

SEP 12 2024

Sign 

September 12, 2024
159 High Point Circle
Newburgh, NY 12550

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

Dear Planning Board Members,

I am writing to express my concerns of the Britain Woods (22-17) Complex.

First let me state that I appreciate all of the hard decisions that are brought up on your agendas. The Planning Board is trying to bring greater things to the Town of Newburgh to help keep taxes down & to make it a better place to live. Thank you for that.

I did attend the three public speaking meetings concerning the Britain Woods Complex. Many good points were brought up as to why the project should not be accepted... safety, traffic, environmental & disruption of home owners in the area. You showed that you listened & heard what was being said.

While I appreciate the need for increased housing options, I believe that the Britain Woods project raises significant concerns. Matthew Callagher eloquently elaborated on so many areas of worry. I don't feel I need to address what has already been stated. I agree with all the concerns that were brought up at the public hearings by everyone who spoke.

We are all ^{aware} of Global Warming yet we continue to do away with green areas that are so important to help sustain a

2

healthy environment. 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.

3

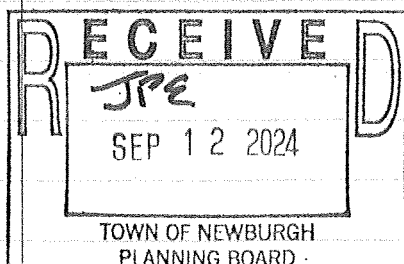
Traffic

Moreover the potential increase in traffic would result in higher traffic volume. With the number of units possibly going in Britain Woods, the new residents will undoubtedly exacerbate the situation. Increased congestion can lead to longer commute time, heightened 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 Rt 207 & Old Litten Britain Rd. Has air quality studies been done?

In conclusion, while I recognize the importance of providing housing in our growing town, it is vital that we balance this need with our responsibilities to preserve our planet & manage our safety, environment & time. I sincerely hope the Planning Board will take all concerns heard into account & prioritize sustainable development practices that benefits both our community & environment. Possibly a smaller sized complex.

Thank you for considering my perspective on this important issue.

Catherine M Gaspard
Catherine M Gaspard



Comment 4.2.# - Matt & Erika Gallagher undated Letter

To the members of the Planning Board,

We wanted to submit a few general thoughts below in addition to more detailed concerns that were also recently distributed to neighbors and posted to our online petition. I would encourage you to read the comments folks have left on that petition. As of Monday Sept 16th there were 445 signatures against the build of this apartment complex. While we realize you do not have the ability to deny a build project, we do hope you'll give this matter your utmost attention to detail. Please understand we are not against development; we are against hastily built developments constructed with sloppy planning by non-community members who likely will never experience any unintended ill consequences of their actions.

That being said....

- 1 -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. General
- 2 -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. Traffic
- 3 /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. Traffic
- 4 -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. Surface Water
- 5 -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. Utilities
- 6 -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. General
- 7 -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. General

- 8 -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. General
- 9 -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. General
- 10 -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!) General

V/R,

Matt & Erika Gallagher
409 Little Britain Rd

Letter posted [online](https://chnng.it/6vnrNNT4G) (https://chnng.it/6vnrNNT4G) and distributed to neighbors:

Dear Friends & Neighbors,

First, thanks to all who came to the Aug 1 and Sept 5 Town planning board meeting to share concerns. If you could not make either of the meetings you have until close of business Sept 16th to respectfully express concerns to the Town Planning board via phone (845.564.7804), or e-mail (planningboard@townofnewburgh.org). THIS WILL LIKELY BE THE LAST OPPORTUNITY THE PUBLIC HAS TO SUBMIT CONCERNS on this project. You DO NOT need to be a town resident to send a comment to the board and all concerns will be documented and must to be addressed before the Environmental Impact survey can be finalized.

Due to the detailed nature of the concerns brought up to the board at the last 2 meetings, and how many topics were covered I'll do my best to consolidate what was discussed into topics below referencing the corresponding page numbers in the draft environmental impact survey (DEIS), and am also attaching the 2 written statements Matt and I submitted to the board on Aug 1. To read a detailed account of the concerns brought up at the Aug 1st meeting you can find the official recorded minutes from the meeting [here](https://www.townofnewburgh.org/cn/Meetings/?tpid=4729): <https://www.townofnewburgh.org/cn/Meetings/?tpid=4729> under recent meetings. The minutes should be posted in another week or two for the Sept 5th meeting (also under the recent meetings tab) but most likely after the 16th and deadline to submit concerns. At the very bottom of this update will be a link to access the full draft environmental impact study submitted by

Ross Winglovitz of Engineering & Surveying Properties on behalf of the Farrell Building Company to the planning board.

