




**TOWN OF NEWBURGH
PLANNING BOARD
TECHNICAL REVIEW COMMENTS**

PROJECT NAME: OVERLOOK FARMS
PROJECT NO.: 19-23
PROJECT LOCATION: SECTION 9, BLOCK 1, LOTS 10, 11,12, 56.21 & 56.22
REVIEW DATE: 10 APRIL 2026
MEETING DATE: 16 APRIL 2026
PROJECT REPRESENTATIVE: JMC ENGINEERING

1. A status memo has been provided identifying response to conditions previously issued. Several of the responses identify conditions will be resolved prior to building permit. Most of these responses are required prior to stamping of the final plans rather than building permit.
2. A revised SWPPP has been received and is under review by this office.
3. The amended site plan requests changes regarding the following; change in size and configuration of the club house, reducing it from 5,085 SF to 4,150 SF.
 - Modifications to the club house parking lot to allow a drive through configuration.
 - Revision of the two Tennis courts to Pickleball courts.
 - Four EV charging stations were added to the proposed retail development.
4. The applicants are requested to update the Board on the construction sequencing of the residential project and the commercial facilities.
5. The Boards attention is directed to the sidewalks proposed throughout the development and the Route 9W frontage.
6. The applicants are requested to provide a SEQRA consistency analysis depicting the items identified in the original SEQRA vs. the current SEQRA review.

Respectfully submitted,

MHE Engineering, D.P.C.


Patrick J. Hines
Principal
PJH/kmm


Quinn M. Mullarkey, P.E.
Senior Engineer

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Town of Newburgh Planning Board

Overlook Farms a Farrell Community (PB #19-23)

Link Below for Plan Set:

<https://mhepc.egnyte.com/fl/hJr9XD6y9FDj>



Site Planning	Environmental Studies
Civil Engineering	Entitlements
Landscape Architecture	Construction Services
Land Surveying	3D Visualization
Transportation Engineering	Laser Scanning

April 6, 2026

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

RE: JMC Project 17088
 Overlook Farms a Farrell Community
 5417 Route 9W
 Town of Newburgh, NY

Dear Chairman Ewasutyn and Members of the Board:

On behalf of Farrell Communities at Overlook Ponds LLC, the Applicant for the above referenced project, we are pleased to submit 11 copies each of the below listed documents in support of a request for Amended Site Plan Approval for the Overlook Farms a Farrell Community project. As requested, we will also provide a full digital submission via email.

1. JMC Drawings

<u>Dwg. No.</u>	<u>Title</u>	<u>Last Revised</u>
C-000	“Cover Sheet”	04/02/2026
C-010	“Existing Conditions Plan”	01/20/2023
C-011	“Lot Consolidation & Subdivision Plan”	01/20/2023
C-012	“Environmental Constraints Plan”	01/20/2023
C-020	“Demolition Plan”	04/02/2026
C-030	“Three Preservation Plan”	04/02/2026
C-031	“Tree Preservation Table”	04/02/2026
C-100	“Layout Plan”	04/02/2026
C-200	“Grading Plan”	04/02/2026
C-300	“Utilities Plan”	04/02/2026
C-400	“Erosion & Sediment Control Plan”	04/02/2026
C-500	“Fire Truck Access Plan”	04/02/2026
L-100	“Landscape Plan”	04/02/2026
L-101	“Landscape Plan”	04/02/2026

2. Stormwater Pollution Prevention Plan, revised 04/06/2026 (to Mr. Patrick Hines only)

3. Approval Documents

- a. NYSDOT Land Donation Vesting letter, dated 06/06/2025
- b. NYSDOT Use and Occupancy Permit, dated 04/10/2025
- c. OCDOH Water Main Extension approval letter, dated 09/09/2025
- d. NYSDEC WWTP approval letter, dated 10/22/2025
- e. NYSDEC 401 Water Quality Certificate, dated 06/26/2024
- f. U.S. Army Corps of Engineers for Wetland Disturbance Approval, dated 11/08/2024
- g. DRAFT Declaration of Deed Restriction for Senior Housing
- h. DRAFT Stormwater Control Facility Maintenance Agreement

Since receiving Site Plan Approval from your Board on May 8, 2023, the applicant has been diligently pursuing approvals from outside agencies to address conditions contained in the approval resolution. The applicant has made great progress in this regard. Subsequent to the initial approval, a one-year extension was granted by your Board which is due to expire on May 8, 2026.

The changes to the Site Plans for which Amended Approval is being requested include:

- Change the size and configuration of the clubhouse, reducing it from 5,085 square feet to 4,150 square feet.
- Modify the clubhouse parking lot to provide a loop configuration rather than a dead end to better accommodate vehicular circulation, drop-offs and emergency access. The number of parking spaces at the clubhouse remains the same at 21 spaces.
- Remove the two tennis courts and replace them with two pickleball courts which are in higher demand and more popular based on current recreational trends.
- The other amenities in the vicinity of the clubhouse have been reconfigured to accommodate the revised clubhouse shape.
- These changes provide improvements to the configuration of the amenities area, while reducing impervious area and improving vehicular access to the clubhouse.

