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STATE OF NEW YORK : COUNTY OF ORANGE  
TOWN OF NEWBURGH PLANNING BOARD

----- X  
In the Matter of

McDONALD'S  
(2013-20)

North Plank Road (Route 32)  
Section 76; Block 1; Lot 1.1  
B Zone  
----- X

SITE PLAN - INITIAL APPEARANCE

Date: October 17, 2013  
Time: 7:10 p.m.  
Place: Town of Newburgh  
Town Hall  
1496 Route 300  
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman  
FRANK S. GALLI  
CLIFFORD C. BROWNE  
KENNETH MENNERICH  
THOMAS P. FOGARTY  
JOHN A. WARD

ALSO PRESENT: MICHAEL H. DONNELLY, ESQ.  
PATRICK HINES  
GERALD CANFIELD

APPLICANT'S REPRESENTATIVE: KEITH CAHILL

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MICHELLE L. CONERO  
10 Westview Drive  
Wallkill, New York 12589  
(845)895-3018

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MR. BROWNE: The next item of business we have on our agenda is McDonald's, project number 2013-20. This is a site plan and initial appearance being presented by Bohler Engineering.

MR. CAHILL: Good evening, Chairman, Board Members. I appreciate the opportunity to come up and present what McDonald's is looking and hoping to do to redevelop their site. I think if the Board would like, I can give an overview of the project.

CHAIRMAN EWASUTYN: Please.

MR. CAHILL: What I would like to do is first orient the Board with the location of the facility. The existing McDonald's that is located on North Plank Road, it's known as 65 North Plank Road. It essentially has three frontages, just under 300 feet of frontage on North Plank Road and Gardnertown Road is to our south. Just orientation for ease of description tonight, I'm going to have North Plank running in the north/south direction . We also have approximately 600 feet of frontage on Gidney Avenue on the west side of our property. Just to orientate you, also we have the Citgo service

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station that's located at the intersection of North Plank Road and Gidney, and we have a retail facility, a strip mall just to our south as well as a bank and the Subway across North Plank Road.

The existing facility currently is approximately 2.8 acres. What I'd like to do is bring up my survey just to show you some current features as well.

MR. BROWNE: Could you twist the easel around?

MR. CAHILL: Certainly.

MR. BROWNE: Thank you.

MR. CAHILL: This orientation, North Plank Road is along our east side in the north/south direction. The existing facility is approximately 5,600 square feet. We have 90 parking stalls in and around the facility. Inside the facility we have about 113 seats. Currently we have two access points on North Plank Road. The enter drive on the north side of our property is approximately 25 feet in width and it's a one-way entrance. You can see we have parking on the north side of the building. Our handicap stalls are actually across the drive

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aisle on the entrance drive. The site circulation is intended to be in a counterclockwise direction. We also have the exit movement only on our southern driveway that goes out to North Plank Road. The other access point we have is on Gidney. You can see a full movement driveway out to the rear of the site, to the west, and we also have a full movement driveway on Gardnertown Road. Just to note, Gardnertown is a one-way road towards North Plank. So any movements in here, it's a left in and a left out that goes out to North Plank.

A couple interesting features and concerns of why this site needs to be redeveloped. Besides being an older facility that's in need of replacement, many things have changed in the McDonald's business over the twenty plus years that this facility has been in operation. In general McDonald's is going throughout the country upgrading and identifying facilities like this to replace and rebuild and do numerous things to them, including enhancements of the overall circulation on site and the drive-through operations. Back when

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McDonald's first started putting this facility in operation their anticipation of the amount of business between the inside of the store and the outside of the store, meaning the drive-through, was about fifty/fifty. Today's numbers throughout the country average in excess of sixty percent, between sixty and sixty-five percent on average, and sites that are on more of a commuter type road or state highway are even higher than that. So they found that they need to really improve the on-site circulation, the drive-through facilities and improve their overall business and not be so concerned with the number of seats inside. In this facility, as I mentioned, they have 113 seats.

And a couple other things relative to just this site specifically on why it's kind of in need of replacement/redevelopment. A couple things here. On the north side the feature that's behind the existing Citgo, our property juts out behind the Citgo, is our trash enclosure. It's detached from the overall development. Currently the truck that takes the trash comes off of Gidney, pulls into this area

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that's not paved, it's a gravel area -- grass/  
gravel area, backs up and then pulls back out in  
an area that doesn't have any curbing, it's  
relatively uncontrolled and isn't ideal for the  
current operations or today's practice in terms  
of operations as well as traffic safety.

A couple other points. As I mentioned,  
the entrance, you can see the stalls are angled.  
We have approximately a 25 foot drive aisle in  
this area on the north side of the building.  
Cars that enter our facility from the Gidney  
Avenue intersection -- access point or  
Gardnertown Road, if they wanted to use the  
drive-through, two things they can do if they  
entered here. They can go along our south side  
of the building, go out onto North Plank Road and  
come back in, which is obviously not an easy move  
during peak hours. It's most likely not going to  
happen. Or you do what I just saw happen twice  
tonight while I sat there for a half an hour is  
they enter in, they go the wrong direction in a  
one-way circulation on the north side, they make  
a U-turn and then get in the back of the line.

Also this existing facility has one

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ordering point. They have two menu boards to show drivers. There's one I'll say facing north at the rear of the building. The ordering point is directly behind the building and then another ordering point -- menu board. In this type of a configuration only one car at a time can truly see a menu board. You can only take one order at a time, which just makes it more cumbersome to take an order from a customer. We do have two drive-through windows where the first window on the south side of the building is where you pay, you pull forward and at the second window you pick up your food. Very common in the world of drive-throughs and very common to have a single ordering point. However, McDonald's vast studies nationwide, worldwide is that one of the largest items they don't have control of is the ordering process because it's Joe public sitting in their car, having to order, and they can't pull the words or the orders out of their mouths so they're relying on the customer in that operation to occur at the pace that the person does it. For instance, if the mommy soccer van pulls up and six kids are sitting there, it's going to

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take a lot longer than the person coming up to grab a cup of coffee. In the overall cue of the drive-through, that one car is going to back up that entire line until that order. They can order ten sandwiches, they're going to have to wait in that line, anybody behind them, until that is processed. We do have a pull forward lane and parking stalls for that, however they still need to pull through the payment process and then come up. Part of this, again, was what McDonald's looked at to redevelop the site and overall operations to really improve and make this facility operate better and safer in regards to the on-site circulation and parking. I think that gives you a pretty good idea of how the site exists and lays out.

I want to show you what we're proposing to do in regards to the plans that are in front of you. I'll refer to my next exhibit which is essentially the site plan that was submitted to you. We colorized it, enhanced it for ease of display. Obviously the coloring will be the landscaping and the gray is the asphalt and the same colors of the building. For reference



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again, north is along North Plank Road. The top of the page is north. The same orientation.

With the overall improvements, we've redeveloped the site and we've anticipated knocking the building down entirely and essentially sliding it further to the south. You can see the operation from our northern property line where the Citgo is. This also drives our drive aisles, the enter and exit lanes, further to the south as well. What this is able to do is modify the overall on-site circulation, improve it drastically.

I'll point out the features at this point. In terms of the size of the building, it's about 400 square feet less than what you have there today. In regards to the number of seats, about 10 seats less than what is out there today. No more play area. Essentially the modern style McDonald's. If you've been up and down the Thruway or 9W you may have seen a couple of the newer, modern facilities.

I'll show you some elevations. In regards to the overall site, again we're going to maintain an entrance only driveway on the north

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side. We have 60-degree parking on both sides of our drive aisle. We've located the handicap stalls immediately adjacent to the building. As I mentioned before, they were across the drive aisle. We have maintained one-way circulation around the entire building in a counterclockwise direction, which again is convenient for the drivers when you're going through a drive-through in your car reaching out and paying. We've maintained our exit point on North Plank Road as well, a right out and left out opportunity. We've maintained our Gardnertown Road access point exactly where it's located today. We've enhanced it with some landscaping and put a little seating here. I think there are a couple tables out there. We created a patio out there.

We relocated the trash enclosure from the area that was up on the north side and the truck was basically coming up to the grass and gravel and pulling in. We've relocated it in the rear of the property, again convenient for the workers to get rid of the refuse and also convenient for the on-site circulation of our truck to pick up for the trash and recycling.

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We've shown again parking stalls in and around the facility in accordance with your ordinance. As I mentioned, or maybe I didn't, we've reduced the number of parking stalls from 90 down to 64. Again, from a McDonald's evaluation, from a business standpoint, not a concern at all. It meets your code requirements and it will meet their business demand. As I mentioned, the amount of business we have going through the drive-through reduced the need for the amount of parking on site.

We have relocated the Gidney Avenue access point as well. That went further to the north. What this has done now, anybody entering the site, from any portion of the driveways you're allowed to enter. In other words, the northern driveway with the entrance only driveway, the entrance off of Gidney or the entrance off of Gardnertown can get into our drive-through without making any illegal moves, U-turns, et cetera. The other primary feature we've added, as I mentioned before, previously you entered and went to exit back out onto North Plank Road and go back out to McDonald's, you'd

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have to go back out onto North Plank Road and into the facility. We have proposed what we call a recirculation. That is a key element to provide anybody entering the site off of Gardnertown Road to get into this -- along this drive aisle on the south side, resurf the site and get in the cue lane where it needs to be. In terms of Gidney, where you enter now you'd be coming into the cue.

One thing I forgot to mention on the existing conditions, we have room for eleven cars to stack before you get into the first obstruction of a parking stall. Eleven cars can stack. You still have room to stack into the site but then you start blocking other parking stalls. This reconfiguration, we're introducing McDonald's most efficient drive-through facility operation as they have in their arsenal we'll call it. All of the dimensions relative to the drive-through lane and configuration relative to the building and ordering point are all maxed out in terms of car spacing. So they use it in 25 foot increments. The distance between the windows allow for cars to sit in between. Things

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of that nature which really improve the circulation and operation of the drive-through.

