



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

PROJECT NAME: THE ENCLAVE
PROJECT NO.: 22-25
PROJECT LOCATION: SECTION 34, BLOCK 1, LOTS 46, 52.12 & 53.5
SECTION 38, BLOCK 4, LOT 25
REVIEW DATE: 12 MAY 2023
MEETING DATE: 18 MAY 2023
PROJECT REPRESENTATIVE: ENGINEERING AND SURVEYING PROPERTIES

1. The project is before the Board for adoption of the scope for the Draft Environmental Impact Statement (DEIS). The Planning Board has held a Public Scoping Session and received written material from the public regarding the project. Ken Wersted has summarized the written comments received, the majority of which were general statements against the project approval. This office believes that the scope is in suitable form for adoption. This scope, once adopted will serve as the "Table of Contents" for the DEIS. A copy of the Scoping Document from the Public Hearing is attached for your use.

Respectfully submitted,

MHE Engineering, D.P.C.

A handwritten signature in dark ink, appearing to read 'Patrick J. Hines'.

Patrick J. Hines
Principal
PJH/kbw

NEW YORK OFFICE

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

PENNSYLVANIA OFFICE

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

**FINAL
SCOPING DOCUMENT
FOR
THE ENCLAVE
RESIDENTIAL DEVELOPMENT
DRAFT ENVIRONMENTAL IMPACT STATEMENT (DEIS)
TOWN OF NEWBURGH PLANNING BOARD
ORANGE COUNTY, NEW YORK**

Project Sponsor Information

Lead Agency and Contact Person:

John Ewasutyn - Planning Board Chairman
Town of Newburgh Planning Board
1496 NYS Route 300
Newburgh, NY 12550

Preparer and Contact Person:

Engineering & Surveying Properties, P.C.
71 Clinton Street
Montgomery, New York 12549
ATTN: Ross Winglovitz, P.E.
(845) 457-7727

March 23, 2023

Date of Adoption: _____

INTRODUCTION

This document identifies the issues to be addressed in the Draft Environmental Impact Statement (DEIS) proposed by Diversified Properties, Inc. (the "Applicant") for the proposed The Enclave Residential Development (the "Project" or "Proposed Action") in the Town of Newburgh. This scope contains the items described in 6 NYCRR Part 617.9 (b) (1) through (7).

GENERAL GUIDELINES

- The Draft Environmental Impact Statement ("DEIS") shall address all items in this Scoping Document and conform to the format outlined in this Scoping Document. If appropriate, impact issues listed separately in this outline may be combined in the DEIS, provided all such issues described in this Scoping Document are addressed as fully in a combined format as if they were separately addressed.
- The document should be written in the third person. The terms "we" and "our" should not be used. The Applicant's conclusions and opinions should be identified as those of the "Project Sponsor," "Applicant" or "the Developer." As much as possible, conclusions and opinions should be avoided.
- Narrative discussions should be accompanied by appropriate charts, graphs, maps and diagrams whenever possible. If a particular subject matter can most effectively be described in graphic format, the narrative discussion should merely summarize and highlight the information presented graphically. All plans and maps showing the site shall include adjacent homes, other neighboring uses and structures, roads, water bodies and a legend.
- The entire document should be checked carefully to ensure consistency with respect to the information presented in the various sections.
- Environmental impacts should be described in terms that the layperson can readily understand (e.g., truckloads of fill and cubic yards rather than just cubic yards).
- All discussions of mitigation measures should consider at least those measures mentioned in the Scoping Document. Where reasonable and necessary, mitigation measures should be incorporated into the Proposed Action if they are not already included.
- Where specific impacts are currently unknown or where they may vary based on the specific end user of the Project, analysis provided should assess a worst-case scenario.

The DEIS is intended to convey general and technical information regarding the potential environmental impacts of the Proposed Project to the Town of Newburgh Planning Board (as Lead Agency), as well as several other agencies involved in the review of the Proposed Project. The DEIS is also intended to convey the same information to the interested public. The Preparer of the DEIS is encouraged to keep this audience in mind as it prepares the document. Enough detail should be provided in each subject area to ensure that most readers of the document will understand, and be able to make decisions based upon, the information provided.

