



Steven M. Neuhaus  
County Executive

Orange County Department of Planning  
Submittal Form for Mandatory Review of Local Planning Action  
as per NYS General Municipal Law §239-l,m, & n

Referral ID#: \_\_\_\_\_  
(County use only)

This form is to be completed by the local board having jurisdiction. Submittals from applicants will not be accepted unless coordinated with both the local board having jurisdiction and the County Department of Planning.

Please include all materials that are part of a "full statement" as defined by NYS GML §239-m (i.e. "all materials required by and submitted to the referring body as an application on a proposed action").

Municipality:

Town of Newburgh

Tax Map #:

95-1-34

Local Referring Board:

Zoning Board of Appeals

Tax Map #:

Applicant:

Route 17K Premium Gas Inc

Tax Map #:

Project Name:

Local File No.:

2590-16<sup>AB</sup>

Location of Project Site:

91 Route 17K

Size of Parcel\*:

170x133

\*If more than one parcel, please include sum of all parcels.

Reason for County Review:

ON NYS Route 17K

Current Zoning District (include any overlays):

IB

Type of Review:

- Comprehensive Plan Update/Adoption
- Zoning Amendment
  - Zoning District Change from \_\_\_\_\_ to \_\_\_\_\_
  - Ordinance Modification (cite section): \_\_\_\_\_
- Local Law
- Site Plan
  - Sq. feet proposed (non-residential only): \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Subdivision
  - Number of lots proposed: \_\_\_\_\_
  - Which approval is the applicant currently seeking? SKETCH / PRELIM / FINAL (circle one)
- Special Use Permit
- Lot Line Change
- Variance
  - AREA USE (circle one) Signage - Max amount of footage - 15ft setback & more than 1 freestanding sign
  - Other \_\_\_\_\_

Is this an update to a previously submitted referral? YES / NO (circle one)

Local board comments or elaboration:

Signature of local official

9/15/16

Date

Chairperson  
Zoning Board of Appeals

Title

Municipal Contact Phone Number: 845-566-4901

If you would like the applicant to be cc'd on this letter, please provide the applicant's address:

Please return, along with full statement, to: Orange County Dept. of Planning 124 Main St. Goshen, NY 10924  
Question or comments, call: 845-615-3840 or email: [planning@orangecountygov.com](mailto:planning@orangecountygov.com)



# TOWN OF NEWBURGH

*Crossroads of the Northeast*

ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## APPLICATION

OFFICE OF ZONING BOARD  
(845) 566-4901

DATED: 9/1/16

TO: **THE ZONING BOARD OF APPEALS**  
THE TOWN OF NEWBURGH, NEW YORK 12550

I (WE) Route 17k Premium Gas, Inc. PRESENTLY  
RESIDING AT NUMBER 2 Jericho Plaza Suite 110 Jericho, NY 11753  
TELEPHONE NUMBER \_\_\_\_\_

HEREBY MAKE APPLICATION TO THE ZONING BOARD OF APPEALS FOR  
THE FOLLOWING:

- \_\_\_\_\_ A USE VARIANCE
- ✓ \_\_\_\_\_ AN AREA VARIANCE
- \_\_\_\_\_ INTERPRETATION OF THE ORDINANCE
- \_\_\_\_\_ SPECIAL PERMIT

1. LOCATION OF THE PROPERTY:

95-1-34 (TAX MAP DESIGNATION)  
91 Route 17k (STREET ADDRESS)  
I-B (ZONING DISTRICT)

2. PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Section 185-14 Subsection B-1-(c)  
\_\_\_\_\_  
\_\_\_\_\_



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3. IF VARIANCE TO THE ZONING LAW IS REQUESTED:

a) APPEAL IS MADE FROM DISAPPROVAL BY THE TOWN BUILDING INSPECTOR OR BUILDING PERMIT APPLICATION. SEE ACCOMPANYING NOTICE DATED: 7/7/16

b) OR DENIAL (REFERRAL) BY THE PLANNING BOARD OF THE TOWN OF NEWBURGH OF AN APPLICATION TO THE BOARD, SEE ACCOMPANYING NOTICE DATED: \_\_\_\_\_

4. DESCRIPTION OF VARIANCE SOUGHT: Sign setback  
and area variance

5. IF A USE VARIANCE IS REQUESTED: STRICT APPLICATION OF THE ZONING LAW WOULD PRODUCE UNNECESSARY HARDSHIP IN THAT:

a) UNDER APPLICABLE ZONING REGULATIONS THE APPLICANT IS DEPRIVED OF ALL ECONOMIC USE OR BENEFIT FROM THE PROPERTY IN QUESTION BECAUSE:

