

Plotted: 10/18/23 - 3:38 PM By: jpeterson Product Ver. 24.2a (JMS Tech) File: \\depc-local\depc\data\CEPC PROJECTS\021 Park Network, LLC\22-0104 Newburgh NY\DWG\Site Plans\010212201041SXS.dwg 01 GENERAL NOTES

GENERAL NOTES

1. THIS PLAN HAS BEEN PREPARED BASED ON REFERENCES INCLUDING:

BOUNDARY & TOPOGRAPHIC SURVEY
CALLAS SURVEYING GROUP
6865 U.S. ROUTE 1
NORTH BRUNSWICK, NJ 08902
SURVEYOR: JAMES J. CALLAS
DATED: 10-07-2022 REV: 10-18-2022

2. APPLICANT:

NEWBURGH CHICKEN, LLC
40 ROUTE 17 NORTH, SUITE 802
RUTHERFORD, NJ 07070

3. OWNER:

LOUIS J. GALLO & JEAN F. GALLO
2 KELLY DR.
ROCKYHILLS, NY 12801

4. PARCEL DATA:

PARCEL 60-3-6.1
197 SOUTH PLANK ROAD
TOWN OF NEWBURGH
ORANGE COUNTY, NY

5. ZONE:

ZONE B (BUSINESS ZONE)

6. EXISTING USE:

FAST-FOOD RESTAURANT (**EXISTING NON-CONFORMING USE**) (§ 185-10, ATTACHMENT 11)

7. PROPOSED USE:

FAST-FOOD RESTAURANT (**PERMITTED USE**) (§ 185-10, ATTACHMENT 11)

*PERMITTED USE PURSUANT TO SPECIAL PERMIT GRANTED BY THE ZONING BOARD OF APPEALS AT ITS OCTOBER 26, 2023 MEETING.

*NOTE: AS THE PROPOSED FAST FOOD RESTAURANT USE IS A NON-CONFORMING USE IN THE B DISTRICT, THE ZBA HAS ADVISED IT ESTABLISHES THE BULK AND DIMENSIONAL REQUIREMENTS FOR THE USE ON THIS PROPERTY

8. SCHEDULE OF ZONING REQUIREMENTS (§ 185-11, ATTACHMENT 13)

ZONE REQUIREMENT	EXISTING	PROPOSED
MINIMUM LOT AREA	42,212 SF (0.97 AC)	42,212 SF (0.97 AC)
MINIMUM LOT WIDTH	125.5 FT	125.5 FT
MINIMUM LOT DEPTH	297.0 FT	297.0 FT
MINIMUM FRONT YARD SETBACK (SOUTH PLANK ROAD)	13.9 FT	77.1 FT
MINIMUM FRONT YARD SETBACK (UNION AVENUE)	25.3 FT	36.5 FT
MINIMUM REAR YARD SETBACK	79.4 FT	118.6 FT
MINIMUM SIDE YARD SETBACK	6.6 FT	60.2 FT
MAXIMUM BUILDING HEIGHT	≤40 FT	≤40 FT
MAXIMUM LOT SURFACE COVERAGE	49.4% (20,837 SF)	60.8% (25,649 SF)
MAXIMUM BUILDING COVERAGE	6.4% (2,691 SF)	6.0% (2,517 SF)

