMMARY TABLE
Route 207/Little Britain Road & Old Little Britain Road

APPROACH		AM Peak Hour BUILD WITH SIGNAL LOS DELAY (sec)	PM Peak Hour BUILD WITH SIGNAL LOS DELAY (sec)
Old Little Britain Road			
SB	L	B 13.9	B 16.1
	R	B 17.6	B 18.7
	TOTAL	B 16.5	B 17.6
Little Britain Road (NY 207)			
EB	L	A 7.5	B 13.6
	T	A 4.1	A 5.1
	TOTAL	A 5.5	A 9.8
WB	TOTAL	A 5.2	A 5.9
INTERSECTION		A 7.9	B 11.0

As shown in the table above, the intersection will operate at good levels of service with the NYSDOT planned signalization and lane assignments.

Comment 3.3.6 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.1 Existing Turning Movement Counts: The public stated that there potentially were road closures during the period of traffic counts. Verify these claims and/or substantiate that the provided volumes are still applicable.

Response 3.3.6:

DTS Provident was unable to find verification of the road closures during the time of the counts. Historical NYSDOT traffic data from traffic data viewer was reviewed and compared to the volumes used in the analysis. The comparison indicates that the volumes are comparable and therefore the volumes used in the analysis are still applicable. Below is a comparison of the NYSDOT traffic data versus the existing count data used in the analysis.

TABLE NO. 3.11.7
LITTLE BRITAIN ROAD (NY-207) (WEST OF OLD LITTLE BRITAIN ROAD)
TRAFFIC COMPARISON

PEAK HOUR TRIPS	VOLUMES FROM ANALYSIS		VOLUMES FROM NYSDOT	
Little Britain Road (NY-207)				
	April 25, 2023		**Sep 17, 2024**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	336	356	295	298
PM (4:00 – 5:00)	566	395	494	392
Old Little Britain Road (NY-207)				
	April 25, 2023		**March 7, 2019**	
	EB	**WB**	**EB**	**WB**
AM (7:30 – 8:30)	130	164	132	147
PM (4:00 – 5:00)	298	300	231	325

Comment 3.3.7 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.1 Accident History: There have been reports of several severe crashes near the project site, some resulting in fatalities. Confirm the number of fatalities, date of occurrence and circumstances to the best ability based on available information from news, police, and NYSDOT reports, even if these occurred outside this project's study period.

Response 3.3.7:

From the NYSDOT crash data obtained, there is evidence of 1 fatal crash. This occurred on November 18, 2023 approximately 1,000 ft east of the intersection of Old Little Britain Road and Little Britain Road. This crash occurred during daylight hours with wet road conditions. The apparent contributing factors were failure to keep right and driving at an unsafe speed. Thus, the crash was the result of driver error and not an issue with the roadway design.

Comment 3.3.8 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.2 Estimated Project Year of Completion: Will the results of the analysis be substantively different if the approval/construction period were delayed and completion of the project weren't until 2027 or 2028?

Response 3.3.8:

Response The grown volumes were originally grown to 2026. The project being delayed to 2027 or 2028 would mean that the volumes would be grown for an additional year or two which would not be a substantive increase as traffic projected from additional adjacent developments were added which would also offset the later completion year. Also, recent count data from NYSDOT in September, 2024 indicates that the traffic volumes experienced by Little Britain Road (NY-207) have decreased slightly over the last two years which would indicate the volumes used in the original analysis are conservative. If the Project completion date is changed to 2027 or 2028, the volumes used in the analysis are conservative and would encompass the extra year or two of growth.

Comment 3.3.9 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.2 Other Nearby Significant Developments: Did the City of Newburgh identify any relevant projects that would affect the traffic study area? Identify the size and number of trips estimated from each of the respective other developments.

Response 3.3.9:

The City of Newburgh did not provide any specific adjacent developments that would significantly impact traffic in the Study Area. The four adjacent developments directly included in the analyses are the following:

- 935 Union Avenue (93-room hotel)
- 321 Temple Hill Road (200,000 SF Warehouse)
- Stonegate (84 adult residential units)
- Unity Place – (154,700 SF Warehouse)

Comment 3.3.10- Creighton Manning Comment Letter dated 10/13/2024

Appendix F Figure 4 – 935 Union Ave Volumes – the trips from the project on Route 300 to the City of Newburgh may favor the Old Little Britain Road route rather than Route 207, or, depending on the time of day, might avoid Old Little Britain Road and Route 207 altogether by using Route 17K.

Response 3.3.10:

Comment Noted. The total trips from the 935 Union Avenue Project are relatively small such that a minor rerouting will have minimal impact to the findings of the analysis.

Comment 3.3.11 - Creighton Manning Comment Letter dated 10/13/2024

Appendix F Figure 6– Stonegate Volumes – the trips from that project should be extended to their site driveway to confirm the volumes entering and exiting and the distribution to and from the east into the Britain Woods study area.

Response 3.3.11:

The Site Driveway of the Stonegate Traffic Study was not a study location of this project. However, this Stonegate Site Driveway has now been analyzed and will operate at appropriate levels of service. The traffic associated with the Stonegate Traffic Study was directly obtained from its Site-Generated Traffic Volumes Figures (Nos. 12 and 13) from its Traffic Study.

Comment 3.3.12 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.2 Trip Generation and Trip Distribution/Appendix F Figure 9, 10: We concur with the trip generation estimate. The trip distribution indicates a heavy flow to/from Wisner Avenue (61%-76%) and Unity Place (0 to 25%) with zero percent using Delfonso Road. Different arrival and departure percentages are used. Given the location of the project, being centrally located

to various roads and destinations, the trip distribution will vary depending on the workplace and shopping patterns of residents. Some additional explanation or analysis may be necessary to test the sensitivity of the trip distribution.

Response 3.3.12:

Comment Noted. The trip distributions were based upon existing travel patterns and estimated destinations as well as the access to nearby highways. Slight modifications to the trip distributions will not have a significant impact to the findings of the analyses including at D'Alfonso Road.