As the DEIS will become, upon acceptance by the Lead Agency, a document that may, if appropriate, support objective findings on approvals requested under the application, the Preparer is requested to avoid subjective statements regarding potential impacts. The DEIS should contain objective statements and conclusions of facts based upon technical analyses. Subjective evaluations of impacts where evidence is inconclusive or subject to opinion should be prefaced by statements indicating that "It is the Applicant's opinion that...". The Town of Newburgh Planning Board reserves the right, during review of the document, to require that

subjective statements be removed from the document or otherwise modified to indicate that such subjective statements are not necessarily representative of the findings of the Lead Agency.

DESCRIPTION OF THE PROPOSED ACTION

The Proposed Action consists of the construction of thirteen 12-unit apartment buildings and five 18-unit apartment buildings and a clubhouse on Town of Newburgh tax lots 34-1-46, 52.12 & 53.5. The main access point to the Project will be from NYS Route 300 and emergency access will be from Circle Lane. The proposed development will be serviced by public water. Methods for conveyance and/or sewage treatment will be evaluated since the Site is not served by municipal sewer services. The Site is within the Town of Newburgh (R-3) zoning district and multiple dwelling development is subject to site plan review by the Planning Board.

SEQRA STATUS

The proposed project is a Type I Action pursuant to SEQRA Part 617.4 (b) (6) (i). After initiating a coordinated review, the Town of Newburgh Planning Board Declared itself SEQRA Lead Agency on December 1, 2022. Subsequently, on February 2, 2023, the Town of Newburgh Planning Board adopted a resolution issuing a Positive Declaration requiring the preparation of a Draft Environmental Impact Statement. The Lead Agency hereby sets the following procedures to receive Agency and Public comments on this Draft Scope:

- A public scoping session shall be held in-person on 20 April, at 7:00 pm, at Town of Newburgh Town Hall, 1496 Route 300, Newburgh, New York.
- In addition, written comments on the Draft Scope are invited. Written comments shall be accepted by the Contact person identified below until 25 April, at 12:00 pm. Written comments shall be accepted by e-mail or by mail.
- All Involved Agencies were invited to inform the Lead Agency of each Agency's concerns, permit jurisdictions, and information needs to support such Agency's SEQRA Findings, including, where applicable, any specific techniques or model to be used in studies and analysis for the EIS.

Contact Person: John Ewasutyn, Chairman
Town of Newburgh Planning Board
21 HUDSON VALLEY PROFESSIONAL PLAZA
Newburgh, New York 12550
Telephone: (845) 564-7804
planningboard@townofnewburgh.org

INVOLVED AGENCIES

Town of Newburgh Planning Board
Town of Newburgh Town Board
New York State Department of Transportation
NYS Department of Environmental Conservation
NYS Office of Parks, Recreation and Historic Preservation via CRIS System
Orange County Department of Health

INTERESTED AGENCIES

Cronomer Valley Fire District
City of Newburgh
City of Newburgh Engineering Department

Orange County Planning Department
Newburgh Enlarged City School District
U.S. Army Corps of Engineers

CONTENTS OF THE DRAFT ENVIRONMENTAL IMPACT STATEMENT

COVER SHEET

- Name and location of the project
- Identification of document as the Draft Environmental Impact Statement
- Date of submittal to the Planning Board and any revision dates
- Lead agency, project sponsor and contact information for each
- Date of acceptance by Lead Agency or placeholder
- Date of public hearing or placeholder
- Date which public comments will be due

TABLE OF CONTENTS

- Including listings of tables, figures, maps, charts & any items that may be submitted under a separate cover (and identified as such)

LIST OF CONSULTANTS

- Include addresses and responsibility

I. EXECUTIVE SUMMARY

The Executive Summary should consist of a brief but precise summary of the DEIS that adequately and accurately summarizes the document.

- A. An introduction including purpose of the DEIS, summary of required site approvals, a relevant history of the current SEQRA process that has occurred (i.e., relevant dates establishing Lead Agency, the date of adoption of the Positive Declaration, date of the acceptance of the Scoping Document)
- B. A summary of the prior application for development of the site, including a discussion of the extent of the review that occurred for that proposal, and its disposition.
- C. Project Site Existing Conditions- provide a short description of the subject property and characterize its location and natural features as well as provide a brief history of the use of the property and where existing changes to its natural state have occurred.
- D. Project Overview of all aspects of the project including project layout, proposed buildings, parking, circulation, traffic or other offsite improvements, utilities, and requested zoning changes.
- E. Summary of purpose, including the Applicant's goals and objectives, public need and benefits
- F. Required permits and approvals, including list of involved and interested agencies.
- G. Summary of significant beneficial and adverse environmental impacts in each subject area identified and discussed further in Section III
- H. Summary of proposed mitigation measures proposed in each subject area identified and discussed further in Section III
- I. Description of alternatives analyzed including a table comparing the impacts of the proposed project with the impacts of each alternative analyzed
- J. Description of the issues considered in EAF review/Scoping and determined to be non-significant or not relevant, stating reasons why those issues were not included in the Final EIS Scope

