

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 & CT) PATRICK J. HINES LYLE R. SHUTE, P.E. LEED-AP (NY, NJ, PA) Main Office 33 Airport Center Drive Suite 202 New Windsor, New York 12553

(845) 567-3100 fax: (845) 567-3232 e-mail: <u>mheny@mhepc.com</u>

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

GASLAND-42 South Plank Rd.
20-07
SECTION 71, BLOCK 2, LOT 1 [,]
28 MAY 2020
JUNE 2020
CHAZEN ENGINEERING

1. The site is located in the R-3 Zone. A review of the R-3 Bulk Table Schedule 5 (D) identifies that a convenience store with or without filing station is NOT a permitted use in this zone. The change in the size of the preexisting non- conforming use requires a Use Variance from the ZBA.

1

- 2. The plans have a Bulk Table depicting the R-3 requirements for residential use which are misapplied in this case as no bulk requirements exist for the use. Any setbacks would be subject to ZBA requirements during the Use Variance review.
- 3. NYSDOT comments on the multiple access points must be received if the project returns.
- **4.** Access points on Fifth Ave. must be reviewed by the Highway Superintendent. These access points are very close to the intersection.
- **5.** The Town's design guidelines should be reviewed with regard to lighting, parking and landscaping.

Respectfully submitted,

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

Patrick J. Hines Principal PJH/kbw



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

TO WHOM IT MAY CONCERN:

This package of information and forms is provided at 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:		D: TOWN FILE NO:
	(A	pplication fee returnable with this application)
1.		vision/Site Plan (Project name): nk Road - Gas Land Petroleum
2.	Owner of Lan Name Address	ds to be reviewed: Gas Land Petroleum, Inc. (Zeidan Nesheiwat) <u>3 Ohioville Road</u> New Paltz, NY 12561
	Phone	<u>845-331-7545</u>
3.	Applicant Info Name Address	ormation (If different than owner): N/A
	Representa Phone Fax	.tive
	Email	
4.	Subdivision/Si Name	ite Plan prepared by: The Chazen Companies, Christopher Lapine, PE
	Address	21 Fox Street Poughkeepsie, NY 12601
		845-486-1478

5. Location of lands to be reviewed: 42 S. Plank Road

Phone/Fax

- 6. Zone R-3
Acreage 0.531 ac.Fire DistrictOrange Lake Fire DistrictSchool DistrictNewburgh
- 7. Tax Map: Section 71
 Block 2
 Lot 11

8.	Project Description and l	Purpose of Re	eview:	
	Number of existing lot	s <u>1</u>	Number of proposed lots <u>1</u>	
	Lot line change	N/A		
	Site plan review 760-S	F Addition, Faca	ade renovations, improved landscaping, access,	parking
	Clearing and grading	N/A		
	Other	N/A		

PROVIDE A WRITTEN SINGLE PAGE DESCRIPTION OR NARRATIVE OF THE PROJECT

- 9. Easements or other restrictions on property: (Describe generally) None known.
- **10.** The undersigned hereby requests approval by the Planning Board of the above identified application and scheduling for an appearance on an agenda:

Signature _	Bidan Nesheriwat	Vice President Title	
Date:	4/20/20		

<u>NOTE:</u> 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

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. X Environmental Assessment Form As Required
- $2. \underbrace{\times}_{X} \text{Proxy Statement}$
- 3.____ Application Fees
- 4. X 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.___X Name and address of applicant
- 2. X Name and address of owner (if different from applicant)
- 3. X Subdivision or Site Plan and Location
- 4.____ Tax Map Data (Section-Block-Lot)
- 5. X 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. X Date of plan preparation and/or plan revisions
- 9. X 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
14NA 14 Wetlands and 100 ft. buffer zone with an appropriate note regarding D.E.C. or A.C.O.E. requirements
15 Flood plain boundaries
16NA Certified sewerage system design and placement by a Licensed Professional Engineer must be shown on plans in accordance with Local Law #1 1989
X 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
19NAShow existing or proposed easements (note restrictions)
20 Right-of-way width and Rights of Access and Utility Placement
21NA 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)
NA 23 Number of lots including residual lot
24 Show any existing waterways
25. <u>NA</u> A note stating a road maintenance agreement is to be filed in the County Clerk's Office where applicable
NA 26 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. NA Indicate any reference to a previous subdivision, i.e. filed map number, date and previous lot number

31.____ 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.____ 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. <u>NA</u> 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: ____ 4/20/20

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 <u>permit</u> 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 by exempt from the permit application, public hearing, fee and bonding requirements of the law <u>provided</u> 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 many 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.				
Name of owner on premises: 3 Ohioville Road, New Paltz, 12				
Address of owner:				
Telephone number of owner: 845-331-7545				
Same Same				
State whether applicant is owner, lessee, agent, architect, engineer or contract Owner	or:			
Location of land on which proposed work will be done: 42 South Plank Road				
Section: 71 Block: 2 Lot: 11 Sub. Div.:				
Zoning District of Property: Size of Lot:				
Area of lot to be cleared or graded:				
Proposed completion of date:				
Name of contractor/agent, if different than owner:				
Address:				
Telephone number:				
Date of Planning Board Approval:(if req	uired)			
I hereby agree to hold the Town of Newburgh harmless from any claims arisin	ıg			
from the proposed activity. Bidan Mshuiwat 4/20/20				
Signature of owner: Date: Date:				
Signature of applicant (if different than owner):				
TOWN ACTION:				
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.

<u>EFFECTIVE DATE:</u>

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.

Zeidan Nesheiwat

APPLICANT'S NAME (printed)

Eidan Mesheiwat

APPLICANTS SIGNATURE

4/20/20

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

	and Petroleum, Inc.	, DEPOSES A	ND SAYS THAT HE/SHE
	3 Ohioville Road, New	Paltz, NY 1256	1
IN THE COUNTY	OFUlster		
AND STATE OF _	New York		
AND THAT HE/SI	HE IS THE OWNER	\mathbf{R} IN FEE OF _	42 S. Plank Road, Newburgh, NY
WHICH IS THE P	REMISES DESCRII	BED IN THE I	FOREGOING
APPLICATION AS		REIN TO TH mpanies and Ke	E TOWN OF NEWBURGH
PLANNING BOAH		-	IS AUTHORIZED
TO REPRESENT	THEM AT MEETIN	GS OF SAID	BOARD.
4/20/	/20		Eidan Mishiwat
DATED:			OWNERS SIGNATURE
		Z	eidan Nesheiwat
			OWNERS NAME (printed)
			Christipher Lapine
			WITNESS' SIGNATURE
NAMES OF ADDI REPRESENTATIV Mitch Nesheiwat			Christopher Lapine
			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.

4/20/20

DATED

Zeidan Nesheiwat

APPLICANT'S NAME (printed)

Eidan Mishiwat

APPLICANT'S 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:

Х 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
X	ZONING BOARD OF APPEALS
X	ZONING ENFORCEMENT OFFICER
	BUILDING INSPECTOR
	OTHER

4/20/20

DATED

INDIVIDUAL APPLICANT

Gas Land Petroleum, Inc.

CORPORATE OR PARTNERSHIP APPLICANT

Eidan Misheiwat

BY: _______(Pres.) (Partner) (Vice-Pres.) (Sec.) (Treas.)

NOT APPLICABLE

AGRICULTURAL NOTE

(Required to be placed on all plans where property lies within 500 feet of land in active agricultural production or operation)

Property adjacent to lots (1) is in active agricultural operation and production and residents must be aware that such property is protected by New York State "Right to Farm Laws" as regulated by the Department of Agriculture and Markets. From time to time during and prior to the normal growing season land and crops may be sprayed from the ground or by air, manure may be applied, and periodic noise may occur from machinery operation at various times throughout the day. Residents should be aware of this action by the adjacent property owners.

(1) Specific lots adjacent to the active farming area which are impacted shall be inserted in this space.