Comment 3.3.13 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.2 Adequacy of Existing Road Infrastructure

a. Table C-1 – Rt 207/Wisner – the project will increase delays on intersection approaches from 4 to 10 seconds depending on the approach in the AM peak hour and 8 to 24 seconds depending on the approach. What mitigation is recommended at this location?
b. Table C-2 – Rt 207/Corwin Court – the project will increase delays on intersection approaches by 1 second or less during the peak hours. It is our opinion that these results will be similar at other adjacent unsignalized intersections and driveways including Carroll St, Laborers Local 17, etc. The project does not appear to have any capacity impacts in these locations.
c. Table C-3 – Rt 207/Old Little Britain Rd - Include the No-Build conditions assuming the NYSDOT signal project is complete. Confirm the lane configurations proposed for these improvements. With a traffic signal in place, the project is expected to increase delays by less 1 second in the AM peak hour and 2 to 7 seconds depending on the approach in the PM peak hour. Without the NYSDOT project delays from the project would be significant.
d. Table C-4 - Old Little Britain/Delfonso Rd - the project will increase delays on intersection approaches by 1 second or less during the peak hours, subject to the projects trip distribution patterns. We expect delays on Delfonso Rd to increase if project traffic were to use it to access Route 17K, Target, Stewart Ave, etc.
e. Table C-5 – Old Little Britain/Williams Ave - the project will increase delays on intersection approaches by 1 second or less during the peak hours. No improvements appear necessary.
f. Table C-6 – Old Little Britain/Unity Pl - the project will increase delays on intersection approaches by 2 seconds or less during the peak hours. No improvements appear necessary.
g. Table C-7 – Rt 207/Site Driveway West – An eastbound left turn lane is proposed on Route 207. Left turns entering the project will operate with minimal delays. The exit movement from the site will operate at LOS C with a reasonable 15 to 19 seconds of average delay. We expect left turn movements will be more difficult compared to right turn movements. It should be confirmed with NYSDOT if a two-way left turn lane will be provided allowing a short receiving lane for exiting left turn traffic or if a striped left turn lane will be provided as shown on in Appendix F's Appendix F8 – Left Turn Lane Concept Plan.
h. Table C-8 – Peak Hour Queue Summary – The table isn't labeled but we presume it would be C-8. The impacts of the project on approach queues are similar to that of the delay impacts. Queues at Route 207/Wisner are between 1 and 4 vehicles depending on the peak hour and approach. We expect a larger impact from the project at Route

207/Old Little Britain if the NYSDOT project isn't completed. No significant effects are expected at the other study area intersections.

i. Table F-1 – Accident Summary
   i. This table summarizes the number of crashes and crash rates at the study area intersections – a total of 86 crashes. We presume the other 134 crashes reported occurred on the segments, some of which the public have reported as "serious." Provide a table summarizing the segment related crashes. Were there any crashes reported around the project's site driveway?
   ii. Consider providing a dot or heat map illustrating crash locations and frequency.
   iii. Identify the study period for the crashes reported.
   iv. The number of injury, fatal, and non-reportable crashes do not add up to the total reported. Is the difference "Property Damage" crashes?
   v. All of the locations reported in the table to date indicate higher than average crash rates. Have any PIL's or HAL's locations been identified by NYSDOT or safety related improvements been considered?

Response 3.3.13:

a. This location is a 3-legged all-way stop with limited ability to perform modifications due to the proximity of the existing building on the northeast corner short of a traffic signal but the delays at the intersection are mainly peak hour delays. Delays are much less during the non-peak hours. There is not enough room or right-of-way to provide for additional lanes or a traffic circle. The addition of pavement striping including Stop bars will improve the safety conditions at this intersection. If traffic from Site is diverted from this location to D'Alfonso Road, which could occur now that the NYSDOT is installing a traffic signal at the intersection of Little Britain Road and Old Little Britian Road, then there would be less of an impact from the Project as this location as well as less of an increase in delays.
b. Comment Noted.
c. See Revised Table C-3 below with No-Build conditions included:

TABLE 3.11.8
PEAK HOUR LEVEL OF SERVICE SUMMARY TABLE
Route 207/Little Britain Road & Old Little Britain Road

APPROACH		AM PEAK HOUR				PM PEAK HOUR			
		2023 EXISTING	2026 NO-BUILD	2026 NO-BUILD[1] WITH SIGNAL	2026 BUILD[1] WITH SIGNAL	2023 EXISTING	2026 NO-BUILD	2026 NO-BUILD[1] WITH SIGNAL	2026 BUILD[1] WITH SIGNAL
		LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)	LOS DELAY (sec)
Old Little Britain Road									
SB	TOTAL	c 18.2	c 21.6	B 16.7	B 16.5	f 239.0	f 372.1	B 17.6	B 17.6
Little Britain Road (NY 207)									
EB	TOTAL	a 8.5	a 8.7	A 5.4	A 5.5	a 9.1	a 9.4	A 9.5	A 9.8
WB	TOTAL	- 0.0	- 0.0	A 5.0	A 5.2	- 0.0	- 0.0	A 5.8	A 5.9
INTERSEC.		a 5.5	a 6.2	A 7.7	A 7.9	f 69.4	f 105.4	B 10.8	B 11.0

(1) Intersection was studied as signalized utilizing NYSDOT design

The lane configurations are based upon information provided from the NYSDOT. The eastbound approach will have a left-turn lane and a through lane. The westbound approach will have a through lane. The southbound approach will have a left-turn lane

and a right-turn lane. As illustrated, the impact of the Project between the No Build and Build Conditions with the traffic signal will not be significant.

d. Comment Noted. Minor rerouting of traffic onto D'Alfonso Road would have minimal impact to its Levels of Service (LOS) and delay and would result in less Project traffic traveling past the roadway.
e. Comment Noted.
f. Comment Noted.
g. The left-turn lane design will be coordinated with the NYSDOT as part of the Highway Work Permit Process. A two-way left-turn lane is not currently being proposed..
h. The NYSDOT signal and widening project at Route 207/Old Little Britain will be completed.
i. Table F-1 – Accident Summary
    i. The table referenced only included the crashes that occurred at the specific study intersections. The query from the NYSDOT included other intersections in the area including along Broadway (Route 17K) so the remaining crashes are segment crashes or from outside the study locations. Table No. 9 below referenced the segment crash summary for the proposed project. There were two segment crashes on Little Britain Road near the location of the proposed Site Driveway between 07/31/2015 and 12/31/2023.

TABLE NO. 3.11.9
SEGMENT CRASH SUMMARY

SEGMENT	SEGMENT CRASHES (07/31/2015 – 07/31/2022)	SEGMENT CRASHES (12/31/2020 – 12/31/2023)
Btw Unity Pl & Williams Ave	2	**0**
Btw Williams Ave & D'Alfonso Rd	3	**1**
Btw D'Alfonso Rd & Little Britain Rd	2	1
Btw Old Little Britain Rd & Corwin Ct	6	3
Btw Corwin Ct & Wisner Ave	10	**4**

*Please note there is some overlap between the two crash queries thus, some of these crashes are being counted more than once.

ii. See maps obtained from NYSDOT below:

Date Range: From 8/02/2015 through 7/29/2022.

FMO-23-21285 MAP

Date Range: From 1/26/2021 through 11/18/2023.

R003709 MAP

iii. DTS Provident originally had obtained the latest 7 years of crash data available from the NYSDOT. The earliest dated crash in this query was 08/02/2015 and the latest dated crash in this query was 07/29/2022. Since the writing of the original report, DTS Provident has obtained additional crash data from up until the latest available data which ended up being to the end of 2023. The earliest

dated crash in this query is 01/26/2021 and the latest dated crash in this query range is 11/18/2023. There is some overlap between the 2 queries.

iv. Yes. See above.

v. NY 207 in this location is not identified as a PIL or HAL, although other sections of NY Route 207 are. Safety improvements are being installed at the intersection of Little Britain Road and Old Little Britian Road.