We allow for what we call a side by side. There's essentially two ordering points, one that's closest to the building adjacent to the green area, then you see an island, and we have another ordering point just to the west of the other one. So there are two side by side. If you're going up to a toll booth, you can go up two places to pay your tolls more efficient than one place. Two places to order. As I mentioned before, the slowest portion of what McDonald's facilities encounter and the least control they have is the ordering points. So now they have two points and essentially doubles the efficiency as much as they can from obtaining the order from a customer. The other nice thing, both lanes are always open all the time. If they see a car, a larger mini-van taking seven orders versus a guy coming with one coffee, you can hold that car until -- and keep the inner lane operating until that food is getting closer to being ready and have them pull forward. That's the type of stuff that will improve the overall operation, improve

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the efficiency, minimize the amount of time cars are idling or cueing on site. This configuration allows thirteen stalls up to our -- where you come up to the island to split, the fourteenth car before it starts cueing into a parking stall. So you have double the capacity in terms of obtaining the order and increasing the amount of cueing.

MR. BROWNE: How do you hold --

MR. CAHILL: Great question. I answer that one for every board. Essentially if you're familiar with the McDonald's order, what they are going to do, there's a box there you order into, there's a display that shows you what you order, and they will hold you by saying wait until we ask you to pull forward, essentially. They're not going to tell you how much, they're going to say come up to window 1, it's X amount of dollars. Every order that goes on at the two ordering points, there's a picture taken of you and your vehicle. That's how they track the order. The order is tracked internally following your order to make sure it comes to the window, who is paying and what food is being picked up.

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That's how it happens. Obviously these cars are stopped at this point. They do merge back together. They're alternated between them coming through. As I mentioned, you can hold one and have multiple go through. That's to improve the overall efficiency and operation.

Again in terms of the configuration of the parking, where we've located it, the handicap stalls, having more stalls adjacent to the building, adding the recirculation lane. This is by far a superior layout for site circulation. You have an existing facility that's successful on a busy road. We're improving the overall circulation on site which will improve the movements that our customers make when they go to leave the site as well.

A couple of other key components. We are reducing impervious coverage overall by 5,000 square feet. We'll be in compliance with the DEC stormwater management regs. We are adding -- although we're not increasing the impervious, we are adding a water quality device as well. So we're going to be improving the water quality from that aspect on the stormwater management

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side. Obviously the site has all of it's utilities as required. We'll be reutilizing the existing facilities. In terms of that, installing new laterals, bringing new services in. The facility itself is actually getting a little bit smaller. There's no need or concern in the increase in utilization of existing resources.

In regards to the interior of the building, modern, more efficient in terms of the layout of the interior of the building so they can prepare food faster, essentially, because they've improved their assembly line per se. They use more efficient equipment in terms of usage of resources. High efficiency equipment, LED lighting on the inside of the building, things of that nature.

In regard to the site lighting and things of that nature, the existing site has angled lights and more spill and sky glow and things. We're going to use modern fixtures and down lit box fixtures and things of that nature.

In general I really can't say that there's anything -- this is a superior plan and



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I'm hoping that we can proceed with a site plan application. We understand we would hopefully be referred to the Zoning Board. Being in a B Zone, specifically the fast food component is not permitted. It is an accessory use in the IB Zone and in this zone we could be not permitted.

A couple quick features. We're adding some sidewalks, just to maintain the crosswalks to improve for pedestrian circulation as well.

CHAIRMAN EWASUTYN: Good presentation. I think you summarized everything well.

I'll turn to the Planning Board Members to see if they have any questions at this point. Frank Galli?

MR. GALLI: Is there going to be curbing along the Gidney Avenue side?

MR. CAHILL: We only have edge of pavement there. Again, we're kind of restoring it to the existing conditions. Those are the types of things we would be open to for comment, about sidewalks.

MR. GALLI: When they turn off North Plank Road heading east, coming east on North Plank, taking a right onto Gidney, they're going

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to take a left into the McDonald's site. Isn't

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that pretty close to the light?

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MR. CAHILL: You're referring to the

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left movement in. I was out there this evening

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during the peak hour and Gidney does backup, as

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you all probably are aware, the northbound

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traffic at that signal. What you do notice,

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there's still about 270 feet from our access

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point to the intersection, and you are sitting

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there, and I've witnessed -- there's gaps there.

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There is enough for a car to creep up, make a

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space for a single car to enter into the

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driveway. I also don't feel with that distance

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-- you know, cars do creep up along it. You're

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going to get a courtesy gap, I'll call it, to

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make that move in. I don't foresee it really

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backing up that distance to the intersection.

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Also, not that, you know, I should be relying on

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this but there is a shoulder, a gravel shoulder,

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that you can see cars utilize now. If it really

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was a bad situation I'm sure cars would use it.

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This property to our west is vacant at this time.

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MR. GALLI: That was the only question

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I had.

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CHAIRMAN EWASUTYN: Cliff Browne?

MR. BROWNE: I like the layout a heck of a lot better than what's there now. That's for sure.

The cueing back, that entrance on Gidney is closer than the current one and the current one gets backed up. During most of the time that the drive-through is used is rush hour time. That's when it backs up. I don't know if that's going to be an issue, but whatever.

CHAIRMAN EWASUTYN: Ken Mennerich?

MR. MENNERICH: Cars coming in, most of them I would guess come off of North Plank Road and they get stacked up pretty good on the existing arrangement. How are the cars going to get from Gidney Avenue, because they're going to have to interrupt that stream of stacked cars; right?

MR. CAHILL: Certainly. I'd like to point this out. The vehicle I'm pointing to now, which is, I'll call it the western most side of our rear building here, is the thirteenth car in the cue, okay. The fourteenth car would be sitting here, and the fifteenth. So it would

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take about fifteen cars before a car would not be in there. Our experience now, as I mentioned, the existing facility has, and you've seen this, and I saw and witnessed it, the cue line actually comes down the building further. It's 220 feet from our pay window to this parking stall on the north side of the building. If you divide that by 20 feet you have eleven cars sitting there. Currently if you had fifteen cars, it's going to stack out to the road essentially. One ordering point. It's our, what I'll call least efficient operation from the drive-through. We're now proposing to put the most efficient which will improve the hardest item to control for McDonald's, which is the ordering. In this position now as I mentioned, you're at this location which is -- would allow for another ten cars to get back towards North Plank Road with a much more efficient operation in terms of taking the order. So I foresee this as a superior layout that won't cue, in our experience of cueing, even beyond this car where you have two behind it. If you're sitting here, you have seven cars to hold before you order. Your seven

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cars on the other layout would take you towards the front of the site from that point. So I don't see that as a concern. Again, where those cars are dumping in off at Gidney now is in a spot that would be behind, as I mentioned, the fifteenth car, which we really don't foresee that happening here based on the current business and and hopefully an improved business if we improve our operations. I hope that answers you.

MR. MENNERICH: Yes. Thank you.

CHAIRMAN EWASUTYN: Following Ken's question, during peak hours how many cars would you be serving?

MR. CAHILL: That's a great question. It varies from operation to operation. Our estimate here, you know, in terms of handling in the peak, an hour of a two hour period of time in a magnitude of over a hundred orders to two hundred orders. Again divided over a period of time in a peak hour or two hours. Something in that neighborhood. Again, not a concern from this facility with the dimensions. As I mentioned, we have our largest spacing that McDonald's recommends, 100 feet between the order

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point and our pay window. Again, this facility will operate efficiently and safely.

CHAIRMAN EWASUTYN: Tom?

MR. FOGARTY: Just a couple of comments. That building has been there a long time. Whoever has been in charge of managing it has done a very nice job. It's a good looking building. It's well kept up front and it's always clean. It's really a good operation.

My concern was Ken Wersted who did our traffic study mentioned that Gidney Avenue to the north may cause a problem. The more I think about it, because I live out -- used to live out in that area, I very rarely saw anybody, even in the old location of that access, do I remember anybody taking a left into Gidney. If you're coming down 32, you're going to go through the light and take a right.

MR. CAHILL: Correct.

MR. FOGARTY: So even though it's moved up north a little bit, I don't know how much of a problem it's going to be.

MR. CAHILL: Just to add on to that, the current location of the driveway now, it's

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about 75 feet further to the south. Currently it does back up along there, passed the driveway. It's not like we're creating it, meaning it's there now. Yes, we're getting a little closer. Your point is a very valid point. Anybody heading southbound on North Plank Road, it's a much easier movement to make the right in rather than coming down Plank and making a left, especially in the peak hour. Again, having a nice throat now in terms of trying to make a movement out, you have the ability to stack into the site, not backing up into the site at all. I really don't feel that 75 feet getting closer to the intersection, still over 250 feet, I think 270 when I measured it out to the intersection. That's a lot of cars before you start seeing it backed up.

CHAIRMAN EWASUTYN: John Ward?

MR. WARD: My question was about your dumpster, possibly relocating it because you have picnic tables over there, for one. For two, you have the merge with the drive-through and you want your flow for traffic going around the building. Where it's located, it's like

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employees going out dumping garbage where people eat.

MR. CAHILL: It's a valid point and we've had these discussions internally. If it's here or possibly in back by these three stalls we would lose -- we probably wouldn't be able to replace the same number of stalls if we put it back in this location. We may lose a stall or two more. Again, it's not creating any variance or concern from the parking scenario. It is a little bit further for the employees to walk, but that's something that we could definitely entertain in terms of relocating that.

MR. WARD: Thank you.

CHAIRMAN EWASUTYN: Jerry Canfield, Code Compliance. At this point what's your understanding of the issues before us?

MR. CANFIELD: As we discussed in the work session and the applicant's representative -- which also if you could give us a card for our Stenographer, please. We discussed that this is in a B Zone. Fast food restaurants are not permitted in the current zoning in the B District. As it is, it's what's known as



1  
2 existing nonconforming. With the taking down of  
3 the existing building and rebuilding it, we feel  
4 that you're going to lose your existing  
5 nonconforming protection, therefore this Board I  
6 think would be obligated to send a referral or  
7 send you to the ZBA for that. If you choose to  
8 look at our Municipal Code, our Zoning Code,  
9 185-19 is the section that deals with this, and  
10 it deals with reconstruction and relocation of  
11 existing nonconforming uses.

12           Essentially that's it as far as they're  
13 going to need a referral to the ZBA.

14           MR. DONNELLY: We'll make it a referral  
15 for both a use variance, if that's needed, or for  
16 you to give an opportunity to convince the Zoning  
17 Board as a matter of interpretation you're  
18 permitted to continue. If in fact you need a use  
19 variance, you'll also need some endorsement of  
20 your setbacks because the use is not permitted so  
21 there are no bulk table requirements for this use  
22 because it doesn't exist in the B Zone. So I  
23 think whatever the setbacks are, the Zoning Board  
24 would have to endorse them.