For those of you just joining us, a quick review of the project:

This will be for an 11 building luxury apartment complex completed by the Farrell building group who has recently built several other luxury facilities and [industrial park/warehouses in and around the Newburgh area](https://www.farrellcommunities.com/) (<https://www.farrellcommunities.com/>). The developer does not reside in the community—they are based out of the Hamptons. The proposed development (48 acres over several town and city parcels) sits in the Quassaick Creek watershed basin and is .6miles from Washington Lake, .5miles from Crystal Lake. The property backs up to Harrison Pond/the Quassaick Creek. The 3 adjacent neighboring homes to this development are all historic in nature, additionally nearby is a set of historic lime kilns dating back to the mid 1800's. The development estimates it will add an additional 500+ cars to our roadways and requires tying into the city sewer main at Unity Place. Residents of this facility will be on the Town water supply (pg.78). However, the water main that supplies city residents with clean drinking water currently runs along these parcels concurrent with a similarly old and shallowly buried sewer main (pg.79) which are fragile and subject to disruption during blasting and land regrading. The developer believes the build out will take 3 years although, "the actual length of construction will depend upon economic and market conditions" (p. 42).

Brief Recap of concerns discussed Aug 1 & Sept 5:

Problems with the traffic study:

- Traffic study is based on an outlying data point chosen because traffic volume was lower than average on Tuesday 25 April 2023 due to the fact the road had a modified traffic pattern and was partially closed and had posted detours for pot hole repair. All subsequent data based off of this point is not indicative of normal traffic flow. Also rather than looking at average traffic flow on this road why not base future projections off the busiest times of day? April historically is also the safest month in terms of road accidents, in part due to less traffic volume vs July or August peaks. (pg.75 appendices ?)
- Accident list was inaccurate (pg.70 and appendix ?) and failed to include several major accidents along Little Britain road both in the time period studied and during the subsequent 2024 year after the study had been completed to include at least 1 fatality. Town of Newburgh police and Goodwill Fire departments report, "Only 6 accidents were reported in the study for Little Britain and Old Little Britain rd. Fire department records have indicated an additional 5 accidents at that location in the past 2 years and over the past 4 years there have been at least 70 reported accidents that have occurred between the city line (near Corwin CT) and Old Little Britain Rd".
- The study assumes NY state will have added a traffic light to the Old Little Britain/Little Britain intersection based on a project currently in proposal from 2018 (pg 67, 77). The county has emphasized there are more projects than funding available and therefore cannot give an accurate estimate when funding for such a project would become available and whether that's in a few months or a few years. "The design approval is expected by June of 2024 with letting in March 2025." When we contacted NYSDOT they claimed funding still had not been secured for this project and offered no suggestion on if/when the project would be finished.
- Current projected traffic volume numbers only use a multiplier to guess what the traffic generated by the new Stonegate apartments (recently sold to Jehovah's witness), and future Unity Place Warehouse as well as two hotels (Old Little Britain Rd and former Steak and Stein location) would generate and did not consider traffic generated by the new Jehovah's witness building on Old Little Britain Rd. (pg.71) Traffic study in the report also shows the majority of the morning traffic generate by the Stonegate apartment/JW shows traffic arriving to the

apartments (appendix F pg 14) rather than departing from. Representatives from Goodwill fire also point out, “traffic is consistently heavy between Dewey Dr and D’Alfonso Rd from 10a-6p”.