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

**(ATTACH WITH THIS APPLICATION COMPETENT FINANCIAL EVIDENCE ESTABLISHING SUCH DEPRIVATION)**

b) THE HARDSHIP IS UNIQUE AND DOES NOT APPLY TO A SUBSTANTIAL PORTION OF THE DISTRICT OR NEIGHBORHOOD BECAUSE:

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

c) THE VARIANCE WOULD NOT ALTER THE ESSENTIAL CHARACTER OF THE NEIGHBORHOOD BECAUSE:

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



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d) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

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

6. IF AN AREA VARIANCE IS REQUESTED:

a) THE VARIANCE WILL NOT PRODUCE AN UNDESIRABLE CHANGE IN THE CHARACTER OF THE NEIGHBORHOOD OR A DETRIMENT TO NEARBY PROPERTIES BECAUSE:

*Proposed sign changes will be to existing sign structures and will improve appearance.*

b) THE BENEFIT SOUGHT BY THE APPLICANT CAN NOT BE ACHIEVED BY SOME METHOD, FEASIBLE FOR THE APPLICANT TO PURSUE, OTHER THAN AN AREA VARIANCE, BECAUSE:

*Changes to existing sign structures. Additional changes would require new foundations + sign structures at considerable expense.*

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

*The proposed sign changes are to existing sign structures and will not require additional sign structures to be installed.*

d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR IMPACT ON THE PHYSICAL OR ENVIRONMENTAL CONDITIONS IN THE NEIGHBORHOOD OR DISTRICT BECAUSE:

*Sign structures already exist.*

e) THE HARDSHIP HAS NOT BEEN SELF-CREATED BECAUSE:

*Existing structures. No change in use.*



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OFFICE OF ZONING BOARD  
(845) 566-4901

## 7. ADDITIONAL REASONS (IF PERTINENT):

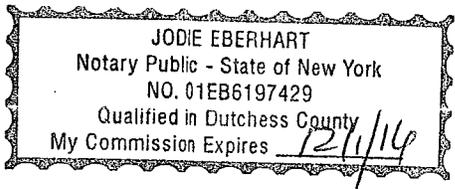
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*A. A. [Signature]*  
\_\_\_\_\_  
PETITIONER (S) SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF August 20 14

*Jodie Eberhart [Signature]*  
\_\_\_\_\_  
NOTARY PUBLIC



NOTE: NYS GML Section 239-m (3) for proposed actions that are within 500 feet of the properties or thresholds listed in the statute the Zoning Board of Appeals is required to send a copy of the complete application to the Orange County Department of Planning to be reviewed prior to Zoning Board of Appeals decision. And also NYS GML Section 239-NN requires notification for any proposed actions, to the Municipal Clerk, within 500 feet of the Border of that adjoining County, Town or City.  
**(ALL MATERIALS REGARDING THE APPLICATION MUST BE SUBMITTED TO THE ZONING BOARD OFFICE FOR REVIEW NO LATER THAN 10 DAYS PRIOR TO THE HEARING DATE OR THEY MAY NOT BE CONSIDERED THE NIGHT OF THE MEETING).**

(NOTE: BOARD MEMBERS MAKE SITE VISITS TO ALL THE PROPERTIES)



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ZONING BOARD OF APPEALS  
OLD TOWN HALL  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

## PROXY

Abmad A. Ahmed, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 19 Chestnut St. Hopewell Junction, NY 12533

IN THE COUNTY OF Dutchess AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF 91 Route 17k

Newburgh, NY 12550

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Raul LaBri, JSP Land Development

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 8/22/16 A. A.

OWNER'S SIGNATURE

Jodie Eberhart

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 22 DAY OF August 2016

Jodie Eberhart  
NOTARY PUBLIC

JODIE EBERHART  
Notary Public - State of New York  
NO. 01EB6197429  
Qualified in Dutchess County  
My Commission Expires 12/1/16

Route 17K Premium Gas Inc.

91 Rt. 17K, Newburgh, NY 12550

Ahmad A. Ahmad is the sole principle and owner of Route 17K Premium Gas Inc.  
and as such is authorized to sign for Route 17K Premium Gas Inc.