NOT APPLICABLE

AGRICULTURAL DATA STATEMENT

(Required pursuant to Agricultural and Markets Law §305-a for applications for site plan approvals, use variances and subdivision approvals that will occur on property within a County Agricultural District containing an active farm operation or on property with boundaries within five hundred feet of an active farm operation located in a County Agricultural District)

Name and address of the applicant:	
Description of the proposed project:	
Location of the proposed project:	

Name(s) and address(es) of any owner(s) of land within a County Agricultural District containing active farming operations and located within five hundred feet of the boundary of the project property: ______

A tax map or other map showing the site of the proposed project relative to the location of the identified farm operations must be attached to this form.

APPLICANT'S SIGNATURE

DATE

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

4/20/20

DATE: ______ Gas Land Petroleum - 42 S. Plank Road

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):
	Туре:
DOORS	5:
	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.



May 6, 2020

VIA OVERNIGHT MAIL

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

Re: 42 South Plank Road (US Route 52)

Dear Chairman Ewasutyn,

Our firm represents Gas Land Petroleum, the owner of the convenience store and gasoline station located at 42 South Plank Road (US Route 52). The Applicant is seeking site plan approval for a 760 square foot addition to the convenience store located at 42 S. Plank Road (NYS Route 52) in the Town of Newburgh. The 0.531 acre parcel is identified as parcel 712.11 on the Town of Newburgh Tax Map and is located at the intersection of S. Plank Road and 5th Avenue (see Figures 1 and 2 of the attached EAF). The Property is currently developed with an approximately 1,564-square-foot, one-story convenience store building with 8 fuel pumps (8 fueling stations) and 5 parking spaces, including 8 spaces at the fuel pumps. The project includes the remodeling of the existing convenience store, including a new facade and a 760square foot addition to the north side of the building. Additional modifications will be undertaken to the site including a new refuse enclosure located approximately 35 feet north of its present location with additional pavement replacing the current refuse area. New curbing will be introduced around the east side of the site, which will reduce the access (currently unrestricted) to a single-entry point. A new landscaped island will be constructed along the eastern edge of the property. Parking spaces on the south side of the building will be removed to allow for a drive aisle that aligns with the modified entrance on the east side of the site. An accessible parking space will be added next to the store to the east and additional parking will be added on the west side of the building. Parking will also be added in the southeast area of the property. Landscaping improvements will include new trees and shrubs along the east, west and north sides of the property as well as new fencing for screening. The number of fueling stations will remain the same. The use is an existing, legal non-conforming use and proposed modifications to the building may require area variances.

 Main Office 445 Hamilton Avenue White Plains, NY 10601 Phone 914.946.4777 Fax 914.946.6868

- Mid-Hudson Office
 200 Westage Business Center
 Fishkill, NY 12524
 Phone 845.896.0120
- New York City Office 505 Park Avenue New York, NY 10022 Phone 646.794.5747

NICHOLAS M. WARD-WILLIS Principal Member nward-willis@kblaw.com Also Admitted in CT



Chairman John P. Ewasutyn May 6, 2020 Page 2

Our client's submission includes three (3) sets of the following documents:

- 1. Application form from Gas Land Petroleum;
- 2. Conceptual Site Plan (4 sets included);
- 3. Proposed elevations dated April 14, 2020;
- 4. Short Environmental Assessment Form, Part 1 with detailed narrative;
- 5. Survey of the subject property; and
- 6. Adjoining properties list.

We have also set forth below the applicant's calculation of the fee and required escrow and note the check for these fees will be transmitted separately this week by our client:

- 1. 104-2(B)(1)(b): Site plan review fee of \$1,750
- 2. 104-2(B)(5): Site Plan Public hearing fee of \$150, plus publication and transcription
- 3. 104-2(B)(3): Escrow for professional services in the amount of \$3,200 (which includes the Short Form EAF fee set forth in section 104-2(E)(5)(a) of \$1,000).

We respectfully request that upon your review of this application that you contact us with any questions or comments and that if acceptable as submitted, this matter be placed on the Planning Board's May 21, 2020 agenda.

Thank you for your attention and please note the undersigned can be contacted via email at <u>nward-willis@kblaw.com</u>. Thank you for your attention.

Very truly yours,

/s/ Nicholas M. Ward-Willis

Nicholas M. Ward-Willis

NMW/

Properties 500 ft Buffer

Tax ID	Parcel Address	Primary Owner	Mailing Address	PO Box	City	State	ZIP Code
71-5-1	2 Brookside Ave	Classey, Scott A	2 Brookside Ave	<null></null>	Newburgh	NY	12550
71-2-6	27 Fifth Ave	Kemlage Joseph D	27 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-31	14 Fifth Ave	Pietrobono, Michele A	14 Fifth Ave	<null></null>	Newburgh	NY	12550
73-1-15	26 Fifth Ave	Cicero, Francesco	26 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-33.2	18 Fifth Ave	Welsh, David	18 Fifth Ave	<null></null>	Newburgh	NY	12550
71-5-5	61 S Plank Rd	Dolphin Shirmell	59-61 S Plank Rd	<null></null>	Newburgh	NY	12550
71-4-13	Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-5-15	22 Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-6-24.2	Fifth Ave	Brian Jo Lynn Holding Corp	4226 Congressiona l Dr	<null></null>	Myrtle Beach	SC	29579
71-2-13	50 S Plank Rd	Spata Delia	50 S Plank Rd	<null></null>	Newburgh	NY	12550
71-2-20.1	70 S Plank Rd	Waite Jacqueline M	70 S Plank Rd	<null></null>	Newburgh	NY	12550
71-5-16	20 Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-2-14	52 S Plank Rd	Bufalieri, Thomas A	1 Mace Cir	<null></null>	Newburgh	NY	12550
71-2-10	9 Fifth Ave	Soukup, Robt C Sr	9 Fifth Ave	<null></null>	Newburgh	NY	12550
71-4-10	27 Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-5-29	4 Brookside Ave	Bose, Ira	4 Brookside Ave	<null></null>	Newburgh	NY	12550
71-5-3	65 S Plank Rd	Issa Mahmoud I	65 South Plank Rd	<null></null>	Newburgh	NY	12550

Tax ID	Parcel Address	Primary Owner	Mailing Address	PO Box	City	State	ZIP Code
71-6-34.2	22 Fifth Ave	Haugland Anne Christine	22 Fifth Ave	<null></null>	Newburgh	NY	12550
71-5-19	16 Brookside Ave	Bard, Douglas L.E.	16 Brookside Ave	<null></null>	Newburgh	NY	12550
71-2-18	66 S Plank Rd	Resto Victor	66 S Plank Rd	<null></null>	Newburgh	NY	12550
71-6-32	16 Fifth Ave	Brehaut Robert W	16 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-3	33 Woodlawn Ter	Ingles, Neftali	33 Woodlawn Ter	<null></null>	Newburgh	NY	12550
71-5-18.1	18 Brookside Ave	Flynn, Terrence K	18 Brookside Ave	<null></null>	Newburgh	NY	12550
71-5-8	55 S Plank Rd	Risio, Ralph	55 S Plank Rd	<null></null>	Newburgh	NY	12550
71-5-7	57 S Plank Rd	Risio Ralph	55 S Plank Rd	<null></null>	Newburgh	NY	12550
71-5-20	6 Brookside Ave	St Pierre Susan G	6 Brookside Ave	<null></null>	Newburgh	NY	12550
71-5-6	59 S Plank Rd	Dolphin Shirmell	59-61 S Plank Rd	<null></null>	Newburgh	NY	12550
71-2-8.1	15 Fifth Ave	Tierney, Alan D	67 Mills Rd	<null></null>	Walden	NY	12586
71-2-16	60 S Plank Rd	Scott, James W	60 So Plank Rd	<null></null>	Newburgh	NY	12550
71-5-23	10 Brookside Ave	Velita Anthony	10 Brookside Ave	<null></null>	Newburgh	NY	12550
71-2-9	11 Fifth Ave	Tierney, Michael W	269 Old Albany Post Rd	<null></null>	Garrison	NY	10524
73-1-14	34 Woodlawn Ter	Gonseth Bruce	34 Woodlawn Ter	<null></null>	Newburgh	NY	12550
71-5-22	12 Brookside Ave	Franqui, Delilah Y	12 Brookside Ave	<null></null>	Newburgh	NY	12550
73-2-20	30 Woodlawn Ter	Yozzo, Anthony Jr	30 Woodlawn Ter	<null></null>	Newburgh	NY	12550
71-4-14	Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
73-2-19	32 Woodlawn Ter	Carnright, Joseph F		3103	Newburgh	NY	12550
71-6-25	38 S Plank Rd	Brian Jo Lynn	4226 Congressiona Page 2 of 4	<null></null>	Myrtle Beach	SC	29579