25           MR. CAHILL: Okay. I forgot to

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McDONALD'S

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mention, under the existing condition we are in a nonconforming setback.

MR. DONNELLY: You're protected now.

MR. CAHILL: And the proposal would be in compliance with the B. Yeah.

MR. DONNELLY: There is no --

MR. CAHILL: Not for this use.

MR. DONNELLY: Yeah, yeah.

CHAIRMAN EWASUTYN: Will that suit your needs then?

MR. CAHILL: Yes.

MR. DONNELLY: I'll send a letter with the Board's permission.

CHAIRMAN EWASUTYN: I'll move for a motion to have Mike Donnelly prepare a letter to refer to the ZBA for the application of McDonald's, for whether it be a use variance or --

MR. CANFIELD: Interpretation.

CHAIRMAN EWASUTYN: -- interpretation.

MR. GALLI: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by Ken Mennerich.

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Any discussion of the motion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

Nice presentation. Thank you.

MR. HINES: John, do you want to do lead agency?

CHAIRMAN EWASUTYN: We should really get that going.

I'll move for a motion to declare our intent for lead agency.

MR. GALLI: So moved.

MR. WARD: Second.

CHAIRMAN EWASUTYN: I have a motion by Frank Galli. I have a second by John Ward. I'll ask for a roll call vote starting with Frank Galli.

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: And myself.

Keith, you'll make it a point of getting the information to Pat Hines and Pat will do the coordination on that.

MR. CAHILL: Yes.

CHAIRMAN EWASUTYN: Is it too early to do a referral to the Orange County Planning Department?

MR. HINES: I think the plans are -- my comments are technical in nature. I don't think we're going to see a lot of change in the layout.

CHAIRMAN EWASUTYN: I'll move for a motion under 239-M of the Municipal Law to refer this to the Orange County Planning Department.

MR. MENNERICH: So moved.

MR. FOGARTY: Second.

CHAIRMAN EWASUTYN: I have a motion by Ken Mennerich. I have a second by Tom Fogarty.

MR. BROWNE: Discussion. Is that something we can do before we get the -- anything

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McDONALD'S

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from the ZBA back as far as whether it can go forward or not?

CHAIRMAN EWASUTYN: Yeah, because the plans aren't going to change.

MR. BROWNE: All right.

CHAIRMAN EWASUTYN: I mean there may be a tweak, and we don't even know that because there aren't any bulk requirements right now for this use because it's not a permitted use. Whether it's a sixty-foot or a fifty-foot setback from North Plank Road, I mean that's just --

MR. BROWNE: We're assuming that -- okay.

CHAIRMAN EWASUTYN: I think we had a motion by Frank Galli and a second by John Ward. Was that --

MR. GALLI: Ken Mennerich and Tom Fogarty.

CHAIRMAN EWASUTYN: Any further discussion?

(No response.)

CHAIRMAN EWASUTYN: I'll move for a roll call vote.

MR. GALLI: Aye.

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MR. BROWNE: Aye.

MR. MENNERICH: Aye.

MR. FOGARTY: Aye.

MR. WARD: Aye.

CHAIRMAN EWASUTYN: Aye.

The only other minor issue is would they now consider approaching the -- for a City flow acceptance letter or --

MR. HINES: They don't need the City flow acceptance because the building is going to be 400 square foot smaller. That's an exemption under that.

I'm going to need five sets for circulation. Get those to my office and we'll get those out.

MR. DONNELLY: You will need to submit your own application to the Zoning Board. We'll send a referral letter. If you give me your business card I'll also e-mail a letter to you so you have it.

(Time noted: 7:41 p.m.)

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DATED: November 10, 2013

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MICHELLE L. CONERO - (845)895-3018

*Dickover, Donnelly, Donovan & Biagi, LLP*  
Attorneys and Counselors at Law

James B. Biagi  
David A. Donovan  
Michael H. Donnelly  
Robert J. Dickover

Successor Law Firm To:  
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Ludmerer & Vurno, Esqs., Warwick, N.Y.

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Goshen, NY 10924  
Phone (845) 294-9447  
msl@dtblaw.com  
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(Not for Service of Process)

October 21, 2013

Town of Newburgh  
Zoning Board of Appeals  
308 Gardnertown Road  
Newburgh, New York 12550

RE: McDonalds, USA, LLC  
76-1-1.1 (Zone B)  
187 North Plank Road (13.20)

---

Members of the Board:

I write to you on behalf of and at the direction of the Town of Newburgh Planning Board. The above referenced applicant appeared before the planning board during its meeting of October 17, 2013. The applicant proposes to demolish and rebuild its existing drive-through McDonald's establishment. The property in question is located in the B zoning district of the town where fast food restaurants are not permitted.<sup>1</sup>

It appears that this fast food establishment—in existence for quite some time—is a legally protected nonconforming use. In regard to such uses, Newburgh Code Section 185-19 provides, in pertinent part [*italics added*], as follows:

A. Nonconforming uses. A nonconforming use may continue indefinitely, subject to the following provisions:

---

<sup>1</sup> In *Matter of O'Brien [Krishna Donuts, Inc]*, your board determined that the selling of "hamburgers, hot dogs, pizza, chicken and specialty cuisines" constitutes operation of a fast food establishment prohibited in the town's B zoning districts.



- (1) Alterations. A nonconforming use shall not be enlarged, extended, *reconstructed* or *restored*, except in accordance with Subsection B(2) herein, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be increased by any means whatsoever.

\* \* \*

- B. Nonconforming buildings. A nonconforming building or a *building housing a nonconforming use* shall not be modified in any way described below, except as provided in Subsection C below:

\* \* \*

- (2) Restoration after damage. A nonconforming building shall not be restored for other than a conforming use after *damage of more than 50% from any cause*, unless a prior nonconforming use is reinstated within one year of such damage; if the restoration of such building is not completed within said one-year period, any prior nonconforming use of such building shall be deemed to have been discontinued, unless such nonconforming use is carried on without interruption in the undamaged portion of the building. No enlargement of a nonconforming building shall be permitted as part of an allowed restoration.

\* \* \*

- C. Nonconformity with bulk requirements.

- (1) Maintenance, repair, structural alteration, relocation, *reconstruction* or enlargement. Normal maintenance and repair, structural alteration, relocation, *reconstruction* or enlargement of a building *which does not house a nonconforming use*, but is nonconforming as to district regulations for lot area, lot width, lot depth, front, side or rear yards, building height, lot coverage, habitable floor area or other such dimensional regulation, is permitted if the same does not increase the degree

of or create any new nonconformity with such regulations in such buildings.

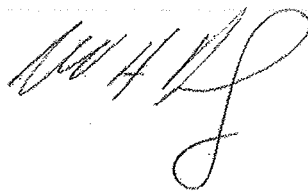
The applicant will be applying to your board for an interpretation and/or a use variance as well as area variances. The planning board refers this matter to you for consideration of the same. The interpretation in question requires addressing the following questions:

1. Does the applicant's proposal to demolish and reconstruct its building housing a nonconforming use constitute a prohibited *reconstruction* or *restoration* under subsection A(1) or does it constitute a permitted "[r]estoration after damage... from any cause" under subsection B(2)?
2. Does the restriction of authorized *reconstruction* contained within subsection C(1) only of buildings that do "not house a nonconforming use" prevent this applicant from carrying out the *restoration* authorized under subsection B(2) by virtue of the final phrase within subsection B authorizing subsection B(2) *restoration* only in accordance with subsection C?

Should you grant either a favorable interpretation or use variance relief to this applicant, you will need to address bulk table issues. Because the use in question is not permitted in the IB zoning district, there are no bulk table provision applicable here. Your board will have to grant variance relief in the nature of fixing bulk parameters for this use that has none provided.

The planning board also suggests that you conduct your SEQRA review of this application—to the extent that it does not constitute a Type II action—on an uncoordinated review basis.

Very truly yours,



MICHAEL H. DONNELLY

MHD/lrm

cc: Town of Newburgh Planning Board  
308 Gardnertown Road  
Newburgh, NY 12550

David A. Donovan, Esq.  
Dickover, Donnelly, Donovan & Biagi, LLP  
P.O. Box 610  
Goshen, NY 10924

Bohler Engineering  
35 Technology Drive  
Warren, NJ 07059

O:\Irm\Land Use\Newburgh letters\ZBA referral - McDonalds.docx



McGOEY, HAUSER and EDSALL  
CONSULTING ENGINEERS P.C.

RICHARD D. McGOEY, P.E. (NY & PA)  
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)  
MARK J. EDSALL, P.E. (NY, NJ & PA)  
JAMES M. FARR, P.E. (NY & PA)

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e-mail: mheny@mhepc.com

**TOWN OF NEWBURGH  
PLANNING BOARD  
REVIEW COMMENTS**

**PROJECT:** MCDONALD'S USA LLC  
**PROJECT NO.:** 13-20  
**PROJECT LOCATION:** SECTION 76, BLOCK 1, LOT 1.1  
**PROJECT REPRESENTATIVE:** BOHLER ENGINEERING  
**REVIEW DATE:** 11 OCTOBER 2013  
**MEETING DATE:** 17 OCTOBER 2013

1. Proposed project presents a zoning issue with regard to losing protection for the fast food use in the B zone (recall Laxmi Estates 2 LLC, 6-23). Substantial changes to a site plan cause loss of pre-existing, non-conforming zoning protection. Mike Donnelly's comments regarding the re-establishment of the fast food use in the B Zone should be received.
2. The Applicant's Representative is requested to evaluate the Town of Newburgh design guidelines with regard to proposed parking layout. It is noted that the existing lot has 3 front yards.
3. Water service must be designed pursuant to Town of Newburgh requirements whereby potable water comes off fire sprinkler lines such that when fire sprinkler line is terminated, the potable water is also terminated.
4. A portion of the lot abuts the R3 Zone. Landscape buffers are required in this part of the parcel.
5. Standard notes for connection to Town of Newburgh water and sewer should be provided. Water line piping requires mechanical joint fittings.
6. Stormwater management in compliance with NYSDEC redevelopment standards should be provided on the site. An SWPPP is was submitted and is under review.
7. It is noted that an 18 inch RCP is proposed to discharge to a 12 inch CMP under Gidney Avenue. This should be evaluated in conjunction with the Stormwater Management Plan.
8. Property lines are shown depicted to the center line of the 2 town roadways. Offers of dedication should be discussed with the Applicant.
9. County Planning referral and NYSDOT approval are required.