Comment 3.3.14 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.2 Sight Distance – Appendix F7 provides a sight distance diagram and the DEIS provides figure 3.6B.

a. The sight distance looking to the right (west on Route 207) is approximately 780 and adequate for design speeds of over 60 mph – well above the posted speed limit (45 mph) and expected 85th percentile speed.
b. The sight distance looking left (east on Route 207) is estimated at 360 feet and looking across the inside of the horizontal curve of the road. Figure 3.6B indicates that the site has or will be graded back enough to not block this sight line and presumably vegetation will be maintained. For intersection sight distance, 360 feet is adequate for about 33 mph, well below the posted speed limit and presumed 85th percentile speed. It is adequate for the minimum stopping sight distance, which in our opinion would be applicable for a very low traffic generator, but not this project.
c. What is the 85th-percentile speed on the westbound approach of Route 207?
d. What improvements or site work is necessary to achieve the recommended intersection sight distance looking left? If clearing and grading of the horizontal curve is necessary, does the vertical curve of Route 207 then become a factor?
e. What is the intersection sight distance looking straight for a vehicle to turn left into the site? Is it adequate?

Response 3.3.14:

a. Comment Noted.
b. The location of the driveway has been reviewed by the Project Team and modifications have been made to provide the appropriate sight distance as shown in Figure 3.6B.
c. Based upon the ATR data, it is 47 MPH.
d. The location of the driveway has been shifted 50 feet to the east to improve sight distance.
e. The intersection sight distance looking straight for a vehicle to turn left into the site is 625 and is adequate for the posted speed limit of 45 MPH.

Comment 3.3.15 - Creighton Manning Comment Letter dated 10/13/2024

Section 3.6.3 Roadway Improvements

a. What happens if the NYSDOT project does not complete the proposed signal and roadway improvements at the Route 207/Old Little Britain Road intersection?
b. Do the intersection crash reports indicate or does the applicant's engineer have a sense of why the Route 207/Wisner Ave, an all-way stop intersection, has the highest crash rate and will adding stop bars improve the condition? Is any mitigation necessary to address project related delay increases?

Response 3.3.15:

a. The NYSDOT Project is under contract already.
b. There is limited sight distance at this location due to the proximity of the existing building on the northeast corner which may contribute to the higher crash rate. Stop bars may aid in improving the safety of the intersection. Additional improvements at this location are limited due to right-of-way and other constraints.

Comment 3.4.9 - City of Newburgh Comment Letter dated 7/30/2024

1. The applicant needs to provide a traffic study and traffic counts for both proposed access drives, as well as Corwin Court. Based on project size, the traffic study should include corridor, volume, speed, travel time, delay, parking, and pedestrian elements.
   a. Page 66 Roadway Descriptions. The applicant incorrectly notes the ownership and maintenance of Little Britain Road. Little Britain Road is City owned and maintained for its entirety in the City of Newburgh.
   b. Page 68 Accident History. Counts are provided for the intersection of Little Britain Road and "Wisner Court." The applicant should clarify the correct secondary street: Wisner Avenue or Corwin Court.
   c. Page 71 Table 3.6.2B. The project's future build conditions shows that Peak PM hours LOS for Little Britain Road & Wisner Avenue intersection will degrade from a LOS "C" to a LOS "E". The applicant proposes no mitigation measures, except for the painting of stop bars. This proposed mitigation is unacceptable considering the anticipated level of service degradation.
   d. Page 72 Pedestrian, Bicyclist... The applicant notes no significant impacts on bicycle or pedestrian transportation. No analysis of the impact of was provided. The City believes that the addition of 258 rental units directly adjacent to the City may have impacts that should be analyzed.
   e. Page 72 Air Quality. The Portions of the project in the City of Newburgh are potential Environmental Justice Areas, and therefore the City looks forward to the noted evaluation of air quality "using microscale dispersion modeling."
   f. Page 74. The intersection of Little Britain Road and Wisner Avenue is incorrectly noted as being under NYSDOT jurisdiction. The intersection and both roads are entirely owned and maintained by the City of Newburgh.
   g. Page 74. No conclusive mitigation is proposed for the aforementioned intersection. The applicant should propose and model mitigation to the intersection of Little Britain Road and Wisner Avenue.
   h. The entire TIS shall be provided in Appendix F.
   i. Neither the DEIS nor the TIS contain a sight line/distance analysis for the driveways. Both studies should be revised to include this analysis for future build conditions. The sight lines shall also be documented on the Site Plan.
   j. The "Nearby Public Transportation" section doesn't speak to public bus stops in the area, specifically along the Route 300 commercial corridor. Several commercial developments have established bus stops for the Transit Orange Newburgh Area local bus.
   k. Although accident data is provided for a couple of intersections in the City of Newburgh, accident data from the City of Newburgh doesn't seem to be documented in Appendix F. The City's accident data should be reviewed to ensure that it aligns with the NYSDOT data.

Response 3.4.9:

DTS Provident has provided a traffic study for the entire project including the site driveways that was scoped by the Town before it was prepared. The intersection of Corwin Court and Little Britain Road is included in the Traffic Analysis.

a. Comment noted. The portion that is in the Town of Newburgh is under NYSDOT jurisdiction.
b. DTS Provident has provided counts for both the intersections of Little Britain Road and Corwin Court as well as the intersection of Little Britain Road and Wisner Avenue. The

intersection being addressed above is the intersection of Little Britain Road and Wisner Avenue.

c. The Level of Service "C" is from the Existing Condition. The background growth rate and the four adjacent developments included in the No Build Condition extend this Level of Service to a "D", without the Project. There is limited room to perform any improvements at this location due to the proximity of the existing building on the northeast corner. Stop bars may aid in improving the safety of the intersection. Additional improvements at this location are limited due to right-of-way and other constraints. The NYSDOT proposed signal installation at the intersection of Little Britain Road and Old Little Britain Road could divert some traffic from this intersection, including possibly some Project traffic, and improve the overall Level of Service.
d. The traffic counts did not suggest a high amount of pedestrians and bicyclists in the area. The traffic from the Project is not project so have a significant impact to pedestrians and bicyclists.
e. Air quality microscale dispersion modeling is not required when the proposed overall intersection Level of Service (LOS) is a LOS C or better.
f. Comment noted. The portion that is in the Town of Newburgh is under NYSDOT jurisdiction.
g. There is limited room to perform any improvements at this location due to the proximity of the existing building on the northeast corner. Stop bars may aid in improving the safety of the intersection. Additional improvements at this location are limited due to right-of-way and other constraints.
h. The text of the TIS was included in Section 3.6 of the DEIS and the appendices were included as DEIS Appendix F.
i. A sight line plan was included in the appendices in DEIS Appendix F7. An updated sight line plan is being provided with the Site Driveway modifications as Figure 3.6B.
j. Route 300 is further than a mile away from the proposed project and it is not anticipated that many will walk to there.
k. The accident data from the City of Newburgh is included in the DEIS appendices and is similar to that of the NYSDOT.