N/S: NO STANDARD N/A: NOT APPLICABLE (E): EXISTING NON-CONFORMANCE (V): VARIANCE

9. EXCEPTIONS TO DISCREDIT REGULATIONS

- A. NO BUILDING OR STRUCTURE SHALL BE PLACED WITHIN EIGHTY (80) FEET OF THE CENTER LINE OF ROCK CUT ROAD, DRIVEY LAKE FOREST ROAD, UNION AVENUE (FROM THE NEW WINDSOR LINE NORTH TO UNION AVENUE EXTENSION, UNION AVENUE EXTENSION OR PLATTEKILL TURNPIKE. (§ 185-18.C.(4)(g)) (**VARIANCE - 68.3 FT PROVIDED FROM E OF UNION AVENUE**)
- B. FRONT YARDS ADJACENT ALL COUNTY AND STATE HIGHWAYS SHALL BE AT LEAST SIXTY (60) FEET IN DEPTH, EXCEPT WHERE THE MAJORITY OF EXISTING BUILDINGS ON EITHER SIDE OF THE ROAD WITHIN THREE HUNDRED (300) FEET FROM THE INTERSECTION OF THE NEAREST PROPERTY LINE AND STREET LINE ARE OF A LESSER AVERAGE DEPTH. IN SUCH CASE, THE FRONT YARD SETBACK SHALL BE FIFTY (50) FEET OR THE AVERAGE OF ALL LOT DEPTHS WITHIN 340 THREE HUNDRED (300) FEET, WHICHEVER IS GREATER. (§ 185-18.C.(4)(b)) (**VARIANCE - 36.5 FT PROVIDED FROM HIGH-300 (UNION AVENUE)**)

10. CORNER LOT REQUIREMENTS

- A. FRONT YARD SETBACKS ARE REQUIRED ON BOTH STREET FRONTAGES, AND ONE YARD OTHER THAN SUCH FRONT YARDS SHALL BE DEEMED TO BE THE REAR YARD, AND THE OTHER YARD SHALL BE THE SIDE YARD. (§ 185-17A.)
- B. AT ALL STREET INTERSECTIONS NO OBSTRUCTIONS TO VISION, SUCH AS, BUT NOT LIMITED TO SHRUBBERY, LOW-BRANCHING TREES, FINISHED GRADE OF EARTH, EARTHWORK IN PROGRESS, FENCES, WALLS, SIGNS OR VEHICLES SHALL BE DELETED OR PERMITTED TO A HEIGHT IN EXCESS OF TWO (2) FEET WITHIN THE TRIANGLE FORMED BY THE INTERSECTING STREET LINES AND A LINE DRAWN BETWEEN POINTS ALONG SUCH STREET LINES FORTY (40) FEET DEEPER FROM THEIR POINT OF INTERSECTION. EXISTING TREES WITH BRANCHES WHICH ARE TRIMMED AWAY TO A POINT UP TO TEN (10) FEET ABOVE THE GROUND AREA MAY BE ALLOWED IN THIS AREA. TREE BRANCHES TEN (10) FEET ABOVE THE GROUND AND HIGHER MAY ALSO BE ALLOWED TO ENCROACH ON THE AREA. (§ 185-17B.)