Tax ID	Parcel Address	Primary Owner	Mailing Address	PO Box	City	State	ZIP Code
		Holding Corp	l Dr				
71-2-8.2	19 Fifth Ave	Manzi, Michael	19 Fifth Ave	<null></null>	Newburgh	NY	12550
71-5-4	63 S Plank Rd	Padilla, Cynthia A	63 S Plank Rd	<null></null>	Newburgh	NY	12550
71-6-33.1	20 Fifth Ave	Kapoor, Jaya	20 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-27	4 Fifth Ave	Clark, Dane E	4 Fifth Ave	<null></null>	Newburgh	NY	12550
71-2-11	42 S Plank Rd	Gasland Petroleum Inc	785 Broadway	<null></null>	Kingston	NY	12401
71-2-19	68 S Plank Rd	Wagner, Matthew	68 S Plank Rd	<null></null>	Newburgh	NY	12550
71-5-2	67 S Plank Rd	Darrigo, Carl Angelo	67 So Plank Rd	<null></null>	Newburgh	NY	12550
71-5-21	14 Brookside Ave	Bowen, George L	14 Brookside Ave	<null></null>	Newburgh	NY	12550
71-2-7	25 Fifth Ave	Wolfe, Ira	25 Fifth Ave	<null></null>	Newburgh	NY	12550
71-5-9	53 S Plank Rd	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-2-12	46 S Plank Rd	Indzonka , Francis W	50 Maidstone Dr	<null></null>	Walden	NY	12586
71-5-24	9 Brookside Ave	Knapp, William Roe	8 Brookside Ave	<null></null>	Newburgh	NY	12550
73-2-21.1	28 Woodlawn Ter	Dangelo, Pasquale	28 Woodlawn Ter	<null></null>	Newburgh	NY	12550
71-6-30.2	10 Fifth Ave	Hunt, Jason K	10 Fifth Ave	<null></null>	Newburgh	NY	12550
71-5-12	47 S Plank Rd	Spagnoli, Scott W	47 S Plank Rd	<null></null>	Newburgh	NY	12550
71-2-17	62 S Plank Rd	Foglia, Jennifer	62 S Plank Rd	<null></null>	Newburgh	NY	12550
71-4-11	29 Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-4-12	31 Brookside Ave	Marketplace at Newburgh LLC	570 Taxter Rd Fl Fl	<null></null>	Elmsford	NY	10523
71-6-2	35 Woodlawn	Lanspery,	35 Woodlawn	<null></null>	Newburgh	NY	12550
			Page 3 of 4				

Tax ID	Parcel Address	Primary Owner	Mailing Address	PO Box	City	State	ZIP Code
	Ter	John F Jr	Ter				
71-6-30.1	12 Fifth Ave	Bienert Joseph	12 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-4	29 Woodlawn Ter	Sutcliffe, Allen P	29 Woodlawn Ter	<null></null>	Newburgh	NY	12550
71-6-28	6 Fifth Ave	Kuhn, Robert R Jr	6 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-29	8 Fifth Ave	Williams, William H Jr	8 Fifth Ave	<null></null>	Newburgh	NY	12550
71-6-5	27 Woodlawn Ter	Payne Desiree	27 Woodlawn Ter	<null></null>	Newburgh	NY	12550



I) GAS LAND PETROLEUM, INC. 2) FIRST AMERICAN TITLE INSURANCE COMPANY OF NEW YORK 3) KEY BANK, NATIONAL ASSOCIATION, it's successors and/or assigns

 \bigcirc



MICHAEL F. VETERE JR., P.U.S. LICENSE NO. 49345

MAP OF SURVEY PREPARED FOR

Gas Land Petroleum, Inc.

TOWN OF NEWBURGH ORANGE COUNTY, N.Y.

SCALE |'' = 10' SEPTEMBER 2, 2010

MAP NO. 1995

Short Environmental Assessment Form Part 1



Proud to Be Employee Owned Engineers Land Surveyors Planners Environmental & Safety Professionals Landscape Architects 42 S. Plank Road – Gas Land Petroleum 42 South Plank Road (U.S. Route 52)

Town of Newburgh Dutchess County, New York

for

 T12510
 T12510
 T12510
 T12510
 T12520
 T12520

Issued: April 17, 2020

Prepared for:

Gas Land Petroleum 3 South Ohioville Road New Paltz, NY 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. 82018.00

This Page Intentionally Left Blank

TABLE OF CONTENTS

PROJECT NARRATIVE

1.0	PROJ	ECT DESCRIPTION	. 1
2.0	LAND	USE AND ZONING	.1
	2.1	Land Use	. 1
	2.2	Zoning	. 2
	2.3	Public Policy	.7
3.0	UTILI	TIES	. 8
	3.1	Water and Wastewater	. 8
	3.2	Stormwater	.9
4.0	WATE	ER RESOURCES AND FLOODPLAIN	.9
5.0	ENDA	NGERED, THREATENED & RARE SPECIES AND SIGNIFICANT HABITAT	.9
6.0		ORIC AND ARCHEOLOGICAL RESOURCES	

SHORT ENVIRONMENTAL ASSESSMENT FORM PART 1 FORM

FIGURES

- Figure 1: USGS Location Map
- Figure 2: Orthophoto Tax Map
- Figure 3: Land Use Map
- Figure 4: Soils
- Figure 5: Aquatic Resources Map
- Figure 6: NYSDEC Environmental Resource Map
- Figure 7: NYSOPRHP Cultural Resource Information System (CRIS) Map

ATTACHMENTS

Attachment A:Suffolk County Loading RatesAttachment B:US Fish & Wildlife Service (USFWS) IPaC Resource List

Note: Site Plan submitted separately.

This Page Intentionally Left Blank

PROJECT NARRATIVE

1.0 PROJECT DESCRIPTION

The Applicant and Owner, Gas Land Petroleum, is seeking site plan approval for a 760 square-foot addition to the convenience store located at 42 S. Plank Road (NYS Route 52) in the Town of Newburgh. The 0.531acre parcel is identified as parcel 71-2.11 on the Town of Newburgh Tax Map and is located at the intersection of S. Plank Road and 5th Avenue (see Figures 1 and 2). The tax parcel is currently developed with an approximately 1,564-square-foot, one-story convenience store building with 8 fuel pumps (8 fueling stations) and 5 parking spaces, including 8 spaces at the fuel pumps. The project includes the remodeling of the existing convenience store, including a new façade and a 760-square-foot addition to the north side of the building. Additional modifications will be undertaken to the site including a new refuse enclosure located approximately 35 feet north of its present location with additional pavement replacing the current refuse area. New curbing will be introduced around the east side of the site, which will reduce the access (currently unrestricted) to a single-entry point. A new landscaped island will be constructed along the eastern edge of the property. Parking spaces on the south side of the building will be removed to allow for a drive aisle that aligns with the modified entrance on the east side of the site. An accessible parking space will be added next to the store to the east and additional parking will be added on the west side of the building. Parking will also be added in the southeast area of the property. Landscaping improvements will include new trees and shrubs along the east, west and north sides of the property as well as new fencing for screening. The number of fueling stations will remain the same. The use is an existing, legal non-conforming use and proposed modifications to the building may require area variances.

Table 1 provides a list of the approvals/permits that are anticipated for the project.

