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

----- X
In the Matter of

NPA SITE PLAN
(2017-03)

747 Boulevard
Section 89; Block 1; Lots 80.1 & 80.2
IB Zone

----- X

INITIAL APPEARANCE
COMMERCIAL SITE PLAN

Date: January 19, 2017
Time: 7:24 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
FRANK S. GALLI
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

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

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CHAIRMAN EWASUTYN: The next item of business this evening is the NPA Site Plan. It's a commercial site plan located on New York State Route 747 Boulevard in an IB zone, represented by Ken Lytle, the representative for Zen Design.

Ken.

MR. LYTLE: Good evening. I'm here before the Board tonight. This is located at the northeast property, the intersection of I-84 and 747 Boulevard. It's made up of two separate parcels. There's the property owned by the New York City Aqueduct, and they have a right-of-way to cross that.

One of Pat's comments is to get the information over to Mike for review. The main entrance would come off of 747 Boulevard. That was constructed by the DOT. They did the whole interchange. That was part of the deal that Mr. Muholland made with the DOT. That's been built to their specs and we'll add that to the plan. Curbing and everything else is going to be required.

What we're here for is presenting the building. We know there's a bunch of variances

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that will be required.

We met with the DOT on multiple occasions. In the bottom southwest corner of this parcel there's a little rectangular shaped property that used to be owned by somebody else that was given to the DOT when they did this interchange. We're looking to get as close to that as possible. The DOT had no problem with that. As Pat mentioned in the letter, they mentioned that as an office building. We'll have them address the letter for the gas station. In doing that it would be a good sized variance as we'd be required to have it that close to the property line. We can adjust the other setbacks and canopy overhangs.

It's preliminary at this point. We're looking to go to the Zoning Board to see if they can get the variances before we complete the rest of the site plan.

CHAIRMAN EWASUTYN: All right. Pat Hines?

MR. HINES: I know Ken has my comments. There are technical comments.

As far as the variance, the front yard

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setback to New York State 747 is actually 60 feet per the code. That would increase the amount of variance required. I don't know exactly what it would be but it's -- actually, it's going to be 10 feet more than what you show. That needs to be corrected.

There's also a couple other things in the bulk table that need to be cleaned up.

There's an issue with access via the easement, a Town Law 280-A issue, because this parcel where the structure will be proposed doesn't have access to a street. I'll let Mike Donnelly speak to that more.

MR. DONNELLY: I think you may have been here for some meetings on this before. Section 280-A of the Town Law says before a building permit may be issued a site must have access by a road of qualifying formality, I'll come back to that in a moment, and it must be built either to a Town roadway specification or a private roadway specification. If it is not, you would need a variance from or the Zoning Board would set a lesser specification for the road that's adequate for the purpose of fire and

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police protection. Unless there's a subdivision somewhere, your proposed driveway crossing the aqueduct is not a road that would satisfy the formality of 280-A. In cases where your access is by easement you can't get a variance under 280-A-A. What you can apply for is an open development area, which is an application that can only be granted by the Town Board. The open development area would allow you to use that easement access. Obviously the specification of that roadway would be important. Unless somehow at the time of the taking of the aqueduct there's some filed map that shows that roadway that might satisfy the formality requirement, your only option would be an open development area.

MR. LYTLE: I believe it's shown as a right-of-way. Is that correct?

MR. MULHOLLAND: The aqueduct gave the right-of-way to the Thruway Department because they took my driveway away and they put that as the access. The Thruway or the DOT put that whole driveway into that property, across the aqueduct into that property. They obtained the right-of-way from the aqueduct.

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MR. DONNELLY: To satisfy the formality requirement there would have to be something on file at the Orange County Clerks Office and had a subdivision approval. If that exists it's simply -- it satisfies the formality requirement, then you just have to meet the specification for the improvement.

MR. LYTLE: We have to go to the Town Board and make sure we have --

MR. HINES: The survey should then be updated. Right now the survey doesn't show that easement, --

MR. LYTLE: That's fine.