II. DESCRIPTION OF THE PROPOSED ACTION

A. SITE DESCRIPTION

1. Location, tax map designation and acreage
2. Zoning and discussion of surrounding land uses/zoning
3. Context with surrounding area, including a site location map
4. History of the Site with regard to the previous application and approvals
5. Access and discussion of surrounding road network
6. Existing Uses/Structures
7. Existing Utilities
8. Existing Easements

B. PROJECT DESIGN AND LAYOUT

1. Site Disturbance
 - a. Area of Site disturbance
 - b. Description of natural areas and areas of the Site to remain undisturbed.
 - c. Proposed impervious surface area (buildings, driveways, roads, etc.)
2. Structures
 - a. Building areas
 - b. Layout of buildings and structures
 - c. Sample building elevations
 - d. Recreational Amenities
 - e. Zoning Section 185-25
3. Site access, vehicular and pedestrian circulation, and parking
 - a. Description of on-site vehicle & pedestrian circulation
 - b. Description of location & ownership of roads and emergency access
 - c. Proposed pavement area and pavement type
 - d. Number of parking spaces and layout, including an analysis of the computation of parking spaces for each building and structure
 - e. Description of access to nearby sidewalks
 - f. Any improvements to public rights of ways or other public improvements
 - g. Description of access to nearby public transportation facilities
4. Utilities
 - a. Sewer
 - b. Water
 - c. Drainage
 - d. Electric and Natural Gas
 - e. Garbage and Recycling
 - f. Energy and Utility saving features
5. Landscaping, Lighting & Signage Plans
 - a. Conformity with Town requirements
 - b. Description of existing and proposed landscape buffers in relation to potential Site visibility
 - c. Description of Site lighting, including hours of operation
 - d. Location & description of proposed signs

C. CONSTRUCTION AND PROJECT PHASING

1. Construction

- a. Duration of construction and hours of operation
- b. Description of anticipated construction activities, including site preparation, earthwork, removal of materials off-site, stockpiling, rock removal and blasting, if necessary
- c. Proposed construction phasing plan
- d. Construction Best Management Practices (BMPs)
- e. Access points and parking for deliveries and construction workers
- f. Number of Construction workers and estimated vehicle traffic
- g. Number of truckloads anticipated for earthwork import/export
- h. Identify short-term impacts resulting from construction activity, such as noise, air quality, stormwater and traffic

D. OPERATION AND MAINTENANCE OF THE PROJECT

1. Project Operation

- a. Ownership of buildings and infrastructure improvements

2. Project Maintenance

- a. Roadway and utilities
- b. Stormwater management facilities
- c. Landscaping
- d. Snow & Ice removal

E. PERMITS AND APPROVALS REQUIRED

3. 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
- e. Sewer Flow Authorization - City of Newburgh
- f. Town Road – Town of Newburgh Town Board & Highway Superintendent
- g. Flood Plain Development Permit – Town of Newburgh Code Enforcement Department

4. 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

5. 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

6. Federal

- a. Nation-Wide Permit 39 (NWP 39) or Pre-Construction Notice (PCN) – Army Corp of Engineers

D. PROJECT PURPOSE, NEED & BENEFIT

1. Public Need
2. Objectives of the Project Sponsor
3. Benefits of the Proposed Action

III. ENVIRONMENTAL SETTING, POTENTIAL IMPACTS AND PROPOSED MITIGATION MEASURES

This section describes the environmental conditions in and around the Project Site and identifies the potentially significant adverse impacts caused by the proposed development as determined in Part 2 of the FEAF, in consultation with involved agencies and the public as part of the scoping process. The Scoping process is intended to identify the extent and detail of information needed for the preparer to adequately address each impact, including an identification of relevant existing information, and required new information, including the required methodology(ies) for obtaining new information. Where appropriate, the DEIS will discuss both construction and operation impacts.