- Accident mitigation strategy the developer (Farrell) offers is to paint white “stop bars” on the road at Old Little Britain Rd/Little Britain Rd and Wisner/Little Britain Rd intersections proposing this will increase safety and mitigate road accidents. (pgs 14, 21, 76, 77)
- AASHTO chart used to determine sightline breaking distance had been modified in the report and was missing 3rd column showing that preferred distance required should be 500’ not 300’ as stated by the report. (pg.74, figure 3.6b,)
- Intersections placed on curved portions of road, where the development entrance is currently being proposed, are statistically 35% more dangerous than intersections on a straight and level roads. The study does not take into account angle of the sun in drivers’ eyes during fall/winter months coming from the city heading towards New Windsor, or that most cars exceed the speed limit on this road by 10+ mph, and fails to account for an increasingly older driving population which would require greater stopping distance due to slower reaction times.
- Traffic study completed also does not account for current driving culture on this road where it’s not uncommon for drivers to pass slower vehicles crossing over double yellow lines as they leave city and enter the town/higher speed limit zone.
- Several residents along the road have complained of nearly being or being rear-ended as they slow to turn into their driveways and the lack of ability already to exit their driveway due to the currently volume of traffic. 4 residents have had cars run off Little Britain Rd into and through the fronts of their properties.
- Developer should consider the use of the 2nd entrance on plans for safe entrance/egress and make the currently proposed western exit a right-turn-only. The entrance not being considered is currently for emergency vehicle access with no intentions of paving due to the city’s concern about shallowly buried water/sewer mains (and possibly to save the builder money).
- School buses currently DO NOT enter apartment facilities but drop students off roadside in front of the complex. Due to Newburgh being a right to bus school district students could be coming from any number of buildings but those coming from the New Windsor side of town would be required to cross oncoming highway traffic in order to access their home. (pg.74)

Sewage- Proposed 4,000+’ forced main sewer line will run across residential properties along Little Britain Rd and Old Little Britain Rd to pump sewage uphill from facility to connection point at Unity Place. (Pages 22, 81, 82 and appendix I3)

- Statement on pg 66 and figure in appendix I3 are incorrect and show the sewer and water still being run in the same trench along one side of the road despite previous discussion with planning board that water and sewer must have **?’** of distance between them and cannot be run in the same trench according to town code. Homes on the south side of Little Britain Road are likely to have the pressurized sewer main installed on their right-of-ways.
- Currently there’s no agreement who will own/maintain the sewer line once installed. Could be privately owned by the builder which brings up concerns about who to call if/when a leak develops or what happens to the line if the developer goes bankrupt or sells to another party at a future point. For instance, Farrell recently sold their Fishkill apartment complex in June ‘24, and according to their property manager in charge of the remaining 3 properties Josephine Formisano, “facilities like these are always on the market”. How do we know this property won’t immediately get sold like the Stonegate apartments in New Windsor to another group immediately upon construction completion?

- what will happen if the generator powering the pumping mechanism fails (during a storm or due to maintenance issues) since facility isn't planning on storing more than 1 days worth of sewage on-site. (pg.82) Will apartment residents be told to use public toilets off site and not be allowed to flush their toilets while sewer main is being depressurized and repaired?

Blasting- The report claims blasting is not anticipated (pg. 43) but in other areas it states (pg.13, 38) they expect, "to remove 20,000 cubic yards of rock through blasting" in order to regrade land and steep slopes.

- blasting from quarrying in the past has resulted in damage to building and road foundations leaving many homes with visible cracks according to another resident.
- water supply line going to the city are shallowly buried at 4' (pg.79) and one of the reasons the second entrance to the facility is limited to emergency vehicles only for fear that continual traffic weight would damage/rupture the same water pipes that supply city residents with clean drinking water. Vibrations incurred during blasting will surely do the same.
- historic surrounding properties (closest 3 homes are all built between mid 1800's and early 1900's). The historic lime kilns from the 1800's on adjacent property are currently in crumbling condition and according to ? eligible for national historic registry status. Current proposal to protect lime kilns from blasting and construction vehicle traffic is to erect a barrier in front of the kilns (pg. 65, 66). How will this help prevent damage from vibrations?

Environment

- study states the wildlife evidenced in the area are limited to only deer and rodents and that, "the project site is located in an area that is not known to contain any rare, endangered or threated plant and animal species" (pg. 16, 53). Page 44 mentions the waters of the Quassaick Creek are suitable for fish, shellfish and wildlife propagation and survival but there's no mention of other wildlife that call the Harrison/Millers Pond/Crystal Lake/Washington Lake area home and part of their habitat. They currently include:
 - bald and golden eagles (**NY endangered species list and threatened list**) springtime migratory patterns.
 - spotted turtles, woodland turtles, coopershawks, sharp shined hawks, red tails hawks, red headed woodpeckers, new England cottontail (**species of special concern list**)
 - Eastern meadowlark, olive sided fly catcher, rusty blackbird, little brown bat (**species of greatest conservation need list**)
 - Not to mention the flock of wild turkey, 2 bears, a litter of foxes, raccoons, skunks, coyotes and snakes that just call our property home.
- DEIS states the majority of the runoff from the project (not just during build but through the life of the complex) will flow directly into Harrison Pond/Quassaick Creek (pg.82-83, 48-49, 55, figure 3.2D). This is disconcerting considering extensive efforts to clean and rehabilitate the creek by groups like Scenic Hudson, River Keeper, Quassaick Creek watershed Alliance and Quassaick Creek Greenway and Newburgh Wants a Park Campaigns. The environmental scientist Peter Torgenson (also from the Hamptons area) hired by the developer also incorrectly notes the area is, "isolated with no connection to a larger system" despite being in the Quassaick Creek watershed and Harrison pond being part of the Quassaick Creek pond system (pg. 3/34 Appendix C1).
- Removal of wetlands within the Quassaick Creek pond system through filling (pg.19, 45 &46)
- Over the last 2 years the 4 most recent projects in this area have totaled 102/500 acres or roughly 30% of this areas undeveloped land just in this ½ mile radius