MR. HINES: -- the spur for the aqueduct parcel. If there is an easement that exists, that should be shown. It must have been recorded and filed.

MR. LYTLE: Mm'hm'.

MR. HINES: I just think -- I know you're looking to head to the ZBA. I think we need more level of detail so we can definitively tell what variances we need.

There's references to lots 2-A, 2-B and 2-C but there's no lot 2-C anywhere shown.

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MR. LYTLE: C is to be a very small parcel on the opposite side of the aqueduct. That has since been sold to one of the owners on the back.

MR. HINES: Maybe an inset map. It's confusing when you're reading through the multiple deed references and lease references to try to figure out what's going on. There's references to each of those lots. We don't know where those are.

MR. LYTLE: No problem.

MR. HINES: There's also reference to the access right-of-way to the rear. Figure out who that's in favor of and where that goes.

MR. LYTLE: Okay.

MR. HINES: I was concerned that that access to the rear across the aqueduct was the one that you may have thought was the one across here.

MR. LYTLE: I believe it's two different ones.

MR. HINES: That needs to get cleaned up. If we can get the surveyor to clean that up.

If you can fix the bulk table

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requirements on the map, show the entrance drive, I guess it's existing today, and how that's going to work. I think the Board will have more information. We're going to be looking for a lot more detailed information in the future. I think prior to referring to the ZBA we need to get a handle on what variances we're referring to.

CHAIRMAN EWASUTYN: How can we coordinate that between yourself and Ken Lytle and Mike Donnelly? Are we saying we'll do this at a later meeting?

MR. HINES: Yes.

CHAIRMAN EWASUTYN: Okay. When do you think you would have that available?

MR. LYTLE: I'm going to check with the surveyor on the information. I would say -- February 2nd is the next meeting?

CHAIRMAN EWASUTYN: You would have that ready?

MR. LYTLE: I better say the 16th. That's very close. I'll submit as early as I can for you.

CHAIRMAN EWASUTYN: Okay. Let's wait until we hear back. You have plenty of time to

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talk about the meeting of the 16th.

MR. LYTTLE: Thank you.

CHAIRMAN EWASUTYN: Mike, Jerry, do you have anything that you want to add?

MR. CANFIELD: No. At best what we're looking at is potentially a concept plan. There's not a lot of level of detail.

One thing we did speak of at the work session, and I'm not certain of but we can research, I can ask you to research if there are any New York City requirements of separation from petroleum tanks to the aqueduct line.

Also, one of Pat's comments was will it be sprinklered. The answer to that is it's a requirement of the Town Code. It's an expense that should be considered.

MR. LYTTLE: Got it.

CHAIRMAN EWASUTYN: All right.

MR. LYTTLE: Thank you very much.

MR. CANFIELD: For the record can we have the owner's name?

MR. MULHOLLAND: Patrick Mulholland from Newburgh Park Associates.

MR. LYTTLE: He's the owner.

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CHAIRMAN EWASUTYN: Thank you, Patrick.

(Time noted: 7:32 p.m.)

C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 6th day of February 2017.

Michelle Conero

MICHELLE CONERO

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

----- X
In the Matter of

NPA GAS STATION
(2017-03)

NYS Route 747 Boulevard
Section 89; Block 1; Lots 80.1 & 80.2
IB Zone

----- X

SITE PLAN

Date: July 20, 2017
Time: 7:00 p.m.
Place: Town of Newburgh
Town Hall
1496 Route 300
Newburgh, NY 12550

BOARD MEMBERS: JOHN P. EWASUTYN, Chairman
STEPHANIE DELUCA
KENNETH MENNERICH
DAVID DOMINICK

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

APPLICANT'S REPRESENTATIVE: KENNETH LYTLE

----- X

MICHELLE L. CONERO
2 Francis Street
Newburgh, New York 12550
(845) 541-4163

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NPA GAS STATION

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CHAIRMAN EWASUTYN: Good evening,
ladies and gentlemen. Welcome to the Town of
Newburgh Planning Board meeting of the 20th of
July.