Comment 3.4.10 - City of Newburgh Comment Letter dated 7/30/2024

The City will require a sidewalk installation along the entirety of parcel 41-1-2 in any areas adjacent to a public street.

The applicant has proposed sidewalks on all portions of the project in the City. The proposed sidewalk shall be extended to the northeast to provide connection to the existing sidewalk along Little Britain Road and southwest to at least Corwin Court with a crossing. There are several commercial destinations, e.g., restaurants, pharmacies, banks, etc., within walking distance that may alleviate additional trips.

Response 3.4.10:

A sidewalk will be installed to meet the municipal standards. The proposed sidewalk will be coordinated with the City.

Comment 3.4.11 - City of Newburgh Comment Letter dated 7/30/2024

The applicant should investigate the possibility of limiting the second entrance to the site (located on the City parcel) to emergency vehicles only, with installation of an appropriate knock- down gate on either side of the emergency access road.

Response 3.4.11:
An emergency driveway is being provided and will meet the municipal standards.

Comment 3.4.20 - City of Newburgh Comment Letter dated 7/30/2024
Page 11, Section III(E)(l)(c)(ii). Should read, "Old Little Britain Road and Little Britain Road.

Response 3.4.20:
Comment noted.

Comment 4.2.2 - Matt & Erika Gallagher undated Letter
When we lived in Charleston, SC there was a boom in development/industry as Boeing, Mercedes and Volvo struck deals with the city to relocate some of their manufacturing facilities there. Developers had to “pay to play” since tax revenue is non-existent in the south. So despite developers being given certain tax benefits, much of the cost of improving the areas infrastructure was passed along to them. It seems fair to do the same in this case and pass along the cost of signalizing the Old Little Britain/Little Britain intersection to Farrell.

Response 4.2.2:
The NYSDOT is installing the traffic signal at that location.

Comment 4.2.3 - Matt & Erika Gallagher undated Letter
Another suggestion would be installing a speed trap along the road which we feel would be the most effective way to curb the currently reckless driving behavior we see exhibited daily.

Response 4.2.3:
This suggestion should be referred to the Police Department.

3.12 UTILITIES

Comment 1.1 – Joseph S., Verbal Comment from the August 1, 2024 Public Hearing
Number one, in that project presentation, which was rejected, there was a notice that the sewer and water of Stony Brook was to be cut into or utilized. I just want to make sure that that's not going to happen in this case. It doesn't appear so, but I want to make that clear.

Response 1.1:
There are no plans to tie into water or sewer lines within the Stony Brook development.

Comment 1.31 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:
The force main is proposed to head up towards Unity. Once that's in place, is that -- the portion offsite will be owned by the public. Correct? It would be a public utility?

Response 1.31:
The proposed sewer forcemain on NYS Route 207 and Little Britain Road will be offered for dedication to the Town of Newburgh as public main.

Comment 1.32 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:
If they don't take it, does Farrell continue to be obligated to maintain it?

Response 1.32:
If the dedication of the proposed sewer forcemain is not accepted by the Town, it will remain a private main that the property owner will be required to maintain.

Comment 1.33 – Mr. Matt G., Verbal Comment from the August 1, 2024 Public Hearing:

So if you have .8, .9 miles offsite of the forcemain going to Unity and the builder leaves Town, goes bankrupt, if this pipe starts to leak, break in people's front yards on Little Britain Road, who foots bill ton decommission or to fix this thing?

Response 1.33:

If the forcemain is publicly owned, the Town would be responsible for the repairs. If the forcemain is privately owns the property owner would be responsible for the repairs.

Comment 2.17 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:

I also think it would be appropriate for the environmental impact to have it clear when there's an interruption of service due to any possible failure of the force main, what is the instruction going to be for the residents. I believe it was stated that the retention onsite is less than a day's worth of waste. If there's a break in the main and one of our neighbors has their front yard that needs to get torn up to deal with seeping sewage. At the same time, within twenty-four hours, if that main has to be depressurized, how does that play into the site's retention and guarantee of no runoff or pollution to other areas since we're on the watershed?

Response 2.17:

If there is an interruption of service, such as a forcemain break, that lasts longer than the storage volume in the pump station, the property owner would need to pump the sewage from the pump station and dispose of it in a manner that meets all local & state laws and regulations.

Comment 2.18 – Matt Gallagher, Verbal Comment from the September 5, 2024 Public Hearing:

Also, it would be of interest to us to see, because this force main wasn't allowed to be co-trenched with the water main and therefore has to cross over on the south side of 207, how does the crossing happen, over or under the City water main? I think it would be of interest to the City residents as well as the Town residents that we know how those pipes cross and at what depth they cross, is one or both below the frost line or above the frost line. I'm very interested in how that's going to be accomplished in accordance with code requirements.

Response 2.18:

Since the sewer and water mains cannot be installed in the same trench for sanitary health concerns, the water main will be constructed on the north side of NYS Route 207 and the sewer forcemain will be installed on the south side of NYS Route 207. Any and all utilities within the area of roadway where the forcemain crossing will be installed will be located before any construction commences.

Comment 2.21 – Beverly H., Verbal Comment from the September 5, 2024 Public Hearing:

Who is supplying the water?

Response 2.21:

Water for the Project will be supplied by the Town of Newburgh.

Comment 3.2.4 - MHE Engineering Comment Letter dated 10/2/2024:

A City of Newburgh Flow Authorization letter will be required of the project. Newburgh sewer is conveyed to the City of Newburgh sewage treatment plant. Intermunicipal Agreement identifies that notification and City approval prior to Town approval of any project is required.

Response 3.2.4:

A letter request (FEIS Appendix F1) for the sewer flow authorization was sent to the City of Newburgh Engineer on January 15, 2026.

Comment 3.2.5 - MHE Engineering Comment Letter dated 10/2/2024:

Further description of the process for the water main extension to the site as well as a description of the on-site water service should be addressed.

Response 3.2.5:

FEIS Section 1.3.4 reads as follows: "Water for the Project will be provided by the Town of Newburgh as it is located within the Town of Newburgh Consolidated Water District. Water will be supplied to all proposed buildings through newly installed water mains on the Project Site. The water conveyance system will be owned and maintained by Project Owner. The Applicant proposes to install an 8-inch diameter public watermain extension, approximately 1,300 linear feet in length, within the Little Britain Road/NYS Route 207 right-of-way from an existing hydrant located on Little Britain Road approximately 900 feet west of the Project Site to the proposed western roadway entrance. The public watermain extension will be reviewed and approved by the Orange County Department of Health. The proposed on-site water distribution system will begin at a service connection point adjacent to the Project's western entrance road and continue throughout the site following the internal roadways. A use and occupancy permit from the NYSDOT will be required for the service connection portion of the private water system within the highway boundary."

