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Principal Emeritus:  
RICHARD D. McGOEY, P.E. (NY & PA)

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

**PROJECT: GASLAND 9W**  
**PROJECT NO.: 19-16**  
**PROJECT LOCATION: SECTION 43, BLOCK 5, LOT 1**  
**REVIEW DATE: 12 MARCH 2021**  
**MEETING DATE: 18 MARCH 2021**  
**PROJECT REPRESENTATIVE: CHAZEN ENGINEERING - CHRIS LAPINE, P.E.**

1. The project has been revised significantly since last before the Planning Board. The convenient store and gas station remains. The former towing company will become and automotive repair shop. The multi-family structure is proposed to be removed, and the accessory apartment over the garage is proposed to remain.
2. The project requires numerous variances. This office will attempt to identify each of the variances required.
  - a. Section 185-28g..."and in no instance shall a motor vehicle service station or any other establishment dispensing gasoline be permitted within 1,000-feet in any direction from a lot on which there is an existing motor vehicle service station or other establishment dispensing gasoline."
  - b. Side yard setback for accessory building with apartment 9-feet proposed where 15-feet is required.
  - c. Maximum percentage in yard area 10% where 12% is proposed for accessory structure with apartment.
  - d. Section 185-15b: "No such building shall present closer to the frontage street than the front of the main building." Accessory building with apartment exceeds this.
3. Plans and reports should address stormwater management for the redevelopment of the site.
4. NYSDOT input on traffic is required. Ken Wersted's comments regarding the need for a traffic study should be provided.

5. The Bulk Table #3 should have minimum front yard corrected to 60-feet on state highways.
6. A subsurface sanitary sewer disposal system for the site is required. Design of the subsurface sanitary disposal system must be submitted for review.
7. Adjoiner's Notice for the significant revision to the plans must be sent out. Adjoiner's Notice has been prepared and provided to the applicant's representative.
8. All existing wells should be identified to be abandoned in compliance with AWWA Standards.
9. It is noted that Section 185-39 #5 identifies a 5-year approval timeframe for petroleum bulk storage.
10. The applicant's representative is requested to coordinate with the water department for provisions of the connection to the Town's potable water system. Numerous structures on the site may present issues with water metering and billing.
11. The EAF identifies health department approval for the subsurface sanitary disposal system is required, however, cumulative flow on the site is identified at 576-gallons per day which only requires local approval for conventional systems designed in compliance with Appendix 75a.
12. County referral will be required.
13. The Planning Board may wish to delay declaring intent for Lead Agency until application comes back from the Zoning Board of Appeals.
14. Future review of the ARB and signage will be required upon completion of detailed plans.
15. Project is identified in an area of potential habitat for Indiana Bats. Tree clearing restrictions must be implemented to mitigate impacts to threatened or endangered bat species.
16. Notes should be placed on the plans regarding any existing petroleum bulk storage tanks to be removed.
17. Any demolition of any structures on the site will require a permit from the building department. A note should be placed on the plans.

Respectfully submitted,

**McGoey, Hauser and Edsall**  
**Consulting Engineers, D.P.C.**

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Patrick J. Hines  
Principal  
PJH/dns

**TOWN OF NEWBURGH PLANNING BOARD**

**APPLICATION PACKAGE**

**for**

**SUBDIVISIONS,**

**SITE PLANS,**

**LOT LINE CHANGES**

**And**

**SPECIAL EXCEPTION USE PERMITS**

**Procedures and Requirements**

**July 2013**

**TOWN OF NEWBURGH PLANNING BOARD  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550  
(845) 564-7804  
fax: (845) 564-7802  
[planningboard@hvc.rr.com](mailto:planningboard@hvc.rr.com)**

**JULY 2013**

**TO WHOM IT MAY CONCERN:**

This package of information and forms is provided to assist the applicant in the preparation of a submission of a site plan, subdivision, lot line change or special exception use permit to the Town of Newburgh Planning Board. In most cases the application will be prepared initially by a licensed professional engineer, architect, surveyor or land planner. Since in almost every case such professional will be required for the process, they should be retained as early as possible.

Procedurally, the applicant should contact the Planning Board to discuss the potential project and obtain the necessary forms and regulations.

The Zoning and Subdivision Regulations of the Town of Newburgh require that the applicant must present plans to the Secretary of the Planning Board. When your application is complete, it will be placed on the next **AVAILABLE** agenda. Submittals must be handed in to the Planning Board Secretary **at least 10 days prior** to the next meeting, but the date of the appearance at a meeting will be determined by the next available time slot, not necessarily the next meeting. You will be notified of the date, time and place of your meeting.

A minimum of **FOURTEEN (14) sets of FOLDED PLANS** for a major or minor subdivision or a site plan must be submitted with a **COMPLETED** application, and **FIFTEEN (15) sets of plans must be submitted if plans need to be submitted to the Town of Newburgh Traffic Consultant.** This completed application must include a **LONG FORM OR FULL EAF** for every project except lot line changes, 2 lot subdivisions under 3 acres or site plans impacting less than one acre, along with a **NARRATIVE** of the proposed project. The narrative should include the action being taken, the size of the parcel, what zone the parcel is in, the water and sewer information, any Zoning Board of Appeals relief needed, and whether the parcel is on a private or town road. Complex or unusual projects should be discussed in greater detail.

Following the first meeting before the Planning Board the applicant is required to send an Adjoiner Notice to property owners within 500 feet of the parcels in question (please see final page of the package for full instructions).

Upon initial review of a Short Form, the Planning Board may require specific additional environmental information or the preparation of a Long Form. Long Form part 1 should be completed by the applicant. The Board will review and may modify Part 2 prior to making a decision on the SEQRA aspect of the project.

All fees for consulting and professional services that the Planning Board incurs during the review of the applications will be the responsibility of the applicant. An advance deposit for these fees will be required and will be placed in an escrow account with the Town. If the escrow account falls below the 40% of the initial deposit, the applicant will be required to immediately make an additional deposit to the escrow account prior to any further review of the project application by the Planning Board.

Very truly yours,

JOHN P. EWASUTYN, Chairman  
Town of Newburgh Planning Board

**TOWN OF NEWBURGH  
APPLICATION FOR  
SUBDIVISION/SITE PLAN REVIEW**

**RETURN TO: Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, New York 12550**

**DATE RECEIVED:** \_\_\_\_\_ **TOWN FILE NO:** \_\_\_\_\_  
(Application fee returnable with this application)

**1. Title of Subdivision/Site Plan (Project name):**

Gas Land Petroleum, Inc., Convenience Store with Fuel Pumps

**2. Owner of Lands to be reviewed:**

**Name** P&J Property Walnut St LLC  
**Address** 24 Walnut Street  
New Windsor, NY 12553  
**Phone** \_\_\_\_\_

**3. Applicant Information (If different than owner):**

**Name** Gas Land Petroleum, Inc. (Zeidan Nesheiwat, Vice President) (contract vendee)  
**Address** 3 South Ohioville Road  
New Paltz, NY 12561

**Representative** Chazen Engineering, Land Surveying, & Landscape Architecture Co., D.P.C. (Chris Lapine, P.E.)  
**Phone** 845-486-1478  
**Fax** 845-454-4026  
**Email** clapine@chazencompanies.com

**4. Subdivision/Site Plan prepared by:**

**Name** Same as Representative  
**Address** \_\_\_\_\_  
**Phone/Fax** \_\_\_\_\_

**5. Location of lands to be reviewed:**

5200 Route 9W, Town of Newburgh

**6. Zone** B and R3 (and LHI Overlay) **Fire District** Middlehope  
**Acres** 4.518 **School District** Newburgh School District

**7. Tax Map: Section** 43 **Block** 5 **Lot** 1

**8. Project Description and Purpose of Review:**

Number of existing lots 1      Number of proposed lots 1

Lot line change NA

Site plan review Proposed convenience store with fuel pumps (gas and diesel), elimination of four

Clearing and grading bedroom dwelling, elimination of towing operations and conversion to auto body shop

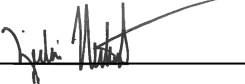
Other or mechanic, modification site access, new water service, and SSDS's

**PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT**

**9. Easements or other restrictions on property:**

(Describe generally) Yes - refer to property survey

**10. The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:**

Signature       Title Vice President

Date: 2/12/2021

**NOTE:** If property abuts and has its access to a County or State Highway or road, the following information must be placed on the subdivision map or site plan: entrance location, entrance profile, sizing of pipe (minimum length of pipe to be 24 feet).

The applicant will also be required to submit an additional set of plans, narrative letter and EAF if referral to the Orange County Planning Department is required under General Municipal Law Section 239.

**TOWN OF NEWBURGH PLANNING BOARD**

Gas Land Petroleum, Inc., Proposed Site Plan

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**PROJECT NAME**

**CHECKLIST FOR MAJOR/MINOR SUBDIVISION AND/OR SITE PLAN**

**I. The following items shall be submitted with a COMPLETED Planning Board Application Form.**

1.  Environmental Assessment Form As Required
2.  Proxy Statement
3.  Application Fees
4.  Completed Checklist (Automatic rejection of application without checklist)

**II. The following checklist items shall be incorporated on the Subdivision Plat or Site Plan prior to consideration of being placed on the Planning Board Agenda. Non-submittal of the checklist will result in application rejection.**

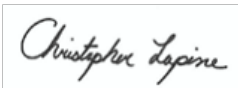
1.  Name and address of applicant
2.  Name and address of owner (if different from applicant)
3.  Subdivision or Site Plan and Location
4.  Tax Map Data (Section-Block-Lot)
5.  Location map at a scale of 1" = 2,000 ft. or less on a tax map or USCGS map base only with property outlined
6.  Zoning table showing what is required in the particular zone and what applicant is proposing. A table is to be provided for each proposed lot
7.  Show zoning boundary if any portion of proposed site is within or adjacent to a different zone
8.  Date of plan preparation and/or plan revisions
9.  Scale the plan is drawn to (Max 1" = 100')
10.  North Arrow pointing generally up



11.  Surveyor,s Certification
12.  Surveyor's seal and signature
13.  Name of adjoining owners
14.  <sup>NA</sup> Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15.  <sup>NA</sup> Flood plain boundaries
16.  Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
17.  Metes and bounds of all lots
18.  Name and width of adjacent streets; the road boundary is to be a minimum of 25 ft. from the physical center line of the street
19.  Show existing or proposed easements (note restrictions)
20.  Right-of-way width and Rights of Access and Utility Placement
21.  <sup>NA</sup> Road profile and typical section (minimum traveled surface, excluding shoulders, is to be 18 ft. wide)
22.  Lot area (in sq. ft. for each lot less than 2 acres)
23.  <sup>NA</sup> Number of lots including residual lot
24.  <sup>NA</sup> Show any existing waterways
25.  <sup>NA</sup> A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
26.  <sup>NA</sup> Applicable note pertaining to owners review and concurrence with plat together with owner's signature
27.  Show any improvements, i.e. drainage systems, water lines, sewer lines, etc.
28.  Show all existing houses, accessory structures, wells and septic systems on and within 200 ft. of the parcel to be subdivided
29.  Show topographical data with 2 or 5 ft. contours on initial submission

30. X Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number
31. NA If a private road, Town Board approval of name is required, and notes on the plan that no town services will be provided and a street sign (per town specs) is to be furnished and installed
32.      Number of acres to be cleared or timber harvested
33.      Estimated or known cubic yards of material to be excavated and removed from the site
34.      Estimated or known cubic yards of fill required
35.      The amount of grading expected or known to be required to bring the site to readiness
36. NA Type and amount of site preparation which falls within the 100 ft. buffer strip of wetlands or within the Critical Environmental Area. Please explain in sq. ft. or cubic yards.
- \_\_\_\_\_
- \_\_\_\_\_
37. NA Any amount of site preparation within a 100 year floodplain or any water course on the site. Please explain in sq. ft. or cubic yards.
- \_\_\_\_\_
- \_\_\_\_\_
38. X List of property owners within 500 feet of all parcels to be developed (see attached statement).

The plan for the proposed subdivision or site has been prepared in accordance with this checklist.

By:   
**Licensed Professional**

Date: 2/12/2021

This list is designed to be a guide ONLY. The Town of Newburgh Planning Board may require additional notes or revisions prior to granting approval.

Prepared (insert date):

## **STATEMENT TO APPLICANTS**

### **RE: TOWN OF NEWBURGH CLEARING AND GRADING LAW**

The Town of Newburgh Clearing and Grading Control Law requires a separate permit for most site preparation activities, including clearing, grading, tree cutting, excavating and filling. Site preparation activities performed following site plan or subdivision approval by the Planning Board may be exempt from the permit application, public hearing, fee and bonding requirements of the law provided the subdivision or site plan application has been reviewed for conformance with the clearing and grading law and the approval conditioned on compliance with the standards set forth in the law. Completion of the attached form will enable the Planning Board to review your application for conformance with the law's requirements. In the event it is not completed you may be required to apply for a separated permit for your site preparation activities. A sediment and erosion control plan and a plan showing the areas to be cleared, filled, graded or subjected to tree cutting, the types of vegetation affected and the proposed disposition of the destroyed vegetation must accompany the form. A SEQRA long form or full EAF should be utilized to discuss any environmental impacts and must accompany the application.

**TOWN OF NEWBURGH**  
**APPLICATION FOR CLEARING AND GRADING**

**Name of applicant:** Gas Land Petroleum, Inc. (contract vendee)

**Name of owner on premises:** P&J Property Walnut St LLC

**Address of owner:** 24 Walnut Street, New Windsor, NY 12553

**Telephone number of owner:** \_\_\_\_\_

**Telephone number of applicant:** \_\_\_\_\_

**State whether applicant is owner, lessee, agent, architect, engineer or contractor:**  
Applicant is contract vendee.

**Location of land on which proposed work will be done:** \_\_\_\_\_  
5200 Route 9W

**Section:** 43      **Block:** 5      **Lot:** 1      **Sub. Div.:** \_\_\_\_\_

**Zoning District of Property:** B, R3, & LHI overlay      **Size of Lot:** 4.518 acres

**Area of lot to be cleared or graded:** 3.0 acres

**Proposed completion of date:** To be determined

**Name of contractor/agent, if different than owner:** To be determined

**Address:** \_\_\_\_\_

**Telephone number:** \_\_\_\_\_

**Date of Planning Board Approval:** \_\_\_\_\_ (if required)

I hereby agree to hold the Town of Newburgh harmless from any claims arising from the proposed activity.

**Signature of owner:** John Macioce      **Date:** 2-5-21

**Signature of applicant (if different than owner):** [Signature]

**TOWN ACTION:**

**Examined:** \_\_\_\_\_ **20** \_\_\_\_\_

**Approved:** \_\_\_\_\_ **20** \_\_\_\_\_

**Disapproved:** \_\_\_\_\_ **20** \_\_\_\_\_

## **FEE LAW SUMMARY**

### **PENDING APPLICATIONS**

All applicants with matters pending before the Planning Board as of the effective date of this local law shall be required to post as escrow in the manner and upon the terms and conditions set forth below:

- (a) The Planning Board, in consultation with the applicant, shall compute the amount of the escrow to be posted with the Town. Such amount shall be reasonably related to the costs attendant to the Town's review of the application as of the effective date of this local law. Under no circumstances shall the escrow include amounts attributable to any costs incurred by the Town prior to the effective date of this local law.
- (b) Once computed and established by Resolution of the Planning Board, the applicant shall, within fifteen (15) days of said resolution, post escrow fees with the Secretary of the Planning Board. Failure to deliver the said escrow fees may result in delay of the further processing of the application.

### **SEVERABILITY**

In the event a court of law determined that any provision of this chapter is unenforceable, then only that provision shall be affected and all other provisions shall be fully enforceable.

### **EFFECTIVE DATE:**

This local law shall take effect immediately upon filing in the Office of the Secretary of State.

**FEE ACKNOWLEDGEMENT**

The town of Newburgh Municipal Code sets forth the schedule of fees for applications to the Planning Board. The signing of this application indicates your acknowledgement of responsibility for payment of these fees to the Planning Board for review of this application, including, but not limited to escrow fees for professional services (planner/consultant, engineering, legal), public hearing and site inspection. Applicant's submissions and resubmissions are not complete and will not be considered by the planning board or placed upon its agenda unless all outstanding fees have been paid. Fees incurred after the stamping of plans will remain the responsibility of the applicant prior to approval of a building permit or certificate of occupancy. Fee schedules are available from the Planning Board Secretary and are on the Town's website.

Gas Land Petroleum, Inc. (Zeidan Nesheiwat, Vice President)

\_\_\_\_\_  
**APPLICANT'S NAME (printed)**

  
\_\_\_\_\_  
**APPLICANT'S SIGNATURE**

2/12/2020

\_\_\_\_\_  
**DATE**

Note: if the property abuts and has access to a County or State Highway or road, the following information must be place on the subdivision map: entrance location, entrance profile, sizing of drainage pipe (minimum length of pipe to be twenty-four (24) feet).