At this time I'll call the meeting to
order with a roll call vote starting with
Stephanie.

MS. DeLUCA: Present.

MR. MENNERICH: Present.

CHAIRMAN EWASUTYN: Present.

MR. DOMINICK: Present.

MR. DONNELLY: Michael Donnelly,
Planning Board Attorney.

MS. CONERO: Michelle Conero,
Stenographer.

MR. CANFIELD: Jerry Canfield, Town of
Newburgh.

MR. HINES: Pat Hines with McGoey,
Hauser & Edsall Consulting Engineers.

CHAIRMAN EWASUTYN: At this point we'll
turn the meeting over to Dave Dominick.

MR. DOMINICK: Please stand to say the
Pledge.

(Pledge of Allegiance.)

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NPA GAS STATION

MR. DOMINICK: Please silence your cell phones.

CHAIRMAN EWASUTYN: This evening we have seven items of business. The first item on the agenda is the NPA Gas Station. It's a site plan located on Route 747 in an IB Zone. It's being represented by Zen Design, Ken Lytle.

MR. LYTLE: Good evening. Since our last presentation we made the adjustments that Pat had asked for, added the landscape area along the front, shifted the building to be within the setback.

We're at the preliminary stage. We're looking to go to the Zoning Board to get both of the variances and make sure we have those.

CHAIRMAN EWASUTYN: Ken, for the record, Pat Hines has reviewed it, can you speak to us as to what variances you need to be referred to the ZBA for?

MR. LYTLE: We need the front yard. Where the gas station is, Pat made reference to the canopy. If they do a canopy we'll need a variance. If we do that as a pad I don't think there's a variance required. Only if it's a

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NPA GAS STATION

canopy.

MR. HINES: You may need one for fire suppression. I'm not sure.

MR. LYTLE: I'll assume we'll need it for that also.

CHAIRMAN EWASUTYN: Pat, can I ask you a question? From what I understand, fire suppression is no longer required.

MR. HINES: That's what Jerry just --

MR. CANFIELD: In the new 2015 fire code there have been some changes with respect to suppression systems and canopies. There are conditions. If the conditions are met the suppression system may be able to be omitted.

MR. LYTLE: Thank you.

CHAIRMAN EWASUTYN: Pat, do you want to discuss the variances before us?

MR. HINES: I took a look at it. The variances I saw were front yard setback, 60 feet is required where 21.8 is provided; a side yard setback for the canopy, 50 feet is required. I scaled it off the drawing so it's not exact but it looks like 30 feet is provided; the garage on the lot identified as lot 2A, a rear yard and a

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NPA GAS STATION

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front yard setback as well as an accessory structure in the front yard, and an accessory structure that's not accessory to any use. I would think the garage is going to go away.

MR. LYTLE: We'll take that away pending that.

MR. HINES: That should be labeled. We suggest the bulk table should be labeled for what variances are required.

MR. DOMINICK: Ken, in the workshop we discussed there was a lot of detail here. Do you have any idea where the gas tanks would go, where they'll be located or where the gas truck would come in, turning radius and stuff like that?

MR. LYTLE: Those are details we have to work out. We believe the gas tanks would go up actually on the bottom right-hand corner to the left of the parking lot. Fuel up to that area we believe. Again, we'll work out with the gas company where they prefer to have them.

MR. CANFIELD: Just one comment on that, John. Ken, if you're going to the ZBA you may want to show those tanks because there is a property line separation requirement that's in

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NPA GAS STATION

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the Zoning Code. You can show compliance with that.

CHAIRMAN EWASUTYN: Ken?

MR. MENNERICH: No questions.

CHAIRMAN EWASUTYN: Stephanie?

MS. DeLUCA: No.

CHAIRMAN EWASUTYN: Michael, would you --

MR. DONNELLY: Ken, if you heard what Jerry just said, in order to avoid making two trips, you want to have a chance to come back and show where those tanks are to make sure you're not going to have a problem.