Comment 3.2.6 - MHE Engineering Comment Letter dated 10/2/2024:

The DEIS identifies that fire flow characteristic testing was performed by the applicant's engineer. Fire flow information pertaining to the flows and pressures within the proposed development should be provided. Fire flows from the internal hydrant system should also be addressed. Fire Department has requested this information.

Response 3.2.6:

Appendix C within the Water Main Extension Report (FEIS Appendix F4) provides fire flow calculations as requested.

Comment 3.2.7 - MHE Engineering Comment Letter dated 10/2/2024:

Under the sanitary sewer section, update portions of the discussion regarding dry and wet weather flows to use Town of Newburgh 2023 flow records.

Response 3.2.7:

The following statement has been added to FEIS Section 1.3.4 Utilities "Under the current sewer agreement between the Town and City of Newburgh, the Town is permitted 3.8 MGD of the treatment facility's capacity. In 2025, Town sewage flow to the City was 1.4 MGD in dry periods and 2.7 MGD in wet periods, leaving an available capacity for future uses in the Town of 1.1 MGD."

Comment 3.2.8 - MHE Engineering Comment Letter dated 10/2/2024:

Sanitary sewer discussion should be further expanded to identify the process needed for outside user approval by the Town of Newburgh.

Response 3.2.8:

FEIS Section 1.3.4 states "Since the Project is not within the Crossroads Sewer District, the Applicant proposes entering into an outside user agreement with the Town of Newburgh for sewer capacity".

Comment 3.2.10 - MHE Engineering Comment Letter dated 10/2/2024:

Last complete paragraph on page 6 for the sewer main extension report should be evaluated as it discusses hydrants and valves.

Response 3.2.10:

The Sewer Main Extension Report (FEIS Appendix F3) narrative has been revised.

Comment 3.2.11 - MHE Engineering Comment Letter dated 10/2/2024:

The sanitary sewer Report identifies that the proposed force main connects to the first manhole located on the south end of Unity Place. This manhole is a force main clean out manhole, with a 3-inch force main which continues in a northerly direction. The first gravity manhole in Unity Place is located several hundred feet north of the manhole depicted. Analysis of the proposed connection point and Unity Place downstream capacity should be undertaken.

Response 3.2.11:

The plans have been revised to show the sewer forcemain extension, approximately 7,994 linear feet in length, to be installed by the Applicant within the Little Britain Road/NYS Route 207, Unity Place and Old Little Britain Road rights-of-way from the proposed southwestern corner of the project site to an existing sewer manhole located on Unity Place about 1,100 feet north of its intersection with Old Little Britain Road approximately 4,400 feet to the west.

Comment 3.2.12 - MHE Engineering Comment Letter dated 10/2/2024:

Table 1 in the Sewer Report identifies estimated sewer demand utilizing a demand rate of 10 gallons per day, per unit for the lounge and multipurpose room use. NYS Design Standards for intermediate size wastewater treatment system utilizes 20 gallons per day per seat for a lounge, bar use and lounge, “bar use” or 10 gallons per day for a “banquet hall”. Confirm the use of the room and the design flow utilized.

Response 3.2.12:

A clarification has been added to Table 1 of the Sewer Report (FEIS Appendix F3), stating that proposed lounge and multi-purpose rooms in the clubhouse are a “Banquet Hall use” and the wastewater usage remains at 10 gallons per day per seat, which conforms with the Typical Per-Unit Hydraulic Loading Rates listed in Table B-3 of the NYS Design Standards for Intermediate Sized Wastewater Treatment Systems.

Comment 3.2.13 - MHE Engineering Comment Letter dated 10/2/2024:

Table 1 NYS intermediate size wastewater treatment system states 10 gallons per day per person for health club. Fifty gallons per day per station is used for the proposed “fitness center”.

Response 3.2.13:

The wastewater usage for the proposed fitness center in the clubhouse has been revised in Table 1 of the Sewer Report (FEIS Appendix F3) to 20 gallons per day per person to conform with the Typical Per-Unit Hydraulic Loading Rates listed in Table B-3 of the NYS Design Standards for Intermediate Sized Wastewater Treatment Systems for “Health Club use”.

Comment 3.2.14 - MHE Engineering Comment Letter dated 10/2/2024:

Appendix B Pump Station Calculations the Engineering Report states SDR21 where the calculations said schedule 26. This should be clarified.

Response 3.2.14:

Appendix B of the Sewer Main Report (FEIS Appendix F3) has been revised.

Comment 3.2.15 - MHE Engineering Comment Letter dated 10/2/2024:
Appendix B Pump Station Calculations Ten States Standard Section 49.61 identifies that C value not to exceed 120 is allowed for design of friction loss in PVC force mains.

Response 3.2.15:
Appendix B of the Sewer Main Report (FEIS Appendix F3) has been revised to utilize a C value of 120.

Comment 3.2.16 - MHE Engineering Comment Letter dated 10/2/2024:
Confirm the sewage pump manufacturers recommended duty cycle.

Response 3.2.16:
This information will be provided to the Town for review prior to submission to the NYSDEC.

Comment 3.2.17 - MHE Engineering Comment Letter dated 10/2/2024:
Confirm that proposed pumps are capable of passing solids of at least 3 inches in diameter. Identify other protective measures regarding solids are proposed in the pump station.

Response 3.2.17:
This information will be provided to the Town for review prior to submission to the NYSDEC.

Comment 3.2.18 - MHE Engineering Comment Letter dated 10/2/2024:
Air relief valves must be placed at high points in the first force main to prevent air locking per 10 States Standards Section 49.2.

Response 3.2.18:
This information will be provided to the Town for review prior to submission to the NYSDEC.

Comment 3.2.19 - MHE Engineering Comment Letter dated 10/2/2024:
Address draining valves at the low points of the proposed sanitary sewer force main

Response 3.2.19:
This information will be provided to the Town for review prior to submission to the NYSDEC.

Comment 3.2.20 - MHE Engineering Comment Letter dated 10/2/2024:
Clarify ownership of the sanitary sewer force main. Additional information regarding operation and maintenance of the force main should be included in the DEIS regarding the private force main.