Sign: A. Ahmad  
Ahmad A Ahmad

Date: 9/7/16

STATE OF New York  
COUNTY OF Dutchess

SUBSCRIBED AND SWORN TO BEFORE ME  
THIS 7<sup>th</sup> DAY OF September, 2016,  
BY Ahmad A Ahmad

[Signature]  
NOTARY PUBLIC

ANDRIA V SPENGLER COLON  
Notary Public - State of New York  
NO. 01SP6114123  
Qualified in Dutchess County  
My Commission Expires 08/01/2020

## 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			
<i>Gas Station Re-brand - Paul Gable - JSP Land Development</i> Name of Action or Project:			
<i>Sign Changes</i> Project Location (describe, and attach a location map):			
<i>91 Route 17A</i> Brief Description of Proposed Action:			
<i>Install Mobil brand Signs into existing structures. Signs to include hi-rise sign, gas price sign and canopy.</i>			
Name of Applicant or Sponsor:		Telephone: <i>413-564-0404</i>	
<i>JSP Land Development</i>		E-Mail: <i>paul@JSPLOS.com</i>	
Address:			
<i>181 North Dixie St.</i>			
City/PO:		State:	Zip Code:
<i>Westfield</i>		<i>MA</i>	<i>01085</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation?			NO
If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			
2. Does the proposed action require a permit, approval or funding from any other governmental Agency?			NO
If Yes, list agency(s) name and permit or approval:			YES
<input checked="" type="checkbox"/> <input type="checkbox"/>			
3.a. Total acreage of the site of the proposed action?		<i>.5</i> acres	
b. Total acreage to be physically disturbed?		<i>0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>.5</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Residential (suburban)			
<input type="checkbox"/> Forest <input type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____			
<input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply?  If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities?  If No, describe method for providing wastewater treatment: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input checked="" type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: _____	<input type="checkbox"/> NO <input type="checkbox"/> YES		

<p>18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)?</p> <p>If Yes, explain purpose and size: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>
<p>20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste?</p> <p>If Yes, describe: _____</p> <p>_____</p> <p>_____</p>	<p>NO</p> <p><input checked="" type="checkbox"/></p>	<p>YES</p> <p><input type="checkbox"/></p>

**I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE**

Applicant/sponsor name: Paul Lebbe - JSP Land Development Date: 9-12-16

Signature: [Handwritten Signature]

Project:

Date:

**Short Environmental Assessment Form**  
**Part 2 - Impact Assessment**

**Part 2 is to be completed by the Lead Agency.**

Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing:	<input type="checkbox"/>	<input type="checkbox"/>
a. public / private water supplies?	<input type="checkbox"/>	<input type="checkbox"/>
b. public / private wastewater treatment utilities?	<input type="checkbox"/>	<input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>
10. Will the proposed action result in an increase in the potential for erosion, flooding or drainage problems?	<input type="checkbox"/>	<input type="checkbox"/>
11. Will the proposed action create a hazard to environmental resources or human health?	<input type="checkbox"/>	<input type="checkbox"/>

Project:

Date:

**Short Environmental Assessment Form  
Part 3 Determination of Significance**

For every question in Part 2 that was answered "moderate to large impact may occur", or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action may result in one or more potentially large or significant adverse impacts and an environmental impact statement is required.
- Check this box if you have determined, based on the information and analysis above, and any supporting documentation, that the proposed action will not result in any significant adverse environmental impacts.

\_\_\_\_\_  
Name of Lead Agency

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
Title of Responsible Officer

\_\_\_\_\_  
Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
Signature of Preparer (if different from Responsible Officer)



# TOWN OF NEWBURGH

~Crossroads of the Northeast~

CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

**2590-16 (A)**

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/07/2016

Application No. 16-0563

To: Rte 17k Premium Gas Inc.  
Two Jericho Plaza Wing C suite 110  
Jericho , NY 11753

SBL: 95-1-34  
ADDRESS:91 Route 17K

ZONE: IB

PLEASE TAKE NOTICE that your application dated 06/24/2016 for permit to re-install non-conforming signs for a new Mobil gas station on the premises located at 91 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-14-B-1-c Total allowed signage shall not exceed ½ of street frontage.
- 2) 185-14-B-1-c No more than 1 free standing sign per lot. ( Gas pricing )
- 3) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Mobil )
- 4) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Gas pricing )

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



## TOWN OF NEWBURGH

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CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

2590-16(B)

### NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/07/2016

Application No. 16-0564

To: Rte 17k Premium Gas Inc.  
Two Jericho Plaza Wing C suite 110  
Jericho, NY 11753