REGIONAL OFFICES

- 111 Wheatfield Drive • Milford, Pennsylvania 18337 • 570-296-2765 •
- 540 Broadway • Monticello, New York 12701 • 845-794-3399 •

10. Ken Wersted's comments regarding external and internal traffic flow should be received. It is noted that customers entering the Gardnertown Road access road must cross the drive thru exit through a one lane bypass for the drive thru queuing.
11. The Applicant's Representative is requested to discuss the dual drive thru queue proposed.
12. The proposed structure is smaller than the existing structure such that a flow acceptance letter from the City of Newburgh is not a requirement.
13. Information regarding sizing of the grease trap in compliance with NYSDOT requirements should be submitted.

Respectfully submitted,

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

---

Patrick J. Hines, Associate

Full Size Preliminary & Final Site Plans Page 1 to 17

**For Proposed Drive Thru Restaurant McDonald's**

& Land Survey Page 1 & 2

are available for viewing at the

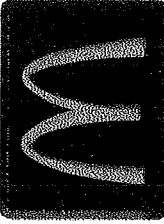
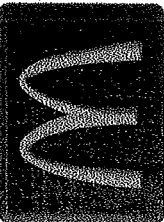
**Zoning Board of Appeals**

Office located at

**308 Gardnertown Road**

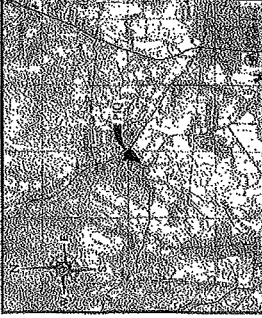
Newburgh, NY

# PRELIMINARY & FINAL SITE PLAN PROPOSED DRIVE-THRU RESTAURANT

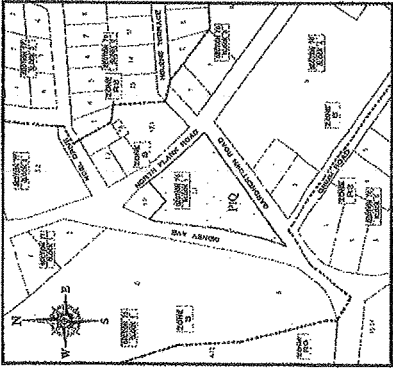


## FOR McDonald's USA, LLC.

SECTION 76; BLOCK 1; LOT 1.1 SHEET #76  
65 NORTH PLANK ROAD, GARDNERTOWN ROAD & GIDNEY AVENUE  
TOWN OF NEWBURGH  
ORANGE COUNTY, NEW YORK



USGS MAP  
1:25,000



AREA MAP  
1:2500



AERIAL MAP  
1:7500

### DRAWING INDEX

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FLOOR PLAN	A-10:4:3
ELEVATIONS	A-20:A-21:4:3

**OWNER CERTIFICATION**  
I HEREBY CERTIFY THAT THE OWNER OF RECORD OF THE PROPERTY IS: \_\_\_\_\_  
AND ACCORD TO THE FRONT OF THIS APPLICATION:  
DATE: \_\_\_\_\_

**OWNER CERTIFICATION**  
I HEREBY CERTIFY THAT I AM THE OWNER OF RECORD OF THE PROPERTY AND ACCORD TO THE FRONT OF THIS APPLICATION:  
DATE: \_\_\_\_\_

**APPROVAL BLOCK**  
APPROVED BY THE TOWN OF NEWBURGH PLANNING BOARD  
BOARD SECRETARY: \_\_\_\_\_ DATE: \_\_\_\_\_  
BOARD MEMBER: \_\_\_\_\_ DATE: \_\_\_\_\_  
BOARD MEMBER: \_\_\_\_\_ DATE: \_\_\_\_\_

ADJOINING NEIGHBOURS  
RESIDENTS OF BLOCK 1 LOT 1.1  
SHEET 76-100-0000-000



PREPARED BY  
**BOHLER ENGINEERING**  
WARREN, NEW JERSEY 07058  
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**Die Safety, New York**  
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WARREN, NEW JERSEY 07058

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**BAUER**  
15000 LINDEN BLVD  
PHILADELPHIA, PA 19150  
TEL: (215) 261-1000  
FAX: (215) 261-1001

**McDonald's**  
117 WOOD AVENUE SUITE 400  
NEWBURGH, NY 10993  
TEL: (845) 339-1100  
FAX: (845) 339-1101

**FINAL PLAN SIGNATURES**  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

**COPIES SIGNATURES**  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

**PLANNING BOARD SIGNATURES**  
DATE: \_\_\_\_\_  
BY: \_\_\_\_\_

**ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL**  
PROPOSED DRIVE-THRU RESTAURANT  
SECTION 76, BLOCK 1, LOT 1.1  
65 NORTH PLANK ROAD  
TOWN OF NEWBURGH  
ORANGE COUNTY, NY  
REGULATORY DISTRICT NO. \_\_\_\_\_  
PLANNING BOARD NO. \_\_\_\_\_  
DATE: \_\_\_\_\_

COVER SHEET 1 OF 7





PLANNING		DATE	
PREPARED BY	DATE	APPROVED BY	DATE

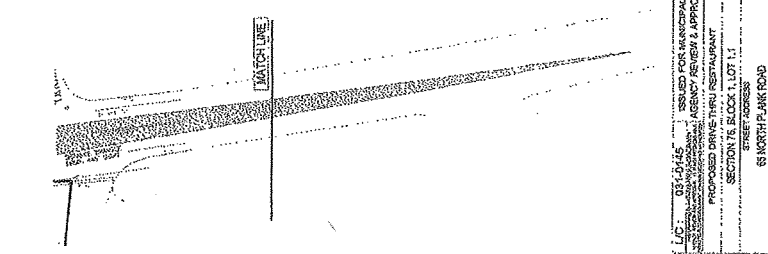
**McDonald's**

111 WOOD AVENUE 2ND FLOOR SUITE 400  
 NEW YORK, NY 10030  
 TEL: 212-763-6750

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PROJECT NO.	DATE	BY	FOR
03-20-045			

- MCDONALD'S GENERAL NOTES:**
- GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
  - GENERAL CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
  - PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN. VERIFY LOCATIONS AND DEPTHS PRIOR TO CONSTRUCTION.
  - ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF ALL APPLICABLE CODES AND REGULATIONS.
  - ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE AUTHORITY HAVING JURISDICTION.
  - ALL UTILITIES SHALL BE PROTECTED AND DEPTHS SHALL BE VERIFIED PRIOR TO CONSTRUCTION.
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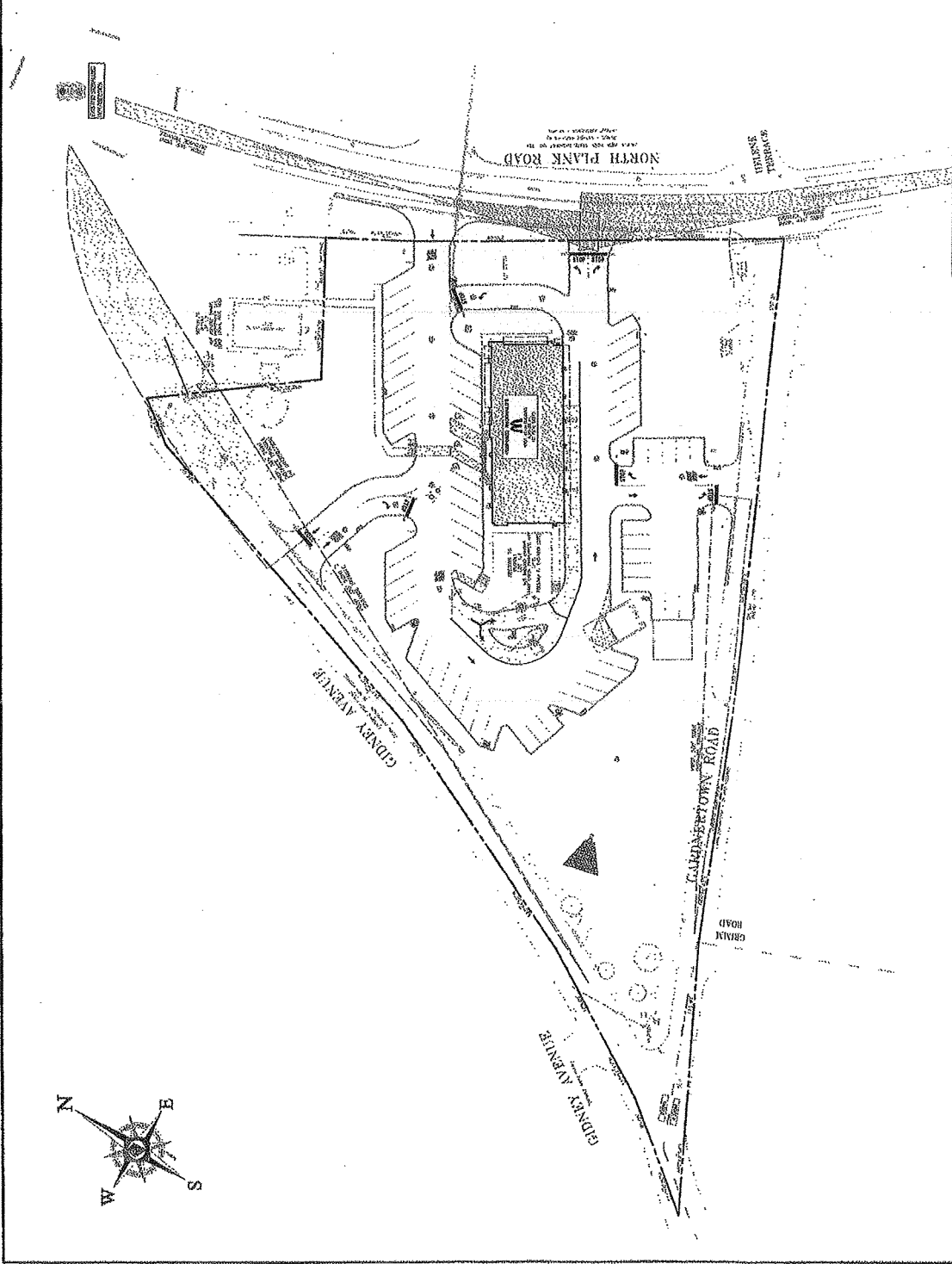
**PROJECT INFORMATION**