AGENCY	APPROVAL/PERMIT
Town of Newburgh Planning Board	Site Plan, Architectural Review
Town of Newburgh Zoning Board of Appeals	Area Variance(s)
Orange County Department of Planning and Development	GML 239m referral
Town of Newburgh Highway Department	Highway Work Permit

Table 1: Anticipated Approvals/Permits

2.0 LAND USE AND ZONING

2.1 Land Use

The existing use of the property as a convenience store and gas station fits within the definition of Motor Vehicle Service Station as defined in the Town Zoning Ordinance and this phrase is used within this submission, but the Applicant notes there is no vehicle servicing being conducted on the property as the property consists solely of a convenience store and gas station. The project site is located within a residential area, immediately north of the intersection between Interstate 84 and Route 52. In addition to residential uses, there are commercial and industrial uses, with some undeveloped area located within the 1,000-foot radius around the project site (see Figure 3). The convenience store/Motor Vehicle Service Station is an existing use and is appropriately located next to two major roadways. The proposed addition to the convenience store, with no changes proposed to the number of fueling stations, is anticipated to be consistent with local land uses as it will not introduce a new use or expand an existing use.

2.2 Zoning

The project site is located in the R3 Residential (R3) Zoning District as designated by the Town of Newburgh Zoning Map. The R-3 Zoning District is the highest density residential district in the Town. The existing convenience store and motor vehicle service station are not a permitted use in the R3 Zoning District; therefore, the use is considered a legal, non-conforming use. The proposed project to remodel the convenience store, including façade renovations, construction of an addition, modifications to improve vehicular access, parking and safety and associated landscaping improvements will require area variances. The proposed site plan has been designed to address applicable supplemental regulations in Zoning Section 185-28, which pertain to convenience stores and Motor Vehicle Service Stations. The bulk and dimensional requirements for the R3 Zoning District and supplemental regulations are identified in Table 2.

A. The minimum lot size shall be 20,000 square feet for a lot bounded by one street or 30,000 square feet for a lot bounded by two or more streets. The minimum street frontage on any street shall not be less than 100 feet.

The 23,130 SF site is located at the intersection of S. Plank Road and 5th Avenue. The site has greater than 100 feet of street frontage on both S. Plank Road and 5th Avenue.

B. Entrance and exit driveways shall have an unrestricted width of not less than 25 feet and not more than 50 feet, shall be located not nearer than 10 feet from any property line and shall be so laid out as to avoid the necessity of any vehicle backing out across any public right-of-way.

The modified eastern entrance will be 25 feet wide and will be located greater than 10 feet from the property line.

C. Vehicles, lifts or pits, dismantled vehicles, all parts and supplies, including tires and other accessories for sale and debris from dismantled vehicles, shall be located within a building enclosed on all sides.

Not Applicable. Existing /proposed facility does/will not include vehicle repair.

D. All service or repair activities, other than an emergency repair or such minor servicing as the change of tires or sale of gasoline or oil, shall be conducted in a building enclosed on all sides. This requirement shall not be construed to mean that the doors to any repair shop must be kept closed at all times.

Not Applicable. Existing /proposed facility does/will not include vehicle repair.

E. The storage of gasoline or flammable oils in bulk shall be located fully underground and not nearer than 15 feet from any property line other than the street line. No gasoline pump shall be located nearer than 15 feet to any street line.

Complies.

F. No building permit shall be issued for any such establishment within a distance of 200 feet of any school of general education, church, hospital or other place of public assembly designed for occupancy by more than 50 persons, said distance to be measured in a straight line between the nearest point of the fuel
pump island or storage tank and the public assembly structure, regardless of the district where either facility is located.

Complies.

G. Before the Planning Board shall approve the plans for a car wash or Motor Vehicle Service Station, the Board shall consider the potential interference with or danger to traffic on all abutting streets. The cumulative effect of all curb cuts for any such new use shall also be considered, and 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. This prohibition shall not apply to gasoline or diesel fuel service facilities located in a travel center approved by the Planning Board.

Complies.

H. The owner of a motor vehicle service station not in compliance with the standards for use provided in this chapter which hereafter becomes vacant and remains unoccupied or is not used for a continuous period of 12 months shall remove all signs and insignia advertising the products and services formerly offered or rendered therein, all product, storage or display racks or bins and all fuel- and air-dispensing devices and allied apparatus not an integral part of the main structure and shall board up any glass areas in a neat and durable manner, painted or treated so as to minimize visual attention or attraction, and no vehicles shall be stored or exposed outside the main structure, and the grounds, main structure and appurtenances shall be maintained in a neat and orderly fashion.

Not Applicable. The site is in current and continuous use as a convenience store and motor vehicle service station.

I. The sale of used cars or the display of used cars for sale shall be conducted only in conjunction with a franchised automotive dealership for the sale of new vehicles.

Not Applicable. Existing /proposed facility does/will not include vehicle sales.

J. No motor vehicle, whether or not in condition for legal use on the public highway, shall be parked or stored outdoors except in accordance with the following:

(1) For service or repair.

(a) No more than three motor vehicles licensed for operation on the public highways may be stored on a temporary basis for service or repair only.

(b) Any such motor vehicles being stored shall be parked in a line and in an orderly fashion with not less than four feet between any parts of any two vehicles.

(c) No such motor vehicles being stored shall be parked within the right-of-way of a public street or within 10 feet of any property line.

Not Applicable. Existing /proposed facility does/will not include vehicle repair.

(2) For lease or rental.

(a) No more than a total of 10 motor vehicles and trailers for lease or rental may be parked or stored outdoors in a B District. All such vehicles shall be licensed for use.

(b) Any such vehicles or trailers shall be parked in a line in an orderly fashion, with not less than four feet between any parts of any two motor vehicles and not less than two feet between any parts of any two trailers.

(c) No such vehicle or trailer may be parked in any required front yard area.

Not Applicable. Existing /proposed facility does/will not include vehicle leasing or sales.

K. Appropriate plans shall be prepared to provide for the environmentally sound disposal or recycling of wastewater, oil and gasoline products or discharges.

Complies.

	Required	Existing	Proposed	Notes
Minimum Lot Area	12,500 SF or 0.29 acres	23,130 SF or 0.531 acres	23,130 SF or 0.531 acres	Complies
Minimum Lot Width	85 feet	130 feet	130 feet	Complies
Minimum Lot Depth	100 feet	221 feet	221 feet	Complies
Minimum Front Yard – S. Plank Road/NYS Route 52	40 feet	37.8 feet ¹	37.8 feet	No change. Pre- existing non- conformance
Minimum Front Yard – 5 th Avenue	40 feet	30 feet ¹	30 feet	No change. Pre- existing non- conformance
Minimum Side Yard	15 feet	46.9 feet	43.6 feet	Complies
Minimum Rear Yard	40 feet	55.1 feet	40.5 feet	Complies
Maximum Lot Building Coverage	15%	6.78%	10.00%	Complies
Maximum Impervious Surface	30%	60.8%1	65%	Modification requires area variance
Maximum Height	35 feet	< 35 feet	< 35 feet	Complies
Minimum Required Setback for Underground Gasoline Tanks	15 feet	15 feet	15 feet	Complies
Minimum Required Setback to Pump Island	15 feet	16.9 feet	16.9 feet	Complies
Minimum Required Setback to Driveway	10 feet	0 feet ¹	0 feet	No change. Pre- existing non- conformance
Minimum Required Setback to Parked Car	10 feet	4.5 feet ¹	4.5 feet	No change. Pre- existing non- conformance
Minimum Distance to Motor Vehicle Service Station	1,000 feet	>1,000 feet	>1,000 feet	Complies

	Required	Existing	Proposed	Notes
Minimum Setback from Intersection	50 feet	22 feet ¹	22 feet	No change. Pre- existing non- conformance.
Parking in Required Yards	Not allowed	Parking located in front and side yard. Pre-existing non-conformance.	Parking located in front and side yard	Modification require area variance.
Required Parking	Retail Store: 1 per 150 SF of gross leasable floor space 2,324 / 150 = 16 spaces	13 (including 8 spaces at the pumps)	16 spaces (including 8 spaces at the pumps)	Complies
Required Loading	1 space	0 space ¹	0 space	No change. Pre- existing non- conformance.