SBL: 95-1-34  
ADDRESS: 91 Route 17K

ZONE: IB

PLEASE TAKE NOTICE that your application dated 06/24/2016 for permit to INSTALL 2 MOBIL CHANNEL LETTER SIGNS ON CANOPY. INSTALL BLUE & WHITE PANELS ON CANOPY

on the premises located at 91 Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-14-B-1-c Total allowed signage shall not exceed ½ of street frontage.
- 2) 185-14-B-1-c No more than 1 free standing sign per lot. ( Gas pricing )
- 3) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Mobil )
- 4) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Gas pricing )

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File



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CODE COMPLIANCE DEPARTMENT  
308 GARDNERTOWN ROAD  
NEWBURGH, NEW YORK 12550

TELEPHONE 845-564-7801  
FAX LINE 845-564-7802

2590-16 (C)

## NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

Date: 07/07/2016

Application No. 16-0565

To: Rte 17k Premium Gas Inc.  
Two Jericho Plaza Wing C suite 110  
Jericho, NY 11753

SBL: 95-1-34  
ADDRESS: 91 Route 17K

ZONE: IB

PLEASE TAKE NOTICE that your application dated 06/24/2016 for permit to  
REPLACE EXISTING PRICE SIGN WITH NEW LED PRICE.

40" X 57"

on the premises located at 91

Route 17K is returned herewith and disapproved on the following grounds:

Town of Newburgh Municipal Code Sections:

- 1) 185-14-B-1-c Total allowed signage shall not exceed 1/2 of street frontage.
- 2) 185-14-B-1-c No more than 1 free standing sign per lot. ( Gas pricing )
- 3) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Mobil )
- 4) 185-14-B-1-c Signs may not be closer than 15' to a street line. ( Gas pricing )

  
Joseph Mattina

Cc: Town Clerk & Assessor (500')  
File

# Town of Newburgh Code Compliance

**OWNER INFORMATION**      *BUILT WITH OUT A PERMIT*      **YES / NO**

**NAME:**      Rt. 17K Premium Gas Inc.

**ADDRESS:**      Rt. 17K Premium Gas Inc. Two Jericho Plaza Wing C Suite 110 Jericho NY 11753

**PROJECT INFORMATION:**      AREA VARIANCE      USE VARIANCE

**TYPE OF STRUCTURE:**      Signs @ 91 Route 17K

**SBL:**      95-1-34      **ZONE:**      I-B

**TOWN WATER:**      YES / NO      **TOWN SEWER:**      YES / NO

2590-16

A, B & C

	MAXIMUM	EXISTING	PROPOSED	VARIANCE	VARIANCE PERCENTAGE
TOTAL SIGNAGE	85.23 SF	0	282.32	197.09	231.24%
FREE STANDING	1.00		2.00	1.00	100.00%
MOBIL FREE STANDING	15' Setback		0 Feet	15'	
GAS PRICING FREE STANDING	15' Setback		0 Feet	15'	
REAR YARD					
SIDE YARD	There has never been any sign variances granted for any signage for this parcel.				
MAX. BUILDING HEIGHT					
BUILDING COVERAGE					
SURFACE COVERAGE					

INCREASING DEGREE OF NON-CONFORMITY - 185-19-C-1      ----- YES / NO  
 2 OR MORE FRONT YARDS FOR THIS PROPERTY      ----- YES / NO  
 CORNER LOT - 185-17-A      ----- YES / NO

**ACCESSORY STRUCTURE:**

GREATER THEN 1000 S.F. OR BY FORMULA - 185-15-A-4      ----- YES / NO  
 FRONT YARD - 185-15-A      ----- YES / NO  
 STORAGE OF MORE THEN 4 VEHICLES      ----- YES / NO  
 HEIGHT MAX. 15 FEET - 185-15-A-1      ----- YES / NO  
 10% MAXIMUM YARD COVERAGE - 185-15-A-3      ----- YES / NO

**NOTES:**      **Requesting canopy signage, free standing Mobil sign and free standing pricing sign, see section 185-19-E-2 TON Municipal Code**

**VARIANCE(S) REQUIRED:**

- 1 185-14-B-1-( c ) Total signage shall not exceed 1/2 of total street frontage. \_\_\_\_\_
- 2 185-14-B-1- ( c ) No more than 1 free standing sign per lot. ( Gas price sign ) \_\_\_\_\_
- 3 185-14-B-1-( c ) Signs may not be closer than 15' to the street line ( Mobil Free standing ) \_\_\_\_\_
- 4 185-14-B-1-( c ) Signs may be no closer than 15' to the street line. ( Gas price free standing ) \_\_\_\_\_

**REVIEWED BY:**      Joseph Mattina      **DATE:**      7-Jul-16

ORANGE COUNTY CLERK'S OFFICE RECORDING PAGE

THIS PAGE IS PART OF THE INSTRUMENT - DO NOT REMOVE

TYPE IN BLACK INK: NAME(S) OF PARTY(S) TO DOCUMENT

LEEMILT 5 PETROLEUM Inc. TO RT 171 < PREMIUM GAS Inc.