**PROXY**

(OWNER) P&J Property Walnut St LLC, **DEPOSES AND SAYS THAT HE/SHE**

**RESIDES AT** 24 Walnut Street in the Town of New Windsor

**IN THE COUNTY OF** Orange

**AND STATE OF** New York

**AND THAT HE/SHE IS THE OWNER IN FEE OF** \_\_\_\_\_

a 4.518 acre parcel identified as Section 43 Block 5 Lot 1 on the Town of Newburgh Tax Map

**WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING**

**APPLICATION AS DESCRIBED THEREIN TO THE TOWN OF NEWBURGH**

Gas Land Petroleum, Inc.,

**PLANNING BOARD AND** and/or The Chazen Companies **IS AUTHORIZED**

**TO REPRESENT THEM AT MEETINGS OF SAID BOARD.**

**DATED:** 2.5.21

*John Macioce*  
**OWNERS SIGNATURE**

\_\_\_\_\_

John Macioce  
**OWNERS NAME (printed)**

\_\_\_\_\_

*Hege*  
**WITNESS' SIGNATURE**

**NAMES OF ADDITIONAL REPRESENTATIVES**

\_\_\_\_\_  
**WITNESS' NAME (printed)**

**PLANNING BOARD DISCLAIMER STATEMENT**  
**TO APPLICANTS**

The applicant is advised that the Town of Newburgh Municipal Code, which contains the Town's Zoning Law, is subject to amendment. Submission of an application to this Board does not grant the applicant any right to continued review under the Code's current standards and requirements. It is possible that the applicant will be required to meet changed standards or new Code requirements made while the application is pending.

An approval by this Board does not constitute permission, nor grant any right to connect to or use municipal services such as sewer, water or roads. It is the applicant's responsibility to apply for and obtain the Town of Newburgh and other agency approvals not within this Board's authority to grant.

The applicant hereby acknowledges, consents, and agrees to the above.

2/12/2021

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**DATED**

Zeidan Nesheiwat for  
Gas Land Petroleum, Inc.

---

**APPLICANT'S NAME** (printed)



---

**APPLICANTS SIGNATURE**



**DISCLOSURE ADDENDUM STATEMENT TO APPLICATION,  
PETITION AND REQUEST**

Mindful of the provisions of Section 809 of the General Municipal Law of the State of New York, and of the Penal provisions thereof as well, the undersigned applicant states that no State Officer, Officer or Employee of the Town of Newburgh, or Orange County, has any interest, financial or otherwise, in this application or with, or in the applicant as defined in said Statute, except the following person or persons who is or are represented to have only the following type of interest, in the nature and to the extent hereinafter indicated:

    X     **NONE**

           **NAME, ADDRESS, RELATIONSHIP OR INTEREST**  
(financial or otherwise)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

This disclosure addendum statement is annexed to and made a part of the petition, application and request made by the undersigned applicant to the following Board or Officer of the Town of Newburgh.

           **TOWN BOARD**  
    X     **PLANNING BOARD**  
           **ZONING BOARD OF APPEALS**  
           **ZONING ENFORCEMENT OFFICER**  
           **BUILDING INSPECTOR**  
           **OTHER**

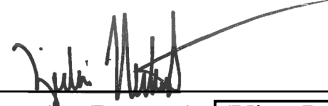
2/12/2021

**DATED**

-----  
**INDIVIDUAL APPLICANT**

Gas Land Petroleum, Inc.  
**CORPORATE OR PARTNERSHIP APPLICANT**

**BY:**

  
(Pres.) (Partner) (Vice-Pres.)  
(Sec.) (Treas.)

## **ARCHITECTURAL REVIEW**

The Town of Newburgh Planning Board had been authorized to act as the Architectural Review Board for all: site plans, projects involving ten or more dwelling units, and any construction that would affect the character of a neighborhood under Section §185-59 of the Town Code (Zoning Law).

In order to perform this task, at some point prior to final approval, the applicant shall provide the Planning Board with elevations of buildings for all sides and a written (separately or on drawings) description of the materials, colors and textures to be used in construction. Plans shall also include topographical information and any screening of portions of the buildings, either existing or proposed.

Samples of the material and colors to be used shall either be submitted to the Planning Board or brought to the meeting at which architectural review will be discussed.

**ARCHITECTURAL REVIEW FORM**  
**TOWN OF NEWBURGH PLANNING BOARD**

**DATE:** \_\_\_\_\_

**NAME OF PROJECT:** \_\_\_\_\_

**The applicant is to submit in writing the following items prior to signing of the site plans.**

**EXTERIOR FINISH (skin of the building):**

**Type (steel, wood, block, split block, etc.)**

\_\_\_\_\_

**COLOR OF THE EXTERIOR OF BUILDING:**

\_\_\_\_\_

**ACCENT TRIM:**

**Location:** \_\_\_\_\_

**Color:** \_\_\_\_\_

**Type (material):** \_\_\_\_\_

**PARAPET (all roof top mechanicals are to be screened on all four sides):**

\_\_\_\_\_

**ROOF:**

**Type (gabled, flat, etc.):** \_\_\_\_\_

**Material (shingles, metal, tar & sand, etc.):** \_\_\_\_\_

**Color:** \_\_\_\_\_

**WINDOWS/SHUTTERS:**

**Color (also trim if different):** \_\_\_\_\_

**Type:** \_\_\_\_\_

**DOORS:**

**Color:** \_\_\_\_\_

**Type (if different than standard door entrée):** \_\_\_\_\_

**SIGN:**

**Color:** \_\_\_\_\_

**Material:** \_\_\_\_\_

**Square footage of signage of site:** \_\_\_\_\_

\_\_\_\_\_

**Please print name and title (owner, agent, builder, superintendent of job, etc.)**

\_\_\_\_\_

**Signature**

## LIST OF ADJACENT PROPERTY OWNERS

Within ten business days following the applicant's first appearance before the Planning Board, the applicant shall forward a letter prepared by the Planning Board or an authorized agent of the Planning Board to all property owners within 500 feet of the land involved in the application, as the names of such owners appear on the last completed assessment roll of the Town, notifying the property owners of the receipt of the plat and application, by first class mail. **The list of property owners shall be provided to the applicant from the Planning Board, through the Town Assessor's office.** The applicant shall thereafter submit a duly executed, notarized affidavit of mailing to the Planning Board. Further appearances before the Planning Board shall be prohibited until an affidavit meeting the requirements has been delivered. In the event a modification to an application proposes an increase in the number of lots or the relocation of a proposed road or drainage basin to a location adjacent to an adjoining property, then a supplementary letter shall be required to be forwarded in the same manner advising of the modification.

*Full Environmental Assessment Form Part 1*  
for  
*Proposed Convenience Store with Fuel Pumps*

**5200 Route 9W**  
**Town of Newburgh**  
**Orange County, New York**



*Issued: June 27, 2019*  
*Revised: February 23, 2021*

*Prepared for:*

*Gas Land Petroleum, Inc.*  
*3 South Ohioville Rd*  
*New Paltz, New York 12561*

*Prepared by:*

*Chazen Engineering, Land Surveying &*  
*Landscape Architecture Co., D.P.C.*  
*21 Fox Street Suite 201*  
*Poughkeepsie, NY 12601*  
*845-454-3980*

*Chazen Project No. 81912.00*

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## **ATTACHMENTS**

- Attachment A: USFWS Official Species List
- Attachment B: Pat's Towing Letter Describing Future Operations

Note: Site Plan Set submitted separately.

## PROJECT NARRATIVE

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## 1.0 PROJECT DESCRIPTION

Gas Land Petroleum, Inc., (the Applicant) is under contract to purchase a 4.518-acre parcel located at 5200 NYS Route 9W in the Town of Newburgh. The parcel is identified as Section 43 Block 5 Lot 1 on the Town of Newburgh tax map, and is owned by P&J Property Walnut St LLC. The site currently contains a diesel fueling station, small office building, a towing business with repair shop for its commercial vehicles, a single-family home, and an accessory barn with a one-bedroom apartment. The Applicant is proposing the construction of a 2,940 square foot (SF) convenience store with six fuel pumps (12 fueling positions), two diesel pumps (4 fueling positions) for tractor trailers, and associated parking. The existing office building will be removed and the fueling operations will continue with the addition of gasoline. The towing business will be abandoned, and the use will be converted to an auto repair facility. The single-family residence will be removed. The barn with apartment will remain. All existing car storage on the front of the site will be removed. The 4.518-acre parcel has frontage along NYS Route 9W along the western property line and Albany Post Road along the eastern property line. Several access drives exist along NYS Route 9W.

The existing uses are served by water supply wells and subsurface sewage disposal systems (SSDS). Since the site is located in the Newburgh Consolidated Water District, the project includes abandonment of the existing wells and connection of all uses to municipal water service. A new SSDS is proposed to serve the convenience store with fuel pumps, and existing apartment. The existing SSDS will be utilized for the auto repair facility. The well abandonment, new SSDS's, and water connection will require approval by the Orange County Department of Health (OCDOH).

For the purpose of this Full Environmental Assessment Form (FEAF) Part 1, the project area is defined as the 4.518± acre parcel which is the subject of the proposed subdivision and site plan. The FEAF was completed utilizing the NYSDEC EAF Mapper. The EAF Mapper tool sometimes indicates limited availability for certain digital data. This narrative provides clarification for certain responses and/or reference used for the responses.

## 2.0 LAND USE, ZONING, AND PUBLIC POLICY

### 2.1 Land Use

The project site is located on the east side NYS Route 9W in a commercial area of the Town just north of the hamlet of Balmville. Figure 3 shows land uses within 1,000 feet of the project site. The parcel borders NYS Route 9W on the west property line and Albany Post Road on the east property line. Adjacent uses include a motel to the north, a commercial business to the south, vacant commercial property and a residential parcel across NYS Route 9W to the west, residential properties along Albany Post Road to the north and south, and residential property across Albany Post Road to the east. Other nearby uses along NYS Route 9W in this area include small retail and services businesses, a religious facility, an energy company (Depew Energy Co.), another motel, and single-family residences. The project site already contains commercial uses which include an office, a diesel fueling station and a towing business. The project is located along NYS Route 9W, and will improve the appearance of the site with new landscaping and an architecturally pleasing building which is appropriately scaled and well designed, and which screens the view of the auto repair facility located to the rear of the site. Thus, the project is likely to increase property values in the area and is compatible with the neighborhood.

## 2.2 Town of Newburgh Zoning

The project parcel is situated in two zoning districts and an overlay district, according to the Town of Newburgh Zoning Map. The front portion is located in the Business (B) zoning district and the “Light and Heavy Equipment and Recreational Vehicle Sales, Service and Repair” (LHI) Overlay. The rear portion of the parcel is located in the R3 Residential District. The zoning across Route 9W from the site is R2 with Professional Office (O) Overlay and B with LHI Overlay.

“Convenience stores with or without gasoline filling stations” are permitted in the B district subject to site plan review by the Planning Board. A table that shows the compliance of proposed site with the bulk requirements is provided on the Site Plan.

The proposed project is considered a “convenience store”, defined in Section 185-3 as a “*retail business selling nondurable consumer products, including but not limited to groceries, prepared and packaged foods and gasoline, and providing no services. A convenience store shall be regulated in accordance with Section 185-28 if it is on the same lot with a car wash or motor vehicle service station.*” The proposed convenience store with fuel pumps does not include any auto servicing or repair.

Required parking for a “retail store, shopping center and personal service store” is 1 per 150 SF of gross leasable floor space per Section 185-13.C(1)(b), which results in 20 required parking spaces for the proposed 2,940 SF convenience store. The proposed site plan provides 24 parking spaces for this use, including 12 spaces at the fuel pumps.

Required parking for a “repair garage” is 1 space for all vehicles being serviced at any period of time, plus a minimum of 5 additional spaces per Section 185-13.C(1)(b), which results in 8 required parking spaces for the existing garage. The proposed site plan provides 19 parking spaces for this use.

A one residential single-family unit requires 2 parking spaces per Section 185-13.C(1)(a). The proposed site plan provides 2 parking spaces for this use.

Since the project is consistent with the zoning regulations and Comprehensive Plan Update, no significant adverse impacts related to land use or zoning will result from the project.

## 2.3 Public Policy

### 2.3.1 Town of Newburgh Comprehensive Plan

The Town of Newburgh adopted its original Master Plan in 1991, and a Comprehensive Plan Update in 2005. The Comprehensive Plan Update noted that the Town of Newburgh enjoys a strategic location for development due to its location adjacent to major interstate highways and a regional airport. It recognizes Route 9W as a major north-south corridor. The purpose of the Comprehensive Plan Update was to proactively direct growth and development and provide recommendations to alleviate key concerns which include promoting economic development. The Comprehensive Plan Update’s Short Term Action Items and Long Term Action Items in regard to transportation both include to “study ways to accommodate the future expansion of Route 9W.” A Route 9W Preliminary Corridor Analysis was prepared by Saccardi & Schiff, Inc., in March 2004, and the Comprehensive Plan Update recommended further study of this corridor to evaluate potential improvements and provide direction for future land

use patterns. In Transportation Section 2.C, *Opportunities*, #8, the Comprehensive Plan Update recommends that the Town “consider encouraging smaller scale commercial areas to be closer to residential neighborhoods; thus, reducing the likelihood that people will need to drive extended distances to access everyday needs.” Another important recommendation per Section 3.C.14 is to capitalize on the tourism initiatives currently underway in neighboring communities in Sullivan and Ulster Counties,” by investigating types of businesses that would benefit from the tourism traffic that passes through the Town. The project is consistent with the recommendations of the Comprehensive Plan Update in that it is located just north of the hamlet of Balmville and will serve the neighboring residents and businesses while also taking advantage of tourist traffic through the area. The project will improve the appearance of the site with new landscaping and an architecturally pleasing building which is appropriately scaled and well designed. The removal of the impoundment area will improve the aesthetics of proposed site.

### **2.3.2 NYS Department of State (DOS) Designated Coastal Zone**

The project site is located within a designated coastal zone, according to the NYSDOS coastal boundary map. The Town of Newburgh does not have an approved Local Waterfront Revitalization Plan (LWRP). The project site is located over a half mile from the Hudson River. Due to the elevation increase between the project site and the River, the project is not visible from the River and will not affect any scenic views. Since the project does not require any Federal permits and is not an action undertaken by a State agency, a NYSDOS coastal consistency review is not expected to be required.

### **2.3.3 Hudson River Valley Greenway and Natural Heritage Area**

Orange County is a designated Hudson River Valley Greenway Compact County, and the Town of Newburgh is within the Hudson River Valley Natural Heritage Area, which extends along the Hudson River Valley from Saratoga Springs to near New York City. There are no Natural Heritage Area Sites in the vicinity of the project, and no trails within or adjacent to the project site. The Hudson River Valley Greenway Act of 1991, revised 2012, sets forth the following criteria as a basis for attaining the goals of the Hudson River Valley Greenway:

- Natural and Cultural Resource Protection: Protect, preserve and enhance natural resources including natural communities, open spaces and scenic areas as well as cultural resources including historic places and scenic roads.
- Economic Development: Encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources including agriculture, tourism and the revitalization of established community centers and waterfronts.
- Public Access: Promote increased public access to the Hudson River through the creation of riverside parks and the development of the Hudson River Valley Greenway Trail System.
- Regional Planning: Communities can work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development (including necessary public facilities and infrastructure), public access and heritage and environmental education

- Heritage and Environmental Education: Promote awareness among residents and visitors about the Valley's natural, cultural, scenic and historic resources

As described in other sections of this document, the project is consistent with or would have no impact on the criteria established by the Hudson Valley Greenway Act.

### 3.0 POLICE, FIRE, & EMERGENCY SERVICES

The Town of Newburgh Police Department provides police protection in this area, with support from the Orange County Sheriff's Department and NYS Police. The project site is located in the Middlehope Fire District. The proposed building and pumps would be adequately accessible for fire and police protection. Furthermore, the facility would be well-lit, thereby discouraging criminal activities, and would feature indoor and outdoor security cameras. The Fire Department will have the opportunity to review the proposed site plan and provide comments. Based on the above information and design components, the project is not expected to result in any significant adverse impacts in regard to police, fire, or emergency services.

### 4.0 SOILS AND WATER RESOURCES

#### 4.1 Soils

Figure 5 shows the soil types that are expected to be present on the project site, and Table 1 provides characteristics of these soil types, according to Orange County Soil Survey information available in GIS and the Natural Resource Conservation Service website.

**Table 1: Characteristics of Soil Types within Project Area**

SOIL SYMBOL	SOIL TYPE	SLOPES	DRAINAGE	DEPTH TO WATER TABLE (INCHES)	DEPTH TO BEDROCK (INCHES)
Du	Dumps	level to undulating	NA	NA	>24
MdD	Mardin gravelly silt loam, 15 to 25% slopes	15 to 25%	moderately well	13 to 24	14 to 26 to fragipan; >72 to BR
MdC	Mardin gravelly silt loam, 8 to 15% slopes	8 to 15%	moderately well	13 to 24	14 to 26 to fragipan; >72 to BR

The soil on the front half of the site is characterized as being previously filled. The remainder of the property consists of the Mardin gravelly silt loam (MdD or MdC).

#### 4.2 Water Resources

According to NYSDEC Wetland and Stream information available through GIS (Figure 6), the EAF Mapper, and Environmental Resource Map (Figure 8), the project site does not contain any mapped National Wetland Inventory (NWI) or NYSDEC regulated wetlands or associated adjacent areas. The mapping

shows a NYSDEC Class C stream (862-360) flowing through the southwest corner of the site, which is a tributary of the Hudson River. No disturbance is proposed in the area of this stream.