Since the use is existing legal non-conforming and the proposed project is generally consistent with the Town's Zoning regulations, no significant adverse impacts related to land use or zoning are anticipated to result from the proposed project.

2.3 Public Policy

Town of Newburgh 2005 Comprehensive Plan

The Town's Comprehensive Plan was written in 2005 following a time of heightened development and growth. The Plan focuses on planning for growth through short, intermediate and long-term actions related to infrastructure and utilities; transportation and planning and zoning. The site is located within the southern half of the Town, which is described in the Plan as having a higher density residential area and commercial corridors.

Page III-48 discusses separation distances for Motor Vehicle Service Stations and makes recommendations to update the code but provides no specific guidance. The proposed project complies with the required separation distances and is located greater than 200 feet from public assembly places (of greater than 50 people) and is located great than 1,000 feet from another service station.

The proposed project will improve an existing non-conforming use by improving the aesthetics of the building and site and overall vehicular safety, including modifications to the site to reduce unrestricted access off 5th Avenue, and is anticipated to be consistent with the objectives of Town public policy.

Town of Newburgh 2007 Design Guidelines

The 2007 Design Guidelines were established to assist the Town and Applicants in understanding pertinent design and aesthetic standards, "to ensure that new developments better retain the visual, environmental, and architectural characteristics that express the history and character of the Town." The design guidelines are intended to supplement the zoning regulations and provide information related to what may be expected as part of the Architectural Review Board's (ARB) review. The Guidelines apply to residential subdivisions of 10 or more lots, and every application requiring site plan review by the Planning Board, including both non-residential and residential developments; therefore, these guidelines apply to the proposed project.

The design principles are stated as follows:

- Development patterns should be sensitive to Newburgh's rural character and natural environment;
- Building designs should be sensitive to Newburgh's architectural heritage and aesthetic character;
- Development should strengthen the identity and importance of the Town's hamlets;
- Preserve open space and resource lands;
- Protect and preserve hilltops, ridgelines and viewsheds; and
- Roadways should encourage a variety of uses including pedestrian, bicycle and vehicular travel.

The Guidelines include a section on commercial area design, much of which is dedicated to site planning. As the project site is already developed with the convenience store/Motor Vehicle Service Station many of these cannot be implemented. Nevertheless, the site plan does implement several guidelines, including:

• Addition of landscaped island on the east side of the site with supplemental landscaping added throughout the site.

- Modified east entrance, which reduces entry and exit opportunities to improve traffic movement on/off site.
- The proposed addition is consistent in style and design to the existing building, which is also being remodeled as part of the proposed project.

The objective is to minimize negative effects on neighboring residential uses; therefore, the building addition is located to the north or rear of the existing building, with parking placed on the east, west and south away from the neighbors. The proposed project will improve an existing non-conforming use by improving the aesthetics of the building and site and overall vehicular safety and is anticipated to be consistent with the objectives of the design guidelines.

3.0 UTILITIES

3.1 Water and Wastewater

The proposed project includes an addition to an existing convenience store that adjoins a Motor Vehicle Service Station. The store will have prepared foods placed in a grab-and-go display case.

The water usage and wastewater generation are calculated in accordance with New York State Department of Environmental Conservation (NYSDEC) "Design Standards for Wastewater Treatment Works" for Intermediate Sized Sewage Facilities, 2014; and Table 1 – Project Density Loading Rates & Design Sewage Flow Rates from the Suffolk County Department of Health Services Division of Environmental Quality Standard for Approval for Plans and Construction for Sewage Disposal Systems for Other than Single-Family Residences (utilized for deli use).

The NYSDEC Design Standard for Wastewater Treatment Works, 2014, does not provide anticipated hydraulic loading rates for a convenience store with minor food preparation. Therefore, our office has researched surrounding counties for theoretical sewage flows associated with this particular use. Attachment A is Table 1 – Project Density Loading Rates & Design Sewage Flow Rates, from the Suffolk County Department of Health Services. This table provides a hydraulic load for a "wet store w/food (deli/take-out with max 16 seats single service¹)," of 0.15 gallons per day (gpd) for each gross square feet of floor space. The proposed convenience store will not have seating. Based on this loading, the expected flow would be 349 gpd (2,324 square feet x 0.15).

The project site is currently connected to municipal water and sewer service and presently contains a toilet. Based on the New York State Department of Environmental Conservation Water and Wastewater Systems Design and Construction Standards, the design flow for a facility with a public toilet is 400 gpd. Therefore, the total increased anticipated water demand and wastewater generation is anticipated to be 349 gpd.

The expanded convenience store will remain connected to the Town's municipal water and sewer service and the additional water demand and wastewater generation is anticipated to be accommodated without negative impact to the water or sewer district.

¹ Single service is defined as disposable plates, silverware and cups.

3.2 Stormwater

The project site is connected to the municipal stormwater system. The proposed project will result in less than one acre of physical ground disturbance at the site. Therefore, no stormwater pollution prevention plan (SWPPP) is required. Erosion and sediment controls will be in place during construction.

4.0 WATER RESOURCES AND FLOODPLAIN

According to available GIS data and New York State Department of Environmental Conservation (NYSDEC) Environmental Resource Map (Figures 5 and 6), there are no floodplains, mapped streams, National Wetland Inventory (NWI) wetlands, or NYSDEC regulated wetlands or adjacent areas on or adjacent to the project site. Therefore, no adverse impacts to water resources are anticipated, and no impacts related to floodplains will occur.

5.0 ENDANGERED, THREATENED & RARE SPECIES AND SIGNIFICANT HABITAT

According to the NYSDEC Environmental Resource Mapper (ERM) (Figure 6), there are no known occurrences of endangered, threatened or rare species on or in the vicinity of the project site. The NYSDEC ERM indicates that the site does not include nor is it near a Significant Natural Community.

The US Fish & Wildlife Service (USFWS) IPaC Resource List (Attachment B) indicates the potential for the Indiana Bat (endangered), Northern Long-Eared Bat (threatened), and Small Whorled Pogonia in the vicinity of the project site. There are no trees proposed to be removed as part of the project; therefore, no adverse impacts to bats are anticipated to occur as part of the proposed project. According to the USFWS, the plant, "grows in a variety of upland, mid-successional, wooded habitats, usually mixed-deciduous or mixed-deciduous/coniferous forests that are in second or third-growth successional stages. Canopy trees are typically 40 to 75 years old and 8 to 18 inches in diameter. Characteristics of this species' habitat include a sparse herb and shrub layer, a relatively open understory canopy, thick leaf litter on the forest floor, and gently sloping ground."² The project site is completely developed and does not present the habitat presented above. Therefore, no adverse impacts to the Small Whorled Pogonia are anticipated to occur.

6.0 HISTORIC AND ARCHEOLOGICAL RESOURCES

According to the NYS Office of Parks, Recreation, and Historic Preservation (NYSOPRHP) Cultural Resource Information System (CRIS) mapping (Figure 7), the project site does not contain nor is it located substantially contiguous to a listed or eligible resource on the National or State Registers of Historic Places. The project site is not located within an area known to be sensitive for archeological resources. The project site is in a developed area and is completely disturbed, consisting of mostly building and parking area. Physical disturbance associated with the proposed project will include areas that have been previously disturbed. Therefore, no impacts to archeological resources are anticipated. Project information will be uploaded to the NYSOPHRP CRIS for review and determination.