SECTION 95 BLOCK 1 LOT 31



RECORD AND RETURN TO: (name and address)

PAUL BRITE 1661 RTE 300 NEWBURGH NY 12550

THIS IS PAGE ONE OF THE RECORDING

ATTACH THIS SHEET TO THE FIRST PAGE OF EACH RECORDED INSTRUMENT ONLY

DO NOT WRITE BELOW THIS LINE

INSTRUMENT TYPE: DEED [X] MORTGAGE SATISFACTION ASSIGNMENT OTHER

PROPERTY LOCATION

- 2089 BLOOMING GROVE (TN)
2001 WASHINGTONVILLE (VLG)
2003 SO. BLOOMING GROVE (VLG)
2289 CHESTER (TN)
2201 CHESTER (VLG)
2489 CORNWALL (TN)
2401 CORNWALL (VLG)
2600 CRAWFORD (TN)
2800 DEERPARK (TN)
3089 GOSHEN (TN)
3001 GOSHEN (VLG)
3003 FLORIDA (VLG)
3005 CHESTER (VLG)
3200 GREENVILLE (TN)
3489 HAMPTONBURGH (TN)
3401 MAYBROOK (VLG)
3689 HIGHLANDS (TN)
3601 HIGHLAND FALLS (VLG)
3889 MINISINK (TN)
3801 UNIONVILLE (VLG)
4089 MONROE (TN)
4001 MONROE (VLG)
4003 HARRIMAN (VLG)
4005 KIRYAS JOEL (VLG)

- 4289 MONTGOMERY (TN)
4201 MAYBROOK (VLG)
4203 MONTGOMERY (VLG)
4205 WALDEN (VLG)
4489 MOUNT HOPE (TN)
4401 OTISVILLE (VLG)
4600 NEWBURGH (TN)
4800 NEW WINDSOR (TN)
5089 TUXEDO (TN)
5001 TUXEDO PARK (VLG)
5200 WALLKILL (TN)
5489 WARWICK (TN)
5401 FLORIDA (VLG)
5403 GREENWOOD LAKE (VLG)
5405 WARWICK (VLG)
5600 WAWAYANDA (TN)
5889 WOODBURY (TN)
5801 HARRIMAN (VLG)
5809 WOODBURY (VLG)
CITIES
0900 MIDDLETOWN
1100 NEWBURGH
1300 PORT JERVIS
9999 HOLD

NO PAGES 19 CROSS REF. CERT. COPY ADD'L X-REF. MAP# PGS.

PAYMENT TYPE: CHECK CASH CHARGE NO FEE

Taxable CONSIDERATION \$ 527,100.00 TAX EXEMPT Taxable MORTGAGE AMT. \$

MORTGAGE TAX TYPE: (A) COMMERCIAL/FULL (B) 1 OR 2 FAMILY (C) UNDER \$10,000 (E) EXEMPT (F) 3 TO 6 UNITS (I) NAT.PERSON/CR. UNION (J) NAT.PER-CR.UN/1 OR 2 (K) CONDO

ANN G. RABBITT ORANGE COUNTY CLERK

Received From Fidelity

RECORDED/FILED 08/27/2014/ 12:51:01 ANN G. RABBITT County Clerk ORANGE COUNTY, NY FILE#20140072610 DEED C / BK 13788PG 1159 RECORDING FEES 390.00 TTX# 000601 T TAX 2,110.00 Receipt#1805077 lindar

STATE OF NEW YORK (COUNTY OF ORANGE) SS: I, ANN G. RABBITT, COUNTY CLERK AND CLERK OF THE SUPREME AND COUNTY COURTS, ORANGE COUNTY, DO HEREBY CERTIFY THAT I HAVE COMPARED THIS COPY WITH THE ORIGINAL THEREOF FILED OR RECORDED IN MY OFFICE OF August 27, 2014 AND THE SAME IS A CORRECT TRANSCRIPT THEREOF. IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL.