11. PARKING REQUIREMENTS

- A. OFF-STREET PARKING SPACE REQUIREMENTS FOR NONRESIDENTIAL USES SUCH AS RESTAURANT, CLUB, EATING OR DRINKING PLACE, INCLUDING FAST-FOOD AND DRIVE-THROUGH FACILITIES SHALL BE ONE (1) SPACE PER FOUR (4) SEATS, OR PER FORTY (40) SQUARE FEET OF SEATING AREA OR AS REQUIRED BY THE PLANNING BOARD FOR RESTAURANTS DEMONSTRATING GREATER PARKING SPACE NEEDS IN THE JUDGEMENT OF THE PLANNING BOARD. (§ 185-13C.(1)(b))
- B. IN ADDITION TO THE MINIMUM REQUIRED NUMBER OF OFF-STREET PARKING SPACES, THE PLANNING BOARD MAY REQUIRE A RESERVE AREA OF UP TO TWENTY PERCENT (20%) OF THE TOTAL AREA REQUIRED FOR OFF-STREET PARKING TO PROVIDE FOR ADDITIONAL PARKING, SHOULD FUTURE DEMAND FOR PARKING SPACES EXCEED THE NUMBER OF SPACES PROVIDED. SUCH RESERVE AREA, WHICH SHALL NOT REDUCE THE MINIMUM PERMITTED PERCENT OF LOT COVERAGE, MUST BE GRADED AND AVAILABLE FOR PARKING USE IF REQUIRED BUT NEED NOT BE SURFACED OR OTHERWISE DEVELOPED FOR PARKING USE UNTIL SUCH AREA IS REQUIRED AS DETERMINED BY RECONSIDERATION OF THE MINIMUM REQUIRED OFF-STREET PARKING SPACES BY THE PLANNING BOARD. (§ 185-13C.(4))
- C. THE MINIMUM PARKING SPACE WIDTH SHALL BE NINE (9) FEET, AND THE MINIMUM LENGTH SHALL BE EIGHTEEN (18) FEET. EACH SPACE SHALL BE DELINEATED ON THE SURFACE OF THE PARKING AREA BY TWO (2) PAINTED LINES PARALLEL TO THE LONGEST DIMENSION OF THE SPACE, EACH OF WHICH LINES SHALL BE FOUR (4) INCHES IN WIDTH AND BEGINNING EIGHT (8) INCHES AND ENDING TWELVE (12) INCHES INSIDE BOTH DIVIDING LINES OF THE SPACE. (§ 185-13D.(5)) (**COMPLIES**)
- D. ALL OPEN PARKING AREAS SHALL BE SUITABLY LANDSCAPED. IN PARKING LOTS WITH MORE THAN TWENTY (20) SPACES, AT LEAST FIVE PERCENT (5%) OF THE AREA OF THE PARKING LOT SHALL BE DEDICATED TO LANDSCAPING WITHIN THE INTERIOR OF THE PARKING LOT. SUCH LANDSCAPING SHALL BE IN ADDITION TO THAT WHICH MAY BE REQUIRED ALONG THE STREET LINE. THE LOT LINES OF THE BUILDING FOUNDATION, IN ALL PARKING LOTS PROVIDING EIGHT (8) OR MORE OFF-STREET PARKING SPACES, ONE SHADE OR FLOWERING ORNAMENTAL TREE SHALL BE PLANTED FOR EVERY SPACE, OR ANY ADDITIONAL NUMBER THEREOF. SAID TREE OR TREES TO BE PLANTED IN MEDIAN DIVIDERS, ISLANDS OR SUCH OTHER LOCATIONS AS MAY BE ACCEPTABLE TO THE PLANNING BOARD. (§ 185-13D.(9)(a)) (**COMPLIES**)
- E. ALL PLANTING BEDS, LANDSCAPED ISLANDS AND PEDESTRIAN WALKWAYS, IF PROVIDED, SHALL BE PROTECTED BY CURBS, STURDY POSTS, RAILS OR WALLS 1 1/2 TO TWO FEET IN HEIGHT OR OTHER PROTECTIVE DEVICES AND SHALL BE OF SUFFICIENT WIDTH TO PREVENT DAMAGE OR HARM TO BOTH PLANT MATERIALS AND PEDESTRIANS. ADDITIONAL BARRIERS MAY BE REQUIRED BY THE PLANNING BOARD TO GIVE BETTER PROTECTION AND TO IMPROVE PEDESTRIAN AND VEHICULAR CIRCULATION. (§ 185-13D.(9)(b)) (**COMPLIES**)
- F. PARKING CALCULATION:

(24 SEATS)*(1 PARKING SPACE/4 SEATS) = 6 SPACES REQUIRED
23 SPACES PROVIDED (**COMPLIES**)

12. LOADING REQUIREMENTS

- A. FOR A BUILDING WITH A FLOOR AREA OF LESS THAN TWENTY-FIVE THOUSAND (25,000) SQUARE FEET, ONE (1) OFF-STREET TRUCK LOADING SPACE SHALL BE PROVIDED. (§ 185-13B.(6)) (**VARIANCE - DEDICATED LOADING ZONE NOT PROVIDED**)