Response 3.2.20:
To clarify the Applicants proposal, it is their intent that the sanitary sewer force main will be privately constructed, owned and operated and will be offered for dedication to the Town of Newburgh should the Town desire to take the force main for potential connection of other properties along the force main. This offer will be filed in the clerks office should the Town decide to take the main at anytime. Should the town not choose to accept the offer of dedication the Owner of the project will be responsible for operation and maintenance of the onsite sewer collection system, sewer pump station and the sewer force main to its connection point with the Town's sewer system

FEIS Section 1.3.4 has been edited to state "The Applicant is offering to dedicate the sewer forcemain and sewer pump station to the Town should the Town desire to own and maintain it. If the Town accepts these improvements, a sewer district would need to be formed or extended. If the sewer forcemain is publicly owned, it will potentially provide opportunities for existing and future residents along the almost 1-mile route to have access to public sewer. If the Town chooses not to accept the dedication, the sewer forcemain will remain private."

Comment 3.2.21 - MHE Engineering Comment Letter dated 10/2/2024:

The Water Report identifies similar gallons per day usage rates as the Sanitary Sewer Report. These should be further clarified.

Response 3.2.21:

The Water Report (FEIS Appendix F4) has been updated to align with the estimated demand adjustments made to the Sewer Report (FEIS Appendix F3) as per **Reponses 3.2.12 & 3.2.13**.

Comment 3.2.22 - MHE Engineering Comment Letter dated 10/2/2024:

The Water Report should use C value of 120 for cement line ductile iron pipes.

Response 3.2.22:

The Water Main Extension Engineer's Report (FEIS Appendix F4) has been revised to analyze flow and pressure using a C value of 120. To improve the water system fire flow and pressures the Project Sponsor is proposing to revise the 8-inch water main to a 12-inch water main from the connection point on NYS Route 207 to the internal watermain loop at the roundabout.

Comment 3.2.35 - MHE Engineering Comment Letter dated 10/2/2024:

The project is identified as having a public sewer force main extension. There is no indication that the Town of Newburgh intends to accept dedication of the public sewer force main. Force main as proposed serves only subject project. This project is proposed to be an outside user of the Town of Newburgh's sewer system. Further information and discussions with the Town of Newburgh Town Board would be required to determine if the public sewer force main would be accepted.

Response 3.2.35:

Discussions will be commenced with the Town of Newburgh Town Board and further information will be provided as it becomes available. Also see ***Response 3.2.20***.

Comment 3.2.36 - MHE Engineering Comment Letter dated 10/2/2024:

Public comments regarding the operation and maintenance of the proposed sanitary sewer pump station and proposed sewer force main have been received. Expanded discussions of the required operation and maintenance including requirements for inspection and maintenance of the sanitary sewer pump station. Approval from NYSDOT for installation of private force main will be required

Response 3.2.36:

The sanitary sewer pump station will include several design elements to ensure safe operation of the pump station. The pump station will include a generator for backup power should there be a power outage. The pump station will also include a duplex pump arrangement with each pump being capable of pumping the peak sewer flow. In addition, the Project Sponsor will engage a sewer operator licensed by the State of New York to operate and maintain the sanitary sewer collection system, sanitary sewer pump station and the sanitary sewer force main. The contract shall include bi-weekly site visits to inspect the pump station and a 24-hour, 7 day a week on call service to address emergency situations. All sewer force main located within the NYS Road right-of-way or Town right-of-way will require NYSDOT or Town DPW permits respectively.

Comment 3.1.1 - Good Will Fire District Comment Letter dated 9/5/2024

The entire site will be fed by a single 8" main tie in over 900 feet away.

Response 3.1.1:

The Project will extend the existing 8-inch water main on the north side of Little Britain Road/NYS Route 207, 900 feet west to the Project Site with a 12-inch water main.

Comment 3.1.2 - Good Will Fire District Comment Letter dated 9/5/2024

There is no closed loop on site for all of the water lines. All of the water lines should be looped together

Response 3.1.2:

The water line is looped around the interior portion of the Site from Buildings 1-7.

Comment 3.1.3 - Good Will Fire District Comment Letter dated 9/5/2024

The coefficient C (the efficiency of water flow) of 130, which was used for design, appears to be way too optimistic. A coefficient C of 100 would probably be a more realistic number. The higher the number the more favorable the design. What was the basis of design that allowed for the more favorable number to be used? The higher coefficient of 130 is fine for new pipe but as the pipe ages and any buildup or deterioration of the pipes occur, the flow will be affected. This is why we would recommend using the lower number to project a more accurate condition in the not too distant future

Response 3.1.3:

A Hazen-Willams Coefficient of 140 is recommended for new ductile iron water pipe. In accordance with good engineering practices and DOH guidelines a C value of 130 was used to be conservative for design of new water mains.

Comment 3.1.4 - Good Will Fire District Comment Letter dated 9/5/2024

After completion you can expect a 20-30 psi pressure drop over 900 ft between tie in and site entrance, and an additional 20+psi drop thorough the site.

Response 3.1.4:

A complete hydraulic analysis of the proposed water system is included the Water Report (FEIS Appendix F4) that verifies the system fire flow and pressures meets NYSDOH standards. To improve the water system fire flow and pressures the Project Sponsor is proposing to revise the 8-inch water main to a 12-inch water main from the connection point on NYS Route 207 to the internal watermain loop at the round-a-bout.

Comment 3.1.5 - Good Will Fire District Comment Letter dated 9/5/2024

There is no secondary water source tie in proposed for the site. Several years ago, a similar failed design at Zayer Plaza (now Target) on Rt 17K was built. When tested after construction by the fire department, it was found that only one hydrant at a time could provide water for firefighting efforts at a time. Eventually, a tie was made to a second source. If the project is allowed to move forward, it is highly suggested that a secondary source of water, possibly the City of Newburgh water system, be connected at the east end of the site.

Response 3.1.5:

An analysis of the proposed water system fire flows and pressures is included in the Water Main Extension Report (FEIS Appendix F4) indicates that the proposed water system will meet firefighting pressure and flow requirements. The analysis determined that the system would meet the needed fire flows of 500 gpm and the available fire flows will be between 1,142 and 1,273 gallons per minute for the proposed hydrants. Additionally, fire sprinklers will be installed in each residential building.

Furthermore, under DEIS Section 4.4 the Applicant addressed water supply alternatives including tying into the City of Newburgh water system that runs through the Project Site and connecting into the Stony Brook Condominiums private water system.

Comment 3.1.6 - Good Will Fire District Comment Letter dated 9/5/2024

Overall, we feel the system as proposed may prove to be insufficient for a full firefighting effort.

Response 3.1.6:

See **Response 3.1.5**.

Comment 3.1.35 - Good Will Fire District Comment Letter dated 9/5/2024

The sewer system as proposed in the area only holds 24 hours (What happens in extended power outage)

Response 3.1.35:

In the event of a power outage, the automatic back-up generator will continue to provide power to operate the sewer pump station.