### 4.3 Floodplain

According to FEMA information available through GIS (Figure 6), there are no areas of 100-year floodplain on or directly adjacent to the project site.

## 5.0 UTILITIES

### 5.1 Water and Wastewater

The project site is currently served by individual water supply wells and several SSDS's. The project site is located within the Newburgh Consolidated Water District, and the existing residences and business as well as the project will be connected to this municipal water supply along Albany Post Road. The location of the existing wells will be determined, and these wells will be abandoned. Municipal sewer service is not available to the site. Several subsurface sewage disposal systems exist on the site, which will be abandoned for the former residence and office. A new SSDS would be installed to serve the new convenience store with fuel pumps, and an additional new SSDS will serve the existing residential use. The existing SSDS will be utilized for the auto repair facility. Town of Newburgh and Health Department approvals will be required for the well abandonment, new SSDS's, and municipal water connections.

Table 2 provides estimated water usage/wastewater generation for each of the uses on the site, based on the NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems, March 2014.

**Table 2: Estimated Water Usage/Wastewater Generation**

Use	Rate	Calculated Water Usage/Wastewater Generation	Water Usage/Wastewater Generation after 20% Adjustment for Water Saving Plumbing Fixtures
Existing apartment with a total of 2 bedrooms	110 gpd per bedroom	220 gpd	220 gpd (reduction is already incorporated into rate)
Auto repair facility repair shop with 3 employees	15 gpd per employee	45 gpd	36 gpd
Proposed convenience store with fuel pumps (1 toilet)	400 gpd per toilet	400 gpd	320 gpd
Total:			576 gpd

It is anticipated that sufficient capacity exists to provide water service to the project. Therefore, no significant adverse impacts related to water supply or sewage disposal are anticipated.



## 5.2 Stormwater

The project will require 1.737 acres of disturbance, which requires coverage under the State Pollutant Discharge Elimination System (SPDES) General Permit for Stormwater Discharges from Construction Activity. The project is a redevelopment project that results in a decrease in impervious surface. A Stormwater Pollution Prevention Plan will be prepared in conformance with the New York State Stormwater Management Design Manual and New York State Standards and Specifications for Erosion and Sediment Control. Stormwater management will consist of hydrodynamic oil water separators. An Erosion and Sediment Control Plan will be provided and employed during the construction phase to protect off-site waters from the adverse effects of sedimentation and erosion. Therefore, the project is not expected to result in any significant adverse impacts in regard to stormwater.

## 6.0 TRAFFIC AND PARKING

### 6.1 Traffic

The project site has several existing access drives from NYS Route 9W. The project includes access improvements to provide one access drive to the new convenience store facility that will also serve the remaining uses, resulting in the elimination of two driveways from Route 9W. The ITE Trip Generation Manual<sup>1</sup> Land Use Code 945, Gasoline/Service Station with Convenience Market, is described as a facility with between 2,000 and 3,000 SF gross floor area and at least 10 fueling positions, which is consistent with the project. Table 3 provides estimated weekday AM and PM peak hour of adjacent street traffic trip generation for this Land Use Code. A portion of the trips can be attributed to pass-by trips, which represent traffic that would already be passing by the site, and are not new trips added to the adjacent streets by the proposed use<sup>2</sup>.

**Table 3: Estimated Traffic Generation**

LAND USE	Land Use Code	AM Peak		PM Peak	
		Rate per fueling position	Trips	Rate per fueling position	Trips
Gasoline/Service Station with Convenience Market (12 fueling positions)	945	12.47	149.64	13.99	167.88
Pass-by Trips		62%	92.78	56%	94.01
Volume Added to Adjacent Streets			56.86		73.87

As shown in Table 3, the project may add 57 vehicle trips to the adjacent roads during the weekday AM peak hour of adjacent street traffic and 74 vehicle trips during the weekday PM peak hour of adjacent street traffic. With consideration of the traffic that was generated by the existing diesel fueling station and office building which will be eliminated, the increase in AM and PM peak hour trips resulting from the project would be less than these rates. The project is not expected to result in any significant adverse impacts related to traffic in the vicinity of the site.

<sup>1</sup> Institute of Transportation Engineers (ITE) Traffic Generation, 10th Edition, September 2017.

<sup>2</sup> ITE Trip Generation Handbook, 3<sup>rd</sup> Edition, September 2017.

In addition to employee and customer traffic, approximately six to seven fuel truck deliveries are anticipated per month.

Temporary traffic generated during demolition and construction activities includes construction employees and the delivery of equipment and materials. Impacts related to construction are temporary and are not expected to be significant.

## **6.2 Parking**

Required parking for a “retail store, shopping center and personal service store” is 1 per 150 SF of gross leasable floor space per Section 185-13.C(1)(b), which results in 20 required parking spaces for the proposed 2,940 SF convenience store. The proposed site plan provides 24 parking spaces, including 12 spaces at the fuel pumps.

## **7.0 NOISE AND LIGHTING**

### **7.1 Noise**

The project is not expected to result in an increase in noise levels above local ambient noise levels during operation of the facility, since the project is located in a commercial area of NYS Route 9W and already contains commercial uses. Construction activities may result in temporary noise that exceeds local ambient noise levels. These activities will be limited to the hours of 8:00 AM to 10:00 PM, in accordance with Town Code Chapter 125. Therefore, the project is not expected to result in any significant adverse impacts with regard to noise.

### **7.2 Lighting**

The facility would be well-lit, thereby discouraging criminal activities. All exterior lighting will be downward-directed and directed away from adjoining streets and properties so as not to cause any objectionable glare on the streets or properties, in accordance with Chapter 125 Section 125-9. The existing residence on the site is over 100 feet from the nearest parking space at the proposed facility.

## **8.0 SOLID WASTE**

Demolition debris resulting from the removal of the existing office building and other structures will be hauled to a licensed construction debris or solid waste landfill for disposal.

During operation of the proposed facility, solid waste will be collected in a refuse container located onsite. The refuse container will be screened within an enclosure constructed of opaque masonry materials. Solid waste generated in Orange County would be transported regularly by a licensed waste hauler to the Orange County Transfer Station #2 in Newburgh, prior to being transported to a solid waste disposal facility.

According to the Development Impact Assessment Handbook, Urban Land Institute, 1994, a retail use would generate  $0.001\pm$  tons of solid waste per retail employee per day, which results in 0.004 tons per day or 0.12 tons per month for the proposed facility with up to four employees. It is anticipated that

sufficient capacity exists to accept solid waste from the project. Therefore, no significant adverse impacts related to the additional solid waste are anticipated.

## **9.0 ENDANGERED, THREATENED AND RARE SPECIES AND SIGNIFICANT HABITAT**

According to the NYSDEC Environmental Resource Mapper (Figure 8), there are known occurrences of endangered, threatened, or rare species on or in the vicinity of the project site, and the FEAF Mapper automated responses indicate the potential for the Indiana bat in the vicinity of the site. An information request has been submitted to NYSDEC for further information. According to the US Fish & Wildlife Service (USFWS) Official Species List (Attachment A), there is potential for the following species in the vicinity of the project site: Indiana bat (State and Federally endangered); northern long-eared bat (State and Federally threatened); bog turtle (State endangered and Federally threatened); dwarf wedgemussel (State and Federally endangered); and small whorled pogonia (State and Federally threatened). The project site consists of developed, previously disturbed area with a significant amount of gravel parking and driveways. The area of the proposed convenience store with fuel pumps consists of impervious surface and gravel. There are no wetlands on the site suitable for bog turtle, and only a few trees may be removed for the temporary disturbance for water line installation. Therefore, no impacts to any of these species are anticipated.

## **10.0 HISTORIC AND ARCHEOLOGICAL RESOURCES**

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 9), there are no National or State Historic Register sites or eligible sites on or adjacent to the project site, and the site is not located within a known archeologically sensitive area.

# FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF) PART 1 FORM

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**Full Environmental Assessment Form**  
**Part 1 - Project and Setting**

**Instructions for Completing Part 1**

**Part 1 is to be completed by the applicant or project sponsor.** Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification.

Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either “Yes” or “No”. If the answer to the initial question is “Yes”, complete the sub-questions that follow. If the answer to the initial question is “No”, proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

**A. Project and Applicant/Sponsor Information.**

Name of Action or Project:		
Project Location (describe, and attach a general location map):		
Brief Description of Proposed Action (include purpose or need):		
Name of Applicant/Sponsor:		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Project Contact (if not same as sponsor; give name and title/role):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor):		Telephone:
		E-Mail:
Address:		
City/PO:	State:	Zip Code:

**B. Government Approvals**

**B. Government Approvals, Funding, or Sponsorship.** (“Funding” includes grants, loans, tax relief, and any other forms of financial assistance.)

Government Entity	If Yes: Identify Agency and Approval(s) Required	Application Date (Actual or projected)
a. City Counsel, Town Board, or Village Board of Trustees <input type="checkbox"/> Yes <input type="checkbox"/> No		
b. City, Town or Village Planning Board or Commission <input type="checkbox"/> Yes <input type="checkbox"/> No		
c. City, Town or Village Zoning Board of Appeals <input type="checkbox"/> Yes <input type="checkbox"/> No		
d. Other local agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
e. County agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
f. Regional agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
g. State agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
h. Federal agencies <input type="checkbox"/> Yes <input type="checkbox"/> No		
<p>i. Coastal Resources.</p> <p><i>i.</i> Is the project site within a Coastal Area, or the waterfront area of a Designated Inland Waterway? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(EAF Mapper automated response)</small></p> <p><i>ii.</i> Is the project site located in a community with an approved Local Waterfront Revitalization Program? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(EAF Mapper automated response)</small></p> <p><i>iii.</i> Is the project site within a Coastal Erosion Hazard Area? <input type="checkbox"/> Yes <input type="checkbox"/> No <small>(EAF Mapper automated response)</small></p>		

**C. Planning and Zoning**

**C.1. Planning and zoning actions.**

Will administrative or legislative adoption, or amendment of a plan, local law, ordinance, rule or regulation be the only approval(s) which must be granted to enable the proposed action to proceed?  Yes  No

- **If Yes**, complete sections C, F and G.
- **If No**, proceed to question C.2 and complete all remaining sections and questions in Part 1

**C.2. Adopted land use plans.**

a. Do any municipally- adopted (city, town, village or county) comprehensive land use plan(s) include the site where the proposed action would be located?  Yes  No

If Yes, does the comprehensive plan include specific recommendations for the site where the proposed action would be located? [Refer to FEAF Narrative Section 2.2.](#)  Yes  No

b. Is the site of the proposed action within any local or regional special planning district (for example: Greenway; Brownfield Opportunity Area (BOA); designated State or Federal heritage area; watershed management plan; or other?)  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

c. Is the proposed action located wholly or partially within an area listed in an adopted municipal open space plan, or an adopted municipal farmland protection plan?  Yes  No

If Yes, identify the plan(s):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**C.3. Zoning**

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance.  Yes  No  
If Yes, what is the zoning classification(s) including any applicable overlay district?

\_\_\_\_\_

\_\_\_\_\_

b. Is the use permitted or allowed by a special or conditional use permit?  Yes  No

c. Is a zoning change requested as part of the proposed action?  Yes  No

If Yes,

i. What is the proposed new zoning for the site? \_\_\_\_\_

**C.4. Existing community services.**

a. In what school district is the project site located? \_\_\_\_\_

b. What police or other public protection forces serve the project site?  
\_\_\_\_\_

c. Which fire protection and emergency medical services serve the project site?  
\_\_\_\_\_

d. What parks serve the project site?  
\_\_\_\_\_  
\_\_\_\_\_

**D. Project Details**

**D.1. Proposed and Potential Development**

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)?  
\_\_\_\_\_

b. a. Total acreage of the site of the proposed action? \_\_\_\_\_ acres  
b. Total acreage to be physically disturbed? \_\_\_\_\_ acres  
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? \_\_\_\_\_ acres

c. Is the proposed action an expansion of an existing project or use?  Yes  No  
i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % \_\_\_\_\_ Units: \_\_\_\_\_

d. Is the proposed action a subdivision, or does it include a subdivision?  Yes  No  
If Yes,

i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)  
\_\_\_\_\_

ii. Is a cluster/conservation layout proposed?  Yes  No

iii. Number of lots proposed? \_\_\_\_\_

iv. Minimum and maximum proposed lot sizes? Minimum \_\_\_\_\_ Maximum \_\_\_\_\_

e. Will the proposed action be constructed in multiple phases?  Yes  No

i. If No, anticipated period of construction: \_\_\_\_\_ months

ii. If Yes:

- Total number of phases anticipated \_\_\_\_\_
- Anticipated commencement date of phase 1 (including demolition) \_\_\_\_\_ month \_\_\_\_\_ year
- Anticipated completion date of final phase \_\_\_\_\_ month \_\_\_\_\_ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: \_\_\_\_\_

\_\_\_\_\_



f. Does the project include new residential uses?  Yes  No  
 If Yes, show numbers of units proposed.

	<u>One Family</u>	<u>Two Family</u>	<u>Three Family</u>	<u>Multiple Family (four or more)</u>
Initial Phase	_____	_____	_____	_____
At completion	_____	_____	_____	_____
of all phases	_____	_____	_____	_____

g. Does the proposed action include new non-residential construction (including expansions)?  Yes  No  
 If Yes,

i. Total number of structures \_\_\_\_\_ (convenience store and canopies over pumps)  
 ii. Dimensions (in feet) of largest proposed structure: \_\_\_\_\_ height; \_\_\_\_\_ width; and \_\_\_\_\_ length  
 iii. Approximate extent of building space to be heated or cooled: \_\_\_\_\_ square feet

h. Does the proposed action include construction or other activities that will result in the impoundment of any liquids, such as creation of a water supply, reservoir, pond, lake, waste lagoon or other storage?  Yes  No  
 If Yes,

i. Purpose of the impoundment: \_\_\_\_\_  
 ii. If a water impoundment, the principal source of the water:  Ground water  Surface water streams  Other specify: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. If other than water, identify the type of impounded/contained liquids and their source.  
 \_\_\_\_\_  
 iv. Approximate size of the proposed impoundment. Volume: \_\_\_\_\_ million gallons; surface area: \_\_\_\_\_ acres  
 v. Dimensions of the proposed dam or impounding structure: \_\_\_\_\_ height; \_\_\_\_\_ length  
 vi. Construction method/materials for the proposed dam or impounding structure (e.g., earth fill, rock, wood, concrete):  
 \_\_\_\_\_

**D.2. Project Operations**

a. Does the proposed action include any excavation, mining, or dredging, during construction, operations, or both?  Yes  No  
 (Not including general site preparation, grading or installation of utilities or foundations where all excavated materials will remain onsite)  
 If Yes:

i. What is the purpose of the excavation or dredging? \_\_\_\_\_  
 ii. How much material (including rock, earth, sediments, etc.) is proposed to be removed from the site?  
 • Volume (specify tons or cubic yards): \_\_\_\_\_  
 • Over what duration of time? \_\_\_\_\_  
 iii. Describe nature and characteristics of materials to be excavated or dredged, and plans to use, manage or dispose of them.  
 \_\_\_\_\_  
 \_\_\_\_\_  
 iv. Will there be onsite dewatering or processing of excavated materials?  Yes  No  
 If yes, describe. \_\_\_\_\_  
 \_\_\_\_\_  
 v. What is the total area to be dredged or excavated? \_\_\_\_\_ acres  
 vi. What is the maximum area to be worked at any one time? \_\_\_\_\_ acres  
 vii. What would be the maximum depth of excavation or dredging? \_\_\_\_\_ feet  
 viii. Will the excavation require blasting?  Yes  No  
 ix. Summarize site reclamation goals and plan: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Would the proposed action cause or result in alteration of, increase or decrease in size of, or encroachment into any existing wetland, waterbody, shoreline, beach or adjacent area?  Yes  No  
 If Yes:

i. Identify the wetland or waterbody which would be affected (by name, water index number, wetland map number or geographic description): \_\_\_\_\_  
 \_\_\_\_\_

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes  No

If Yes, describe: \_\_\_\_\_

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation?  Yes  No

If Yes:

- acres of aquatic vegetation proposed to be removed: \_\_\_\_\_
- expected acreage of aquatic vegetation remaining after project completion: \_\_\_\_\_
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): \_\_\_\_\_
- proposed method of plant removal: \_\_\_\_\_
- if chemical/herbicide treatment will be used, specify product(s): \_\_\_\_\_

v. Describe any proposed reclamation/mitigation following disturbance: \_\_\_\_\_

c. Will the proposed action use, or create a new demand for water? [Refer to FEAF Narrative Section 5.1.](#)  Yes  No

If Yes:

i. Total anticipated water usage/demand per day: \_\_\_\_\_ gallons/day

ii. Will the proposed action obtain water from an existing public water supply?  Yes  No

If Yes:

- Name of district or service area: \_\_\_\_\_
- Does the existing public water supply have capacity to serve the proposal?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No
- Do existing lines serve the project site?  Yes  No

iii. Will line extension within an existing district be necessary to supply the project?  Yes  No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_
- Source(s) of supply for the district: \_\_\_\_\_

iv. Is a new water supply district or service area proposed to be formed to serve the project site?  Yes  No