² Small Whorled Pogonia. Fact Sheet. https://www.fws.gov/northeast/njfieldoffice/Endangered/pogonia.html

SHORT ENVIRONMENTAL ASSESSMENT FORM (SEAF)

This Page Intentionally Left Blank

Short Environmental Assessment Form Part 1 - Project Information

Instructions for Completing

Part 1 – Project Information. The applicant or project sponsor is responsible for the completion of Part 1. 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.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

Part 1 – Project and Sponsor Information					
Name of Action or Project:					
Project Location (describe, and attach a location map):					
Brief Description of Proposed Action:					
Name of Applicant or Sponsor:	Telephone:				
	E-Mail:				
Address:					
City/PO:	State:	Zip Code:			
1. Does the proposed action only involve the legislative adoption of a plan, loca administrative rule, or regulation?	l law, ordinance,	NO YES			
If Yes, attach a narrative description of the intent of the proposed action and the e may be affected in the municipality and proceed to Part 2. If no, continue to ques		at			
2. Does the proposed action require a permit, approval or funding from any othe If Yes, list agency(s) name and permit or approval:	er government Agency?	NO YES			
3. a. Total acreage of the site of the proposed action?					
4. Check all land uses that occur on, are adjoining or near the proposed action:					
5. Urban Rural (non-agriculture) Industrial Commercia	al Residential (subur	ban)			
□ Forest Agriculture Aquatic Other(Spec□ Parkland	cify):				

5. Is the proposed action,	NO	YES	N/A
a. A permitted use under the zoning regulations?			
b. Consistent with the adopted comprehensive plan?			
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape	.?	NO	YES
o. Is the proposed action consistent with the predominant character of the existing built of natural failuscape	••		
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area?		NO	YES
If Yes, identify:			
8. a. Will the proposed action result in a substantial increase in traffic above present levels?		NO	YES
b. Are public transportation services available at or near the site of the proposed action?			
c. Are any pedestrian accommodations or bicycle routes available on or near the site of the proposed action?			
9. Does the proposed action meet or exceed the state energy code requirements?		NO	YES
If the proposed action will exceed requirements, describe design features and technologies:			
10. Will the proposed action connect to an existing public/private water supply?		NO	YES
If No, describe method for providing potable water:			
11. Will the proposed action connect to existing wastewater utilities?		NO	YES
If No, describe method for providing wastewater treatment:			
12. a. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or distr	ict	NO	YES
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?	ie		
b. 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?			
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?		NO	YES
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody?			
If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres:			

14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply:		
□Shoreline □ Forest Agricultural/grasslands Early mid-successional		
Wetland 🗆 Urban Suburban		
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or	NO	YES
Federal government as threatened or endangered? According to the USFWS, the Site is within the vicinity of the Indiana Bat, Northern Long-eared Bat, and the Small Whorled Pogonia. No impacts to these species is anticipated to occur. See attached narrative.		
16. Is the project site located in the 100-year flood plan?	NO	YES
17. Will the proposed action create storm water discharge, either from point or non-point sources?	NO	YES
If Yes,		
a. Will storm water discharges flow to adjacent properties?		
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe:		
18. Does the proposed action include construction or other activities that would result in the impoundment of water	NO	YES
or other liquids (e.g., retention pond, waste lagoon, dam)?	NO	TLS
If Yes, explain the purpose and size of the impoundment:		
49. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste	NO	YES
management facility? If Yes, describe:		
20.Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?	NO	YES
If Yes, describe:		
	í 🗀	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BE MY KNOWLEDGE	ST OF	
Applicant/sponsor/name: Date:		
Signature: Caeler to Title:		

EAF Mapper Summary Report



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National or State Register of Historic Places or State Eligible Sites]	No
Part 1 / Question 12b [Archeological Sites]	No
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	No
Part 1 / Question 20 [Remediation Site]	Yes

FIGURES

This Page Intentionally Left Blank











NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION



Figure 6



© 2020 New York State Office of Parks, Recreation & Historic Preservation. All rights reserved



This Page Intentionally Left Blank

ATTACHMENT A Suffolk County Loading Rates

This Page Intentionally Left Blank

COUNTY OF SUFFOLK



STEVEN BELLONE SUFFOLK COUNTY EXECUTIVE

SUFFOLK COUNTY DEPARTMENT OF HEALTH SERVICES DIVISION OF ENVIRONMENTAL QUALITY

STANDARDS FOR APPROVAL OF PLANS AND CONSTRUCTION FOR SEWAGE DISPOSAL SYSTEMS FOR OTHER THAN SINGLE-FAMILY RESIDENCES

Originally Issued on July 15, 2008

James L. Tomarken, MD, MPH, MBA, MSW Commissioner of Health Services

Walter Dawydiak, PE, JD Acting Director of Environmental Quality

TABLE 1 - PROJECT DENSITY LOADING RATES & DESIGN SEWAGE FLOW RATES

(Based upon gross floor area in square feet (sf) unless otherwise noted)

Structure Use	Density Load	Kitchen/Gray Load	Hydraulic Load
	FOOI	D SERVICE	
Bar (in restaurant)	10 gpd/seat	5 gpd/seat	15 gpd/seat
Bar, Tavern, Disco (no fixed seating)	10 gpd/occupant ¹	5 gpd/occupant ¹	15 gpd/occupant ¹
Bar (outdoor/seasonal)	5 gpd/seat	2.5 gpd/seat	7.5 gpd/seat
Cafeteria (open to public)	See Primary use + 5 gpd/seat	2.5 gpd/seat	Primary use + 7.5 gpd/seat
Cafeteria/Continental Breakfast (not open to public)	See Primary Use	2.5 gpd/seat	Primary use + 2.5 gpd/seat
Snack Bar	See Primary Use	0.12 gpd/sf	Primary use + 0.12 gpd/sf
Juice Bar	See Primary Use	2.5 gpd/seat	Primary use + 2.5 gpd/seat
Catering Hall	5 gpd/seat	2.5 gpd/seat	7.5 gpd/seat
Outside Patio Dining	5 gpd/seat	10 gpd/seat	15 gpd/seat
Restaurant (full service or single services > 16 seats ²)	10 gpd/seat	20 gpd/seat	30 gpd/seat
Wet store w/ food (Deli/take-out with max 16 seats single service ²)	0.03 gpd/sf	0.12 gpd/sf	0.15 gpd/sf
Convenience store/Market/Farm Stand	0.03 gpd/sf	0.02 gpd/sf	0.05 gpd/sf
Commercial Bakery	0.04 gpd/sf	0.02 gpd/sf	0.06 gpd/sf
Wine/Beer Tasting (in a winery/brewery only)	5 gpd/occ	2.5 gpd/occ	7.5 gpd/occ
	GENERA	L INDUSTRIAL	
General Industrial ³	0.04 gpd/sf	Industrial process water ⁴	0.04 gpd/sf
Greenhouse	0.03 gpd/sf	N/A	0.03 gpd/sf
		EDICAL	i
Drug Rehabilitation	75 gpd/bed	See note ⁵	75 gpd/bed
Mental Health Residence	75 gpd/bed	See note ⁵	75 gpd/bed
Hospital	300 gpd/bed	See note ⁵	300 gpd/bed
Nursing Home	150 gpd/bed	See note ⁵	150 gpd/bed
Assisted Living	110 gpd/bed	See note ⁵	110 gpd/bed
Medical office space	0.10 gpd/sf	N/A	0.10 gpd/sf
Dialysis Center	0.10 gpd/sf	Dialysis process water ⁴	0.10 gpd/sf
Veterinary ⁶	0.10 gpd/sf + 10 gpd/animal boarding	N/A	0.10 gpd/sf + 10 gpd/animal boarding