Comment 3.4.1 - City of Newburgh Comment Letter dated 7/30/2024

There are currently 30" and 20" drinking water transmission mains, along with a 12" sewer main, that all traverse the southeast portion of the proposed project lands in the Town and City of Newburgh. These mains are considered critical infrastructure and supply the entire population of the City of Newburgh with drinking water and fire suppression water services. These mains must be correctly located and accurately shown on the survey/plan set along with corresponding easements. The applicant's engineer has called in a "Survey" 811 Utility mark- out for these utilities. The City has obtained property owner consent to enter onto these lands to clear the necessary trees and perform exploratory excavations to positively locate these three mains so the applicant's surveyor can accurately depict them on the survey. The applicant's engineer should submit a FOIL request with the City to obtain any available mapping for these utilities.

Engineered plans and details related to the three-sided box culvert requested for utility protection shall be provided for review by City staff. The entity responsible for ownership and maintenance of the three-sided box should be memorialized on the plans.

Response 3.4.1:

The Applicant's engineer submitted a FOIL request on January 30, 2026 (FEIS Appendix F2) to the City of Newburgh to obtain any available mapping for the utilities. Engineered plans and details for the three-sided box culvert will be provided to City staff for review before final site plan approval. The Owner of the Project will be responsible for the maintenance of the crossing and a note will be added to the plans before final site plan approval.

Comment 3.4.2 - City of Newburgh Comment Letter dated 7/30/2024

Any proposed vehicular crossings over/across easement lands that benefit the City shall be engineered and constructed to adequately protect existing utility infrastructure, including water and sewer mains. Appropriate notes and narrative should be added to the Site Plan and the DEIS as appropriate to document the installation of the three-sided box prior any work being conducted near or utilizing the proposed road crossing. The general location of the existing City-owned utilities through the project site shall be shown as delineated with orange snow fencing and appropriate signage placed at regular intervals alerting the contractor to the presence of the utilities and advising contractors to keep out of the area.

Response 3.4.2:

The Applicant will install a three-sided structural box over the City's water and sewer infrastructure to avoid excessive loading on these pipes. Appropriate notes will be added to the plans before final site plan approval.

Comment 3.4.3- City of Newburgh Comment Letter dated 7/30/2024

All existing City of Newburgh utility easements should be shown on the survey/plans. The City may require expanded easement rights depending on the final applicant proposal. The City requests deeds of record showing easement rights for review.

Response 3.4.3:

All of the City of Newburgh utility easements listed in the most recent deed of record have been shown by the project surveyor. Deeds will be provided as part of the site plan review process in the City of Newburgh. If additional easements are necessary, they will be gratuitously offered to the City of Newburgh.

Comment 3.4.4 - City of Newburgh Comment Letter dated 7/30/2024

Based on the information provided, the City does not consent to connection into the City's sewer system. The City requires additional information with respect to the proposed connection into the City's sewer system. The City has the following concerns related to the proposed sewer connection:

a. Appropriate metering will be required to track the sewer usage and bill the Town for the conveyance of sanitary sewer into the City's sewer system per the current intermunicipal agreement. An amended intermunicipal agreement may be necessary.
b. The applicant shall confirm all proposed points of connection to the City's sewer system on the Site Plan.
c. The City's sewage collection system in the area of Route 207 has limited capacity. If the applicant wishes to pursue the possibility of a connection to the City's sewer main along Route 207, then a hydraulic analysis must be prepared to confirm that the existing sewer located along Route 207, including the existing siphon under the Quassaick Creek, has sufficient capacity to adequately serve the proposed development without creating sanitary sewer overflows or sewage backups. Upgrades to the existing collection system will likely be required to facilitate the proposed development.
d. Alternatively, the proposed development could connect to the existing Town sewer at a point upstream of the existing metering station located at Broadway/l 7K crossing the Quassaick Creek. The Town of Newburgh may need to expand the sewer district to serve this development.

Response 3.4.4:

The Applicant's preferred alternative is to connect to the Town's sewer system near the intersection of Unity Place and Old Little Britain Road and not directly to the City Sewer System.

Comment 3.4.5 - City of Newburgh Comment Letter dated 7/30/2024

Any proposed vehicular crossings over/across easement lands that benefit the City shall be engineered and constructed to adequately protect existing utility infrastructure, including sewer mains. Appropriate notes and narrative should be added to the Site Plan and the DEIS as appropriate to document the installation of the three sided box prior any work being conducted near or utilizing the proposed road crossing.

Response 3.4.5:

The applicant will install a three-sided structural box over the Cities water and sewer infrastructure to avoid excessive loading on these pipes. Appropriate notes have been added to Sheet C-104 of the plan set.

Comment 3.4.6 - City of Newburgh Comment Letter dated 7/30/2024

All existing sewer utility easements should be shown on the survey/plans. The City may require expanded easement rights depending on the final applicant proposal. The City requests deeds of record showing easement rights for review.

Response 3.4.6:

All City of Newburgh utility easements in the most recent deeds of record have been shown. Deeds will be provided as part of the site plan review process in the City of Newburgh. If additional easements are necessary, they will be gratuitously offered to the City of Newburgh.

Comment 3.4.21 - City of Newburgh Comment Letter dated 7/30/2024

Page 14, Section III(F)(3)(b). Should read, "Discuss upgrade of sewer conveyance system within NYS Route 207/Little Britain Road and at the Quassaick Creek Crossing."

Response 3.4.21:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 4.2.5 - Matt & Erika Gallagher undated Letter

Eliminating the pool and dog wash station would also show environmental consideration by reducing the demand for water. I spoke to several current and former Gardnertown Apartment residents at the Farrell complex there who tell me the pool is hardly if ever used by residents of that community.

Response 4.2.5:

To be economically competitive amenities are a necessity. A clubhouse, pool, ball courts and dog parks are amenities deemed to be necessary to successfully market a project in this area of the country.

3.13 LAND USE & ZONING RESOURCES

Comment 1.15 - Mr. David B., Verbal Comment from the August 1, 2024 Public Hearing:

Another concern is the distance between the developments. Yes, it's an aesthetic thing. It's also a safety concern for many of the residents in Stony Brook. Right now the only thing we have to worry about are coyotes and bears. A whole other development can be concerning to older residents.

Response 1.15:

The nearest proposed building to the multifamily buildings within the Stony Brook Condominiums is approximately 100 feet away. In regard to aesthetics, the Planning Board requested that the Applicant prepare visual renderings of the proposed buildings from the roads within Stony Brook. Several view points were discussed and ultimately two were chosen. This visual assessment is included in Section 3.4.1 of the DEIS. It is not clear what additional safety concerns would arise from the proposed multi-family residential development, which is generally similar to the Stoney Brook development.

Comment 2.7 – Mark S., Verbal Comment from the September 5, 2024 Public Hearing:

Just a clarification, Mr. Chairman. At the beginning you mentioned this was an R-3 Zone or is it an R-6? An R-3 Zone means three properties per acre? I just want to get clarification.

Response 2.7:

The site is located within the Town of Newburgh's R-3 zone district which allows multi-family housing at 6 units per buildable acre.