If Yes:

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- Proposed source(s) of supply for new district: \_\_\_\_\_

v. If a public water supply will not be used, describe plans to provide water supply for the project: \_\_\_\_\_

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: \_\_\_\_\_ gallons/minute.

d. Will the proposed action generate liquid wastes? [Refer to FEAF Narrative Section 5.1.](#)  Yes  No

If Yes:

i. Total anticipated liquid waste generation per day: \_\_\_\_\_ gallons/day

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): \_\_\_\_\_

iii. Will the proposed action use any existing public wastewater treatment facilities?  Yes  No

If Yes:

- Name of wastewater treatment plant to be used: \_\_\_\_\_
- Name of district: \_\_\_\_\_
- Does the existing wastewater treatment plant have capacity to serve the project?  Yes  No
- Is the project site in the existing district?  Yes  No
- Is expansion of the district needed?  Yes  No

- Do existing sewer lines serve the project site?  Yes  No
- Will a line extension within an existing district be necessary to serve the project?  Yes  No

 If Yes:
 

- Describe extensions or capacity expansions proposed to serve this project: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

iv. Will a new wastewater (sewage) treatment district be formed to serve the project site?  Yes  No  
 If Yes:
 

- Applicant/sponsor for new district: \_\_\_\_\_
- Date application submitted or anticipated: \_\_\_\_\_
- What is the receiving water for the wastewater discharge? \_\_\_\_\_

v. If public facilities will not be used, describe plans to provide wastewater treatment for the project, including specifying proposed receiving water (name and classification if surface discharge or describe subsurface disposal plans):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

vi. Describe any plans or designs to capture, recycle or reuse liquid waste: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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e. Will the proposed action disturb more than one acre and create stormwater runoff, either from new point sources (i.e. ditches, pipes, swales, curbs, gutters or other concentrated flows of stormwater) or non-point source (i.e. sheet flow) during construction or post construction? [Refer to FEAF Narrative Section 5.2.](#)  Yes  No  
 If Yes:
 

- How much impervious surface will the project create in relation to total size of project parcel?  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (impervious surface) (represents a decrease of 0.399 acre from existing conditions)  
 \_\_\_\_\_ Square feet or \_\_\_\_\_ acres (parcel size)
- Describe types of new point sources. \_\_\_\_\_  
 \_\_\_\_\_
- Where will the stormwater runoff be directed (i.e. on-site stormwater management facility/structures, adjacent properties, groundwater, on-site surface water or off-site surface waters)?  
 \_\_\_\_\_  
 \_\_\_\_\_
  - If to surface waters, identify receiving water bodies or wetlands: \_\_\_\_\_  
 \_\_\_\_\_
  - Will stormwater runoff flow to adjacent properties?  Yes  No

iv. Does the proposed plan minimize impervious surfaces, use pervious materials or collect and re-use stormwater?  Yes  No

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f. Does the proposed action include, or will it use on-site, one or more sources of air emissions, including fuel combustion, waste incineration, or other processes or operations?  Yes  No  
 If Yes, identify:
 

- Mobile sources during project operations (e.g., heavy equipment, fleet or delivery vehicles)  
 \_\_\_\_\_
- Stationary sources during construction (e.g., power generation, structural heating, batch plant, crushers)  
 \_\_\_\_\_
- Stationary sources during operations (e.g., process emissions, large boilers, electric generation)  
 \_\_\_\_\_

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g. Will any air emission sources named in D.2.f (above), require a NY State Air Registration, Air Facility Permit, or Federal Clean Air Act Title IV or Title V Permit?  Yes  No  
 If Yes:
 

- Is the project site located in an Air quality non-attainment area? (Area routinely or periodically fails to meet ambient air quality standards for all or some parts of the year)  Yes  No
- In addition to emissions as calculated in the application, the project will generate:
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide (CO<sub>2</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Nitrous Oxide (N<sub>2</sub>O)
  - \_\_\_\_\_ Tons/year (short tons) of Perfluorocarbons (PFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Sulfur Hexafluoride (SF<sub>6</sub>)
  - \_\_\_\_\_ Tons/year (short tons) of Carbon Dioxide equivalent of Hydroflouorocarbons (HFCs)
  - \_\_\_\_\_ Tons/year (short tons) of Hazardous Air Pollutants (HAPs)

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)?  Yes  No  
 If Yes:  
 i. Estimate methane generation in tons/year (metric): \_\_\_\_\_  
 ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): \_\_\_\_\_

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i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations?  Yes  No  
 If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): \_\_\_\_\_

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j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services?  Yes  No [Refer to FEA Narrative Section 6.0.](#)  
 If Yes:  
 i. When is the peak traffic expected (Check all that apply):  Morning  Evening  Weekend  
 Randomly between hours of \_\_\_\_\_ to \_\_\_\_\_.  
 ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): \_\_\_\_\_  
 iii. Parking spaces: Existing \_\_\_\_\_ Proposed \_\_\_\_\_ Net increase/decrease \_\_\_\_\_  
 iv. Does the proposed action include any shared use parking?  Yes  No  
 v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: \_\_\_\_\_  
 vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site?  Yes  No  
 vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles?  Yes  No  
 viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes?  Yes  No

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k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy?  Yes  No  
 If Yes:  
 i. Estimate annual electricity demand during operation of the proposed action: \_\_\_\_\_  
 ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other): \_\_\_\_\_  
 iii. Will the proposed action require a new, or an upgrade, to an existing substation?  Yes  No

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l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>	<p>ii. During Operations:</p> <ul style="list-style-type: none"> <li>• Monday - Friday: _____</li> <li>• Saturday: _____</li> <li>• Sunday: _____</li> <li>• Holidays: _____</li> </ul>
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m. Will the proposed action produce noise that will exceed existing ambient noise levels during construction, operation, or both?  Yes  No  
 If yes:  
 i. Provide details including sources, time of day and duration:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action remove existing natural barriers that could act as a noise barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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n. Will the proposed action have outdoor lighting?  Yes  No  
 If yes:  
 i. Describe source(s), location(s), height of fixture(s), direction/aim, and proximity to nearest occupied structures:  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will proposed action remove existing natural barriers that could act as a light barrier or screen?  Yes  No  
 Describe: \_\_\_\_\_  
 \_\_\_\_\_

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o. Does the proposed action have the potential to produce odors for more than one hour per day?  Yes  No  
 If Yes, describe possible sources, potential frequency and duration of odor emissions, and proximity to nearest occupied structures: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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p. Will the proposed action include any bulk storage of petroleum (combined capacity of over 1,100 gallons) or chemical products 185 gallons in above ground storage or any amount in underground storage?  Yes  No  
 If Yes:  
 i. Product(s) to be stored \_\_\_\_\_  
 ii. Volume(s) \_\_\_\_\_ per unit time \_\_\_\_\_ (e.g., month, year)  
 iii. Generally, describe the proposed storage facilities: New double-walled fiberglass tanks and piping will be installed in accordance with  
 \_\_\_\_\_

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q. Will the proposed action (commercial, industrial and recreational projects only) use pesticides (i.e., herbicides, insecticides) during construction or operation?  Yes  No  
 If Yes:  
 i. Describe proposed treatment(s):  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

ii. Will the proposed action use Integrated Pest Management Practices?  Yes  No

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r. Will the proposed action (commercial or industrial projects only) involve or require the management or disposal of solid waste (excluding hazardous materials)?  Yes  No  
 If Yes:  
 i. Describe any solid waste(s) to be generated during construction or operation of the facility:  
 • Construction: \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time)  
 • Operation : \_\_\_\_\_ tons per \_\_\_\_\_ (unit of time) [Refer to FEAF Narrative Section 8.0.](#)  
 ii. Describe any proposals for on-site minimization, recycling or reuse of materials to avoid disposal as solid waste:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Proposed disposal methods/facilities for solid waste generated on-site:  
 • Construction: \_\_\_\_\_  
 \_\_\_\_\_  
 • Operation: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

s. Does the proposed action include construction or modification of a solid waste management facility?  Yes  No  
 If Yes:  
 i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): \_\_\_\_\_  
 ii. Anticipated rate of disposal/processing:  
 • \_\_\_\_\_ Tons/month, if transfer or other non-combustion/thermal treatment, or  
 • \_\_\_\_\_ Tons/hour, if combustion or thermal treatment  
 iii. If landfill, anticipated site life: \_\_\_\_\_ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste?  Yes  No  
 If Yes:  
 i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: \_\_\_\_\_  
 \_\_\_\_\_  
 ii. Generally describe processes or activities involving hazardous wastes or constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 iii. Specify amount to be handled or generated \_\_\_\_\_ tons/month  
 iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: \_\_\_\_\_  
 \_\_\_\_\_  
 v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility?  Yes  No  
 If Yes: provide name and location of facility: \_\_\_\_\_  
 \_\_\_\_\_  
 If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility:  
 \_\_\_\_\_  
 \_\_\_\_\_

**E. Site and Setting of Proposed Action**

**E.1. Land uses on and surrounding the project site**

a. Existing land uses.  
 i. Check all uses that occur on, adjoining and near the project site. [Refer to FEAF Narrative Section 2.1.](#)  
 Urban  Industrial  Commercial  Residential (suburban)  Rural (non-farm)  
 Forest  Agriculture  Aquatic  Other (specify): \_\_\_\_\_  
 ii. If mix of uses, generally describe:  
 \_\_\_\_\_  
 \_\_\_\_\_

b. Land uses and coverytypes on the project site.

Land use or Coverytype	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces			
• Forested			
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)			
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: _____ _____			

c. Is the project site presently used by members of the community for public recreation?  Yes  No  
i. If Yes: explain: \_\_\_\_\_

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d. Are there any facilities serving children, the elderly, people with disabilities (e.g., schools, hospitals, licensed day care centers, or group homes) within 1500 feet of the project site?  Yes  No  
If Yes,  
i. Identify Facilities:  
\_\_\_\_\_

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e. Does the project site contain an existing dam?  Yes  No  
If Yes:  
i. Dimensions of the dam and impoundment:  

- Dam height: \_\_\_\_\_ feet
- Dam length: \_\_\_\_\_ feet
- Surface area: \_\_\_\_\_ acres
- Volume impounded: \_\_\_\_\_ gallons OR acre-feet

ii. Dam's existing hazard classification: \_\_\_\_\_  
iii. Provide date and summarize results of last inspection:  
\_\_\_\_\_

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f. Has the project site ever been used as a municipal, commercial or industrial solid waste management facility, or does the project site adjoin property which is now, or was at one time, used as a solid waste management facility?  Yes  No  
If Yes:  
i. Has the facility been formally closed?  Yes  No  

- If yes, cite sources/documentation: \_\_\_\_\_

ii. Describe the location of the project site relative to the boundaries of the solid waste management facility:  
\_\_\_\_\_  
\_\_\_\_\_  
iii. Describe any development constraints due to the prior solid waste activities: \_\_\_\_\_

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g. Have hazardous wastes been generated, treated and/or disposed of at the site, or does the project site adjoin property which is now or was at one time used to commercially treat, store and/or dispose of hazardous waste?  Yes  No  
If Yes:  
i. Describe waste(s) handled and waste management activities, including approximate time when activities occurred:  
\_\_\_\_\_  
\_\_\_\_\_

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h. Potential contamination history. Has there been a reported spill at the proposed project site, or have any remedial actions been conducted at or adjacent to the proposed site?  Yes  No  
If Yes:  
i. Is any portion of the site listed on the NYSDEC Spills Incidents database or Environmental Site Remediation database? Check all that apply:  Yes  No  
 Yes – Spills Incidents database      Provide DEC ID number(s): \_\_\_\_\_  
 Yes – Environmental Site Remediation database      Provide DEC ID number(s): \_\_\_\_\_  
 Neither database  
ii. If site has been subject of RCRA corrective activities, describe control measures: \_\_\_\_\_  
\_\_\_\_\_  
iii. Is the project within 2000 feet of any site in the NYSDEC Environmental Site Remediation database?  Yes  No  
If yes, provide DEC ID number(s): \_\_\_\_\_ (EAF Mapper automated response)  
iv. If yes to (i), (ii) or (iii) above, describe current status of site(s):  
\_\_\_\_\_  
\_\_\_\_\_

v. Is the project site subject to an institutional control limiting property uses? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <ul style="list-style-type: none"> <li>• If yes, DEC site ID number: _____</li> <li>• Describe the type of institutional control (e.g., deed restriction or easement): _____</li> <li>• Describe any use limitations: _____</li> <li>• Describe any engineering controls: _____</li> <li>• Will the project affect the institutional or engineering controls in place? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></li> <li>• Explain: _____            _____            _____</li> </ul>	
<b>E.2. Natural Resources On or Near Project Site</b>	
a. What is the average depth to bedrock on the project site? _____ feet <span style="float: right;">Refer to FEAF Narrative Section 4.1.</span>	
b. Are there bedrock outcroppings on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, what proportion of the site is comprised of bedrock outcroppings? _____%	
c. Predominant soil type(s) present on project site: _____ % _____ % _____ %	
d. What is the average depth to the water table on the project site? Average: _____ feet <span style="float: right;">Refer to FEAF Narrative Section 4.1.</span>	
e. Drainage status of project site soils: <input type="checkbox"/> Well Drained: _____ % of site <span style="float: right;">Refer to FEAF Narrative Section 4.1.</span> <input type="checkbox"/> Moderately Well Drained: _____ % of site <input type="checkbox"/> Poorly Drained _____ % of site	
f. Approximate proportion of proposed action site with slopes: <input type="checkbox"/> 0-10%: _____ % of site <input type="checkbox"/> 10-15%: _____ % of site <input type="checkbox"/> 15% or greater: _____ % of site	
g. Are there any unique geologic features on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> If Yes, describe: _____ <small>(EAF Mapper automated response)</small>	
h. Surface water features. <ul style="list-style-type: none"> <li>i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small> <span style="float: right;">Refer to FEAF Narrative Section 4.2.</span></li> <li>ii. Do any wetlands or other waterbodies adjoin the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small></li> <li>iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small></li> <li>iv. For each identified regulated wetland and waterbody on the project site, provide the following information:               <ul style="list-style-type: none"> <li>• Streams: Name _____ (tributary of Hudson River) Classification _____</li> <li>• Lakes or Ponds: Name _____ Classification _____</li> <li>• Wetlands: Name _____ Approximate Size _____</li> <li>• Wetland No. (if regulated by DEC) _____</li> </ul> </li> </ul>	
v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small> If yes, name of impaired water body/bodies and basis for listing as impaired: _____ _____	
i. Is the project site in a designated Floodway? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small>	
j. Is the project site in the 100-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small>	
k. Is the project site in the 500-year Floodplain? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small>	
l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small> If Yes: <ul style="list-style-type: none"> <li>i. Name of aquifer: _____</li> </ul>	



<p>m. Identify the predominant wildlife species that occupy or use the project site: _____          _____          _____</p>	
<p>n. Does the project site contain a designated significant natural community? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes:  <i>i.</i> Describe the habitat/community (composition, function, and basis for designation): _____          _____  <i>ii.</i> Source(s) of description or evaluation: _____  <i>iii.</i> Extent of community/habitat:              • Currently: _____ acres              • Following completion of project as proposed: _____ acres              • Gain or loss (indicate + or -): _____ acres</p>	
<p>o. Does project site contain any species of plant or animal that is listed by the federal government or NYS as endangered or threatened, or does it contain any areas identified as habitat for an endangered or threatened species? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes:  <i>i.</i> Species and listing (endangered or threatened): _____          _____, northern long-eared bat, bog turtle, dwarf wedgemussel, and small whorled pogonia. Refer to FEAF Narrative Section 9.0.</p>	
<p>p. Does the project site contain any species of plant or animal that is listed by NYS as rare, or as a species of special concern? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes:  <i>i.</i> Species and listing: _____          _____</p>	
<p>q. Is the project site or adjoining area currently used for hunting, trapping, fishing or shell fishing? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>          If yes, give a brief description of how the proposed action may affect that use: _____          _____</p>	
<p><b>E.3. Designated Public Resources On or Near Project Site</b></p>	
<p>a. Is the project site, or any portion of it, located in a designated agricultural district certified pursuant to Agriculture and Markets Law, Article 25-AA, Section 303 and 304? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes, provide county plus district name/number: _____</p>	
<p>b. Are agricultural lands consisting of highly productive soils present? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <i>i.</i> If Yes: acreage(s) on project site? _____  <i>ii.</i> Source(s) of soil rating(s): _____</p>	
<p>c. Does the project site contain all or part of, or is it substantially contiguous to, a registered National Natural Landmark? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes:  <i>i.</i> Nature of the natural landmark:      <input type="checkbox"/> Biological Community      <input type="checkbox"/> Geological Feature  <i>ii.</i> Provide brief description of landmark, including values behind designation and approximate size/extent: _____          _____          _____</p>	
<p>d. Is the project site located in or does it adjoin a state listed Critical Environmental Area? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span>  <small>(EAF Mapper automated response)</small>          If Yes:  <i>i.</i> CEA name: _____  <i>ii.</i> Basis for designation: _____  <i>iii.</i> Designating agency and date: _____</p>	

