

Conservation Advisory Council | City of Newburgh, New York

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October 13, 2016

MEMO TO: Lisa Daily, Chair
City of Newburgh Planning Board

FROM: Chuck Thomas, Chair
Conservation Advisory Council ("CAC")

: Proposed Project – Steelways Inc. Site – River Road / 49-1-24

The above-referenced project is coming before the Planning Board for review. A partial set of plans for the project was reviewed by the CAC at our regularly scheduled meeting of September 1, 2016. On September 6, 2016, members Boyle and Thomas attended the Planning Board Work session with applicant.

We offer the following comments and recommendations to the Planning Board and the applicant based on the current set of plans. Our comments are also to be included in the official record of any Public Hearings.

Overview:

The site is approximately 10.35 acres, of which 6.83 acres will be physically disturbed by the proposed action. The project area is bounded by South Water Street, the Quassaick Creek, and CSX railroad tracks. The proposed project use is intended for 5 years. The project will consist of barging and trucking in, storing, and trucking out pipes for the New York Aqueduct replacement going under the Hudson River north of Newburgh. The project is located within the Open Space zone and the Waterbody Protection Overlay District.

Recommendations and Concerns:

1. Coastal Consistency Review. The project lies within the LWRP (Local Waterfront Redevelopment Plan), and thus review by the Conservation Advisory Council is mandated by law. The CAC received the Federal Consistency Form on October 11, 2016. Previously the CAC proactively reviewed the action for consistency with the LWRP. The CAC concurs that there are 5 areas where the proposed activity will result in affecting the coastal area of the designated LWRP. The activity is located adjacent to a state designated freshwater or tidal wetland, a state designated flood area, a state designated significant fish and wildlife habitat, and a historic resource. The CAC finds the proposed use to be consistent with the LWRP regarding the wetland, flood and historic resources. The CAC notes that the federally listed and designated as endangered bog turtle has been physically identified immediately adjacent to the proposed project area. Further the project area is immediately adjacent to areas that are identified as having potential summer roosting habitat for Indiana and Northern bats.

The City's Zoning waterfront overlay district calls for a 100-foot buffer zone along Quassaick Creek. The proposal for clear-cutting all the trees is within 50 feet of Quassaick Creek. This is of concern for wildlife habitats, particularly turtles and bats. It is recommended that tree removal, if permitted, be undertaken outside of the summer roosting season of the bats.

The impact of clear-cutting within the Quassaick Creek Buffer zone cannot be underestimated, and is of great concern to the CAC. Silt fence is of limited value, especially given a five-year project time line. Consideration should be given to erosion control bio-swales and plantings of native species to buffer the stream. We recommend reclamation and naturalization of the 100-foot buffer zone immediately following the 5-year life of the project. Any further negative impacts within the buffer zone following the 5 –year limit should not be permitted.

1. Clear-cutting of Trees. It is our understanding that approximately 6+ acres of trees will be clear-cut. Could the footprint of impact be reduced by stacking the pipes? Has a tree survey been considered? Will the pipes be stacked on creosote railroad ties and what impact will that have on the site. It is our understanding that dropped trees will be chipped in place, stumps ground to level. Applicant has suggested that chips will be spread and used as ground cover. That may be problematic from an engineering perspective as the chips degrade. Clear-cutting of 6+ acres of trees is, without doubt, a significant disturbance and creates a significant loss of wildlife habitat. The CAC recommends that the applicant mitigate this loss by funding tree replacement in other parts of the City where need is identified
2. Storm water drainage is of concern from runoff into the Quassaick Creek buffer zone as outlined above and also to the sloping area west of River road and along the access driveway. Planting of appropriate species and swales to slow runoff should be encouraged.
3. Quassaick Creek Buffer. Protection of natural resources in this important habitat is paramount. The project will have a significant impact on wildlife habitat. During the site visit 15 wild turkeys were observed in the project area. It is recommended that the pipes being delivered be washed off to remove salt deposits prior to being brought on site.
4. Public Benefit & Waterfront Trail Connection. Item C(2)(f) of the Coastal Assessment Form cites the potential for public recreation opportunities. Additionally, within the Watershed Protection Overlay District of the City's Code there is specific requirement for the provision of walking trails. This opportunity for public benefit should be an absolute requirement. This can be accomplished in the form of an easement that allows construction and access from South Water Street south and west behind the former Warex building and parking area through the site proximal to the Quassaick Creek buffer zone to connect with the Quassaick Creek Trail. In addition it is recommended that a right-of-way be granted through the project area northerly to the CSX track and across the sidewalk in the direction of the Ward Brothers Park. An additional easement is recommended for the area along the Quassaick Creek to the east of South Water Street easterly to the mouth on the south side of the creek entering the Hudson River for future public access and kayak launching. Four to six designated public parking spaces should also be provided for trail access. These easements and construction should be acquired and bonded for construction at the applicant's expense.

Respectfully Submitted

Charles Thomas
Chair, CAC

Cc: Steelways Inc.
Chad Wade, Assistant Engineer
Planning Department