Comment 3.4.22 - City of Newburgh Comment Letter dated 7/30/2024

Page 14, Section III(G)(l)(d). Should read, "Discuss Town of Newburgh Master Plan and City of Newburgh Master Plan recommendations."

Response 3.4.22:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.23 - City of Newburgh Comment Letter dated 7/30/2024

Page 14, Section III(G)(2)(c). Should read, "Discuss the Project's consistency with the Town and City Zoning Code, Town and City Comprehensive Plan, Town and City Natural Resources Inventory, City Comprehensive Plan, and Orange County Comprehensive Plan."

Response 3.4.23:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.24 - City of Newburgh Comment Letter dated 7/30/2024

Page 14, Section III(G)(2)(c). Include City of Newburgh in all considerations as well.

Response 3.4.24:

The DEIS Scoping Document was revised as requested prior to adoption.

Comment 3.4.25 - City of Newburgh Comment Letter dated 7/30/2024

A portion of the project contemplates use and improvements of property known as 280 Little Britain Road (Section 41, Block 1, Lot 2), which is located in the City. The City has an established zoning code and procedures that govern the use of property within the City boundary. The applicant should submit a "Request for Informational Report" to the City's Department of Code Compliance to obtain a ruling on use and bulk area requirements. The City urges the applicant to familiarize itself with Chapter 300 of the City's Code of Ordinances, which contains the City's zoning requirements.

Response 3.4.25:

Based on the latest revisions to the plan, the only improvements located within the City of Newburgh are an emergency access drive and its related stormwater improvements. The applicant will file a "Request for Information Report" at the time the formal application is submitted to the City..

3.14 SOCIO-ECONOMIC & FISCAL

No Comments Received

3.15 COMMUNITY SERVICES

Comment 2.23 – John Connor, Verbal Comment from the September 5, 2024 Public Hearing:

26 feet is also the setup width for an aerial. Is that going to be the only width we have on those roads if we have to set one?

Response 2.23:

In accordance with NYS Fire Code. Aerial apparatus access roads must be a minimum of 26 ft wide. This width has been provided throughout the site not just in front of each building.

Comment 3.2.33 - MHE Engineering Comment Letter dated 10/2/2024:

Discussion regarding passive recreation trails to be incorporated into the plans should be included in the document.

Response 3.2.33:

Due to the grading and disturbance necessary to construct the passive walking trails on the steep slopes these trails have been removed. The site provides for excellent pedestrian circulation through the construction of onsite sidewalks.

Comment 3.1.16 - Good Will Fire District Comment Letter dated 9/5/2024

A typical Aerial Ladder truck is 47 - 51 feet long

a. 26' width required for set up
b. A typical 100ft aerial ladder with a typical wheelbase of 258" has a requires a 47.5 ft wall to wall turning radius (Maximum Cramp Angle: 40degrees Axle Track: 82.92 in. Wheel Offset: 5.30 in. Tread Width: 17.80 in. Chassis Overhang: 65.99 in. Wheelbase: 258.00 in. Inside Turn: 24 ft. 5 in. Curb to Curb: 40 ft. 2 in. Wall to Wall: 47 ft. 7 in.)
c. During an emergency 2 aerials will occupy the full length of a unit so additional road width will be needed for other firefighting vehicles

Response 3.1.16:

In accordance with NYS Fire Code an aerial apparatus access road must be 26 ft in width to accommodate a ladder truck and allow other emergency vehicles to pass. The access road width complies with this code provision. The length of aerial ladder truck or Tower is approximately 45 ft long. While it is not a code requirement, the length of the building (almost 200 feet) would easily allow two aerial trucks to stage in front of the building.

Comment 3.1.17 - Good Will Fire District Comment Letter dated 9/5/2024

Many of the driveway areas do not appear to allow enough for firetruck access, especially aerial ladder trucks. The turn radius appears to be too tight and navigation of the apparatus. Unable to maneuver apparatus:

a. Front entry circle impedes traffic
b. Impossible to turn left on 1st curve circle and Bldg 7
c. Unable to navigate turn between Bldgs 3 and 4
d. Unable to navigate turn between Swim area 2 and Bldg 11
e. Entrance to the site through the emergency access entrance does not allow enough space both in the driveway and while entering from the east on Rt 207.

Response 3.1.17:

The island contains a mountable curb and hard surface to allow emergency apparatus to easily navigate the circle. In regard to the emergency entrance, NYS Fire Code requires a minimum width of 20 ft for a fire apparatus access road. The emergency entrance has been designed with a width of 26 ft and therefore significantly exceeds the minimum width requirement. Figure 3.6C has been prepared showing a ladder truck navigating each of the above referenced locations to demonstrate compliance.

Comment 3.1.18 - Good Will Fire District Comment Letter dated 9/5/2024

Any structure fire in any of the units may require the use of 2 ladder trucks. This will take up the full length of unit. Seeing that a ladder requires a minimum of 26' in width, will there be sufficient space to operate more than one firetruck side by side. If so, what is the minimum clear road width in front of each unit. It appears as though there is insufficient room in front of the units for 2 firetrucks side by side with working space.

Response 3.1.18:

In accordance with NYS Fire code each building contains an aisle with a minimum width of 26 feet in front of the building. This width was designated by NYS as it permits operation of a ladder truck with outriggers while still providing room for other emergency vehicles to pass.

3.16 ALTERNATIVES

No Comments Received

4 FIGURES & APPENDICES

FIGURES

2.3A	Proposed Site Layout
2.4A	Construction Phasing Plan
3.1C	Test Pit Locations
3.1D	Test Pit Data
3.1E	Proposed Cut and Fill Areas
3.1F	Steep Slope Disturbance
3.2D	Proposed Drainage Areas
3.6B	Proposed Sight Distances
3.6C	Proposed Truck Turning Movements (new)
3.7A	Proposed Water System
3.7B1-2	Proposed Wastewater System

APPENDICES

A. Public Hearing Transcripts
    1. August 1, 2024
    2. September 5, 2024
B. Written Comments
    1. Interested and Involved Agency Comments
    2. Public Comments
C. Full Environmental Assessment Form revised January 30, 2026
D. Water Resources
    1. ACOE Jurisdictional Determination Letter dated May 9, 2025
    2. NYSDEC Freshwater Wetland Boundary Validation signed September 3, 2025
    3. Stormwater Pollution Prevention Plan (SWPPP) dated February 9, 2026
E. Transportation
    1. NYSDOT Comments dated August 9, 2024
    2. Signalized Intersection Capacity Analysis
    3. Left Turn Lane Concept Plan dated February 3, 2026
F. Community Services
    1. Sewer Flow Authorization Request January 15, 2026
    2. City of Newburgh FOIL Request Letter January 30, 2026
    3. Sewer Main Extension Engineering Report dated February 10, 2026
    4. Water Main Extension Engineering Report dated February 10, 2026
G. Site Plans dated February 11. 2026