- Residents of Stoneybrook Condos shared concerns about removal of trees and access through their property (see Appendix D). Note to Stoneybrook Residents: Visit Stony Run Rd in Newburgh behind the Farrell Community at Gardnertown to see the nature buffer that was left in their last project.

Find the [full draft of the environmental impact survey submitted by the Farrell building co](https://dl.ep-pc.com/BritainWoods/) here:

<https://dl.ep-pc.com/BritainWoods/>

What's Next?

The Planning board will continue to accept public concerns until Sept 16th. After that the public WILL NOT have an opportunity to comment, unless the current plan is significantly changed and the planning board deems it necessary to include the public. The board and involved agencies meanwhile will continue their investigation of the current proposal. The architect/developer then needs to show potential mitigation solutions to the concerns brought before the board. Once the board agrees those changes are sufficient, they will vote on whether to approve as is or if other contingencies need to be met before building can begin.

What can you do?

Help us spread the word, if you know someone who would be impacted by this development please pass along a link to this petition or share it to social media. You can also write or call the town planning board, town supervisor, city mayor and city engineer and let them know your concerned about this project and the unintended consequences poor planning could have on local residents. You can also help us encourage the Town Supervisor and Zoning board to consider rezoning these areas to R1

Comment 4.3.# - Unsigned & undated "Aug Hearing Talking Points"

DEIS With Figures

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

Exec
Summary

What is a SEQRA Type 1 action: Part 617.4 (b) (6) (i)

- State Environment Quality Review Act

====page numbers may have changed=====

Page 3 lists all consultants – Env, Arch, Traffic, Landscape, etc

- Pretty sure these are people that helped E&SP, not Involving Agencies

Page 10

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

- What does it mean for the city portion to be in the RL zone?
- Acknowledgment of the 4 billboard signs

Page 11

- How are Stop Bars supposed to meaningfully improve safety?
- New water line, 1,300ft within right of way to hydrant 900 ft west of project
- New sewer, 4,725 ft, within rights of way, to Unity and OLB

Page 12, Benefits

- Address need for medium density housing close to major transpo routes
- “conservation of natural resources by clustered nature”...
- Tax revenue
- Nearby off-site road improvements
- On site recreational facilities for residents and guests

Page 12, permits and approvals

- GML 239 L,M,N
- ECL Article 17, Title 7,8 SPDES and discharge of treated storm water

Page 13

- Army Corps, school, fire, police are Interested Agencies, not Involved
- What is Bedrock Removal procedure?

Page 14

- Aesthetics, building setbacks to greatest extent practical. What if that means no Bldg 8?
- Eliminating light trespass at property line, during build, immediately after build and even during winter leaf loss?
- 406 bedrooms (555 people), 583 parking spaces, but only adding 132 cars in the afternoon?
- Are on-site EV charging stations DC, high voltage? Separate permits required?
- Fair share for what improvements at OLB, the paint?
- Sewer - 47,452 gallons per day, no comments on mitigation measures
- Reduction of drainage, no mitigation measures?

- 26 - How do we know that tax revenue will be allocated to fire/police/EMS? Can't add 0.x officers/detectives.

Exec
Summary

Page 15

- 27 - Why explore an alternative with no stormwater management in City land?
28 - Are the water and sewer alternatives to connect eastward (vs Unity)?

Page 16

- 29 - Non-relevant for Flooding
30 - Groundwater – was source of domestic/fire the only possible concern?

Page 18

- 31 - 30-ft easement on the North being “extinguished”?

Project
Description

Page 19

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

Page 21

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

Page 22

- 34 - Where is the hydrant 900 ft west?
35 - Is the Ferrell responsible for costs if existing mains/hardware is damaged during extension?
36 - Pump station and forcemain to be owned/maintained by Sponsor (Ferrell)
37 - So not feasible for other properties to tie-in/benefit from forcemain?
38 - Routine inspection requirements set by whom?
39 - Impact to residents on LBR/OLB for construction and future inspections?