Signature of Ann G. Rabbitt

COUNTY CLERK & CLERK OF THE SUPREME COUNTY COURTS, ORANGE COUNTY



**NY Bargain and Sale deed with covenant against Grantor's Acts - Individual or Corporation**

**CONSULT YOUR LAWYER BEFORE SIGNING THIS INSTRUMENT-THIS INSTRUMENT SHOULD BE USED BY LAWYERS ONLY**

**THIS INDENTURE**, made as of the 6<sup>th</sup> day of August, in the year 2014

**BETWEEN**

**Leemilt's Petroleum, Inc. ("Grantor")  
125 Jericho Turnpike, Suite 103, Jericho, New York 11753**

party of the first part, and

**RT 17K Premium Gas Inc. ("Grantee")  
19 Chestnut Street, Hopewell Junction, New York 12533**

party of the second part,

**WITNESSETH**, that the party of the first part, in consideration of Ten Dollars and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

**ALL** that certain plot, place or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the **SEE ATTACHED SCHEDULE A** (the "Premises").

**BEING** the same premises which Northend Holding Corp., by Deed dated July 12, 1989 and recorded July 25, 1989 in the Office of the County Clerk in and for the County of Orange in Liber 3199, Page 238, granted and conveyed unto Grantor.

Said Premises being known as 91 Route 17K, Newburgh, New York 12550 and as Section 95, Block 1 and Lot 34 on the Orange County Tax Map.

Subject to the following:

1. Existing leases, occupancy licenses and tenancies.
2. Zoning regulations and ordinances and building restrictions and regulations affecting the Premises.
3. All assessments, costs and charges for any and all municipal improvements affecting or benefiting the Premises.
4. Covenants, easements and restrictions of record.
5. Taxes for the year 2014 and subsequent years.
6. Any state of facts an up-to-date survey would disclose.
7. Grant to Hudson River Telephone Company in Liber 481, cp 311.
8. Grant to Central Hudson Gas & Electric Corporation in Liber 693, cp 329; (1929).
9. Release Restrictions in Liber 1900, cp 638 (1972).
10. Grant to Central Hudson Gas & Electric Corporation in Liber 698, cp 84; (1929).
11. Grant to Central Hudson Gas & Electric Corporation in Liber 720, cp 208; (1931).
12. Grant to Central Hudson Gas & Electric Corporation and New York Telephone Company in Liber 1575, cp 452; (1960).
13. Sewer Easement taken by United States of America by Declaration of Taking in Liber 961, cp 377.
14. Deed restrictions set forth in deed made by Exxon Corporation to Northend Holding Corp., dated November 17, 1986 and effective as of December 17, 1987, in Liber 2859, cp 174.

**Sec:**

95

**Blk:**

1

**Lot:**

34

The following are definitions for capitalized terms used herein and not defined when first used:

- (a) "**Baseline Condition**" means the most recent analytical data set forth in the Remedial Action Plan dated May 8, 2014 prepared by Tyrec Environmental Corp., attached hereto as **Exhibit A** and made a part hereof.
- (b) "**Closure**" means either of the following: (A) written notice from the appropriate Government Agency or a Licensed Site Professional, as applicable, that state-specific regulatory closure in accordance with non-residential property standards has been granted or achieved with respect to the subject Contamination; or (B) Grantor (i) has requested in writing a closure notice, as described in subsection (A) above, from a Government Agency (or sent other closure communication to the appropriate Government Agency under Environmental Laws), (ii) has not received a response approving, disapproving

or requesting additional information regarding the request for closure (or the other closure communication) for twelve (12) months after submission of the written request (or other closure communication), and (iii) has determined that the closure requirements applicable to the subject Contamination in accordance with non-residential property standards are being met at the conclusion of the twelve-month period; or (C) the subject Contamination is reflected as closed on the appropriate Government Agency's website.