L.C. 03-20-045 ISSUED FOR MUNICIPAL & STATE REVIEW  
 PROPOSED DRIVE THRU RESTAURANT  
 SECTION 75, BLOCK 1, LOT 1.1  
 STREET ADDRESS  
 68 NORTH PLANK ROAD  
 TOWN OF NEWBURGH NY

**PLANNING**  
 PREPARED BY: DATE: APPROVED BY: DATE:

**PROJECT NO.:** **DATE:** **BY:** **FOR:**

**TOWN OF NEWBURGH NY**  
 REGIONAL OFFICE  
**ORANGE**  
 T.B.D.  
**OVERALL / SIGHT TRIANGLE PLAN**  
 11/2009



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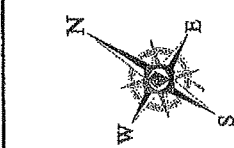
**Big Safety - New York**

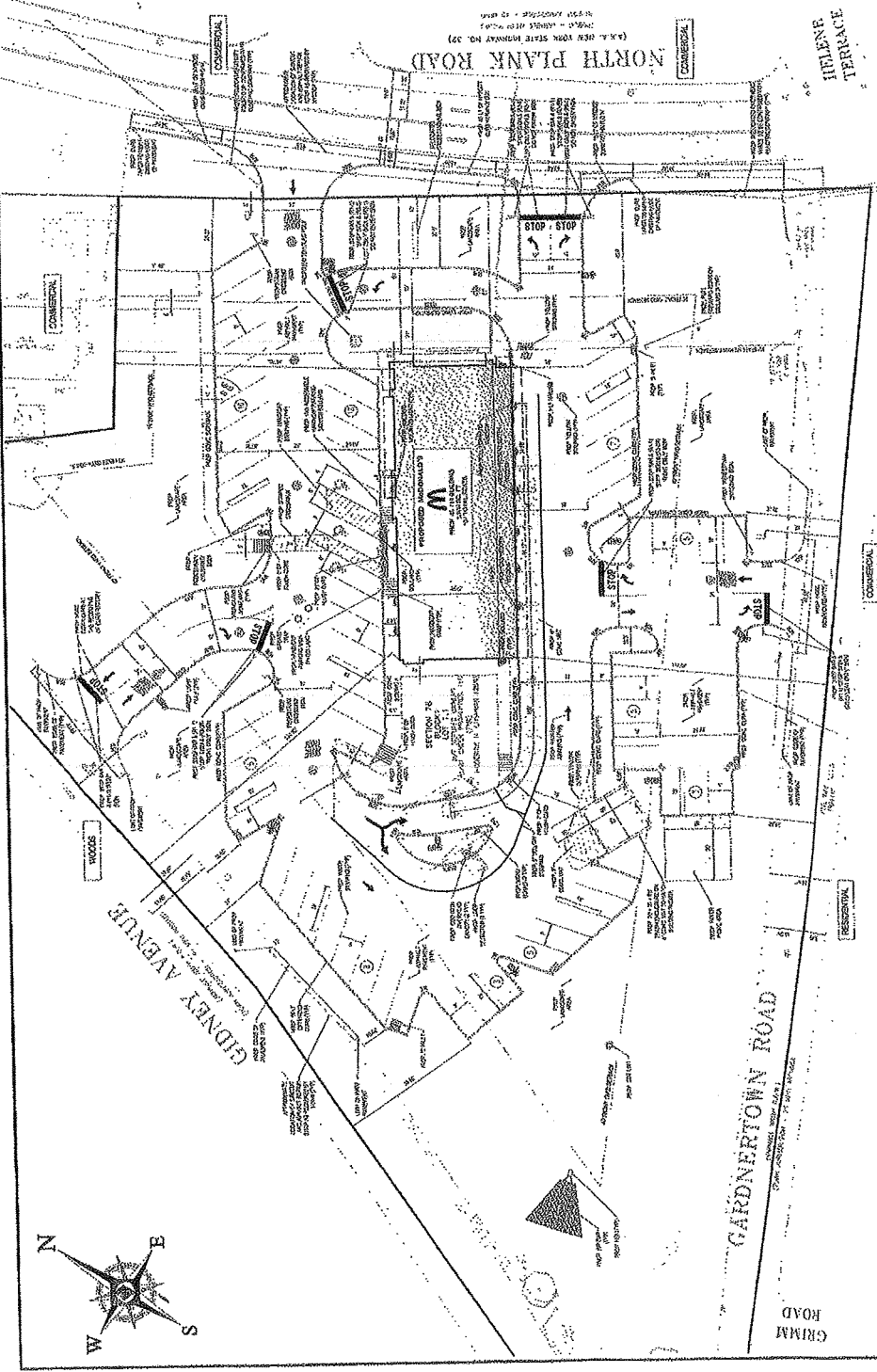
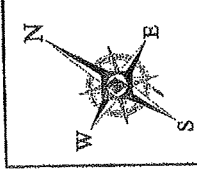
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**REFER TO SITE PLAN AND SIGNAGE PLAN FOR ADDITIONAL INFORMATION**

GRAPHIC SCALE  
 1" = 30'-0"





**NORTH PLANK ROAD**  
 (A.K.A. OPEN STATE HIGHWAY NO. 27)  
 100 FT WIDE - 40 FT WIDE

**LAND USE AND ZONING NOTES**

1. ALL ZONING REGULATIONS SHALL BE APPLIED TO THIS PROJECT.
2. THE ZONING DISTRICT IS COMMERCIAL.
3. THE ZONING DISTRICT IS COMMERCIAL.
4. THE ZONING DISTRICT IS COMMERCIAL.
5. THE ZONING DISTRICT IS COMMERCIAL.

NO.	DESCRIPTION	DATE	BY	REVISION
1	ISSUED FOR PERMITTING	01/11/11	J. BOHLER	ISSUED FOR PERMITTING
2	ISSUED FOR PERMITTING	01/11/11	J. BOHLER	ISSUED FOR PERMITTING
3	ISSUED FOR PERMITTING	01/11/11	J. BOHLER	ISSUED FOR PERMITTING
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THESE NOTES ARE TO BE READ IN CONJUNCTION WITH THE ZONING REGULATIONS OF THE TOWN OF NEWBURGH, NEW YORK. THE ZONING DISTRICT IS COMMERCIAL. THE ZONING DISTRICT IS COMMERCIAL. THE ZONING DISTRICT IS COMMERCIAL. THE ZONING DISTRICT IS COMMERCIAL. THE ZONING DISTRICT IS COMMERCIAL.

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**Bohler Engineering**  
 CIVIL ENGINEERS • SURVEYORS • ARCHITECTS  
 100 GARDNERTOWN ROAD, SUITE 200, NEWBURGH, NY 10950  
 TEL: 845-339-7862