Page 23

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

Page 24

- 41 - 20ft high light poles, on the parking side of Bldg 8, which is ___ ft high?
42 - Check out town code Chapter 125 “Noise and Illumination Control” for light and construction noise
43 - 3 years to complete construction?

Page 25

- 44 - The entire project is essentially within 1500 ft of Chris' house, so 7:30am to 6pm for clearing and grading
45 - Then allowed up to 65 decibels until 10pm, then 56 decibels until 8am
46 - Light pollution during construction? See page 27, Construction Offices

Page 26

- 47 - Bldgs have detached garage? Not show on any BLDG Type drawings

Page 27

- 48 - Construction offices located where? Ask for them to be “setback” at least as far as buildings since they will exist for 3 years
- 49 - 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.
- 50 - Mandatory street sweeping based on what?
- 51 - 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?
- 52 - Particular risk for motorcyclists and driving in bad weather when the street corner / entrance braking area is covered in debris

Page 28

- 53 - Construction vehicles M-F 8am-9pm, but type-o on weekends/holidays where it states 9am to 8am.
- 54 - Clubhouse open at 5am, why? What are Ferrell’s noise policies in addition to town requirements?

Page 29

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

Page 30

- 56 - Please cite a reference/study etc for this “need”

Page 34

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

Page 36

- 58 - 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?

Page 37

- 59 - For regulated steep slopes, what do the regulations say/require?
- 60 - Again, only “5 acres” at a time, meaning trees will remain until within active phase?

Page 38

- 61 - Is Ferrell responsible for all damage to surrounding areas if blasting is used?
- 62 - PERMIT – Clearing and Grading (Building Inspector)

Page 39

- 63 - Planning board can impose reasonable conditions during clearing/grading (to include regular cleaning of 207 road surface)?

Page 67 Traffic – DTS Provident performed the study

- 64 - “future” = 2026 decided based on New York State Department of Transportation (NYSDOT) Region 8 Planning and Program Management Group
- 65 - “Roundabout also being studied” – according to whom? Wersted?

Land

Traffic

Page 69

- 66 - "ATR data compared favorably with historical from NYSDOT" yeah, we know why
- 67 - Peaks determinations are misleading

Page 70

- 68 - Did Ross comply with the board requests from 21 Dec Minutes?
- 69
 - o We'd like to see DOT comments that Winglovitz received on 2023 Nov 3rd, requested by Wersted
 - 70 o Page 81 of minutes (Dec), did Ross incorporate the sight distances that Wersted asked for? Check page 74/75 and Figure 3.6B
 - 71 o Page 82, what is the "commitment" in response to Wersted?
 - Mentioned that DOT funding is not a certainty
 - 72 o Page 82, Wersted, "Turning movement counts should be included in the appendices". Were they added?
 - 73 o 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?
 - 74 o 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."
- 75 - "The limited amount of traffic to be generated by the Project is not anticipated to significantly impact the number of crashes in the future."
 - 76 o 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
 - o
 - 77 - Page 71, mentions Unity and Stonegate – check Fig 4-7 App F
 - 78 - 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)
 - 79 - "ITE's publication entitled, "Trip Generation", 11th Edition, utilizing Land Use Code 220 (Multifamily Housing [Low- Rise])" for the growth projections
 - 80 - 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"
 - 82 - Page 73, Table 3.6.2B, Build shows substantial improvements for OLBR/LBR, how?
 - 83
 - o No build continues to get worse, so can't be attributed to separate NYSDOT plans
 - 84 o 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?
 - 85 - Page 74, but buses don't typically enter developments here, they stop on the road, presenting a hazard for westbound traffic on 207
 - 86 - Page 75, but what about line of sight for westbound traffic on 207?

Intersection Line of Sight

- 87 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 of 45 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.
- 88 However, even with a speed input of 45 MPH, the Applicant has only included a portion of the 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.
- 89 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
- 90 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.
- 91 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.

- 92 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.

Traffic Volumes and Projections

- a.
- 93 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).
- 94 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.
- 95 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.
- b.
- 96 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?
- c.
- 97 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.
- Traffic Summary
- 98 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.

- 99 Extras-
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?
- 100 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?