- (c) **"Contamination"** means (1) contamination by any Hazardous Substances that requires Remediation within the soil matrix, surface water, groundwater and ambient air and/or indoor air, on under or migrating to or from the Premises, or on, under or migrating to or from other real properties by migration or disposal from the Premises, or (2) the presence of abandoned, unregistered or out-of-service underground storage tanks, related piping and equipment or other buried containers or vessels that are required to be Remediated.
- (d) **"Environmental Laws"** means any and all applicable laws, regulations, rules, policies, procedures or guidance relating to: (1) the environment, health, safety, or natural resources, (2) the handling, use, presence, treatment, storage, disposal, release or threatened release of any Hazardous Substance or (3) any injury or threat of injury to persons or property or notifications to Government Agencies or the public in connection with any Hazardous Substance.
- (e) **"Environmental Permit"** means any permit, license, approval or other authorization under any Environmental Law and any other requirement of any Government Agency relating to the environment, health, safety or natural resources.
- (f) **"Government Agency"** means any federal, state, county or local agency, department, bureau or other entity or instrumentality with regulatory or enforcement authority over the Premises pursuant to Environmental Laws, including the power to regulate the installation, operation and/or removal of underground storage tanks and/or the reporting, assessment, investigation and/or Remediation.
- (g) **"Hazardous Substance" or "Hazardous Substances"** means any substance, material, chemical, waste, product, by-product, co-product, derivative, compound, mixture, solid, liquid, mineral or gas, in each case whether naturally occurring or man-made, that is hazardous, acutely hazardous, toxic or words of similar import or regulatory effect under Environmental Laws or that is listed, classified, or regulated pursuant to any Environmental Laws, including any hydrocarbon, petroleum product or by-product, asbestos-containing material, lead-containing paint or plumbing, polychlorinated biphenyls, electromagnetic fields, microwave transmission, radioactive materials or radon.
- (h) **"Licensed Site Professional"** means an individual or entity licensed or otherwise granted authority by a Government Agency in accordance with applicable Environmental Laws to oversee and approve Remediation and/or to issue Environmental Permits or notices of Closure, including, but not limited to, a Licensed Environmental Professional (i.e. Connecticut) a Licensed Site Professional (i.e. Massachusetts) or a Licensed Site Remediation Professional (i.e. New Jersey).
- (i) **"Pre-Existing Known Contamination"** means Contamination present in the Baseline Condition that pursuant to Environmental Laws requires Remediation (if any).
- (j) **"Remediation," "Remediate," and/or "Remediated"** means any environmental assessment, investigation, response, monitoring, cleaning up, removing, treating, covering, and/or other action in response to Contamination or the threat of Contamination that is required by the appropriate Government Agency under applicable Environmental Laws to achieve Closure, and may, at Grantor's sole and unreviewable discretion, include, without limitation, monitored natural attenuation, engineering controls, institutional controls, which may include requirements or approvals with respect to excavation or restrictions to commercial use, and/or any other approved methodology.

**SUBJECT TO** Grantee's covenant on behalf of itself, its successors and assigns to be responsible, at its sole cost and expense, in connection with any development of the Premises, for (A) the installation of an impervious vapor barrier and other foundation seals under any foundation laid as part of such development, as are customary in accordance with best practices in construction and building development at such time, (B) any increase in the cost of Grantor's Remediation of the Pre-Existing Known Contamination if such increase is caused by Grantee, and (C) the removal and disposal of any and all contaminated soil, surface water or groundwater discovered by Grantee whether or not such contaminated soil, surface water or groundwater may

be alleged to be a part of the Baseline Condition (such soil removal and disposal to be conducted using low level thermal desorption and otherwise carried out in accordance with applicable laws) (collectively "Development Obligations").

**SUBJECT TO** Grantee's covenant on behalf of itself, its successors and assigns to provide Grantor with reasonable prior written notice of any excavation work at the Premises in order to allow Grantor an opportunity to be present.

**SUBJECT TO** Grantee's covenant on behalf of itself, its successors and assigns to defend, indemnify and hold the Grantor and its parent and affiliated companies and their successors and assigns harmless from and against all claims, actions, losses, demands, judgments, damages or liabilities (including, without limitation, reasonable attorneys' fees, costs and disbursements), injuries, fines, payments, administrative orders, consent agreements, penalties, costs and expenses of any kind whatsoever brought (i) with respect to any and all environmental conditions and/or Contamination on, under, migrating to or from or related to the Premises, including, without limitation, claims asserted by any and all former owners of the Premises, and current or former tenants, operators, licensees or other occupants of the Premises, Government Agency or any third-party, other than Pre-Existing Known Contamination until (and only until) Closure is attained with respect to such Pre-Existing Known Contamination, and from Grantee's failure to comply with or to Remediate the Premises in accordance with Environmental Laws, and (ii) with respect to Grantee's failure to comply with the Development Obligations. Grantee hereby acknowledges that the Premises has been used as a retail gasoline service station including for the storage, sale, transfer and distribution of fuels and other petroleum products containing hydrocarbons (and which may have included automotive repair services) and that there may be Hazardous Substances in connection therewith on and under the Premises.