<p>e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes: <span style="float: right;"><a href="#">Refer to FEAF Narrative Section 10.0.</a></span></p> <p>i. Nature of historic/archaeological resource: <input type="checkbox"/> Archaeological Site <input type="checkbox"/> Historic Building or District</p> <p>ii. Name: _____</p> <p>iii. Brief description of attributes on which listing is based: _____</p>
<p>f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small></p> <p style="text-align: right;"><a href="#">Refer to FEAF Narrative Section 10.0.</a></p>
<p>g. Have additional archaeological or historic site(s) or resources been identified on the project site? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Describe possible resource(s): _____</p> <p>ii. Basis for identification: _____</p>
<p>h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p> <p>If Yes:</p> <p>i. Identify resource: _____</p> <p>ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): _____</p> <p>iii. Distance between project and resource: _____ miles. <a href="#">(Echo Lawn Estate)</a></p>
<p>i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span> <small>(EAF Mapper automated response)</small></p> <p>If Yes:</p> <p>i. Identify the name of the river and its designation: _____</p> <p>ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? <span style="float: right;"><input type="checkbox"/> Yes <input type="checkbox"/> No</span></p>

**F. Additional Information**

Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

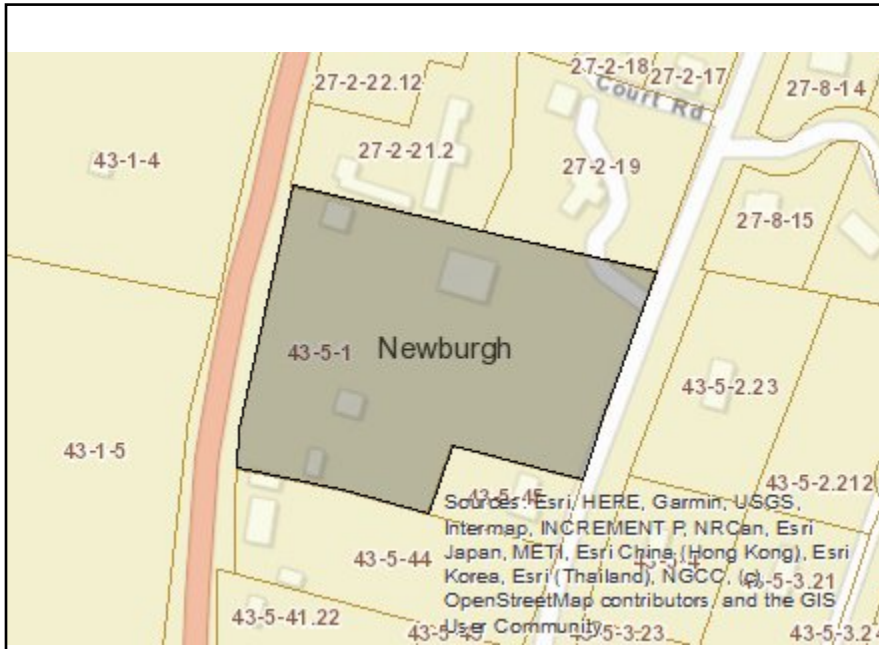
**G. Verification**

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name \_\_\_\_\_ Date \_\_\_\_\_

Signature Christoph Lapere Title \_\_\_\_\_

Agent for Applicant



**Disclaimer:** The EAF Mapper is a screening tool intended to assist project sponsors and reviewing agencies in preparing an environmental assessment form (EAF). Not all questions asked in the EAF are answered by the EAF Mapper. Additional information on any EAF question can be obtained by consulting the EAF Workbooks. Although the EAF Mapper provides the most up-to-date digital data available to DEC, you may also need to contact local or other data sources in order to obtain data not provided by the Mapper. Digital data is not a substitute for agency determinations.



B.i.i [Coastal or Waterfront Area]	Yes
B.i.ii [Local Waterfront Revitalization Area]	No
C.2.b. [Special Planning District]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h [DEC Spills or Remediation Site - Potential Contamination History]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Listed]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.i [DEC Spills or Remediation Site - Environmental Site Remediation Database]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.1.h.iii [Within 2,000' of DEC Remediation Site]	No
E.2.g [Unique Geologic Features]	No
E.2.h.i [Surface Water Features]	Yes
E.2.h.ii [Surface Water Features]	Yes
E.2.h.iii [Surface Water Features]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
E.2.h.iv [Surface Water Features - Stream Name]	862-360
E.2.h.iv [Surface Water Features - Stream Classification]	C
E.2.h.iv [Surface Water Features - Wetlands Name]	Federal Waters
E.2.h.v [Impaired Water Bodies]	No
E.2.i. [Floodway]	No
E.2.j. [100 Year Floodplain]	No
E.2.k. [500 Year Floodplain]	No

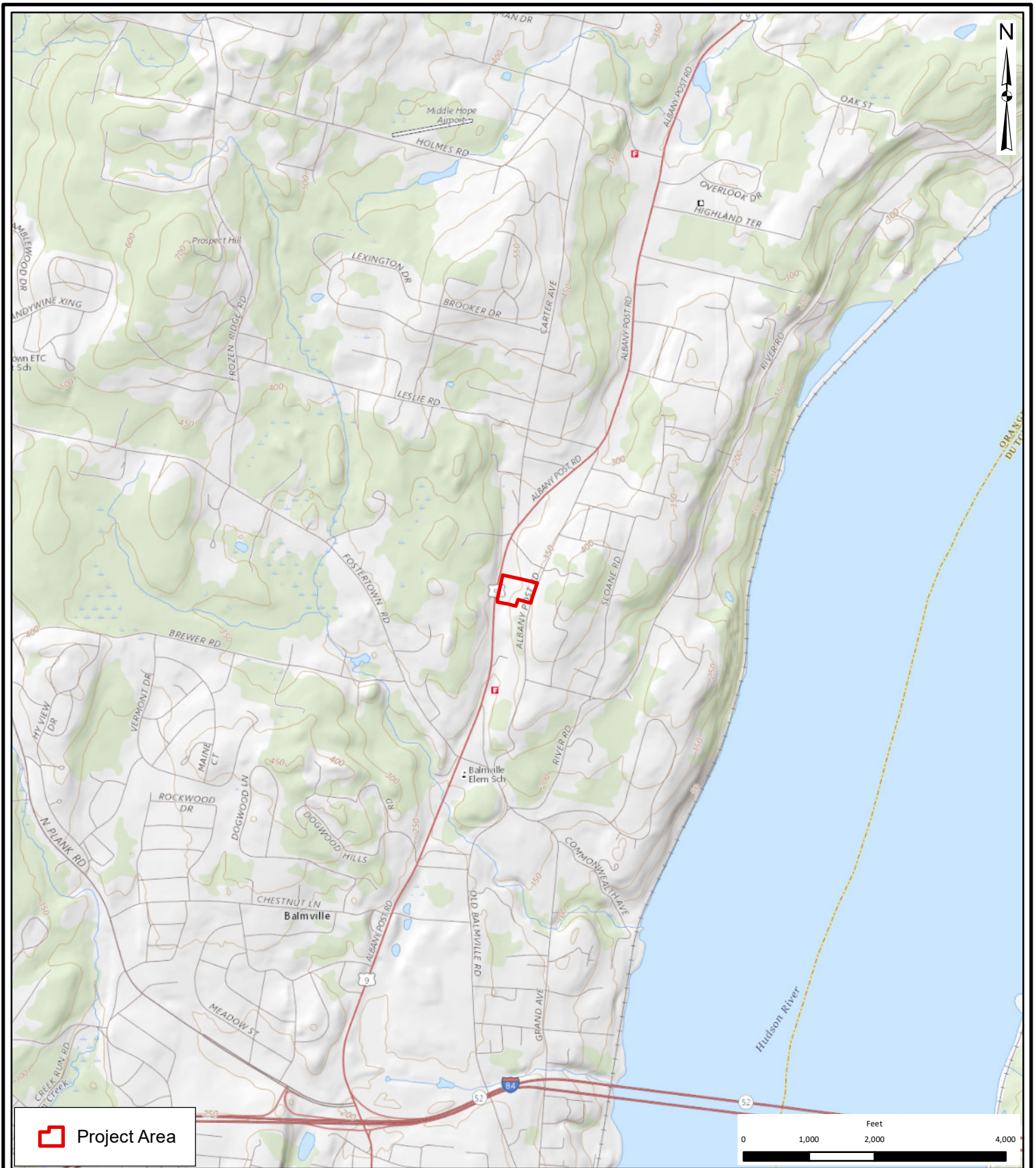
E.2.l. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Name]	Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No

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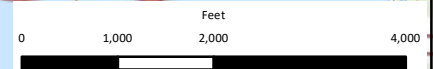
## FIGURES

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 Project Area



**THE**  
*Chazen*  
**COMPANIES**  
ENGINEERS  
LAND SURVEYORS  
PLANNERS  
ENVIRONMENTAL & SAFETY PROFESSIONALS  
LANDSCAPE ARCHITECTS

**Dutchess County Office:**  
21 Fox Street, Poughkeepsie, NY 12601  
Phone: (845) 454-3980

**Capital District Office:**  
547 River Street, Troy, NY 12180  
Phone: (518) 273-0055

**North Country Office:**  
20 Elm St, Suite 110  
Glens Falls, NY 12801  
Phone: (518) 812-0513

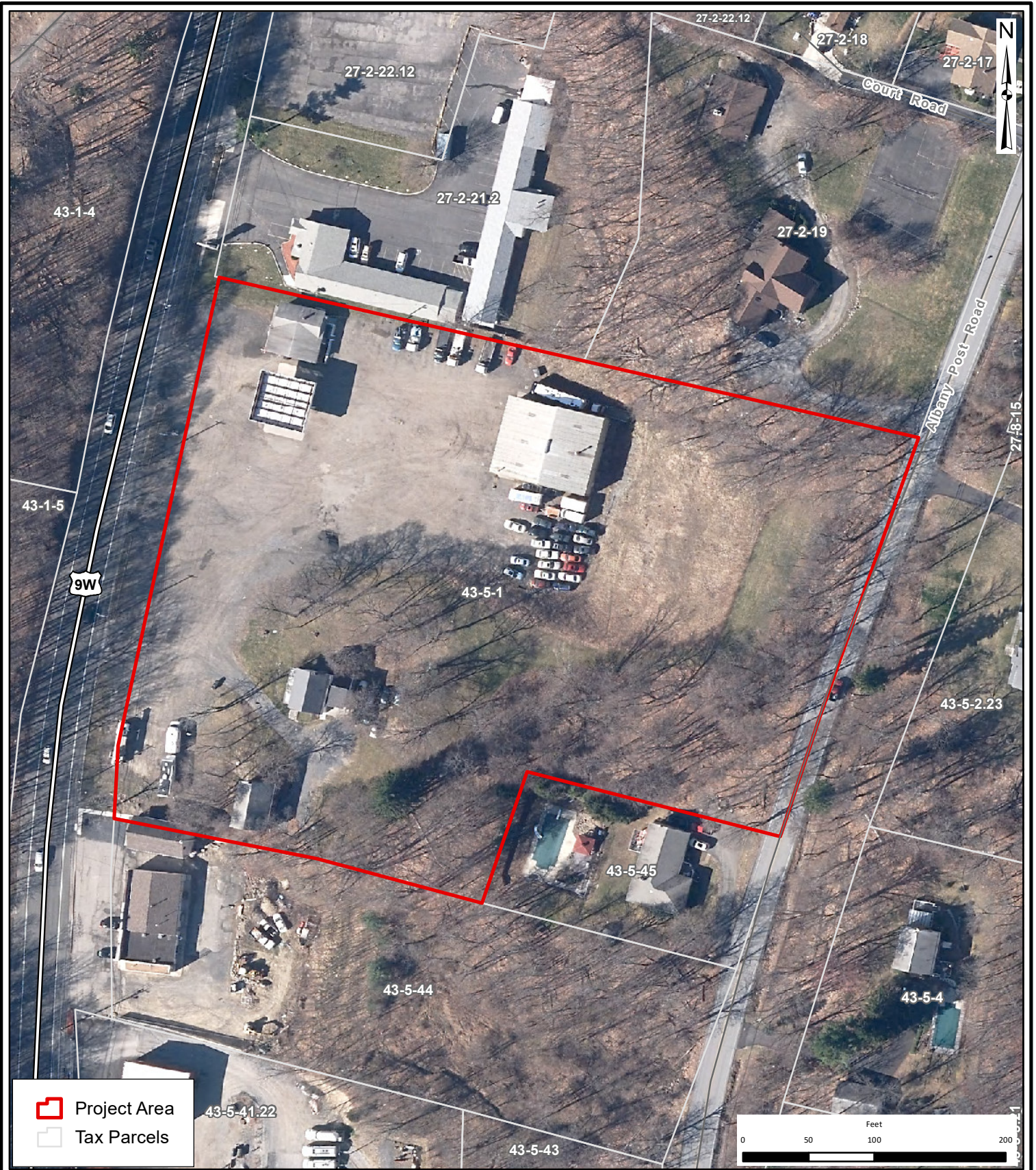
**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**USGS Location Map**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 2,000 feet
Project:	81912.00
Figure:	1





**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
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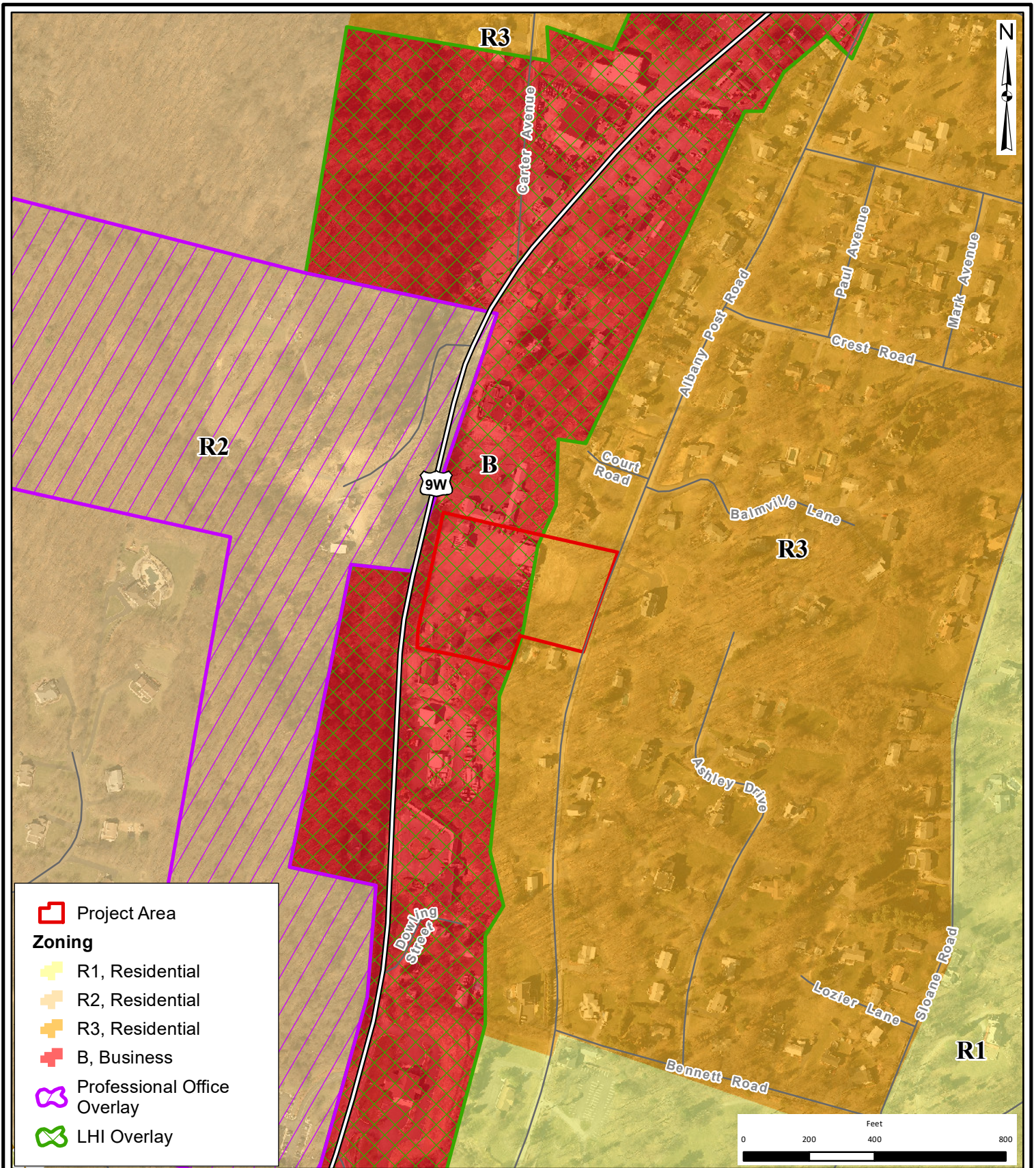
**North Country Office:**  
 20 Elm St, Suite 110  
 Glens Falls, NY 12801  
 Phone: (518) 812-0513

**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**Orthophoto Tax Map**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 100 feet
Project:	81912.00
Figure:	2