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 TEL: 845-339-7862

REFER TO SIGNAGE PLAN FOR ADDITIONAL INFORMATION  
 THIS PLAN IS TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY

**GENERAL NOTES**

1. THE ZONING DISTRICT IS COMMERCIAL.
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**McDonald's**

FINAL PLAN SIGNATURES

DATE: 01/11/11

BY: J. BOHLER

FOR: BOHLER ENGINEERING

**McDonald's**

FINAL PLAN SIGNATURES

DATE: 01/11/11

BY: J. BOHLER

FOR: BOHLER ENGINEERING

**McDonald's**

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DATE: 01/11/11

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FINAL PLAN SIGNATURES

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BY: J. BOHLER

FOR: BOHLER ENGINEERING

**McDonald's**

FINAL PLAN SIGNATURES

DATE: 01/11/11

BY: J. BOHLER

FOR: BOHLER ENGINEERING

TOWN OF NEWBURGH, NY

SECTION 78, BLOCK 1, LOT 11

PROPOSED DRIVE-THRU RESTAURANT

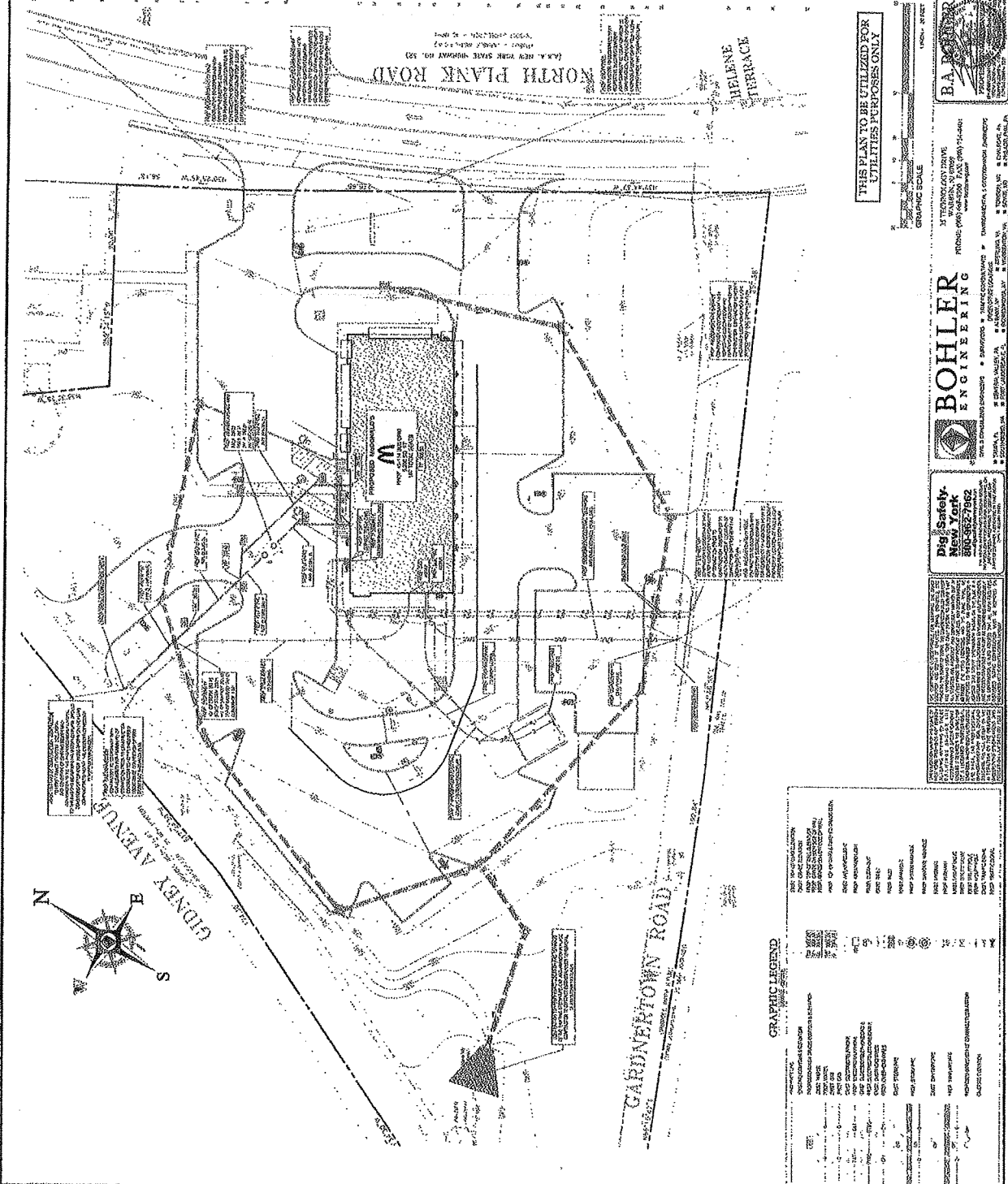
100 GARDNERTOWN ROAD

ORANGE, NY 10950

4



<b>McDonald's</b> 11 WOOD AVENUE, SUITE 100 NEW YORK, NY 10014 PHONE: (212) 850-1234 FAX: (212) 850-1234		DATE: 11/08/88 SHEETS: 1 OF 1 PROJECT: 100413 LAR DRAWN BY: J.M. CHECKED BY: G.C. APPROVED BY: O.D.
<b>McDonald's</b> 11 WOOD AVENUE, SUITE 100 NEW YORK, NY 10014 PHONE: (212) 850-1234 FAX: (212) 850-1234		DATE: 11/08/88 SHEETS: 1 OF 1 PROJECT: 100413 LAR DRAWN BY: J.M. CHECKED BY: G.C. APPROVED BY: O.D.
<b>McDonald's</b> 11 WOOD AVENUE, SUITE 100 NEW YORK, NY 10014 PHONE: (212) 850-1234 FAX: (212) 850-1234		DATE: 11/08/88 SHEETS: 1 OF 1 PROJECT: 100413 LAR DRAWN BY: J.M. CHECKED BY: G.C. APPROVED BY: O.D.



**GRAPHIC LEGEND**

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**THIS PLAN TO BE UTILIZED FOR UTILITIES PURPOSES ONLY**

B.A. BOHLER  
 ENGINEERING  
 37 TECHNOLOGY DRIVE  
 WASHINGTON, NY 10994  
 PHONE: (845) 754-1444  
 FAX: (845) 754-1444

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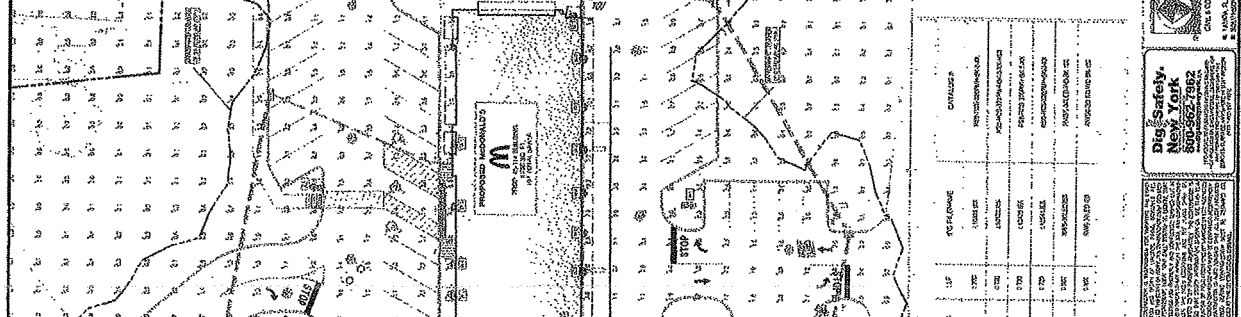
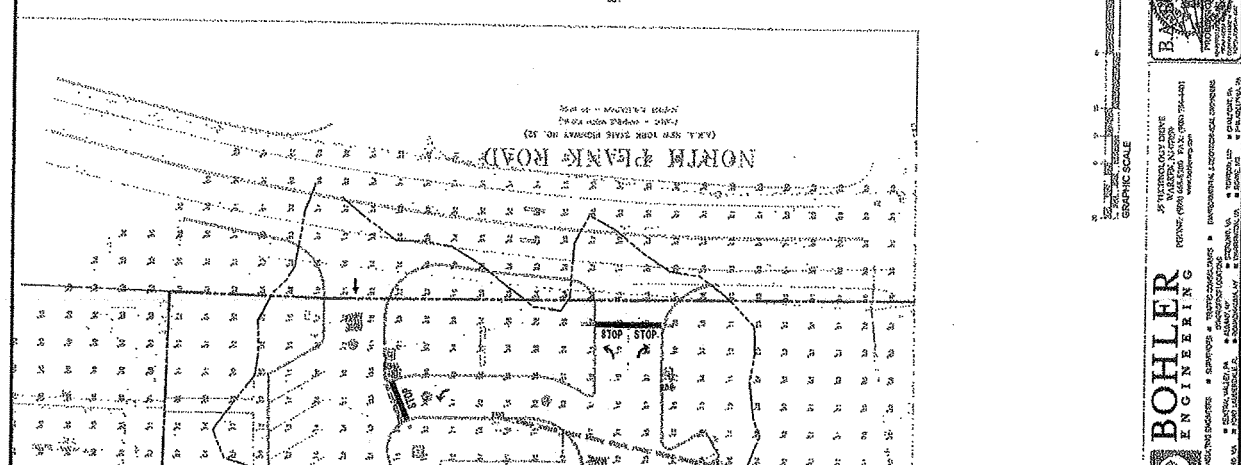
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 New York  
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**LIGHTING NOTES:**

- SEE NOTES TO THE CONTRACT FOR THE PROPOSED LIGHTING FIXTURES, INCLUDING THE SPECIFICATIONS, MANUFACTURER'S DATA SHEET, AND THE LIGHTING CALCULATION REPORT.
- THE LIGHTING PLAN IS BASED ON THE PROPOSED LAYOUT AND THE LIGHTING CALCULATION REPORT. ANY CHANGES TO THE LAYOUT OR THE LIGHTING CALCULATION REPORT WILL REQUIRE A REVISION TO THIS PLAN.
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**THIS PLAN TO BE UTILIZED FOR LEASING PURPOSES ONLY**

**RESUBMIT WITHIN 60 DAYS FOR LIGHT POLE INSTALL AND SPECIFICATIONS**

L.C. 08/24/15  
 10000 FORT MCDONALD & PROPOSED LIGHTING FOR LOT 11  
 SECTION 1, BLOCK 1, LOT 11  
 SECRET PLANK ROAD  
 TOWN OF NEWBURGH  
 COUNTY OF ORANGE  
 STATE OF NY

AGENCY REVIEW & APPROVAL  
 PROJECT NO. 15-00000  
 DATE: 08/24/15

GRAPHIC SCALE  
 1" = 20'-0"

**LEONARD SCHUKLE**

SYMBOL	DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL PRICE
1	SECURITY LIGHTING PULSE START METAL HALIDE AREA LIGHT (A.L.A.1 ESS. A.A.3)	10	100.00	1000.00
2	SECURITY LIGHTING LED WALL SCOURCH (W.L.W.2)	10	100.00	1000.00
3	SECURITY LIGHTING PULSE START METAL HALIDE AREA LIGHT (A.L.A.1 ESS. A.A.3)	10	100.00	1000.00
4	SECURITY LIGHTING LED WALL SCOURCH (W.L.W.2)	10	100.00	1000.00
5	SECURITY LIGHTING PULSE START METAL HALIDE AREA LIGHT (A.L.A.1 ESS. A.A.3)	10	100.00	1000.00
6	SECURITY LIGHTING LED WALL SCOURCH (W.L.W.2)	10	100.00	1000.00
7	SECURITY LIGHTING PULSE START METAL HALIDE AREA LIGHT (A.L.A.1 ESS. A.A.3)	10	100.00	1000.00
8	SECURITY LIGHTING LED WALL SCOURCH (W.L.W.2)	10	100.00	1000.00
9	SECURITY LIGHTING PULSE START METAL HALIDE AREA LIGHT (A.L.A.1 ESS. A.A.3)	10	100.00	1000.00
10	SECURITY LIGHTING LED WALL SCOURCH (W.L.W.2)	10	100.00	1000.00