MR. LYTLE: I believe we can locate that. If it's okay I'll put them on the map and send it over to Pat.

MR. DONNELLY: In view of the fact that Ken is going to remove the garage structure from the rear lot, the referral to the Zoning Board would be for a front yard setback, as Pat said 21.8 where 60 is required, a side yard setback of 30 where 50 feet is required.

CHAIRMAN EWASUTYN: Thank you, Michael.

Having heard the recommendations from

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NPA GAS STATION

Mike Donnelly, Planning Board Attorney, I'll move for a motion for Mike Donnelly to prepare a letter to the ZBA for the two necessary variances for the NPA Gas Station.

MR. DOMINICK: So moved.

MR. MENNERICH: Second.

CHAIRMAN EWASUTYN: Motion by Dave Dominick. Second by Ken Mennerich. I'll ask for a roll call vote starting with Dave Dominick.

MR. DOMINICK: Aye.

MR. MENNERICH: Aye.

MS. DeLUCA: Aye.

CHAIRMAN EWASUTYN: Aye.

MR. DONNELLY: I think we said that the plans are not adequate to do a lead agency notice of intent or to send to the Planning Department.

MR. HINES: There's not the level of detail required.

We did have some concerns also. It is a sketch plan but truck traffic circulation, how that's going to function. It's going to be something we're looking for. The turning radius and such are going to have to be addressed on how a truck can get in or out.

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Stormwater management is not addressed on the plans.

Also, because of the use of the building, it will be required to be sprinklered. That could be an expensive item with lack of a water supply.

Just a heads up on those comments. It's something we'll be looking for.

MR. LYTTLE: Okay.

CHAIRMAN EWASUTYN: Ken, thank you.

MR. LYTTLE: Thank you very much.

(Time noted: 7:04 p.m.)

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C E R T I F I C A T I O N

I, MICHELLE CONERO, a Notary Public
for and within the State of New York, do hereby
certify:

That hereinbefore set forth is a
true record of the proceedings.

I further certify that I am not
related to any of the parties to this proceeding by
blood or by marriage and that I am in no way
interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto
set my hand this 4th day of August 2017.

Michelle Conero

MICHELLE CONERO



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS D.P.C.**

MARK J. EDSALL, P.E., P.P. (NY, NJ & PA)
MICHAEL W. WEEKS, P.E. (NY, NJ & PA)
MICHAEL J. LAMOREAUX, P.E. (NY, NJ, PA, VT & VA)
MATTHEW J. SICKLER, P.E. (NY & PA)
PATRICK J. HINES
LYLE R. SHUTE, P.E. (NY, NJ, PA)

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(845) 567-3100
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Principal Emeritus:
RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY, NJ & PA)

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

PROJECT: NPA SITE PLAN
PROJECT NO.: 17-03
PROJECT LOCATION: SECTION 89, BLOCK 1, LOT 80.2 & 80.1
REVIEW DATE: 14 JULY 2017
MEETING DATE: 20 JULY 2017
PROJECT REPRESENTATIVE: ZEN DESIGN CONSULTANTS

1. Schematic plans have been submitted for the design of the project. These plans identify the need for variances to develop the site. The following will identify variances based on a review of the schematic plan.
 - 1) Front yard setback: 60 required 21.8 provided.
 - 2) Side yard setback- canopy: 50 ft. required approximately 30 provided (not labeled on plans).
 - 3) Garage on Lot identified as 2A : Rear yard setback/front yard setback, accessory structure in front yard setback; note we believe the garage should be removed from the plan as part of the approval.
 - 4) Bulk Table should be modified to identify the variances needed. Variance for canopy is not depicted.

The following technical comments are provided on the sketch plan:

- 1) Truck traffic circulation for gasoline tankers accessing the site must be depicted on the plans.
- 2) Stormwater management must be addressed on the plans.
- 3) The Applicant should determine whether the building is required to be sprinklered. Conversations with Fire Inspectors office should be undertaken.
- 4) Further engineering review will be undertaken upon receipt of detailed design plans.