For each of the following topics to be addressed, existing site conditions will be defined, proposed site conditions shall be described, potential impacts of the proposed action will be identified and described, and mitigation measures designed to avoid, minimize or offset potential impacts are to be proposed. The extent of off-site areas studied for the existing conditions should be defined for each issue. To the extent that the DEIS relies upon any previous analysis or studies performed on the Site, the previous analysis shall be discussed to the extent relevant, and the prior studies shall be referenced to a place where they can be located or incorporated in the DEIS as appendices.

A. LAND RESOURCES - Geology, Soils & Topography

1. Existing Conditions

- a. Provide topographic mapping at 2-foot contour intervals and a description of Site topography
- b. Describe significant topographic or geological features, if any, on the Project Site or indicate that none are present
- c. Soil types and characteristics shall be identified as presented in the Orange County Soil Survey or USDA database, including building site development limitations, permeability, hydrologic group, depth to bedrock and seasonal high-water table for each soil type located within the Project Site
- d. Identify Soils of Statewide Importance, if any
- e. Identify Site slope ranges (0 -15%, 15-25% & >25%)
- f. Identify depth to rock by conducting borings or test pits to determine the extent of rock and potential for blasting anywhere cuts are proposed.

2. Potential Impacts

- a. Provide grading plan and describe potential impacts from site grading with respect to bedrock depth, soil erosion, slope stabilization and rock removal
- b. Discuss the disturbance of areas of steep slopes >15%
- c. Provide estimate of cut and fill to construction the Project
- d. Discuss rock removal, if required, and discuss method(s) to be used
- e. Discuss any disturbance of Soils of Statewide Importance
- f. Discuss proposed retaining walls
- g. Discuss the potential for soil compaction resulting from construction

3. Mitigation Measures

- a. Provide and discuss an erosion and sediment control plan, designed in accordance with the NYS Department of Environmental Conservation's "New York Standards and Specifications for Erosion and Sedimentation Control" (current version) and Town of Newburgh requirements,
- b. Provide blasting plan with mitigation measures
- c. Discuss measures to overcome high seasonal water table, as needed.
- d. Provide plan for excess cut, or for imported fill, if required
- e. Discuss construction phasing and staging to limit the time periods during which areas of disturbance would be left open.
- f. If a waiver from the NYSDEC maximum disturbance limit of 5 acres is proposed, additional appropriate mitigations will be provided
- g. Mitigation will be proposed for other identified adverse environmental impacts as necessary

B. SURFACE WATER RESOURCES

1. Existing Conditions

- a. Identify existing on-Site surface water and off-Site receiving surface waters, including wetlands, streams, and other natural water features will be discussed and presented graphically
- b. All resources will be described in terms of jurisdiction, classification, size and any applicable regulated areas including buffers
- c. Discuss existing on-Site drainage patterns, including distance to and drainage towards Quassaick Creek.
- d. Discuss relevant State and Town stormwater regulations
- e. Quantify pre-development stormwater flow peak rates by calculating runoff using the appropriate techniques. Provide analysis of the 2, 10, 25, 50, and 100-year storms using site specific runoff coefficients.
- f. Describe the Project context in the Quassaick Creek Watershed. Discuss existing watershed improvements

2. Potential Impacts

- a. 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
- b. Quantify post-development stormwater flow peak rates for the 2, 10, 25, 50, and 100-year storms using site specific runoff coefficients
- c. Discuss impact to floodplain elevations

- d. Describe potential impacts to downstream drainage systems, such as degradation by erosion and sedimentation resulting to construction
- e. Describe the components and functions of the proposed stormwater management system facilities, including the method of collecting, treating, reuse or conveyance of stormwater

3. Mitigation Measures

- a. 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) and Town of Newburgh requirements
- b. Summarize the Stormwater Pollution Prevention Plan (SWPPP) designed for the Site, including a discussion of the erosion and sediment control plan, and provide SWPPP as an Appendix
- c. Discuss ownership and maintenance (both short and long term) of the stormwater management system
- d. Mitigation will be proposed for other identified adverse environmental impacts as necessary