	MUNICIP	AL SERVICES	
Library, firehouse, precinct, museum, art gallery (w/ meeting rooms)	0.03 gpd/sf+ 5 gpd/occupant ¹ for meeting rooms	2.5 gpd/occupant ¹	0.03 gpd/sf + 5 gpd/occupant ¹ + 2.5 gpd/occupant ¹
Library, firehouse, precinct, museum, art gallery (w/o meeting rooms)	0.03 gpd/sf	2.5 gpd/occupant ¹	0.03 gpd/sf + 2.5 gpd/occupant ¹
	0	FFICE	
Non-medical office space	0.06 gpd/sf		0.06 gpd/sf
	REC	REATION	
Bath house/comfort station	5 gpd/occupant ¹	5 gpd/shower/occupant ¹ + Food service ⁷	5 gpd/oceupant ¹ + 5 gpd/shower/occupant + Food service ⁷
Bowling alley/tennis court/racquetball	100 gpd/court or alley	Food service ⁷	100 gpd/court or alley+ Food service ⁷
Miniature golf	15 gpd/parking space	Food service ⁷	15 gpd/parking space + Food service ⁷
Ice/roller Skating Rink	15 gpd/skater ¹ + 5 gpd/specator ¹	Food service ⁷	$15 \text{ gpd/skater}^1 + 5 \text{ gpd/specator}^1 + \text{Food} \text{ service}^7$
Recreation	15 gpd/parking space	Food service ⁷	15 gpd/parking space + Food service ⁷
Spa/Fitness Center/ Karate/Dance/etc. (w/ showers & amenities)	0.1 gpd/sf	$0.2 \text{ gpd/sf} + \text{Food service}^7$	0.3 gpd/sf + Food service ⁷
Spa/Fitness Center/ Karate/Dance/etc. (w/o showers & amenities)	0.1 gpd/sf	Food service ⁷	0.1 gpd/sf + Food service ⁷
Marina	10 gpd/boat slip	Food service ⁷	10 gpd/boat slip + Food service ⁷
ОТВ	5 gpd/person	Food service ⁷	5 gpd/person + Food service ⁷
Theater	3 gpd/seat	Food service ⁷	3 gpd/seat + Food service ⁷
Horse Farm ⁶	0.04 gpd/sf + 10 gpd/stall		0.04 gpd/sf + 10 gpd/stall
Camp Ground	10 gpd/camper	5 gpd/shower/camper	10 gpd/camper + 5 gpd/shower/camper
Billiard Hall	5 gpd/occ	2.5 gpd/occ	7.5 gpd/occ
	RES	SIDENTIAL	
Single Family Residence	300 gpd		300 gpd
Two Family Residence	600 gpd		600 gpd
Rooming house	75 gpd/bed		75 gpd/bed

Motel/Hotel unit up to			
400 sq.ft. gross floor			
area w/o kitchenette	100 gpd/unit		100 gpd/unit
(w/kitchenette see			
Housing Unit)			
Motel/Hotel unit > 400			
sq.ft. gross floor area			
w/o kitchenette	150 gpd/unit		150 gpd/unit
(w/kitchenette see			
Housing Unit)			
Housing Unit ⁸ up to 600			1.70 t/ 1
sq.ft. gross floor area	150 gpd/unit		150 gpd/unit
Housing Unit ⁸ between	· · · · · · · · · · · · · · · · · · ·		
601-1200 sq.ft. gross	225 gpd/unit		225 gpd/unit
floor area			8F
Housing Unit ⁸ > 1200			
sq.ft. gross floor area	300 gpd/unit		300 gpd/unit
PRC unit up to 600 sq.ft.			
gross floor area	100 gpd/unit		100 gpd/unit
PRC unit between 600-	<u> </u>		
1600 sq.ft. gross floor	150 gpd/unit		150 gpd/unit
area	150 gpurunn		150 gparann
PRC unit between 1600-			
2000 sq.ft. gross floor	225 gpd/unit		225 gpd/unit
1	225 gpu/unii		
area PRC unit > 2000 sq.ft.			· · · · · · · · · · · · · · · · · · ·
gross floor area	300 gpd/unit		300 gpd/unit
	i	······································	<u> </u>
	ł	RETAIL	
Dry store	0.03 gpd/sf	1	0.03 gpd/sf
Wet store w/o Food			······································
(Hair salon, nail salon, pet	0.02 11.5	0.07 14.6	$0.1 \dots 1/6$
shop w/o animal boarding.	0.03 gpd/sf	0.07 gpd/sf	0.1 gpd/sf
etc.)		3	
	0.03 gpd/sf for		0.03 gpd/sf for
	showroom/offices +		showroom/offices $+ 0.04$
Car Dealership	0.04 gpd/sf for		gpd/sf for
	maintenance/storage		maintenance/storage
	areas		areas
Massage/Tanning	0.03 gpd/sf		0.03 gpd/sf
Tattoo Parlor	0.03 gpd/sf		0.03 gpd/sf
			<u> </u>
	S	CHOOL	
Boarding school/	75 and (and the	2.5 and/antital	77.5 and/accital
Dormitory	75 gpd/capita	2.5 gpd/capita ¹	77.5 gpd/capita
Day School	5 gpd/capita ¹	2.5 gpd/capita ¹	7.5 gpd/capita
······································		ELLANEOUS	
Can Wash			0.04 and/of
Car Wash	0.04 gpd/sf	Car wash process water ⁴	0.04 gpd/sf
Laundromat	0.03 gpd/sf	Laundromat process water ⁴	0.03 gpd/sf

Funeral Home	0.05 gpd/sf	Funeral Home process water ⁴	0.05 gpd/sf
House of Worship (w/ meeting rooms)	1.5 gpd/seat + 5 gpd/occupant ¹ for meeting rooms	2.5 gpd/occupant ¹	1.5 gpd/seat + 5 gpd/occupant ¹ + 2.5 gpd/occupant ¹
House of Worship (w/o meeting rooms)	1.5 gpd/seat	2.5 gpd/occupant ¹	1.5 gpd/seat + 2.5 gpd/occupant ¹
Public Storage ⁹	0.04 gpd/sf		0.04 gpd/sf
Animal boarding ⁶	0.03 gpd/sf + 10 gpd/animal		0.03 gpd/sf + 10 gpd/animal
Winery/Brewery	0.04 gpd/sf	Winery/Brewery process water ⁴	0.04 gpd/sf

¹ Occupancy ratings can be determined using New York State Uniform Fire Prevention and Building Code as a guide.

² Single Service means disposable plates, silverware & cups. Takeout seating is for waiting patrons and is not convertible to full seating or for density credit at full service restaurants.

³ General industrial buildings may contain up to 15% related office space without applying a proportionate office density loading or flow rating to the space. If office space exceeds 15% of gross floor area, then a proportionate office density loading or flow rating must be applied to the entire office space.

⁴ Process waters require a separate permit and disposal facilities – Consult Department.

⁵ A grease trap shall be provided for this installation which is sized at 20 gpd/bed.

⁶ A separate sewage disposal system shall be provided for wastewater generated from animal boarding, horse stalls, or kennel areas.

⁷ Food (kitchen) flow is added according to the type of food service in the establishment.

⁸ Motel/Hotel with Kitchenettes, Cottages, Apartments, Condominiums, Mobile Homes, Trailers, or Co-Ops.

⁹ Public storage density and/or design flow may be reduced if restrictive covenants are recorded on the parcel.

Note: The above table is subject to amendment from time to time as data becomes available to the Department. The table will be republished as an addendum to these standards if and when revised.

This Page Intentionally Left Blank

ATTACHMENT B USFWS IPaC Resource List

This Page Intentionally Left Blank

IPaC Information for Planning and Consultation U.S. Fish & Wildlife Service

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as trust resources) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional sitespecific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section. ONSUL

Location

Orange County, New York



Local office

New York Ecological Services Field Office

(607) 753-9334 (607) 753-9699

3817 Luker Road Cortland, NY 13045-9385

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

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

- 1. Draw the project location and click CONTINUE.
- 2. Click DEFINE PROJECT.
- 3. Log in (if directed to do so).
- 4. Provide a name and description for your project.
- 5. Click REQUEST SPECIES LIST.

Listed species

¹ and their critical habitats are managed by the <u>Ecological Services Program</u> of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact <u>NOAA Fisheries</u> for <u>species under their jurisdiction</u>.

- 1. Species listed under the <u>Endangered Species Act</u> are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the <u>listing status page</u> for more information.
- 2. <u>NOAA Fisheries</u>, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

 NAME
 STATUS

 Indiana Bat Myotis sodalis
 Endangered

 There is final critical habitat for this species. Your location is outside the critical habitat.
 Endangered

 https://ecos.fws.gov/ecp/species/5949
 Https://ecos.fws.gov/ecp/species/5949

Page 3 of 10

Northern Long-eared Bat Myotis septentrionalis No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/9045

Flowering Plants

NAME

Small Whorled Pogonia Isotria medeoloides No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1890

STATUS

Threatened

Threatened

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered SULTATIO species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act

¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described below.