Respectfully submitted,

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

Patrick J. Hines
Principal

ZEN Consultants, Inc.

1662 Route 300, Suite 138
Newburgh, New York 12550

June 18, 2017

Re: NPA Site Plan
747 Blvd

Comments addressed from McGoey, Hauser & Edsall, dated 01/16/2017:

1. Bulk Table for the IB zone appearing on Sheet 1 of 2 should be corrected for IB District Schedule 8D(2) set back requirements.

This has been corrected on the plans.

2. Plans should clearly label each of the lots referred to on notes 1-3 of sheet 1 of 2. Lots 2a, 2b and 2 are referenced, however lots 2a and 2b are labeled.

I have attached a copy of the previous subdivision map which should help to clarify these notes.

3. Lot appears to be bisected by lands owned by the NYCDEP. Mike Donnelly's comments regarding access through this parcel should be received. Access to the parcel currently labeled 2b is via an easement across the adjoining lot.

A permanent easement across the NYCDEP lands is in place. Please see attached deed.

4. Plans should identify the point of access to the proposed development. Currently plans stop short of depicting access onto the State Highway. Bulk tables should include all minimum and maximum required items in Schedule 8.

Access point onto 747 Blvd has been added to the plans. Bulk tables have been adjusted to show all requirements.

5. The lot is considered a corner lot in accordance with Section 185-17. Both street frontages are front yards while one of the other shall be deemed a rear yard and side yard. These should be clearly labeled with dimensions.

This has been adjusted on the plans.

6. Bulk table should be appropriately revised to identify section 185-18C (#4)(b).

This has been adjusted.

7. Gerry Canfield's comments regarding whether the proposed structure must be sprinklered should be received.

We look forward to receiving these comments as the project proceeds.

8. Several zoning variances appear to be required based on the schematic plans submitted. Front yard set back where 60 feet is required, 50 feet is shown for the majority of the set back and 11.3 feet is shown to the rear.

This is understood.

9. The gas canopy extends into one of the set back.

This is the plan and will require a variance for this.

10. The EAF should be revised to identify the threatened or endangered species based on information provided by the NYSDEC. Coordination with the NYSDEC on this should be performed.

The EAF has been revised and we look forward to any comments they may have as we proceed.

11. The design guidelines should be considered when placing the structures and parking. Parking within the front yard set back would require a waiver from the Planning Board.

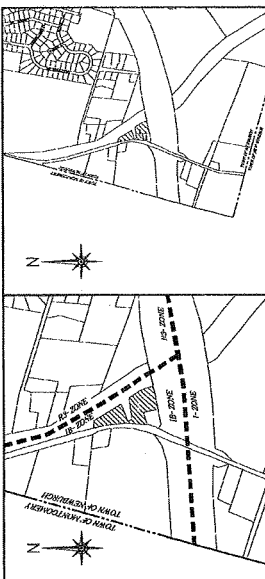
This is a very restricted site with a lot of limitations. The only available native soils to use for the septic are in the rear of the parcel. This is the only area that during the construction of the interchange was not regraded with new compacted materials. So we have shown the parking on the northern side of the building.

12. A letter provided from the NYSDOT regarding the site identifies the site as an Office Building. It appears the use has changed since coordination with the DOT. In addition the NYSDOT's comments regarding set backs have no bearings on the Town's Zoning requirements.

The NYSDOT has requested a traffic study be prepared for them to make this determination as this use will have more of an impact than an office building.

13. Future plans should address site grading, drainage, stormwater management, water and sewer, traffic and NYSDOT entrance drives.

This is understood. We are hoping to go to the Zoning Board for the variances which will be needed. If we are not successful we will need to relayout the site.