**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
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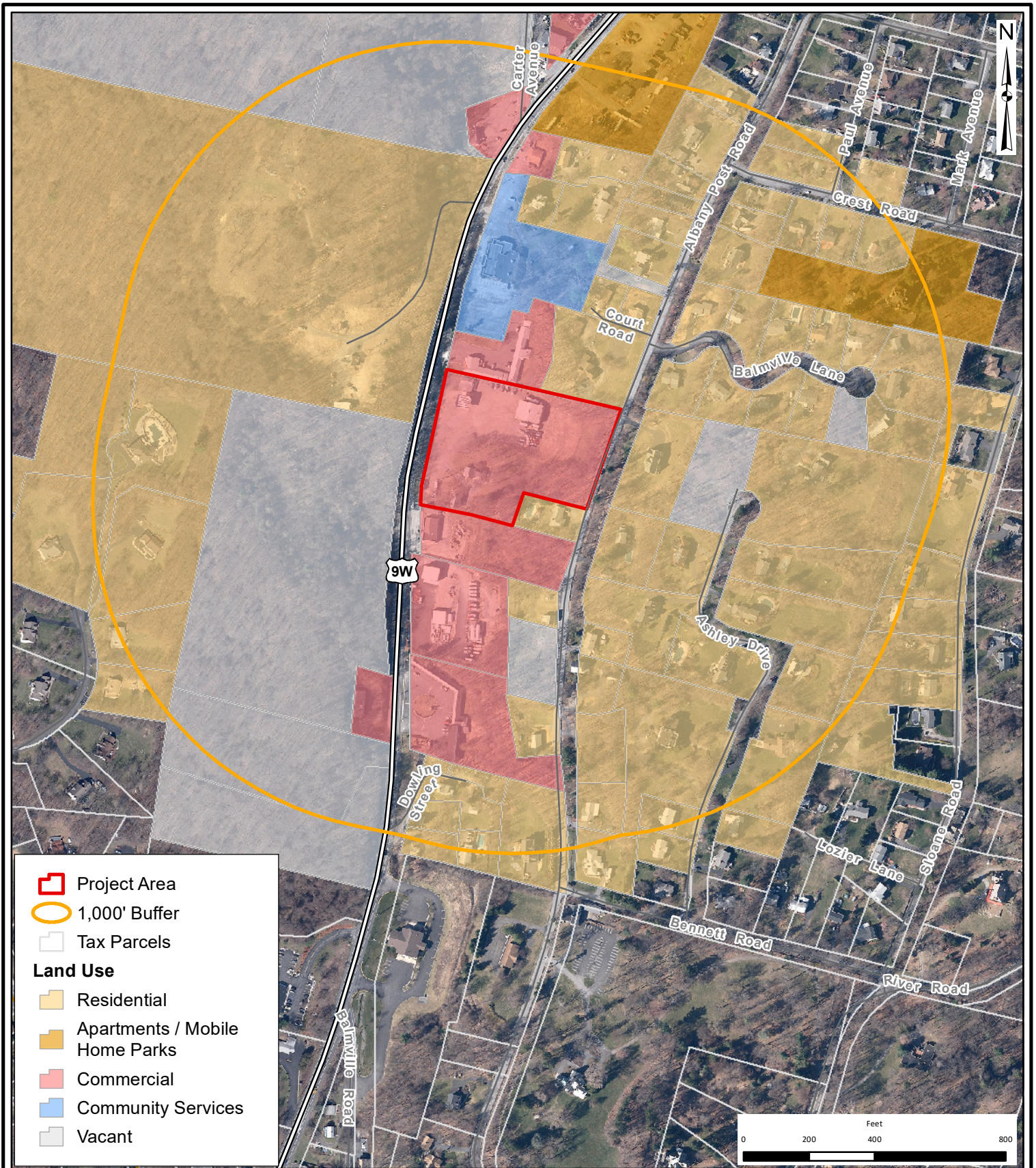
**North Country Office:**  
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 Glens Falls, NY 12801  
 Phone: (518) 812-0513

**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**Zoning**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 400 feet
Project:	81912.00
Figure:	3



▭ Project Area  
○ 1,000' Buffer  
 Tax Parcels  
**Land Use**  
 Residential  
 Apartments / Mobile Home Parks  
 Commercial  
 Community Services  
 Vacant

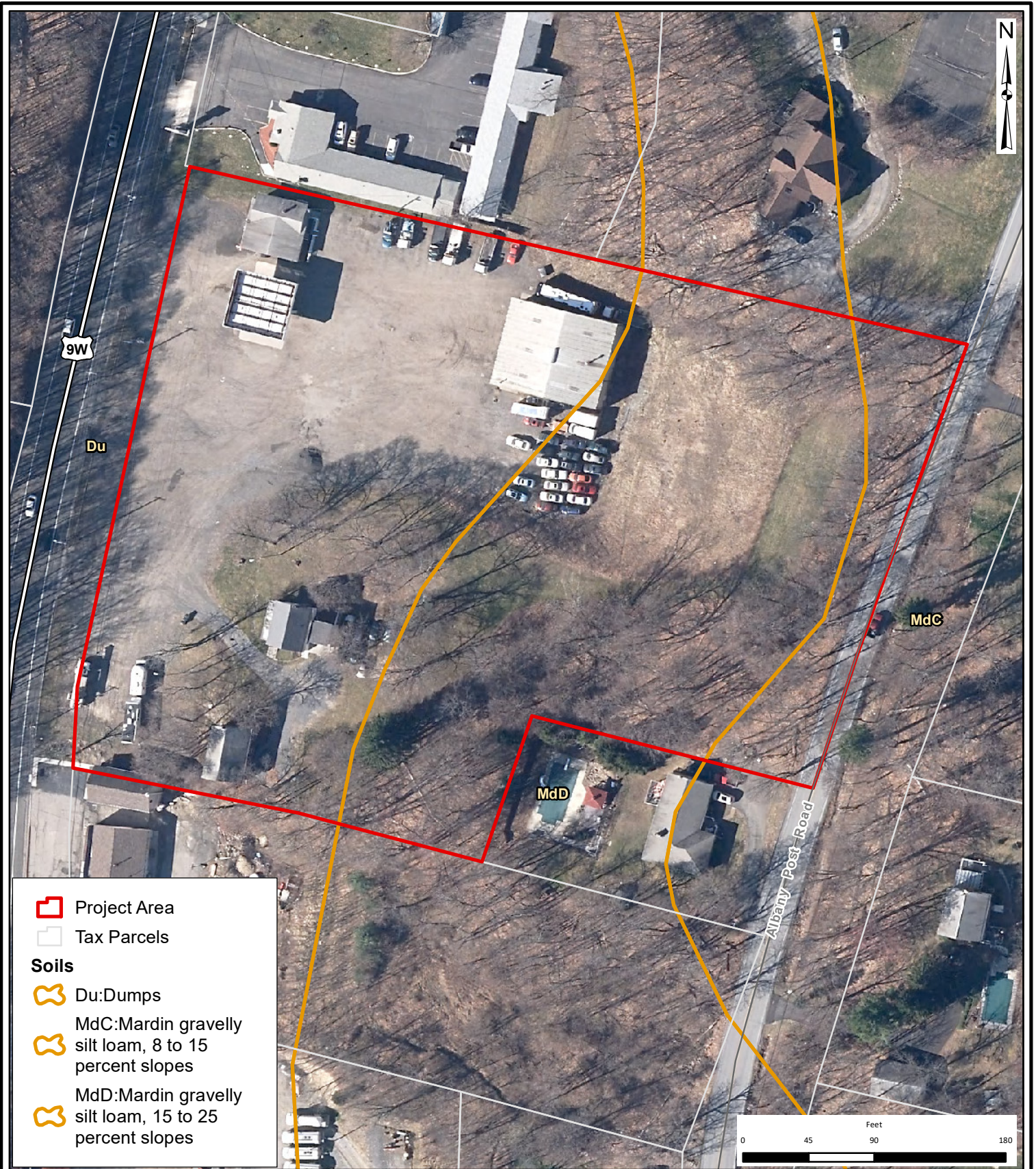
**THE Chazen COMPANIES**  
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LAND SURVEYORS  
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ENVIRONMENTAL & SAFETY PROFESSIONALS  
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**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**Land Use**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 400 feet
Project:	81912.00
Figure:	4



 Project Area  
 Tax Parcels  
**Soils**  
 Du:Dumps  
 MdC:Mardin gravelly silt loam, 8 to 15 percent slopes  
 MdD:Mardin gravelly silt loam, 15 to 25 percent slopes

**THE Chazen COMPANIES**  
ENGINEERS  
LAND SURVEYORS  
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**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**  
  

## Soils

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 90 feet
Project:	81912.00
Figure:	5



□ Project Area  
■ USFWS NWI Wetlands  
~ NYSDEC Streams  
 Tax Parcels



**THE Chazen COMPANIES**  
ENGINEERS  
LAND SURVEYORS  
PLANNERS  
ENVIRONMENTAL & SAFETY PROFESSIONALS  
LANDSCAPE ARCHITECTS

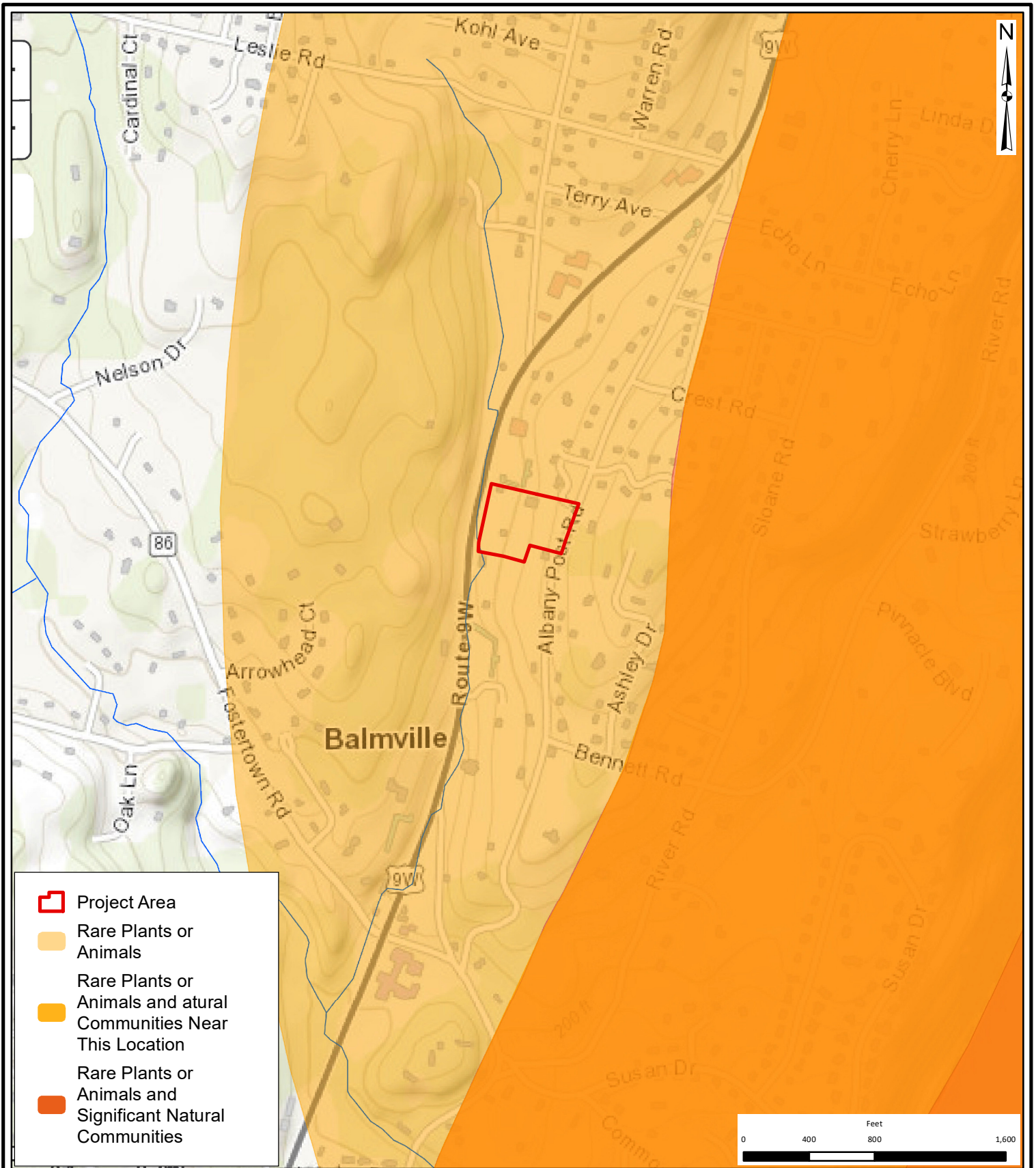
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**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**Wetlands, Streams and Floodplains**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 400 feet
Project:	81912.00
Figure:	6



- Project Area
- Rare Plants or Animals
- Rare Plants or Animals and atural Communities Near This Location
- Rare Plants or Animals and Significant Natural Communities

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
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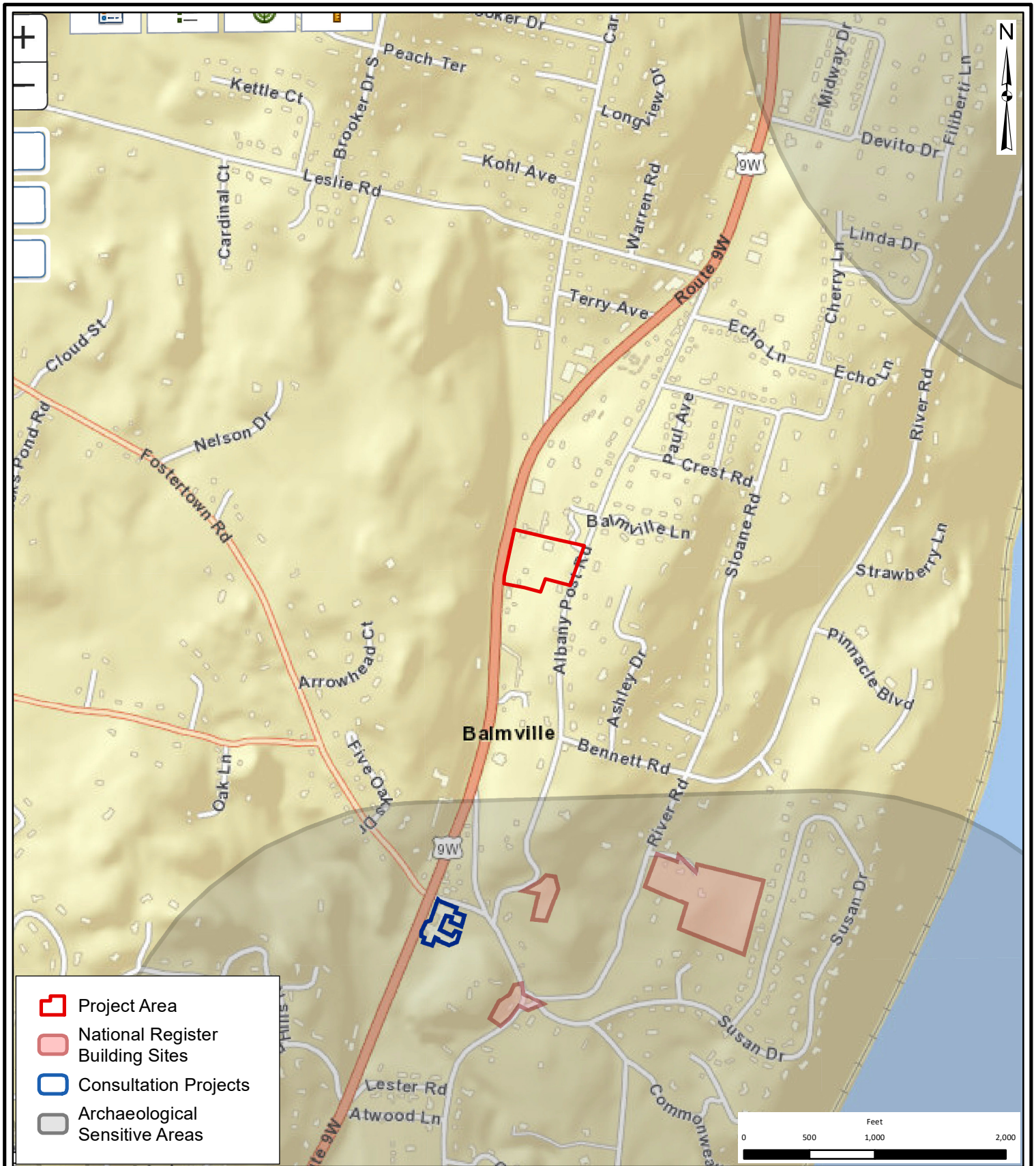
**North Country Office:**  
 20 Elm St, Suite 110  
 Glens Falls, NY 12801  
 Phone: (518) 812-0513





**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**NYSDEC Environmental Resource Map**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 800 feet
Project:	81912.00
Figure:	7



-  Project Area
-  National Register Building Sites
-  Consultation Projects
-  Archaeological Sensitive Areas