I have a lot to cover so in order not to forget anything, I've prepared a written statement. Before I start let me not forget to mention how grateful I am for the opportunity to address this report, and I hope the board will consider keeping these hearings open to public comment as things progress. To say this report is replete with errors would be an absolute understatement. If one of my students had submitted this I would have handed it back to them and told them to try again, this time taking the assignment seriously.

While I fully expect Mr. Winglovitz's team to manipulate statistics to work in their favor, I am surprised by the degree they've done so here. Considering both Mr. Winglovitz and the Farrell building company do not reside in the town or city of Newburgh, it's understandable they would have a less vested interest in the ramifications of this project and are focused solely on profit. But, I believe the quality of your work is a testament to your character and to your values. And frankly the lack of care and consideration that have gone into completing and reviewing this document demonstrates a clear lack of care and concern for both town residents and for this board's time.

While a more comprehensive list of errors will be submitted in writing to the planning board and newspaper, to do that now, we'd be here all night. So I'll focus tonight on the more egregious errors relating to safety.

Let me be honest in saying I am angry with the cavalier nature in which the traffic portion of this study has been completed considering the concerns several neighbors raised initially during the public meeting back in Dec 2023. Besides the fact that this report does not contain the last 5 accidents taking place this year, the most recent occurring this past Friday and one accident the week before Thanksgiving that ended in a fatality. Understand these accidents happened in a stretch of road not measured in miles but feet and between where the two entrances to this complex are being suggested.

Furthermore, the data selected to represent "average daily traffic flow" is based on a day our road was partially closed for pot hole filling and is not at all indicative of normal traffic volume. In statistical analysis data points like these are called outliers and are typically discarded from the data set unless they're specifically being studied. Within this analysis context is everything. It's what helps you paint a full and accurate picture. The more context you have the more complete your picture.

While I would never expect you the planning board to know every road closure and going on in the community, I think you need to reconsider your standards for traffic study submissions so that errors like using an outlying data points as the foundation for a study are more apparent. Along those lines, for planning purposes I think it's important we look at the WORST case not the best or even average case traffic. By considering the worst case you leave yourself room to grow by padding in a buffer to your solution. Something especially critical when you're talking about adding 500+ cars to a road that's already over leveraged.

I want to also focus on the word cavalier. In the aviation industry we are crucified in both the news media and public opinion when there is any type of aircraft related incident. I bring this up because as I try to step out of that world I'm familiar with and into yours I wonder why you haven't taken more care in this study. To put it statistically you could crash an entire aircraft full of people every day and not even come close to the number of traffic related deaths that happen in this country. And yet each one of those lives lost by plane or by car is no less valuable than another. And much like in my world of aviation, there are usually many factors and parties involved that contribute to an accident long before the event ever occurs. This moment here and now is the start of one.

It's clear since our last meeting that statistics do not have a name or face otherwise safety might be a bit more paramount. Statements like the one Mr. Winglovitz makes on page 70 of the DEIS

stating, "The limited amount of traffic to be generated by the project is not anticipated to significantly impact the number of crashes in the future" are outrageous given the proposal to add an intersection to an area with limited sight distance on a blind curve. I can recall with perfect clarity the faces of all the people who's accidents we've responded to because they've happened in front of our home. The girls in the middle of the night 10 years ago that collided with the rock face opposite our house that required the jaws of life and medivac from the laborers union. The man who fell asleep at the wheel in the middle of the afternoon that drove into our front yard before overcorrecting, crossing traffic, bouncing off the guardrail and ploughing back into the rock face at the edge of our property. And the mother a passenger headed to run holiday errands in the calm of the morning who's car collided with another oncoming vehicle. While you were likely giving thanks and preparing for the upcoming holiday, we were consoling a grieving family, 3 children and assisting the Town's police department and the family's private investigator. These are just 3 examples in a list of many. In aviation there's a saying our regulations were written in blood. Because in order for a change to be made it historically required someone dying.

As far as I can tell the board retains Mr. Cordisco's services to keep them out of litigation. What I'm telling you is you're not looking far enough down the road. With the proposal as it currently stands you're also talking about stopping a school bus full of children on this road at that same spot and asking kids to then cross oncoming traffic during peek hours. What could possibly go wrong? The idea of adding 500 more cars to this road is not only dangerous, it is epically reckless and downright careless. Some of the best lessons are ones we can learn vicariously, so I'd encourage you to take a cue from my world and the saga currently playing out in the aviation industry to understand just how much the public values their safety. As of today we have 416 signatures on a petition opposing the build of this complex which I'd invite you to read.

We need to do better. For the residents who live in and around this community and travel it daily to the folks just visiting for a day.