SCALE 1"=500'

ZEN CONSULTANTS, INC.
 1501 NEWBURGH AVENUE, SUITE 300
 NEWBURGH, NY 12551
 (845) 486-1387 (Home)

SCALE 1"=1000'

SUB. 89-1-19.22	RECONSTRUCTED	RECONSTRUCTED
ZONE 09 INDUSTRIAL	420,000	420,000
TOTAL AREA EXISTING 62,733.55'		
MINIMUM LOT AREA (SQ FT)	100'	52'
FRONT YARDS	50'	10'
SIDE (ONE) YARDS	100'	10'
REAR YARDS	150'	10'
MINIMUM LOT WIDTH	50'	500'
SETBACK	10'	500'
BUILDING COVERAGE	10%	44%
LOT SURFACE COVERAGE	10%	55%
STREET	50'	50'

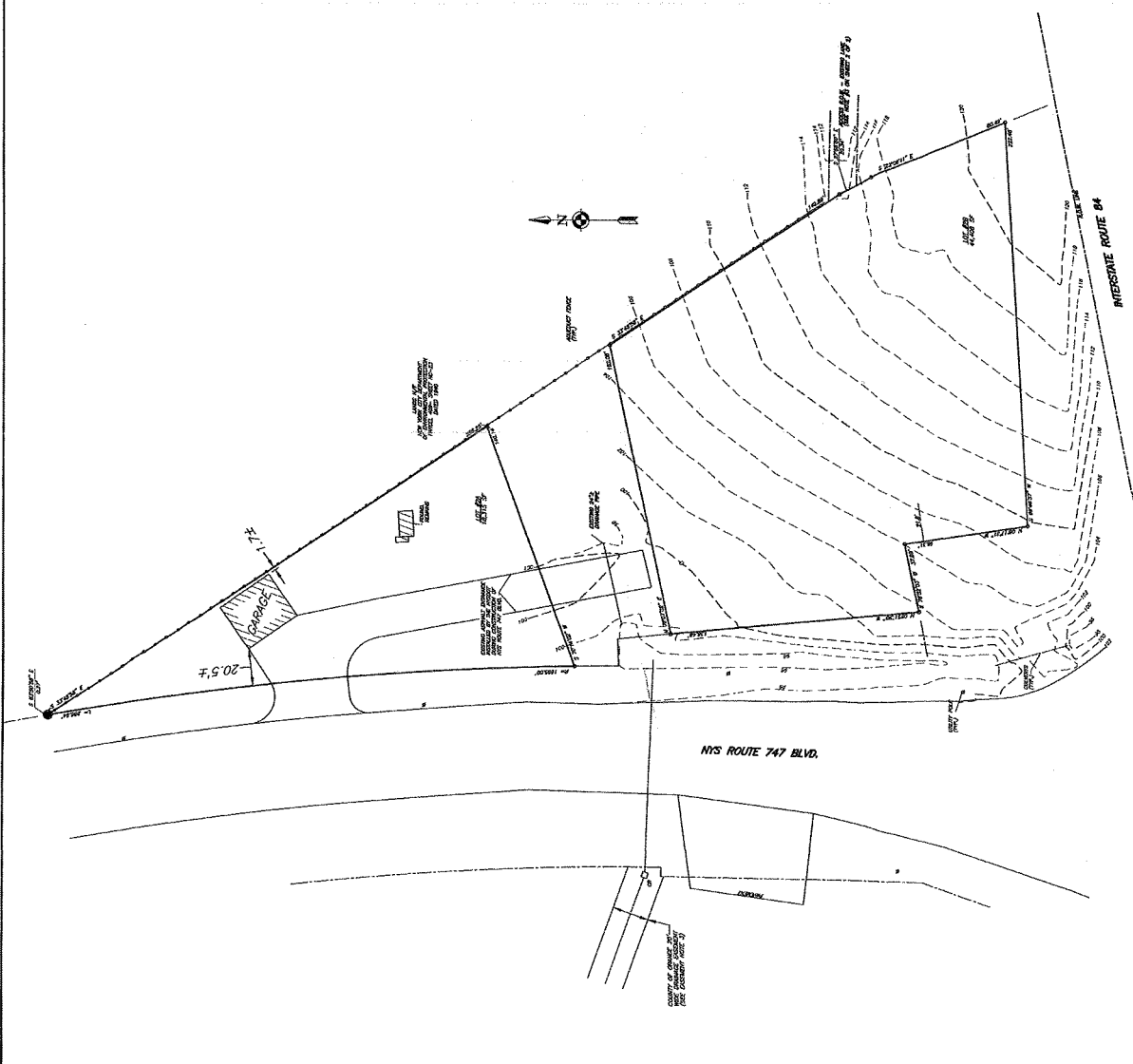
1. UNAUTHORIZED A REVISION OF THIS PLAN TO A SURVEY MAP BEING A LOGGED AND SURVEYED SOIL IN A LOCATION OF SECTION 7206. 4. SURVEYED AND RECONSTRUCTED SOILS IN A LOCATION OF SECTION 7206. 4. 5. SURVEYED AND RECONSTRUCTED SOILS IN A LOCATION OF SECTION 7206. 4. 6. SURVEYED AND RECONSTRUCTED SOILS IN A LOCATION OF SECTION 7206. 4.
2. THE SURVEY MAP SHOWS THE CORNER OF THE SURVEY MAP AND SHALL BE CONSIDERED TO BE VALID UNLESS CHANGED BY ANY SURVEY MAP PREPARED AND ON FILE WITH THE TOWN ENGINEER OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE SUBJECT PROPERTY.
3. THE SURVEY MAP SHOWS THE CORNER OF THE SURVEY MAP AND SHALL BE CONSIDERED TO BE VALID UNLESS CHANGED BY ANY SURVEY MAP PREPARED AND ON FILE WITH THE TOWN ENGINEER OR ANY OTHER AGENCY HAVING JURISDICTION OVER THE SUBJECT PROPERTY.
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 19. APPROXIMATE BASEMENT & LAPSE REFERENCES
 20. APPROXIMATE BASEMENT & LAPSE REFERENCES