- 1. The Migratory Birds Treaty Act of 1918.
- 2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern http://www.fws.gov/birds/management/managed-species/ birds-of-conservation-concern.php
- Measures for avoiding and minimizing impacts to birds http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/ conservation-measures.php
- Nationwide conservation measures for birds http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf

The birds listed below are birds of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ below. This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the <u>E-bird data mapping tool</u> (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are

https://ecos.fws.gov/ipac/location/BMY5VOWFIVCEHPTFSL7PDLPXKU/resources 4/17/2020 available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found <u>below</u>.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)
Bald Eagle Haliaeetus leucocephalus This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626	Breeds Sep 1 to Aug 31
Black-billed Cuckoo Coccyzus erythropthalmus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <u>https://ecos.fws.gov/ecp/species/9399</u>	Breeds May 15 to Oct 10
Black-capped Chickadee Poecile atricapillus practicus This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA	Breeds Apr 10 to Jul 31
Canada Warbler Cardellina canadensis This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 20 to Aug 10
Prairie Warbler Dendroica discolor This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 1 to Jul 31
Red-headed Woodpecker Melanerpes erythrocephalus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Sep 10

Rusty Blackbird Euphagus carolinus This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds elsewhere
Wood Thrush Hylocichla mustelina This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds May 10 to Aug 31
Yellow-bellied Sapsucker sphyrapicus varius This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/8792	Breeds May 10 to Jul 15

Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (...)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

- 1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
- 2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.
- 3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (=)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (–)

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.



Red-headed Woodpecker BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	+∎++	++++	++++	++++	++++	++++	++++	++++	<mark>++</mark> ++	++++	++++	++++
Rusty Blackbird BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	++++	++++	++++	+#++	++++	++++	++++	++++	++++	+++#	++++	++++
Wood Thrush BCC Rangewide (CON) (This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.)	++++	++++	++++	+++1	III			U + + U	+##+	++++	++++	4
Yellow-bellied Sapsucker BCC - BCR (This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA)	***	₩] + H	*111+	11++	++++	1	3	++++ f	++ U R	MII	┼║╪║	+11+11

Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Conservation Measures describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. Additional measures and/or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS <u>Birds of Conservation Concern (BCC)</u> and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the <u>Avian Knowledge Network</u> (<u>AKN</u>). The AKN data is based on a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science datasets</u> and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle (<u>Eagle Act</u> requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the <u>AKN Phenology Tool</u>.

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

IPaC: Explore Location

The probability of presence graphs associated with your migratory bird list are based on data provided by the <u>Avian</u> <u>Knowledge Network (AKN)</u>. This data is derived from a growing collection of <u>survey</u>, <u>banding</u>, <u>and citizen science</u> <u>datasets</u>.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or yearround), you may refer to the following resources: <u>The Cornell Lab of Ornithology All About Birds Bird Guide</u>, or (if you are unsuccessful in locating the bird of interest there), the <u>Cornell Lab of Ornithology Neotropical Birds guide</u>. If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

- 1. "BCC Rangewide" birds are <u>Birds of Conservation Concern</u> (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
- 2. "BCC BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
- "Non-BCC Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the <u>Eagle Act</u> requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the <u>Northeast Ocean Data Portal</u>. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the <u>NOAA NCCOS</u> Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic <u>Outer Continental Shelf</u> project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the <u>Diving Bird Study</u> and the <u>nanotag studies</u> or contact <u>Caleb Spiegel</u> or <u>Pam Loring</u>.

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to <u>obtain a permit</u> to avoid violating the Eagle Act should such impacts occur.

Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns. NSUL

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION

Wetlands in the National Wetlands Inventory

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

THERE ARE NO KNOWN WETLANDS AT THIS LOCATION.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

IPaC: Explore Location

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.



FOR UNDERGROUND GASOLINE TANKS	15 FT.	±15 FT.	±15 FT.	
MIN. REQUIRED SETBACK TO PUMP ISLAND	15 FT.	16.9 FT.	16.9 FT.	
MIN. REQUIRED SETBACK TO DRIVEWAY	10 FT.	0 FT. ³	0 FT. ³	
MIN. REQUIRED SETBACK TO PARKED CAR	10 FT.	4.5 FT. ³	4.5 FT. ³	
MIN. DISTANCE TO MOTOR VEHICLE SERVICE STATION	1000 FT.	>1000 FT.	> 1000 FT.	
F	PARKING REQU	REMENTS		
CODE:	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.			
APPLICATION FOR CONVENIENCE STORE	2,324 S.F. X 1 SPACE PER 150 SQUARE FEET = 15.5 = 16 SPACES			
TOTAL SPACES REQUIRED	16 SPACES			
TOTAL SPACES PROVIDED	16 SPACES (W/I 8 SPACES AT THE PUMPS)			
ACCESSIBLE SPACES REQUIRED / PROVIDED	1 / 1			
OFF-STREET LOADING SPACE REQUIRED	1 SPACE			
CODE:	PER SECTION 185-13-B(4): NO ACCESS WITHIN 50 FT. OF ANY STREET INTERSECTION			
SETBACK FROM INTERSECTION	50 FT.	22± FT. ³	22± FT. ⁴	
	PER SECTION 185-13 B(2): NO PARKING IN REQUIRED FRONT OR SIDE YARD ADJACENT TO A RESIDENTIAL DISTRICT			
CODE:		DISTRICT		

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

³ EXISTING NONCONFORMING.

⁴ AREA VARIANCE REQUIRED.



LEXISTING ENTRANCE TO BE REDUCED IN WIDTH SECTION 71, BLOCK 2, LOT 11

SITE AREA:

TOTAL PROJECT ACREAGE : 0.531 ACRES

ZONING:

ZONING DISTRICT: R-3

SITE CIVIL ENGINEER:

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





ZONING MAP TOWN OF NEWBURGH SCALE: NTS

ISSUED FOR CONCEPTUAL REVIEW ONLY



SCALE: 1"=2000'



MATERIAL LIST					
MATERIAL	MANUFACTURER	COLOR			
HARDIEPLANK LAP SIDING	JAMES HARDIE	NAVAJO BEIGE			
HARDIETRIM	JAMES HARDIE	ARCTIC WHITE			
WINDOW HEADS, FRIEZE BOARDS	N/A	WHITE			
AWNINGS	N/A	KHAKI BROWN			
WINDOW CLADDING	N/A	WHITE			
ASPHALT SHINGLES	OWENS CORNING	STORM CLOUD			
BRACKET 10X12X4	FYPON	WHITE			
STONE	ELDORADO STONE	CHAPEL HILL STACKED			



SCALE: 1/4"= 1'-0"

new building design for: Gasland – 5th AVENVE north plank road & fifth ave, town of newburgh, new york
M. GILLESPIE M. GILLESPIE BASSOCIATES BASS
PROJECT NO. 2020:051 DRAWN BY: J.V.S
CHECKED BY: M.E.G. REVISIONS APRIL 9, 2020 APRIL 14, 2020
NYSPE #074666
SHEET No.
P /
1



MATERIAL LIST					
MATERIAL	MANUFACTURER	COLOR			
HARDIEPLANK LAP SIDING	JAMES HARDIE	NAVAJO BEIGE			
HARDIETRIM	JAMES HARDIE	ARCTIC WHITE			
WINDOW HEADS, FRIEZE BOARDS	N/A	WHITE			
AWNINGS	N/A	KHAKI BROWN			
WINDOW CLADDING	N/A	WHITE			
ASPHALT SHINGLES	OWENS CORNING	STORM CLOUD			
BRACKET 10X12X4	FYPON	WHITE			
STONE	ELDORADO STONE	CHAPEL HILL STACKED			