13. DRIVEWAY REQUIREMENTS

- A. DRIVEWAYS SHALL BE DESIGNED WITH A GRADE NO MORE THAN ONE (1) INCH PER FOOT FROM EDGE OF PAVEMENT OR BACK OF CURB TO THE RIGHT-OF-WAY LINE. THE MINIMUM WIDTH OF THE DRIVEWAY PAVEMENT AT THE ROAD PAVEMENT LINE OR AT THE CURBLINE SHALL BE FIFTEEN (15) FEET, TAPERING TO A MINIMUM OF TEN (10) FEET AT THE RIGHT-OF-WAY LINE. (§ 181-34A.) (**COMPLIES**)
- B. UNOBSTRUCTED ACCESS TO AND FROM A STREET SHALL BE PROVIDED. SUCH ACCESS SHALL CONSIST OF AT LEAST TWO (2) LANES OF TEN (10) FOOT WIDTH APiece. (§ 185-13D.(6)(c)) (**COMPLIES**)
- C. NO ENTRANCE OR EXIT FOR AN ACCESSORY OFF-STREET PARKING AREA WITH OVER TEN (10) PARKING SPACES OR ANY LOADING BERTH SHALL BE LOCATED WITHIN ONE HUNDRED AND FIFTY (150) FEET OF A STREET INTERSECTION. (§ 185-13D.(6)(b)) (**VARIANCE - 50.6 FT PROVIDED ALONG SOUTH PLANK ROAD**)

14. FENCE AND WALL REQUIREMENTS

- A. FENCES AND WALLS SHALL BE PERMITTED IN ANY YARD OR ALONG THE EDGE OF A YARD; HOWEVER, NO FENCE SHALL BE ERRECTED WITHIN THE RIGHT-OF-WAY OF A PUBLIC ROAD. (§ 185-16A.) (**COMPLIES**)
- B. NO FENCES AND WALLS SHALL BE PERMITTED IN LOCATIONS WHERE THEY WILL INTERFERE WITH ADEQUATE SIGHT DISTANCE FOR VEHICLES EXITING FROM A DRIVEWAY ON THE PARCEL WHERE THE WALL OR FENCE IS TO BE CONSTRUCTED OR FROM DRIVEWAYS ON NEIGHBORING PROPERTY. (§ 185-16C.) (**COMPLIES**)
- C. FENCES AND WALLS SHALL CONFORM TO CORNER LOT REQUIREMENTS WHERE APPLICABLE (SEE § 185-17, CORNER LOTS, OF THIS CHAPTER). (§ 185-16B.) (**COMPLIES**)
- D. WITH THE EXCEPTION OF SUBSECTION D OF THIS SECTION, THERE SHALL BE NO RESTRICTION ON THE TYPE AND HEIGHT OF A FENCE OR WALL IN A NONRESIDENCE DISTRICT. (§ 185-16E.) (**COMPLIES**)

15. SIDEWALK REQUIREMENTS

- A. SIDEWALKS SHALL BE LOCATED SUCH THAT THE OUTSIDE OF THE SIDEWALK IS TWO (2) FEET FROM THE INSIDE OF THE RIGHT-OF-WAY LINE. (§ 161-35A.) (**COMPLIES**)

16. CURB REQUIREMENTS

- A. CURBS ARE TO BE SIX (6) INCHES WIDE AT THE TOP AND EIGHT (8) INCHES WIDE AT THE BOTTOM, WITH A TOTAL HEIGHT OF TWENTY (20) INCHES. THE FACE OF THE CURB SHALL BE EXPOSED SIX (6) INCHES AT THE EDGE OF THE PAVED ROADWAY. (§ 161-39L.(1)) (**COMPLIES**)