ENGINEER
 WILLIAM J. MORRIS

PROPOSED SITE PLAN
 NEWBURGH PARK ASSOCIATES, INC.
 EXISTING SITE PLAN
 SEL. 89-1-19.22
 TOWN OF NEWBURGH, ORANGE COUNTY, NY

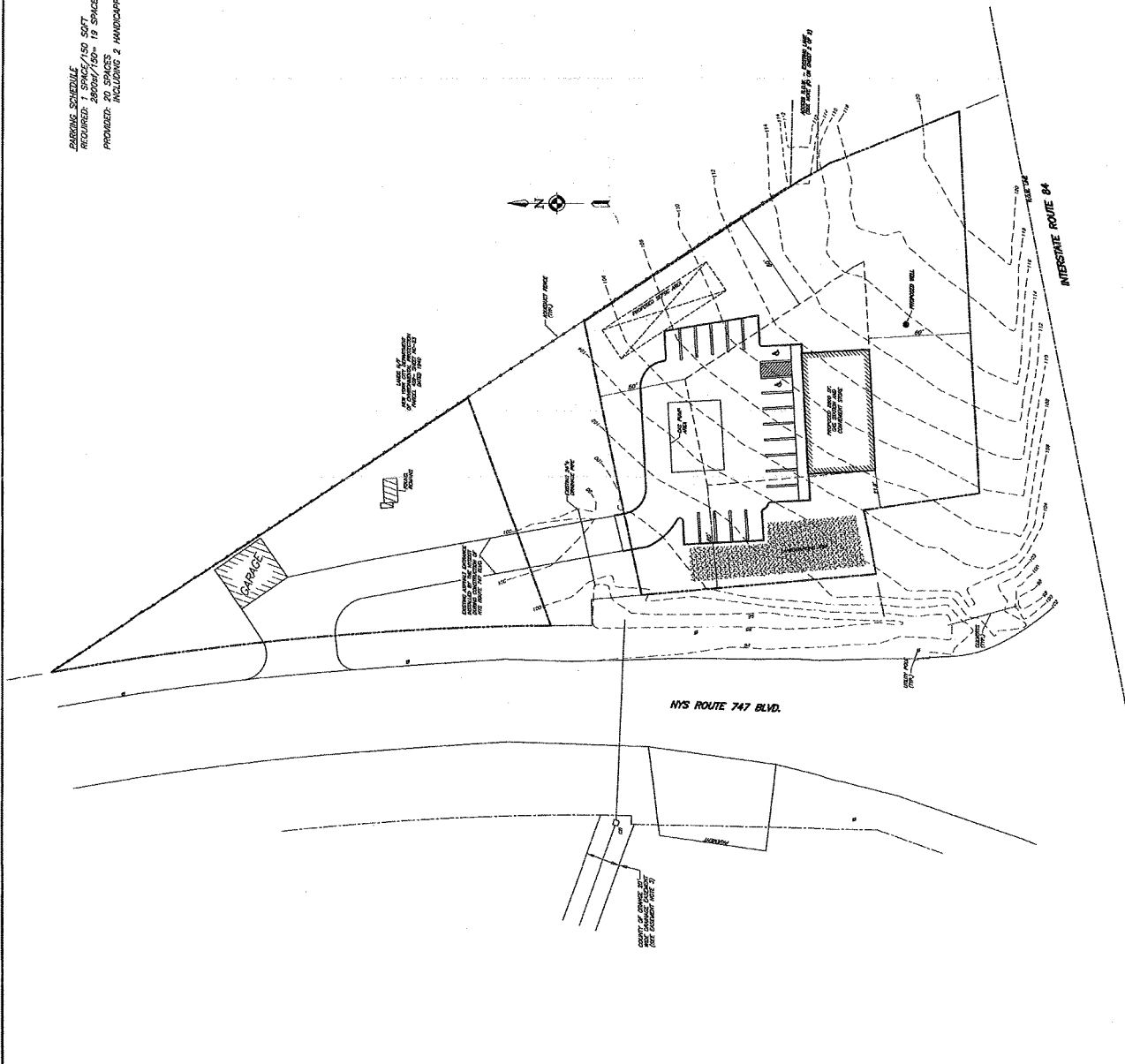
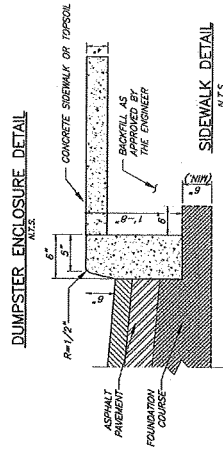
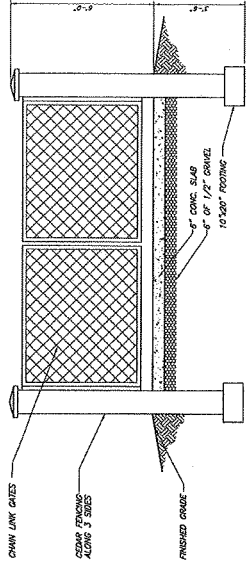
82 REVISED 08/18/2017 AS PER PLANNING BOARD COMMENTS
 1. REVISED 06/30/2017 AS PER INSPECTOR



DATE	7/7/2016	SCALE	1"=50'	JOB NUMBER	15-008-PND	SHEET NUMBER	087 OF 2
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ZEBRAS SCHEDULE
 REQUIRED: 2400' / 150' = 16 SPACES
 PROVIDED: 20 SPACES
 INCLUDING 2 HANDICAPPED



ENGINEER WILLIAM J. MORSEAU	PROPOSED SITE PLAN NEWBURGH PARK ASSOCIATES, INC. PROPOSED SITE PLAN SBL: 89-1-19.82 TOWN OF NEWBURGH, ORANGE COUNTY, NY
DATE: 7/7/2016	SCALE: 1"=30'
PROJECT NUMBER: 15-002-AMU	SHEET NUMBER: 2 OF 2

2. RETIRED 06/18/2017 AS PER PLANNING BOARD COMMENTS
 1. CORRECTED 07/20/16 AS PER BOARD