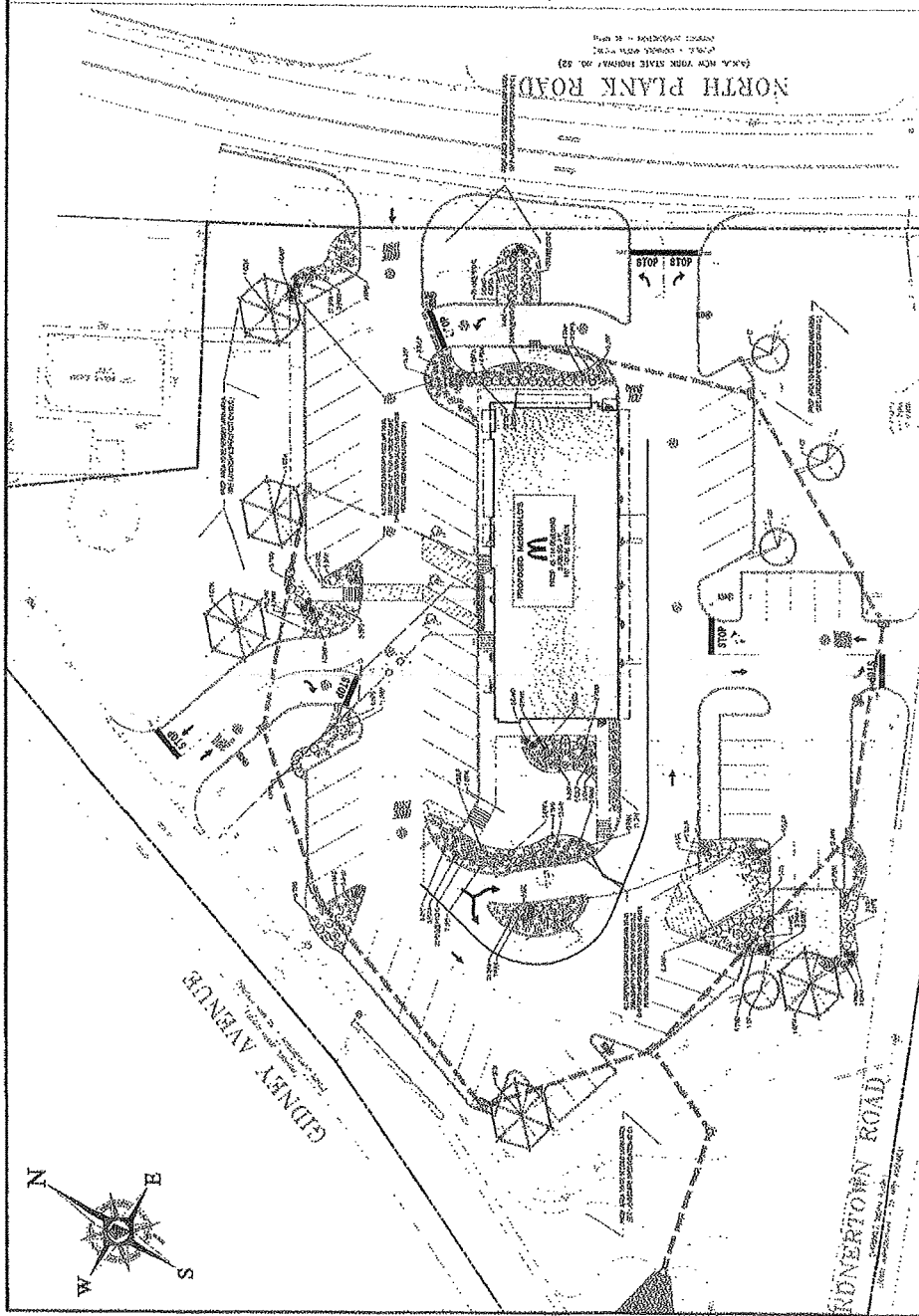
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 WATER RESOURCES ENGINEERING • ENVIRONMENTAL ENGINEERING

**Big Safety, New York**  
 800-562-7892

**SECURITY LIGHTING NOTE**  
 ALL LIGHTS ARE TO BE ON FRAME WORK





**McDonald's**  
 111 WOOD AVENUE BLDG 403  
 NEW YORK, NY 10090  
 PHONE: (212) 875-1234  
 FAX: (212) 875-5678

**COMPLIANCE CHART**

SECTION	REQUIREMENT	COMPLIANCE
GENERAL NOTES	1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.	YES
	2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.	YES
LANDSCAPE SCHEDULE	3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.	YES
	4. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.	YES

**LANDSCAPE SCHEDULE**

NO.	PLANT	QUANTITY	NOTES
1	PLANTING	20	PLANTING IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.
2	PLANTING	10	PLANTING IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.
3	PLANTING	5	PLANTING IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.

WHEREAS DETAILED STREET PLAN  
 LANDSCAPE SCHEDULES  
 THIS PLAN TO BE UTILIZED FOR  
 LANDSCAPE PURPOSES ONLY

L.C. 05-17-145 ISSUED FOR MUNICIPAL & AGENCY REVIEW & APPROVAL  
 PROPOSED DRIVE THRU RESTAURANT  
 SECTION 76, BLOCK 1, LOT 11  
 65 NORTH PLANK ROAD  
 TOWN OF NEWBURGH NY

TOWN OF NEWBURGH NY  
 COUNTY ORANGE  
 REGIONAL ENG. NO. 12.D.  
 PLAN DESCRIPTION: LANDSCAPE PLAN  
 DATE: 05/17/14



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 50 TECHNOLOGY DRIVE  
 NEWBURGH, NY 10973  
 TEL: (845) 562-7582  
 WWW.BOHLERENGINEERING.COM

**Dig Safety - New York**  
 800-962-7582  
 100 W. 10th Street, New York, NY 10011

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.  
 2. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.  
 3. ALL PLANTING SHALL BE DONE IN ACCORDANCE WITH THE CITY OF NEW YORK DEPARTMENT OF ENVIRONMENTAL CONSERVATION (DEC) REGULATIONS.

**SOIL EROSION & SEDIMENT CONTROL PLAN NOTES**

1. THIS PLAN IS TO BE UTILIZED FOR SOIL EROSION AND SEDIMENT CONTROL PURPOSES ONLY.

2. SEE DETAIL SHEET 17 FOR SOIL EROSION & SEDIMENT CONTROL DETAILS.

3. THIS PLAN IS TO BE UTILIZED FOR SOIL EROSION AND SEDIMENT CONTROL PURPOSES ONLY.

4. THE PROPOSED DRIVE THRU RESTAURANT IS LOCATED AT THE CORNER OF NORTH PLANK ROAD AND GARDNETOWN ROAD.

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20. THE PROPOSED DRIVE THRU RESTAURANT IS LOCATED AT THE CORNER OF NORTH PLANK ROAD AND GARDNETOWN ROAD.

DATE	DESCRIPTION	BY	REVISION
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	1
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	2
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	3
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	4
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	5
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	6
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	7
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	8
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	9
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	10
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	11
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	12
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	13
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	14
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	15
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	16
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	17
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	18
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	19
01/15/18	ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW	BOHLER	20

**McDonald's**

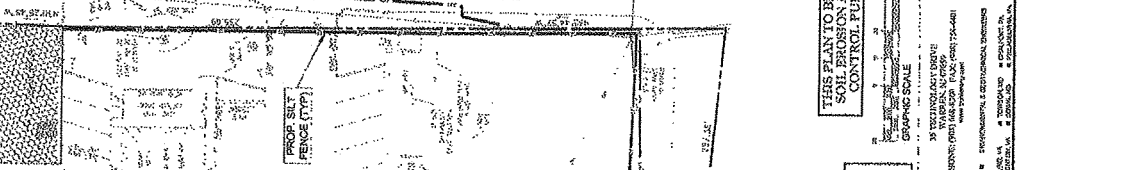
111 NORTH PLANK ROAD, SUITE 100  
 NEWBURGH, NY 10950  
 TEL: 845.339.1111  
 FAX: 845.339.1112

ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW

PROPOSED DRIVE THRU RESTAURANT  
 SECTION 74, BLOCK 1, LOT 11  
 STREET ADDRESS: 88 NORTH PLANK ROAD  
 TOWN OF NEWBURGH, NY 10950

REGULATING AGENCY: T.B.O. SOIL EROSION & SEDIMENT CONTROL PLAN - PHASE I

PROJECT NO.: 18-0088



**BOHLER ENGINEERING**

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**Big Safety - NEW YORK**

35 WASHINGTON ST. SUITE 200  
 NEWBURGH, NY 10950  
 PHONE: (845) 339-1111  
 FAX: (845) 339-1112

THIS PLAN IS TO BE UTILIZED FOR SOIL EROSION AND SEDIMENT CONTROL PURPOSES ONLY.

SEE DETAIL SHEET 17 FOR SOIL EROSION & SEDIMENT CONTROL DETAILS.

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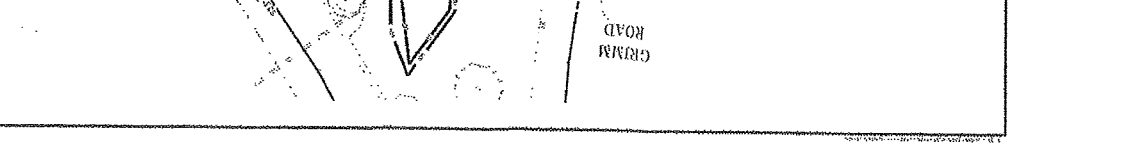
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 TEL: 845.339.1111  
 FAX: 845.339.1112