17. FAST-FOOD, DRIVE-THRU AND DRIVE-UP ESTABLISHMENT REQUIREMENTS

- A. ALL DRIVE-THRU ASILES SHALL EXIT INTO A PARKING AREA OR ONTO A SIDE STREET AND NOT DIRECTLY ONTO ROUTES 9W, 17K, 32, 52 OR 300. (§ 185-42A.(1)) (**COMPLIES**)
- B. PARKING SHALL BE ADEQUATE FOR THE TYPE OF FACILITY PROPOSED, WITH THREE (3) ADDITIONAL SHORT-TERM SPACES DEVOTED SPECIFICALLY FOR PICK-UP OR ORDER DELIVERY FOR EACH DRIVE-UP, DRIVE-THRU, WALK-UP OR PICKUP WINDOW OR AREA INSIDE OR OUTSIDE OF THE BUILDING. (§ 185-42A.(5)) (**COMPLIES**)
- C. PUBLIC ROADS AND INTERNAL DRIVE ASILES SHALL NOT BE BLOCKED BY WAITING DRIVE-THRU TRAFFIC. (§ 185-42A.(4)) (**COMPLIES**)
- D. PARKING AREAS AND CIRCULATION DRIVES SHALL BE ADEQUATELY SEPARATED SO AS TO AVOID CONFLICT BETWEEN PARKING CARS AND WAITING DRIVE-THRU TRAFFIC. (§ 185-42A.(3)) (**COMPLIES**)
- E. ADEQUATE STACKING SPACE WILL BE PROVIDED FOR WAITING DRIVE-THRU VEHICLES SUCH THAT THESE VEHICLES DO NOT INTERFERE WITH SITE VEHICULAR OR PEDESTRIAN CIRCULATION. (§ 185-42A.(6)) (**COMPLIES**)
- F. ANY SUCH USE SHALL MEET THE FOLLOWING CONDITIONS OF OPERATION:
- PROVISION OF SUFFICIENT SECURITY TO PREVENT THE USE OF THE PREMISES AS A LOITERING PLACE DURING HOURS OF OPERATION. (§ 185-42B.(1)) (**COMPLIES**)
 - PROVISION OF ADEQUATE FACILITIES AND PERSONNEL FOR DISPOSAL OF TRASH AND OTHER DEBRIS. (§ 185-42B.(2)) (**COMPLIES**)
 - PROVISION FOR CONTINUING MAINTENANCE OF THE EXTERIOR OF THE BUILDING AND THE GROUNDS, INCLUDING LANDSCAPING, SIGNS AND POLING OF LITTER. (§ 185-42B.(3)) (**COMPLIES**)

18. THE APPLICANT REQUESTS ANY AND ALL SUBMISSION WAIVERS THAT ARE NOT SPECIFICALLY IDENTIFIED HEREIN. TESTIMONY WILL BE SUPPLIED AT THE PUBLIC HEARING TO SUPPORT SAID SUBMISSION WAIVERS.

19. PRIOR TO STARTING CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE TO MAKE SURE THAT ALL REQUIRED PERMITS AND APPROVALS HAVE BEEN OBTAINED. NO CONSTRUCTION OR FABRICATION SHALL BEGIN UNTIL THE CONTRACTOR HAS RECEIVED AND THOROUGHLY REVIEWED ALL PLANS AND OTHER DOCUMENTS BY ALL OF THE PERMITTING AUTHORITIES.

20. ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THESE PLANS AND SPECIFICATIONS AND THE REQUIREMENTS AND STANDARDS OF THE LOCAL GOVERNING AUTHORITY.

21. THE SOILS REPORT AND RECOMMENDATIONS SET FORTH THEREIN ARE A PART OF THE REQUIRED CONSTRUCTION DOCUMENTS AND IN CASE OF CONFLICT SHALL TAKE PRECEDENCE UNLESS SPECIFICALLY NOTED OTHERWISE ON THE PLANS. THE CONTRACTOR SHALL NOTIFY THE ENGINEER CONSTRUCTION MANAGER OF ANY DISCREPANCY BETWEEN SOILS REPORT & PLANS.

22. SITE CLEARING SHALL INCLUDE THE LOCATION AND REMOVAL OF ALL UNDERGROUND TANKS, PIPES, VALVES, ETC.

23. THE PROPERTY SURVEY SHALL BE CONSIDERED A PART OF THESE PLANS.

24. ALL DIMENSIONS SHOWN ON THE PLANS SHALL BE FIELD VERIFIED BY THE CONTRACTOR PRIOR TO CONSTRUCTION. CONTRACTOR SHALL NOTIFY ENGINEER IF ANY DISCREPANCIES EXIST PRIOR TO PROCEEDING WITH CONSTRUCTION FOR NECESSARY PLAN CHANGES. NO EXTRA COMPENSATION SHALL BE PAID TO THE CONTRACTOR FOR WORK HAVING TO BE REDONE DUE TO DIMENSIONS OR GRADES SHOWN INCORRECTLY ON THESE PLANS IF SUCH NOTIFICATION HAS NOT BEEN GIVEN.