**THE Chazen COMPANIES**  
ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

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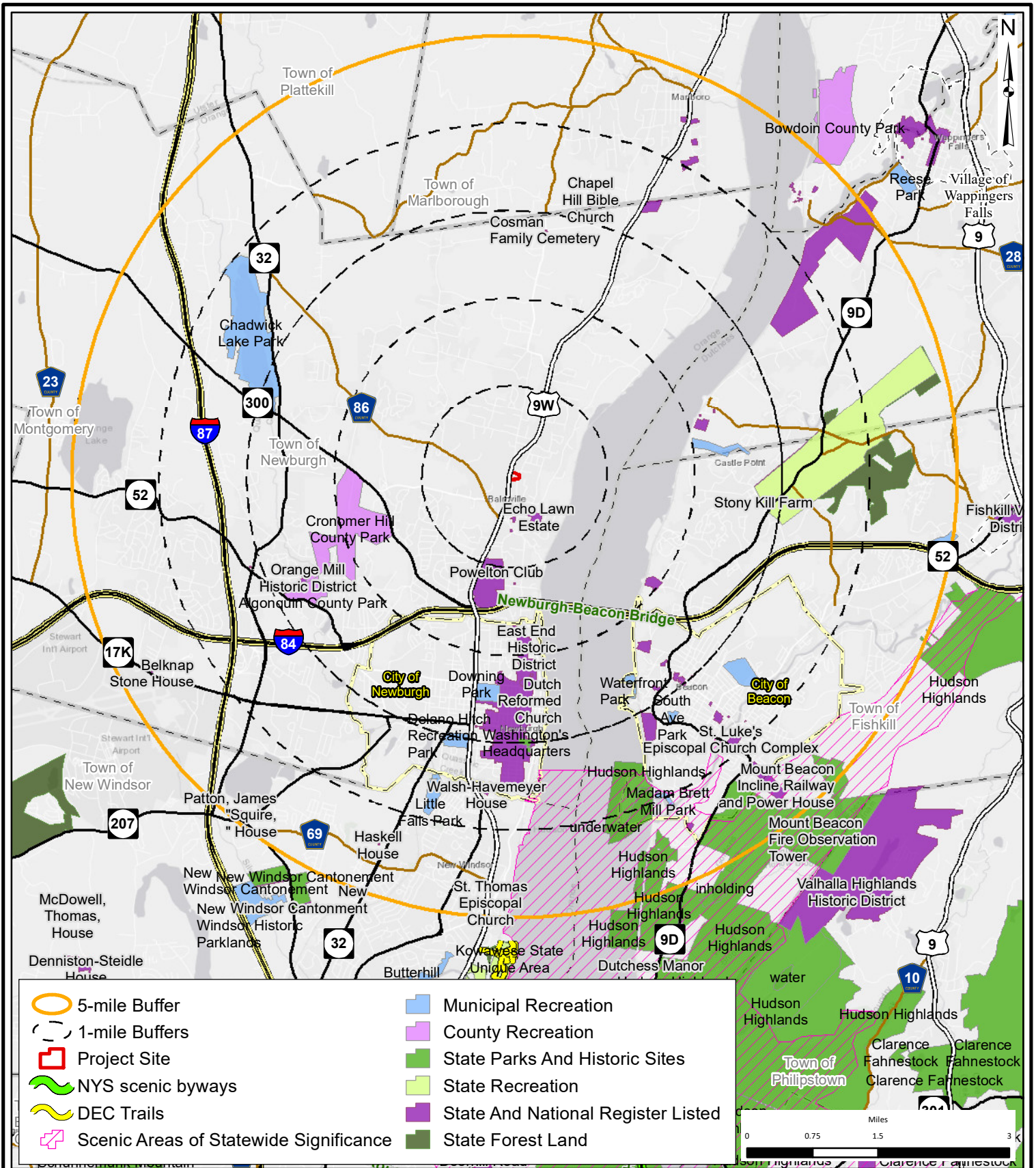
**North Country Office:**  
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 Glens Falls, NY 12801  
 Phone: (518) 812-0513

**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**NYSOPRHP Cultural Resource Information System (CRIS) Map**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 1,000 feet
Project:	81912.00
Figure:	8



**THE Chazen COMPANIES**  
 ENGINEERS  
 LAND SURVEYORS  
 PLANNERS  
 ENVIRONMENTAL & SAFETY PROFESSIONALS  
 LANDSCAPE ARCHITECTS

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**North Country Office:**  
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 Glens Falls, NY 12801  
 Phone: (518) 812-0513

**Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan**

**Publicly Accessible  
 Federal, State, or Local Scenic or Aesthetic  
 Resources within 5 Miles**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 1.5 miles
Project:	81912.00
Figure:	9



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**ATTACHMENT A**  
**USFWS Official Species List**

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## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
New York Ecological Services Field Office  
3817 Luker Road  
Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

<http://www.fws.gov/northeast/nyfo/es/section7.htm>

In Reply Refer To:

June 05, 2019

Consultation Code: 05E1NY00-2019-SLI-2207

Event Code: 05E1NY00-2019-E-06889

Project Name: 2-Lot Subdivision and Proposed Gas Station/Convenience Store on Proposed Lot 1

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the Services wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the ESA. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**New York Ecological Services Field Office**

3817 Luker Road

Cortland, NY 13045-9385

(607) 753-9334

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## Project Summary

Consultation Code: 05E1NY00-2019-SLI-2207

Event Code: 05E1NY00-2019-E-06889

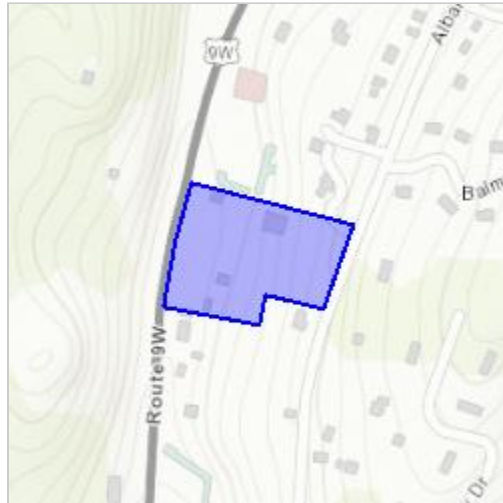
Project Name: 2-Lot Subdivision and Proposed Gas Station/Convenience Store on Proposed Lot 1

Project Type: DEVELOPMENT

Project Description: Proposed 2-lot subdivision of a 4.5 acre parcel to provide a separate parcel for a new gas station/convenience store with associated parking. The project includes connection of both proposed parcels to municipal water service, a new subsurface sewage disposal system, and access improvements.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/41.54167842007176N74.01164606963746W>



Counties: Orange, NY

---

## Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/5949">https://ecos.fws.gov/ecp/species/5949</a>	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/9045">https://ecos.fws.gov/ecp/species/9045</a>	Threatened

## Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/6962">https://ecos.fws.gov/ecp/species/6962</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/182/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/182/office/52410.pdf</a> Habitat assessment guidelines: <a href="https://ecos.fws.gov/ipac/guideline/assessment/population/182/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/assessment/population/182/office/52410.pdf</a>	Threatened

---



## Clams

NAME	STATUS
Dwarf Wedgemussel <i>Alasmidonta heterodon</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/784">https://ecos.fws.gov/ecp/species/784</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/363/office/52410.pdf</a>	Endangered

## Flowering Plants

NAME	STATUS
Small Whorled Pogonia <i>Isotria medeoloides</i> No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/1890">https://ecos.fws.gov/ecp/species/1890</a> Species survey guidelines: <a href="https://ecos.fws.gov/ipac/guideline/survey/population/742/office/52410.pdf">https://ecos.fws.gov/ipac/guideline/survey/population/742/office/52410.pdf</a>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

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ATTACHMENT B  
Pat's Towing Letter Describing Future Operations

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## TOWING FOR LOCAL & STATE MUNICIPALITIES

(845) 561-4004 (Phone)  
(845) 568-3012 (Fax)  
5198 Route 9W Newburgh, NY 12550

*JAN. 31 2020*  
~~August 12, 2019~~

Town of Newburgh Planning Board

Mr. John Ewasutyn, Chairman:

The purpose of this letter is to clarify the future plans for the Route 9W site, now occupied by Pat's Towing. As presented to the board, Gas Land Petroleum Inc. is under contract to develop a gasoline/diesel pumping facility along with a convenience store located on a portion of the land, known as #5198-5200 Route 9W. The board has requested clarification regarding the remaining lands beyond the subdivision/site plan presented.

Pat's Towing initially expressed their intention to Gas Land Petroleum, inc. to use the repair garage, located in the rear of the lot on 9W, as their company vehicle maintenance facility only, with no other repairs or storage on the property. This was presented to the planning board on August 1, 2019.

After further consideration, given the fact they are an existing registered automotive repair facility, and an official New York State Inspection Station, Pat's now intends to retain the ability to repair a customer vehicle, should that business present itself. (A likely scenario as they tow in break downs, needing repairs.)

Operations at the 9W site will be reduced substantially. Approximately 6 tow trucks will be stationed at this location, primarily for local Town of Newburgh business. The fenced in yard, located in the rear of the property will be used to house these local Newburgh towed in vehicles. This gated section will be screened from public view, with privacy fence and added landscaping.

The intention of Pat's Towing is to remove 90% of the vehicles that are presently stored on site. These "impound" vehicles and "towed in" vehicles will be relocated to another property that is being acquired by the company, allowing them a more centralized location for their operation.

As per the contract between Gas Land and Pat's Towing, the sightlines running along Route 9W must be kept clear, thereby eliminating the parking of vehicles associated with Pat's Towing along the frontage on 9W.

We will identify the size and numbers of the Tow vehicles that will be stationed at this site on the plan map. Additionally, Pat's will need approximately 10 spaces outside the fenced in storage to accommodate customer's vehicles in for repairs, and employee parking, which will appear on the site plan.

Members of the ownership of Pat's Towing will be attending the next Planning Board meeting, as requested. They are committed to visual improvements of their property.

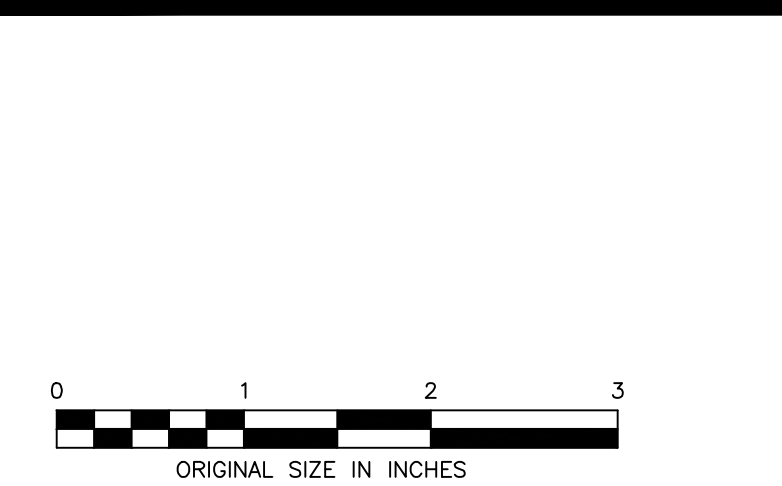
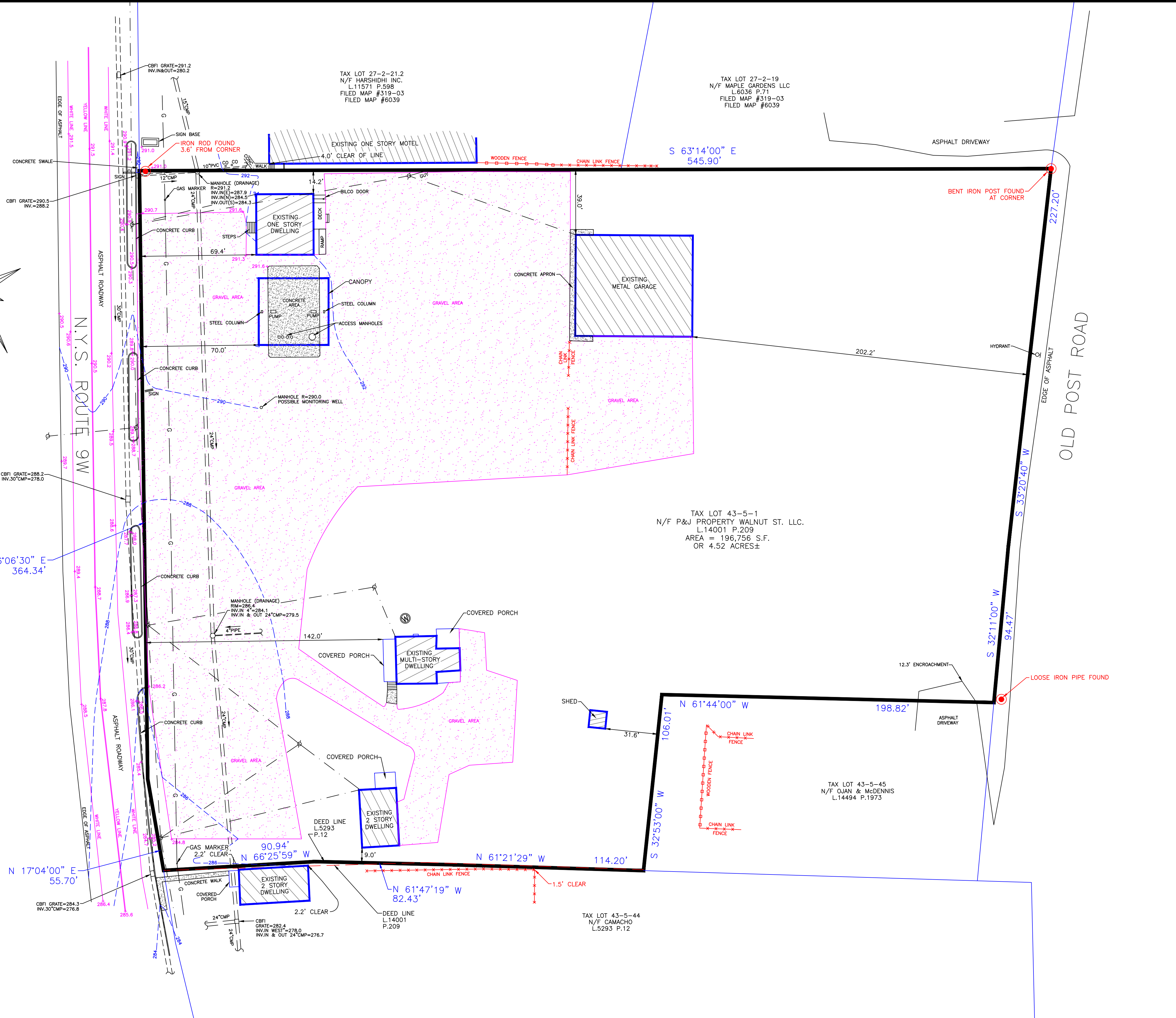
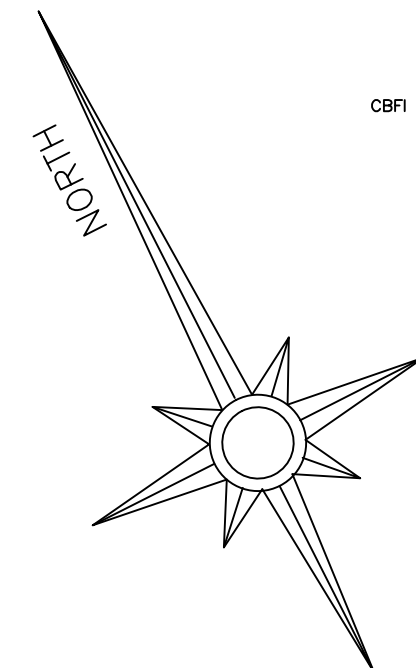
Sincerely,

  
Patrick Macioce

John Macioce  


REFERENCES:

- TOWN OF NEWBURGH TAX MAP SECTION 27 & 43.
- DEEDS FILED IN THE ORANGE COUNTY CLERK'S OFFICE:  
L14001 P.209  
L14494 P.1973  
L5293 P.12  
L11571 P.598  
L6036 P.71
- MAPS FILED IN THE ORANGE COUNTY CLERK'S OFFICE:  
MAP #319-03  
MAP #6039



LEGEND	
	DENOTES EXISTING CONTOUR LINE
	DENOTES EXISTING CHAIN LINK FENCE
	DENOTES EXISTING WOODEN FENCE
	DENOTES EXISTING UTILITY POLE
	DENOTES EXISTING CLEANOUT
	DENOTES EXISTING SPOT GRADE
	DENOTES EXISTING OVERHEAD WIRES
	DENOTES EXISTING WELL



I HEREBY CERTIFY THAT:  
THIS MAP OR PLAT IS BASED UPON THE FIELD NOTES OF THE SURVEY AND OTHER REFERENCES SHOWN.  
ALL RECORDED EASEMENTS OR RIGHTS-OF-WAY AS SHOWN IN THE TITLE REPORT AND OTHER REFERENCES ARE SHOWN.  
ALL OBSERVABLE EVIDENCE OF EASEMENTS ON THE GROUND ARE SHOWN.  
ALL OBSERVABLE, ABOVE GROUND EVIDENCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS ARE SHOWN.  
UNAUTHORIZED ALTERATION TO A MAP BEARING A LICENSED PROFESSIONAL LAND SURVEYOR'S SEAL IS A VIOLATION OF SECTION 7209, SUBDIVISION 2, OF THE NEW YORK STATE EDUCATION LAW.  
THIS CERTIFICATION IS NOT AN EXPRESS OR IMPLIED WARRANTY OR GUARANTEE, IT IS PURELY A STATEMENT OF PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF, BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE.  
CERTIFICATIONS ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.  
PLAN PREPARED PURSUANT TO SECTION 7208m OF THE NEW YORK STATE EDUCATION LAW,  
SUBJECT TO THE FINDINGS OF TITLE REPORT M-052439 PREPARED BY FIDELITY NATIONAL TITLE INSURANCE COMPANY.