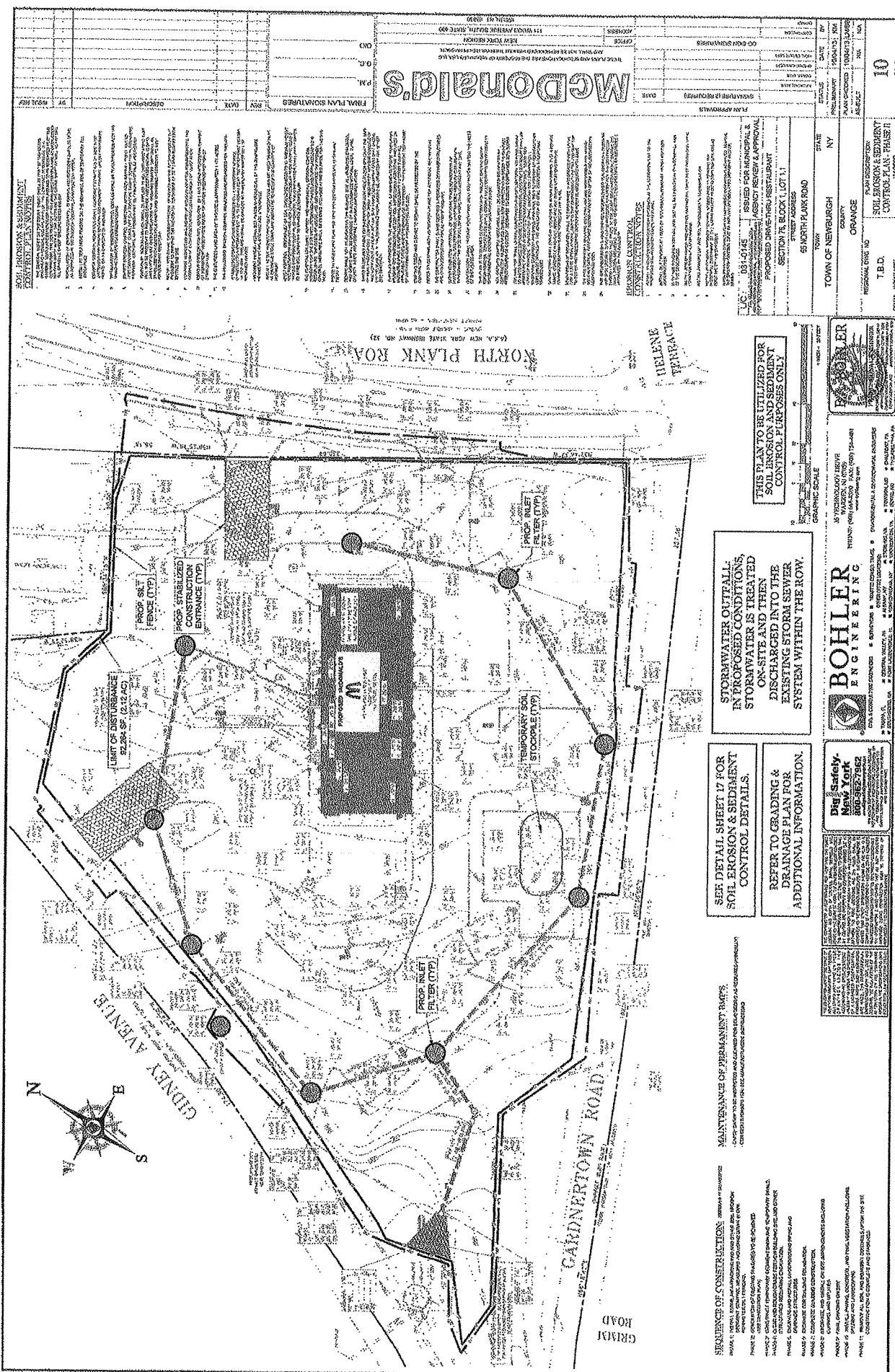
ISSUED FOR MUNICIPAL & TOWN OF NEWBURGH REVIEW

PROPOSED DRIVE THRU RESTAURANT  
 SECTION 74, BLOCK 1, LOT 11  
 STREET ADDRESS: 88 NORTH PLANK ROAD  
 TOWN OF NEWBURGH, NY 10950

REGULATING AGENCY: T.B.O. SOIL EROSION & SEDIMENT CONTROL PLAN - PHASE I

PROJECT NO.: 18-0088





**SOIL EROSION & SEDIMENT CONTROL PLAN NOTES**

1. ALL EROSION AND SEDIMENT CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED PRIOR TO THE START OF CONSTRUCTION.
2. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
3. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
4. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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7. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
8. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
9. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
10. EROSION AND SEDIMENT CONTROL MEASURES SHALL BE MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.

**McDonald's**

**FINAL PLAN SUBMITTALS**

NO.	DATE	DESCRIPTION
1	08/15/2011	ISSUED FOR PERMITS
2	08/15/2011	ISSUED FOR PERMITS
3	08/15/2011	ISSUED FOR PERMITS
4	08/15/2011	ISSUED FOR PERMITS
5	08/15/2011	ISSUED FOR PERMITS
6	08/15/2011	ISSUED FOR PERMITS
7	08/15/2011	ISSUED FOR PERMITS
8	08/15/2011	ISSUED FOR PERMITS
9	08/15/2011	ISSUED FOR PERMITS
10	08/15/2011	ISSUED FOR PERMITS

PROJECT: 131-0745  
 TOWN OF NEWBURGH, NY  
 COUNTY: ORANGE  
 REGIONAL DISTRICT: T.B.D.  
 PROJECT NAME: RESTAURANT CONTROL PLAN SHEET 10 OF 17

**BOHLER ENGINEERING**

2014 CENTRAL EXPRESSWAY • SUITE 201 • WOODLAND, NY 11793  
 609-438-5100 • FAX 609-438-5101 • WWW.BOHLER-ENG.COM

REGISTERED PROFESSIONAL ENGINEER  
 CIVIL ENGINEERING NO. 033456-01

**Bohler Engineering**

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 CIVIL ENGINEERING NO. 033456-01

**SET DETAIL SHEET 17 FOR SOIL EROSION & SEDIMENT CONTROL DETAILS.**

**REFER TO GRADING & DRAINAGE PLAN FOR ADDITIONAL INFORMATION.**

**SEQUENCE OF CONSTRUCTION:**

1. EXISTING EROSION AND SEDIMENT CONTROL MEASURES TO BE MAINTAINED THROUGHOUT CONSTRUCTION.
2. CONSTRUCTION OF PERMANENT BMP'S.
3. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
4. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
5. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
6. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
7. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
8. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
9. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.
10. CONSTRUCTION OF TEMPORARY SOIL STOCKPILES.

**MAINTENANCE OF PERMANENT BMP'S:**

CONTRACTOR TO BE RESPONSIBLE FOR MAINTENANCE OF PERMANENT BMP'S THROUGHOUT CONSTRUCTION.

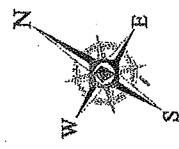
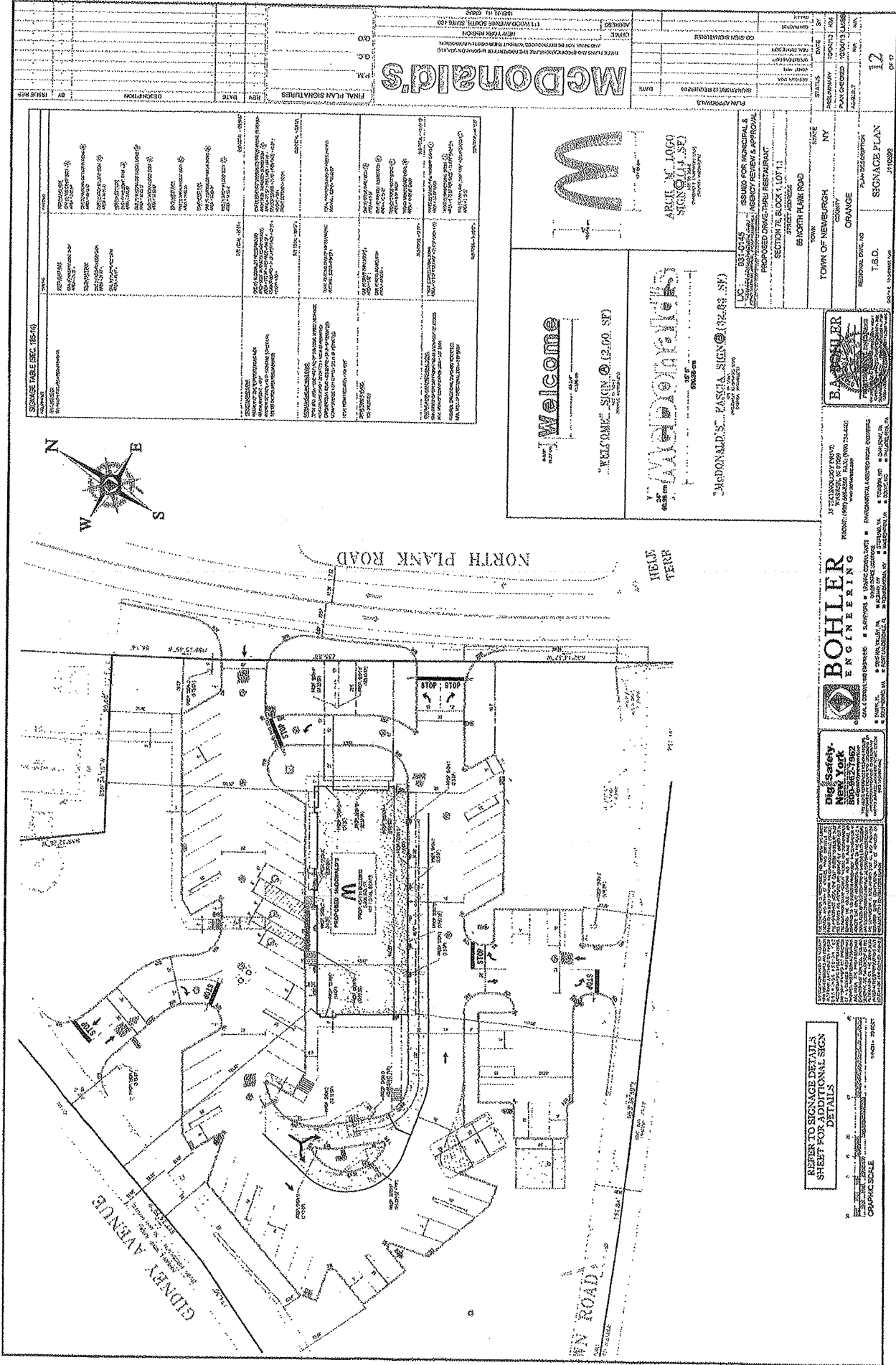
**THIS PLAN TO BE UTILIZED FOR SOIL EROSION AND SEDIMENT CONTROL PURPOSES ONLY.**

**GRAPHIC SCALE**

1" = 100'







NO.	DATE	BY	DESCRIPTION
1	03/14/14	...	...
2	03/14/14	...	...
3	03/14/14	...	...
4	03/14/14	...	...
5	03/14/14	...	...

**McDonald's**  
 FINAL PLAN SIGNATURES

ARCHITECT: EASCHIA SIGEN (12.00. SF)  
 TOWN OF NEWBURGH, NY

**McDonald's**  
 EASCHIA SIGEN (12.00. SF)  
 TOWN OF NEWBURGH, NY

REFER TO SIGNAGE DETAILS SHEET FOR ADDITIONAL SIGN DETAILS

**Big Safety New York**  
 800-567-7592

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**B. BOHLER**  
 REGISTERED PROFESSIONAL ENGINEER

TOWN OF NEWBURGH, NY  
 COUNTY: ORANGE  
 RESOLUTION NO. 13  
 T.B.D.  
 SIGNAGE PLAN  
 12  
 OF 27