25. SOLID WASTE TO BE DISPOSED OF BY CONTRACTOR IN ACCORDANCE WITH ALL LOCAL, STATE AND FEDERAL REGULATIONS.

26. ALL EXCAVATED UNSUITABLE MATERIAL MUST BE TRANSPORTED TO AN APPROVED DISPOSAL LOCATION.

27. CONTRACTOR IS RESPONSIBLE FOR ALL SHORING REQUIRED DURING EXCAVATION AND SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT OSHA STANDARDS, AS WELL AS ADDITIONAL PROVISIONS TO ASSURE STABILITY OF CONTIGUOUS STRUCTURES, AS FIELD CONDITIONS DICTATE.

28. ALL CONTRACTORS MUST CARRY STATUTORY WORKERS COMPENSATION, EMPLOYERS LIABILITY INSURANCE AND APPROPRIATE LIMITS OF COMMERCIAL GENERAL LIABILITY INSURANCE. CALL ALL CONTRACTORS MUST HAVE THEIR OWN POLICIES ENDORSED TO NAME DYNAMIC ENGINEERING CONSULTANTS, P.C. AS SUBROGATED AS ADDITIONAL INSURED AND TO PROVIDE CONTRACTUAL LIABILITY COVERAGE SUFFICIENT TO INSURE THE HOLD HARMLESS AND INDEMNITY OBLIGATIONS ASSUMED BY THE CONTRACTORS. ALL CONTRACTORS MUST FURNISH DYNAMIC ENGINEERING CONSULTANTS, P.C. WITH CERTIFICATES OF OPERATING UNDER THE REQUIRED INSURANCE PRIOR TO COMMENCING WORK AND UPON RENEWAL OF EACH POLICY DURING THE ENTIRE PERIOD OF CONSTRUCTION. IN ADDITION, ALL CONTRACTORS WILL, TO THE FULLEST EXTENT PERMITTED BY LAW, INDEMNIFY AND HOLD HARMLESS DYNAMIC ENGINEERING CONSULTANTS, P.C. AND ITS SUBCONSULTANTS FROM AND AGAINST ANY DAMAGES, LIABILITIES OR COSTS, INCLUDING REASONABLE ATTORNEYS' FEES AND DEFENSE COSTS, ARISING OUT OF OR IN ANY WAY CONNECTED WITH THE PROJECT, INCLUDING ALL CLAIMS BY EMPLOYEES OF THE CONTRACTORS.

29. NEITHER THE PROFESSIONAL ACTIVITIES OF DYNAMIC ENGINEERING CONSULTANTS, P.C., NOR THE PRESENCE OF DYNAMIC ENGINEERING CONSULTANTS, P.C. OR ITS EMPLOYEES AND SUBCONSULTANTS AT A CONSTRUCTION/PROJECT SITE, SHALL RELIEVE THE GENERAL CONTRACTOR OF ITS OBLIGATIONS, DUTIES AND RESPONSIBILITIES INCLUDING, BUT NOT LIMITED TO CONSTRUCTION MEANS, METHODS, SEQUENCE, TECHNIQUES OR PROCEDURES NECESSARY FOR PERFORMING, SUPERINTENDING AND COORDINATING THE WORK IN ACCORDANCE WITH THE CONTRACT, DOCUMENTS AND ANY HEALTH OR SAFETY PRECAUTIONS REQUIRED BY ANY REGULATORY AGENCIES. DYNAMIC ENGINEERING CONSULTANTS, P.C. AND ITS PERSONNEL HAVE NO AUTHORITY TO EXERCISE ANY CONTROL OVER ANY CONSTRUCTION CONTRACTOR OR ITS EMPLOYEES IN CONNECTION WITH THEIR WORK OR ANY HEALTH OR SAFETY PROGRAMS OR PROCEDURES. THE GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR JOBSITE SAFETY. DYNAMIC ENGINEERING CONSULTANTS, P.C. SHALL BE INDEMNIFIED BY THE GENERAL CONTRACTOR AND SHALL BE MADE ADDITIONAL INSURED UNDER THE GENERAL CONTRACTOR'S POLICIES OF GENERAL LIABILITY INSURANCE.