C. FLOODING

1. Existing Conditions

- a. Identify, map and discuss the extent of FEMA designated floodplains and floodways or conclude that these areas are not present on the Site
- b. Discuss existing drainage patterns

2. Potential Impacts

- a. Describe any impacts to the floodways and/or floodplains
- b. Identify any changes to existing drainage patterns
- c. Discuss any changes flood water flows that contribute to flooding
- d. Discuss the proposed Culvert/Bridge crossing of the Quassaick Creek
- e. Provide model of stream water flow through the proposed crossing structure

3. Mitigation Measures

- a. Mitigation will be proposed for identified adverse environmental impacts as necessary

D. PLANTS & ANIMALS

1. Existing Conditions

- a. Identify existing Threatened, Endangered, and Species of Special Concern
- b. Provide overall information pertaining to the Quassaick Creek Watershed
- c. Identify current conservation efforts within the watershed
- d. Discuss Habitat Assessment Report

2. Potential Impacts

- a. Describe impacts to any Threatened, Endangered, and Species of Special Concern
- b. Identify impacts to the Quassaick Creek Watershed

- c. Discuss changes to on-site habitat

3. Mitigation Measures

- a. Mitigation will be proposed for identified adverse environmental impacts as necessary

E. AESTHETICS

1. Existing Conditions

- a. Description of aesthetic resources of the surrounding area
- b. Provide views into Project Site from surrounding land uses, including from neighboring residential areas
- c. Provide views into Project Site from area roadways
- d. Describe the relation of Site to surrounding area, based on topographical location and orientation of Project Site to surrounding area
- e. Identify Architectural Review Board responsibility and standards (Town Code §185-59.E)

2. Potential Impacts

- a. Provide description, using graphic and/or photographic analysis as appropriate, of changes in views into Site from the areas identified above during and after construction of the proposed project, including views from these areas and from areas within the Site
- b. Discuss Project's conformance with Architectural Review Board standards
- c. Discuss proposed Site Lighting

3. Mitigation Measures

- a. Mitigation will be proposed for identified adverse environmental impacts as necessary

F. TRANSPORTATION

1. Existing Conditions

- a. Discuss and illustrate vehicle (resident, services, and emergency) and pedestrian access to and circulation through the Site
- b. Identify any existing or proposed near-term traffic improvement plans within the vicinity of the Site by NYSDOT, Orange County or Town of Newburgh that may affect traffic patterns
- c. Provide a description of the classification, jurisdiction, width of pavement, number of travel lanes per direction, presence of shoulders, sidewalks, bike accommodations, on-street parking & bus stops, speed limit, traffic controls and advisory signs, and roadway surface condition of the following roadways:
 - i. NYS Route 300
 - ii. Gardnertown Road
 - iii. NYS Route 52 (South Plank Road)
- d. Record vehicle traffic volumes and vehicle classifications on the surrounding roadway network to determine the peak hours. Record speed data near the site driveway for sight distance purposes
- e. Turning movement traffic counts shall be performed on weekdays during times when local schools are in session, during the morning (7-9 am)

and afternoon (4-6 pm) peak periods. Confirm nearby school hours for drop-off/pick-up

- f. Perform detailed intersection capacity analyses of the existing weekday A.M. and P.M. peak-hour volumes using the current version of Synchro or Highway-Capacity-Software, based on the Highway Capacity Manual for the following intersections:
 - i. NYS Route 300 & NYS Route 52 (South Plank Road)
 - ii. NYS Route 300 & Gardnertown Road
 - iii. NYS Route 300 & Plattekill Turnpike
 - iv. Gardnertown Road & Plattekill Turnpike
 - v. NYS Route 300 & Gardnertown Fundamental Magnet School Driveway
 - vi. NYS Route 300 & Debra Place
 - vii. NYS Route 300 & Site Access (for Proposed Condition only)
 - viii. NYS Route 300 & Jeanne Drive
 - ix. NYS Route 300 & NYS Route 32 (North Plank Road)
- g. Following NYSDOT guidance for data collection during the pandemic, compare traffic volumes to pre-pandemic conditions and make note of any specific volume adjustments.
- h. Provide an analysis of the accident history based on available State records of affected roadways (listed in c. above) and affected intersections (listed in e. above), detailing the number, type, contributory factors, and conditions, for the most recent five-year period (provide tables in the Traffic Impact Study summarizing the data)
- i. Identify nearest public transportation stops
- j. Consider the traffic data of following projects approved or under consideration within the project area
 - a. 32 Express
 - b. Fabulous Rentals
 - c. MKJ Park Warehouse
 - d. Farrell Industrial Park
 - e. Hillside Warehouse
 - f. Polo Club
 - g. Monarch Woods
 - h. O'Donnell
 - i. WellNow
 - j. SAM Newburgh
 - k. Route 300 Matrix Warehouse
 - l. Elm Farm
 - m. Gardner Ridge