As noted above, the applicant has been diligently pursuing approval from outside agencies to gain the right to build the project. Some of these approvals have exceptionally long lead times, as in some cases we are dealing with state agencies such as the NYSDOT and NYSDEC. The NYSDOT Use and Occupancy Permit and Land Donation processes are particularly lengthy, and we are pleased to report that both have been granted, and we are in the final NYSDOT stage which is the granting of the Highway Work Permit.

Accordingly, to provide and update to your Board, below we have listed each Planning Board resolution condition in *italics*, followed by the current status in **bold**.

Condition No. 1

The applicant shall obtain all outside agency approvals required for the project, including but not limited to coverage under the NYSDEC General Permit for Stormwater Discharge for Construction Activities in effect at the time that the applicant obtains such coverage, and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.

Response No. 1

See responses below regarding individual outside agency approvals. The Stormwater Pollution Prevention Plan (SWPPP) has been reviewed and approved by the Town of Newburgh Engineering Department. An NYSDEC General Permit for Stormwater Discharge for Construction Activities will be obtained prior to the request for a Building Permit.

Condition No. 2

The applicant shall obtain conceptual approval and authorization from the NYSDOT for access and utilities prior to the signing of the Site Plan. The applicant shall obtain the Highway Work Permit for such work prior to the issuance of any building permits for the project.

Response No. 2

The applicant has been continually coordinating with DOT to finalize the issuance of the Highway Work Permit, which is the final stage of review by NYSDOT. In support of obtaining the Highway Work Permit, the NYSDOT issued the Land Donation Vesting Letter, dated June 6, 2025 and a Use and Occupancy Permit, dated April 10, 2025, both of which were very long and complicated approval processes. These approval documents are provided herewith for the Town's records.

Condition No. 3

The applicant shall obtain approval from the Orange County Department of Health for the water main extension.

Response No. 3

The Orange County Department of Health granted approval of the water main extension on 09/09/2025. The approval document is provided herewith for the Town's records.

Condition No. 4

The applicant shall obtain design approval of the Town of Newburgh Town Board for the proposed sewage treatment plant, which shall be designed and constructed as a municipal grade sewage treatment plant to assure the long term operation of the facility.

Response No. 4

The NYDEC has granted approval for the sewage treatment facility on 10/22/2025. The approval document is provided herewith for the Town's records. Following this approval, JMC has coordinated with the Town Engineer to place the sewage treatment facility on the next Town Board agenda to request approval.

Condition No. 5

The applicant shall obtain approval of the NYSDEC for the proposed sewage treatment plant and collection system.

Response No. 5

The NYDEC has granted approval for the sewage treatment facility on 10/22/2025. The approval document is provided herewith for the Town's records.

Condition No. 6

The Applicant shall obtain a 401 Water Quality Certificate from the NYSDEC for the wetland disturbances on site.

Response No. 6

The applicant obtained the 401 Water Quality Certificate from the NYDEC on 06/26/2024. The approval document is provided herewith for the Town's records.

Condition No. 7

The applicant shall obtain the approval of the U.S. Army Corps of Engineers for the wetlands disturbances on site, including approval of any and all mitigation areas.

Response No. 7

The applicant has obtained the U.S. Army Corps of Engineers approval for the wetlands disturbance on site on 11/08/2024. The approval document is provided herewith for the Town's records.

Condition No. 8

The applicant shall comply with the requirements of Section 185-48(D)(1) through (5) of the Town Code.

Response No. 8

The applicant has coordinated with the Town Attorney to provide legal assurance for the senior housing project. A draft copy of this document is provided with this submission and will be finalized prior to issuance of the Building Permit.

Condition No. 9

The applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon their approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.

Response No. 9

The applicant has coordinated with the Town Attorney in preparing a Stormwater Facilities Maintenance Agreement for the project. A draft copy of this document is provided with this submission which will be finalized prior to issuance of a Building Permit.

Condition No. 10

The Applicant shall comply with the provisions of the Town's Tree Preservation Law.

Response No. 10

JMC Drawings C-030 "Tree Preservation Plan" and C-031 "Tree Preservation Table" were part of the Site Plan set approved by the Planning Board. The tree preservation plans demonstrate how the applicant will comply with the Town's Tree Preservation Law.

Condition No. 11

The Applicant shall obtain a Floodplain Development Permit in compliance with the requirements of Chapter 109 of the Town Code.

Response No. 11

A Hydrologic and Hydraulic Analyses Report was prepared by Leonard Jackson Associates, dated 6/15/2021 which was submitted to and reviewed by the Planning Board and Town Engineer during the Site Plan Approval Process. The Applicant will obtain a Floodplain Development Permit prior to the issuance of a Building Permit following selection of a site contractor for the project.

Condition No. 12

The Applicant shall submit the required ARB forms with finalized architectural drawings to the Building Department.

Response No. 12

The ARB approved the project architecture during the Site Plan Approval process. The project Architect will submit the required ARB forms with the finalized architectural drawings to the Building Department prior to issuance of a Building Permit.