30. DYNAMIC ENGINEERING CONSULTANTS, P.C. SHALL REVIEW AND APPROVE OR TAKE OTHER APPROPRIATE ACTION ON THE CONTRACTOR SUBMITTALS, SUCH AS SHOP DRAWINGS, PROFILES, DATA, SAMPLES AND OTHER DATA WHICH THE CONTRACTOR IS REQUIRED TO SUBMIT, BUT ONLY FOR THE LIMITED PURPOSE OF CHECKING FOR CONFORMANCE WITH THE DESIGN CONCEPT AND THE INFORMATION SHOWN IN THE CONSTRUCTION MEANS OR METHODS. COORDINATION OF THE WORK WITH OTHER TRADES OR CONSTRUCTION SAFETY PRECAUTIONS, ALL OF WHICH ARE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. DYNAMIC ENGINEERING'S REVIEW SHALL BE CONDUCTED WITH REASONABLE PROMPTNESS WHILE ALLOWING SUFFICIENT TIME TO PERMIT ADEQUATE REVIEW OF A SPECIFIC ITEM SHALL NOT INDICATE THAT DYNAMIC ENGINEERING CONSULTANTS, P.C. HAS REVIEWED THE ENTIRE ASSEMBLY OF WHICH THE ITEM IS A COMPONENT. DYNAMIC ENGINEERING CONSULTANTS, P.C. SHALL NOT BE RESPONSIBLE FOR ANY DEVIATIONS FROM THE CONSTRUCTION DOCUMENTS NOT BROUGHT TO THE ATTENTION OF DYNAMIC ENGINEERING CONSULTANTS, P.C. IN WRITING BY THE CONTRACTOR. DYNAMIC ENGINEERING CONSULTANTS, P.C. SHALL NOT BE REQUIRED TO REVIEW PARTIAL SUBMISSIONS OR THOSE FOR WHICH SUBMISSIONS OF CORRELATED ITEMS HAVE NOT BEEN RECEIVED.

31. IN AN EFFORT TO RESOLVE ANY CONFLICTS THAT ARISE DURING THE DESIGN AND CONSTRUCTION OF THE PROJECT OR FOLLOWING THE COMPLETION OF THE PROJECT, DYNAMIC ENGINEERING CONSULTANTS, P.C. AND THE CONTRACTOR MUST AGREE THAT ALL DISPUTES BETWEEN THEM ARISING OUT OF OR RELATING TO THIS AGREEMENT OR THE PROJECT SHALL BE SUBMITTED TO NONBIDDING MEDIATION UNLESS THE PARTIES MUTUALLY AGREE OTHERWISE.

32. THE CONTRACTOR MUST INCLUDE A MEDIATION PROVISION IN ALL AGREEMENTS WITH INDEPENDENT SUBCONTRACTORS AND CONSULTANTS RETAINED FOR THE PROJECT AND TO REQUIRE ALL INDEPENDENT CONTRACTORS AND CONSULTANTS ALSO TO INCLUDE A SIMILAR MEDIATION PROVISION IN ALL AGREEMENTS WITH THEIR SUBCONTRACTORS, SUBCONSULTANTS, SUPPLIERS AND FABRICATORS, THEREBY PROVIDING FOR MEDIATION AS THE PRIMARY METHOD FOR DISPUTE RESOLUTION BETWEEN THE PARTIES TO ALL THOSE AGREEMENTS.