2. Potential Impacts

- a. Identify the estimated Project completion year and coordinate with the New York State Department of Transportation (NYSDOT) Planning Division at Poughkeepsie to determine the appropriate future "Design Year"
- b. Identify other significant developments that would generate traffic in the Project vicinity, including developments in other adjacent municipalities, which will generate a substantial volume of traffic on NYS Route 300 through the study area, and determine how much traffic these

developments will add to the study intersections during the peak hours (projects to be included will be confirmed by the Town)

- c. Based on historical traffic growth and the volumes of traffic to be added by the identified vicinity developments, establish an annual background traffic growth rate to grow the existing traffic volumes to the “Design Year”, which will be reflective of the anticipated increase in general traffic activity in the area by that time
- d. Grow the existing traffic volumes at the intersections identified in Section F.1.f. above using the annual background traffic growth rate and add the vicinity development traffic volumes to get the future “No-Build” traffic volumes
- e. Develop the anticipated trip generation and trip distribution patterns from the Project using accepted sources, such as the Institute of Transportation Engineers’ publication, *Trip Generation, Latest Edition*, or surveys of similar local facilities
- f. Add the Project generated traffic to the “No-build” traffic volumes to determine the “Build” levels of service and queuing at the intersections identified in Section F.1.f. above, provide a summary of this data in tables in the DEIS
- g. Analyze the adequacy of the existing road infrastructure to accommodate the increased traffic
- h. Provide a discussion of the Project’s potential impact, if any, to pedestrian, bicycle and public transportation
- i. Discuss emergency and school bus access to Site

3. Mitigation Measures

- a. Provide a discussion of road improvements (as needed) or, for larger improvements providing area-wide benefits, contributions to improvements, possibly including:
 - i. Additional lanes
 - ii. Sight distance improvements
 - iii. Road geometry improvements
 - iv. Pedestrian, Bicycle and transit improvements
 - v. Necessary traffic control
 - vi. Responsibility for improvements
 - vii. Schedule for improvements
- b. Mitigation will be proposed for other identified adverse environmental impacts as necessary

G. **COMMUNITY PLANS - LAND USE & ZONING**

1. Existing Conditions

- a. Discuss the current use of Site
- b. Discuss and present graphically existing generalized land uses within one-half (1/2) mile of the Project Site
- c. Discuss and present graphically existing zoning of the Site and within one-half (1/2) mile of the Project Site
- d. Discuss Town of Newburgh Master Plan recommendations
- e. Discuss New York State Fire Code requirements
- f. Discuss Town Tree Preservation Ordinance

- g. Identify and map significant and specimen trees within the areas of proposed development.

2. Potential Impacts

- a. Describe the conversion from vacant land to a developed site
- b. Discuss the Project's compatibility with zoning and surrounding land uses, with particular emphasis on impact to character of surrounding residential neighborhoods
- c. Discuss the Project's consistency with the Town Zoning Code, Town Comprehensive Plan, Orange County Comprehensive Plan
- d. Evaluate Project's compliance with the Town of Newburgh Tree Preservation Law. Mapping to be provided in Appendix

3. Mitigation Measures

- a. Mitigation will be proposed for identified adverse environmental impacts as necessary

H. UTILITIES

1. Existing Conditions

- a. Water Supply
 - i. Describe existing Water Districts, public water supply facilities, including source, capacity, distribution infrastructure, and current usage
 - ii. Discuss existing Town infrastructure currently servicing the Site
- b. Sanitary Sewers
 - i. Describe existing Sanitary Sewer Districts, public sewer treatment facilities, including capacity, distribution infrastructure, and current usage
 - ii. Discuss existing Town infrastructure currently servicing the Site
 - iii. Address the existing Town of Newburgh Intermunicipal Agreement with the City of Newburgh
- c. Utility Systems
 - i. Describe services required and availability of electric, gas and telecommunications facilities from utility providers