*Darren Stridiron*  
DARREN J. STRIDIIRON, PROFESSIONAL LAND SURVEYOR  
NEW YORK STATE LICENSE NO. 050487

HERITAGE LAND SURVEYING, P.C. P.O. BOX 579 PLATTEKILL, NEW YORK 12568 TEL (845)562-4148, FAX (845)562-4148, e-mail: heritagelandsurvey@hotmail.com			
SURVEY OF PROPERTY			
5200 ROUTE 9W LOCATED AT TAX LOT 43-5-1 TOWN OF NEWBURGH COUNTY OF ORANGE, NEW YORK			
Date 10/21/19	Work Order	Drawing No.	SHEET
Scale 1" = 30'	2019-053	2019-053S2	1

P&J Property Walnut St LLC  
34 Walnut Street  
New Windsor, NY 12553  
(845) 561-4004

February 5, 2021

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PLANNING BOARD

Mr. John P. Ewasutyn, Chairman  
and Members of the Planning Board  
Town of Newburgh  
308 Gardnertown Road  
Newburgh, New York 12550

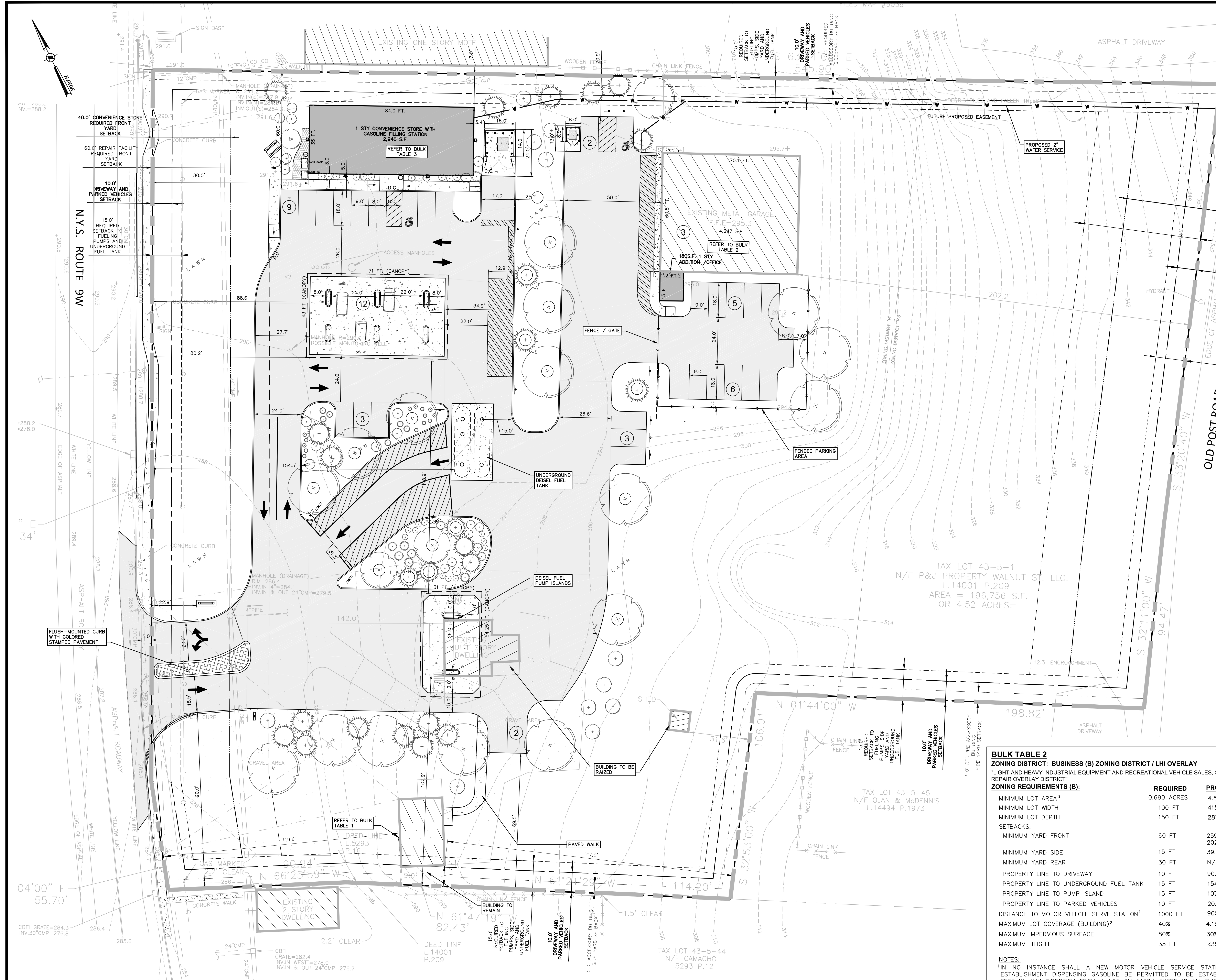
Re: Town of Newburgh Planning Board  
Proposed Convenience Store with Fuel Pumps  
Gas Land Petroleum, Inc.  
5200 Route 9W (Tax Parcel Section 43 Block 5 Lot 1)  
Town of Newburgh, Orange County, NY

This letter is to inform you that Gas Land Petroleum, Inc., is under contract to purchase a 4.518-acre parcel located at 5200 NYS Route 9W in the Town of Newburgh, identified as Section 43 Block 5 Lot 1 on the Town of Newburgh tax map, from P&J Property Walnut St LLC. By issuance of this letter P&J Property Walnut St LLC, gives Gas Land Petroleum Inc. permission to process their site plan application and plans before the Town of Newburgh Planning Board. Should you have any questions, please feel free to contact John Macioce, 845-762-8011

Thank you



John Macioce



**RECORD OWNER:**  
P&J PROPERTY WALNUT ST LLC  
24 WALNUT ST  
NEW WINDSOR NY 12553

**DEVELOPER / APPLICANT:**  
GAS LAND PETROLEUM, INC.  
785 BROADWAY  
KINGSTON, NY 12401

**ADDRESS:**  
5200 ROUTE 9W,  
NEWBURGH, NY 12550

**TAX MAP INFORMATION:**  
MUNICIPALITY OF NEWBURGH  
SECTION 43, BLOCK 5, LOT 1

**SITE CIVIL ENGINEER:**  
CHAZEN ENGINEERING & LAND SURVEYING CO., P.C.  
21 FOX STREET, POUGHKEEPSIE, NY 12601  
PHONE: (845) 454-3980

**SURVEYOR:**  
HERITAGE LAND SURVEYING, P.C.  
DARREN J. STRIDIRON, PROFESSIONAL LAND SURVEYOR  
P.O. BOX 579 PLATTEKILL, NEW YORK 12568  
PHONE: (845) 562-4148

**SITE AREA:**  
TOTAL PROJECT ACREAGE : 4.517 ACRES

**ZONING:**  
BUSINESS DISTRICT WITH LIGHT AND HEAVY INDUSTRIAL EQUIPMENT AND RECREATIONAL VEHICLE SALES, SERVICE AND REPAIR OVERLAY DISTRICT. 150' FT-DEEP ON THE EASTERLY PORTION OF LOT 2 IS IN R-3 DISTRICT, PER TABLE OF ZONING MAP AMENDMENTS.

PER SECTION 185-6.F, MULTIPLE USES SHALL BE PERMITTED ON A SINGLE LOT. THEREFORE, THE SINGLE FAMILY HOME AND ACCESSORY APARTMENT TO THE AUTO REPAIR GARAGE ARE ANTICIPATED TO COMPLY.

**PARKING SPACE CALCULATIONS:**

TOTAL SPACES PROVIDED ON SITE = 45 (W/INCLUDES 3 INTERIOR BAY SPACES)

CONVENIENCE STORE WITH GASOLINE FILLING STATION:  
REQUIRED = 20 SPACES  
PROVIDED\* = 24 SPACES (12 SPACES + 12 SPACES AT THE PUMPS)

PER SECTION 185-13.C(1)(b): REQUIRED PARKING FOR A RETAIL STORE, SHOPPING CENTER, AND PERSONAL SERVICE STORE IS 1 PER 150 SQUARE FEET OF GROSS LEASABLE FLOOR SPACE.  
(2,940 SQUARE FEET X 1 SPACE PER 150 SQUARE FEET = 20)

\*THE TOTAL SPACES PROVIDED INCLUDES THE 12 SPACES AT THE FUEL PUMPS.

AUTO REPAIR GARAGE:  
REQUIRED (MIN.) = 8 SPACES  
PROVIDED = 19 SPACES (3 INTERIOR BAYS + 16 SPACES = 19)

PER SECTION 185-13.C(1)(b): REQUIRED PARKING FOR A REPAIR GARAGE IS PARKING SPACES FOR ALL VEHICLES BEING SERVICED AT ANY 1 PERIOD OF TIME, PLUS A MINIMUM OF 5 ADDITIONAL SPACES.

RESIDENTIAL BUILDING (ACCESSORY BUILDING):  
REQUIRED = 2 SPACES  
PROVIDED = 2 SPACES

PER SECTION 185-13.C(1)(a):  
FOR ONE RESIDENTIAL SINGLE FAMILY UNIT, 2 SPACES SHALL BE PROVIDED.

**BULK TABLE 1  
ACCESSORY BUILDING<sup>1</sup>  
REQUIREMENTS:**

	REQUIRED	PROPOSED
MINIMUM LOT AREA <sup>5</sup>	0.69 ACRES	4.52± ACRES
MINIMUM LOT WIDTH	150 FT	415± FT
MINIMUM LOT DEPTH	175 FT	287.0 FT
SETBACKS:		
MINIMUM YARD FRONT <sup>2</sup>	N/A	119.6 FT (NYS 9W) 147.0 FT (OLD POST RD)
MINIMUM YARD SIDE <sup>3</sup>	5 FT	9.0 FT <sup>6</sup>
MINIMUM YARD REAR <sup>3</sup>	5 FT	N/A
MINIMUM DISTANCE TO MAIN BUILDING	10 FT	318.1 FT
MAXIMUM PERCENTAGE IN YARD AREA <sup>4</sup>	10%	12% <sup>6</sup>
MAXIMUM HEIGHT	15 FT	2 STORY <sup>6</sup>
MAXIMUM LOT COVERAGE (BUILDING)	40%	4.1% (ALL BLDGS)
MAXIMUM IMPERVIOUS SURFACE	50%	30% (ENTIRE SITE)

**NOTES:**

<sup>1</sup>EXISTING ON-SITE APARTMENTS ARE ACCESSORY BUILDINGS TO THE PRINCIPAL USE. BULK REQUIREMENTS ARE PER FOR ACCESSORY BUILDINGS IN SECTION 185-15 AND EXISTING SINGLE-FAMILY DWELLINGS WITH EITHER PUBLIC SEWER OR PUBLIC WATER ONLY.

<sup>2</sup>PER SECTION 185-15.B, NO SUCH BUILDING SHALL PROJECT CLOSER TO THE FRONTING STREET THAN THE FRONT OF THE MAIN BUILDING.

<sup>3</sup>PER SECTION 185-15.A(2), SUCH BUILDING SHALL BE SET BACK AT LEAST FIVE FEET FROM ANY SIDE OR REAR LOT LINE.

<sup>4</sup>PER SECTION 185-15.A(3), SUCH BUILDING SHALL NOT OCCUPY MORE THAN 10% OF THE REQUIRED YARD AREA IN WHICH IT IS PROPOSED TO BE SITUATED.

<sup>5</sup>MINIMUM LOT AREA FOR LOT BOUNDED BY TWO OR MORE STREETS.

<sup>6</sup>EXISTING NON-COMFORMANCE VARIANCE REQUIRED. TOWN HAS STATED 15 FT SIDE WARD SETBACK APPLIES TO ACCESSORY STRUCTURE.

**BULK TABLE 2  
ZONING DISTRICT: BUSINESS (B) ZONING DISTRICT / LHI OVERLAY  
"LIGHT AND HEAVY INDUSTRIAL EQUIPMENT AND RECREATIONAL VEHICLE SALES, SERVICE AND REPAIR OVERLAY DISTRICT"**

**ZONING REQUIREMENTS (B):**

	REQUIRED	PROPOSED
MINIMUM LOT AREA <sup>3</sup>	0.690 ACRES	4.52± ACRES
MINIMUM LOT WIDTH	100 FT	415± FT
MINIMUM LOT DEPTH	150 FT	287.0 FT
SETBACKS:		
MINIMUM YARD FRONT	60 FT	259.5 FT (U.S. RTE 9W) 202.2 FT (OLD POST RD)
MINIMUM YARD SIDE	15 FT	39.0 FT
MINIMUM YARD REAR	30 FT	N/A
PROPERTY LINE TO DRIVEWAY	10 FT	90.0 FT
PROPERTY LINE TO UNDERGROUND FUEL TANK	15 FT	154.5 FT
PROPERTY LINE TO PUMP ISLAND	15 FT	107.9 FT
PROPERTY LINE TO PARKED VEHICLES	10 FT	20.9 FT
DISTANCE TO MOTOR VEHICLE SERVICE STATION <sup>1</sup>	1000 FT	900.0 FT <sup>4</sup>
MAXIMUM LOT COVERAGE (BUILDING) <sup>2</sup>	40%	4.1% (ALL BLDGS)
MAXIMUM IMPERVIOUS SURFACE	80%	30% (ENTIRE SITE)
MAXIMUM HEIGHT	35 FT	<35 FT

**NOTES:**

<sup>1</sup>IN NO INSTANCE SHALL A NEW MOTOR VEHICLE SERVICE STATION OR ANY OTHER ESTABLISHMENT DISPENSING GASOLINE BE PERMITTED TO BE ESTABLISHED WITHIN 1,000 FEET IN ANY DIRECTION FROM A LOT ON WHICH THERE IS AN EXISTING MOTOR VEHICLE SERVICE STATION OR OTHER ESTABLISHMENT DISPENSING GASOLINE.

<sup>2</sup>MAXIMUM LOT BUILDING COVERAGE IS 40% IF NO PUBLIC WATER OR SEWER AND 50% IF PUBLIC WATER AND SEWER.

<sup>3</sup>MINIMUM LOT AREA FOR LOT BOUNDED BY TWO OR MORE STREETS.

<sup>4</sup>EXISTING NON-COMFORMANCE VARIANCE REQUIRED.

**BULK TABLE 3  
ZONING DISTRICT: BUSINESS (B) ZONING DISTRICT / LHI OVERLAY  
"CONVENIENCE STORE WITH OR WITHOUT GASOLINE FILLING STATION"**

**ZONING REQUIREMENTS (B):**

	REQUIRED	PROPOSED
MINIMUM LOT AREA <sup>1</sup>	0.459 ACRES	4.52± ACRES
MINIMUM LOT WIDTH	100 FT	415± FT
MINIMUM LOT DEPTH	125 FT	287.0 FT
SETBACKS:		
MINIMUM YARD FRONT	40 FT	80.0 FT (U.S. RTE 9W) 372.9 FT (OLD POST RD)
MINIMUM YARD SIDE	15 FT	17.0 FT
MINIMUM YARD REAR	30 FT	N/A
PROPERTY LINE TO DRIVEWAY	10 FT	90.0 FT
PROPERTY LINE TO UNDERGROUND FUEL TANK	15 FT	154.5 FT
PROPERTY LINE TO PUMP ISLAND	15 FT	107.9 FT
PROPERTY LINE TO PARKED VEHICLES	10 FT	20.9 FT
DISTANCE TO MOTOR VEHICLE SERVICE STATION <sup>2</sup>	1000 FT	900.0 FT
MAXIMUM LOT COVERAGE (BUILDING) <sup>3</sup>	40%	4.1% (ALL BLDGS)
MAXIMUM IMPERVIOUS SURFACE	80%	30% (ENTIRE SITE)
MAXIMUM HEIGHT	35 FT	1 STORY

**NOTES:**

<sup>1</sup>MINIMUM LOT AREA FOR LOT BOUNDED BY ONE STREET.

<sup>2</sup>IN NO INSTANCE SHALL A NEW MOTOR VEHICLE SERVICE STATION OR ANY OTHER ESTABLISHMENT DISPENSING GASOLINE BE PERMITTED TO BE ESTABLISHED WITHIN 1,000 FEET IN ANY DIRECTION FROM A LOT ON WHICH THERE IS AN EXISTING MOTOR VEHICLE SERVICE STATION OR OTHER ESTABLISHMENT DISPENSING GASOLINE.

<sup>3</sup>MAXIMUM LOT BUILDING COVERAGE IS 40% IF NO PUBLIC WATER OR SEWER AND 50% IF PUBLIC WATER AND SEWER.

**1 CONCEPTUAL SITE PLAN**  
SCALE: 1"=20'