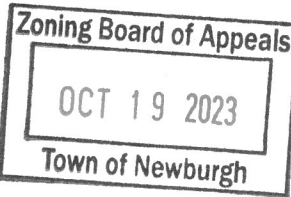
33. IF THE CONTRACTOR DEVIATES FROM THE PLANS AND SPECIFICATIONS, INCLUDING THE NOTES CONTAINED THEREON, WITHOUT FIRST OBTAINING PRIOR WRITTEN AUTHORIZATION FOR SUCH DEVIATIONS FROM THE OWNER AND ENGINEER, IT SHALL BE RESPONSIBLE FOR THE PAYMENT OF ALL COSTS TO CORRECT ANY WORK DONE, ALL FINES OR PENALTIES ASSESSED WITH RESPECT THERETO AND ALL COMPENSATORY OR PUNITIVE DAMAGES RESULTING THEREFROM AND IT SHALL INDEMNIFY AND HOLD THE OWNER AND ENGINEER HARMLESS FROM ALL SUCH COSTS TO CORRECT ANY WORK DONE AND FROM ALL SUCH FINES AND PENALTIES, COMPENSATION AND PUNITIVE DAMAGES AND COSTS OF ANY NATURE RESULTING THEREFROM.

34. ALL TRAFFIC SIGNS AND STRIPING SHALL FOLLOW THE REQUIREMENTS SPECIFIED IN THE MANUAL ON "UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS" PUBLISHED BY THE FEDERAL HIGHWAY ADMINISTRATION.

35. THE BUILDING SETBACK DIMENSIONS ILLUSTRATED AND LISTED ON THE SITE PLAN DRAWINGS ARE MEASURED FROM THE OUTSIDE SURFACE OF BUILDING WALLS. THESE SETBACK DIMENSIONS DO NOT ACCOUNT FOR ROOF OVERHANGS, ORNAMENTAL ELEMENTS, SIGNAGE OR OTHER EXTERIOR EXTENSIONS UNLESS SPECIFICALLY NOTED.

36. CONTRACTOR ACKNOWLEDGES HE HAS READ AND UNDERSTOOD THE DESIGN PHASE SOIL PERMEABILITY AND GROUNDWATER TEST RESULTS IN THE STORMWATER MANAGEMENT REPORT AND THAT THE CONTRACTORS RESPONSIBILITIES INCLUDE NECESSARY PROVISIONS TO ACHIEVE THE DESIGN PERMEABILITY IN THE FIELD.

37. CONTRACTOR TO BE ADVISED THAT THE ENGINEER WAS NOT PROVIDED WITH FINAL FLOOR PLAN DRAWINGS FOR THE BUILDING AT THE TIME OF SITE PLAN DESIGN. AS A RESULT, ENTRANCE DOOR LOCATIONS AS DEPICTED HEREON MAY NOT BE FINAL AND MUST BE CONFIRMED WITH THE ARCHITECTURAL PLANS PRIOR TO CONSTRUCTION. THE HANDICAP ACCESSIBLE PARKING SPACES AND THE ASSOCIATED RAMPS AND ACCESSIBLE ROUTE MUST COMPLY WITH NLAC 52:27-7 AND THE HANDICAP PARKING SPACES MUST BE LOCATED AS THE NEAREST SPACES TO THE ENTRANCE. CONTRACTOR TO NOTIFY OWNER AND ENGINEER IMMEDIATELY OF ANY DISCREPANCY PRIOR TO CONSTRUCTION.



THIS PLAN SET IS FOR PERMITTING PURPOSES ONLY AND MAY NOT BE USED FOR CONSTRUCTION

DYNAMIC ENGINEERING
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Office contact information for various locations including Lake Como, New Jersey, Chester, New Jersey, Allentown, Pennsylvania, and others.

TITLE: **GENERAL NOTES**

PROJECT: **NEWBURGH CHICKEN, LLC.**
PROPOSED POPEYES

JOB No: 22-01041
DATE: 10/17/2023

DRAWN BY: PSD
SCALE: 60'-3'-6.1
DESIGNED BY: MD
TOWN OF NEWBURGH, ORANGE COUNTY, NEW YORK

CHECKED BY: MB
SHEET No: 1

CHECKED BY: -

JOSHUA M. SCHWALD
PROFESSIONAL ENGINEER
NEW JERSEY LICENSE No. 54522

MATTHEW J. BERSCH
PROFESSIONAL ENGINEER
NEW JERSEY LICENSE No. 54522

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