2. Potential Impacts

- a. Quantify the Project demand on effected utilities, including water supply, sewage generation, increased drainage, energy needs and solid waste generated
- b. Identify the location of connection to each utility system and any offsite improvements required for the Project
- c. Calculate fire flow requirements based on NFPA guidelines and discuss the water supply system's ability to provide required fire suppression demands
- d. Identify necessary permits and provide correspondence from service providers in an Appendix
- e. Identify anticipated issues with need to upgrade infrastructure
- f. Identify the need for outside user status for sanitary sewer

3. Mitigation Measures

- a. Discuss proposed use of sustainable design elements and use of water conservation measures
- b. Mitigation will be proposed for other identified adverse environmental impacts as necessary

I. **COMMUNITY SERVICES**

1. Existing Conditions

- a. Identify existing station locations, staffing levels, equipment availability, annual number of calls for service, and estimated response times to the Site for the following emergency services:
 - i. Police
 - ii. Fire
 - iii. Ambulance
- b. Identify existing locations of Schools that serve the Site and provide current enrollment numbers
- c. Identify existing locations of health care facilities in the vicinity of the Site
- d. Identify existing locations of public parks and recreation in the vicinity of the Site
- e. Identify existing garbage collection and recycling services in the vicinity of the Site
- f. Correspondence community service providers will be included in an Appendix of the DEIS

2. Potential Impacts

- a. Discuss the impacts additional residents generated by the Project will have on emergency service providers and their abilities to service the Project based on information obtained from each service provider, including response times
- b. Calculate the number of school aged children that will reside in the proposed development based on recognized planning methodologies, supplemented with data supplied by the Newburgh Enlarged City School District
- c. Discuss the impacts additional residents will have on community services - health care facilities, public parks and recreation, and garbage collection and recycling services

3. Mitigation Measures

- a. Discuss the proposed on-site recreational facilities and amenities
- b. Mitigation will be proposed for other identified adverse environmental impacts as necessary

IV. **ALTERNATIVES**

This section of the DEIS will evaluate and compare alternatives to the proposed action, which are listed below. The evaluation and comparison will include a conceptual site plan and a tabular comparison of quantified impacts, such as trip generation comparisons with the proposed action. The following alternatives will be studied:

- A. No Action - Describe the "No-Build" alternative as required under 6 NYCRR 617.9.b.5.

- B. Onsite Wastewater Treatment Plant with permit standards
- C. Onsite Pump Station with force main connection to Existing Town Sewer Mains
 - 1. Discuss route, off-site impacts & construction related impacts

V. EFFECTS ON THE USE AND CONSERVATION OF ENERGY

This section will discuss the energy resources to be used if the Proposed Action is implemented, anticipated levels of consumption. It will describe the Applicant's commitment to environmental sustainability and summarize sustainable and green building practices to be employed. A description of the effect of the proposed action on the short- and long-term use and conservation of energy resources will be provided.

VI. SIGNIFICANT ADVERSE ENVIRONMENTAL IMPACTS THAT CANNOT BE AVOIDED IF THE PROJECT IS IMPLEMENTED

This section will identify significant long-term and short-term adverse environmental impacts that can be expected to occur if the Proposed Action is implemented, regardless of the mitigation measures considered in Section III, if any.

VII. IRREVERSABLE AND IRRETRIEVABLE COMMITMENT OF RESOURCES

This section will identify those natural and human resources listed in Section III that will be consumed, converted or made unavailable for future use if the Proposed Action is implemented.

VIII. GROWTH-INDUCING IMPACTS

This section will provide a qualitative discussion of short and long-term growth inducing aspects that may impact on future development in the Town of Newburgh

IX. APPENDICES

- A. SEQR Documentation (FEAF, Positive Declaration of Environmental Significance, Final Scoping Document)
- B. Relevant correspondence regarding the Project
- C. Studies, reports, exhibits and information considered and relied upon in preparing DEIS
 - a. Geotechnical Report
 - b. Stormwater Pollution Prevention Plan (SWPPP)
 - c. Flood Plain Impact Report
 - d. Wetland Delineation Report
 - e. Traffic Impact Study
 - f. Tree Preservation Ordinance Report
 - g. Water System Engineering Report
 - h. Sanitary Sewer System Engineering Report