Condition No. 13

The Applicant shall submit plans and details showing the Project's signage.

Response No. 13

Plans and details showing the project signage will be submitted to the Building Department prior to issuance of a Building Permit.

Condition No. 14

The Applicant shall revise the plans to show the location of the EV charging stations.

Response No. 14

The JMC site plans have been revised to show EV charging stations in proximity to residential and retail buildings.

Condition No. 15

The Applicant shall submit a construction phasing plan for the Project, including details regarding the timing of the construction of the clubhouse.

Response No. 15

JMC drawing C-400 "Erosion & Sediment Control Plan" shows the construction phasing for the project. This Plan was part of the Site Plan set previously approved by the Planning Board. The project is proposed to be constructed in three phases to minimize site disturbance at any one time.

Condition No. 16

The Applicant shall enter into a Stormwater Facilities Maintenance Agreement with the Town.

Response No. 16

The applicant has coordinated with the Town Attorney regarding preparation of a Stormwater Facilities Maintenance Agreement for the project. A draft copy of this document is provided with this submission and will be finalized prior to issuance of the building permit.

Condition No. 17

The Applicant shall secure a 5-acre waiver from the limitations on grading from the Town.

Response No. 17

The Applicant has coordinated a 5-acre waiver from the limitations on grading with the Town Engineer. The Applicant will formally request a 5-acre waiver from the prior to the issuance of the Building Permit.

Condition No. 18

The Applicant shall secure the sign-off from the fire department regarding the suitability of access into the Project.

Response No. 18

JMC has coordinated with Mr. Gerry Canfield regarding fire department access throughout the site, including the addition of emergency access connections to Morris Drive and providing fire truck turn-arounds at Roadways "B", "E" and "G". These revisions are shown on the Site Plan set that was previously approved by the Planning Board.

Condition No. 19

Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the applicant posting, with the Town Clerk, a performance security, in an amount recommended by the Town's Landscape Architect in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The applicant shall be required to pay the required landscaping security and inspection fee to the town before the plans are signed or any building permits are issued.

Response No. 19

The required landscape bond and inspection fee will be provided to the Town prior to the issuance of the Building Permit.

Condition No. 20

An inspection fee for the required water main extension shown on the plans in an amount in accordance with Section 179 of the Code of Ordinances of the Town of Newburgh shall be paid to the Town prior to signing of the plans.

Response No. 20

The required water main inspection fee will be provided to the Town prior to the issuance of the Building Permit.

Condition No. 21

Prior to the signing of plans or issuance of a building permit, the applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the applicant.

Response No. 21

The required stormwater performance security and inspection fee will be provided to the Town prior to the issuance of the Building Permit. In addition, a separate inspection fee will be provided to the Town to cover the Town's periodic inspection of the erosion control measures prior to the issuance of the Building Permit.

Condition No. 22

The Planning Board has determined, based upon the present and anticipated future need for park and recreational facilities in the Town [as calculated from projected population growth to which this subdivision will contribute], that parklands should be created as a condition of approval of this subdivision. However, because parks of size adequate to meet the Town's requirements cannot be properly located on the site plan, the Planning Board, pursuant to Section 277(4) of the Town Law of the State of New York, requires that the applicant deliver payment, by cashier's check or certified check drawn to the order of the Town of Newburgh in the amount set forth in Chapter 104, Fees [§104-2 (9)], for each of the 203 residential units created by the project in lieu of dedication of such required parklands to the Town before the Site Plan is signed, unless payment shall be deferred to a later date by agreement with the Town Board.

Response No. 22

The required recreation fee will be provided to the Town prior to the issuance of the Building Permit.

Condition No. 23

Each and every mitigation measure identified in the SEQRA Negative Declaration previously adopted for this project shall be undertaken by the applicant, and are conditions of this approval as though set forth fully herein.

Response No. 23

The Applicant agrees to undertake each and every mitigation measure identified in the SEQRA Negative Declaration previously adopted for the project.

Condition No. 24

This approval is for the construction and operation of a 203 unit multifamily residential project with related amenities as shown on the Site Plan and the scope and contour of the proposal is described on the site plans enumerated above. This site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses are proposed in the future then the applicant shall be required, pursuant to Section 185-57 (B), to return to the planning board for amended site plan approval.

Response No. 24

This condition is so noted and accepted by the Applicant.

We would appreciate being heard at the next available Planning Board meeting and we look forward to discussing the project further at that time. In the interim, please let us know if you have any questions or require additional information.

Sincerely,

JMC Planning Engineering Landscape Architecture & Land Surveying, PLLC

Anthony Guccione, Jr.

Anthony Guccione, Jr., RLA
Principal

cc: Mr. Patrick Hines, w/full plan set & SWPPP, via hard copy & email
Mr. Ken Wersted, PE, via email
Mr. Dominic Cordisco, via email
Ms. Karen Arent, via email
Mr. Brian DeSesa, via email
Mr. Peter Gaito, Jr., via email
Stan Schutzman, Esq., via email