**SUBJECT TO:** the Premises not being used, in whole or in part, (i) for a period of thirty (30) years following the date hereof as an automobile service station, petroleum station, gasoline station or for the purpose of conducting or carrying on the business of selling, offering for sale, storage, handling, distributing or dealing in petroleum, gasoline, motor vehicle fuel, diesel fuel, kerosene, benzol, naphtha, greases, lubricating oils, or any fuel used for internal combustion engines, or lubricants in any form, or other petroleum or petroleum-related products customarily associated with service stations (the foregoing are, collectively, "Prohibited Gas and Service Station Uses"), or (ii) at any time for agricultural uses, or the use, construction or installation of any water wells for drinking or food processing, or for residences of any type, places of worship, bed and breakfast facilities, rooming houses, hotels, motels, hospitals, nursing homes, geriatric facilities or other facilities providing care to the elderly or the infirm, child care, playground or recreational area, schools (or any similar use which is intended to house, educate or provide care for children).

Notwithstanding the foregoing, the Premises may be used for any of the Prohibited Gas and Service Station Uses, provided that prior to any such use Grantee or its successors or assigns give(s) notice to Grantor and obtain(s) and thereafter maintain(s) for a period commencing on the date Grantee or its successors or assignees commence(s) any Prohibited Gas and Service Station Use ("Commencement Date") and ending on the earlier to occur of (i) twenty (20) years from the Commencement Date, or (ii) thirty (30) years from the date hereof, a Pollution Legal Liability Insurance Policy (a "PLLI Policy"), including, without limitation, tank coverage, which shall name Grantor and any of its affiliate designees or assignees an additional named insured, and which shall be in an amount of at least \$1,000,000 per occurrence and \$2,000,000 per year in the aggregate and shall provide coverage for (w) the investigation and/or remediation of hazardous materials (including but not limited to petroleum products) released at, on, under or from the Premises, or otherwise discovered at, on or under the Premises, (x) property damage (including, without limitation, natural resource damages), (y) compensation for personal injuries, costs of defense and legal liability to third parties, and (z) such other greater or different terms and conditions as may be customary for similarly situated properties and operations, as determined by Grantor in its reasonable discretion. Any deductible under such PLLI Policy shall not exceed \$25,000 per incident. Grantee shall deliver to Grantor a copy of the PLLI Policy and proof of payment in full for the PLLI Policy with a minimum term of twelve (12) months prior to the use of the Premises for any of the Prohibited Gas and Service Station Uses (which shall include any storage or handling of petroleum, gasoline, motor vehicle fuel, diesel fuel, kerosene, benzol, naphtha, greases, lubricating oils, or any fuel used for internal combustion engines, or lubricants in any form, in connection with the development or preparation of the Premises for any Prohibited Gas and Service Station Use). Such PLLI Policy shall contain a provision requiring the insurance provider to give Grantor notice sixty (60) days prior to the termination or expiration or material modification of such policy. The PLLI Policy and any continuations thereof shall name Grantor and any of its affiliates, designees or assignees as an additional named insured. Prior to expiration of the PLLI Policy, Grantee shall deliver to Grantor proof of payment in full for a new PLLI Policy (or a renewal policy) with a minimum term of twelve (12) months and a copy of the new PLLI Policy (or renewal policy) evidencing the required coverage. In the event that the PLLI Policy required to be obtained hereunder is a "claims made" policy as distinguished from an "occurrence" policy, Grantee shall obtain and maintain prior to cancellation, expiration or termination of such PLLI Policy "tail" coverage to continue and extend coverage of such PLLI Policy in compliance with the terms of this deed for a period of two (2) years for claims that are made (filed) after the cancellation, expiration or termination date of the PLLI Policy, which claims pertain to periods during which such PLLI Policy was in effect. Grantee and its successors and

assigns shall be responsible for any and all enforcements costs of Grantor, including, without limitation legal fees, resulting from a failure by Grantee or its successors or assigns to maintain a PLLI Policy in accordance with the terms hereof.

**SUBJECT TO:** a license in favor of Grantor and its successors and assigns and its designees and their respective employees, agents, and/or contractors to access the Premises, in order to Remediate Pre-Existing Known Contamination for such time as is required by Grantor to meet its Remediation obligations, including access necessary in connection with institutional controls and engineering controls. Such access shall include the right to conduct tests, take groundwater or soil samples, excavate, remove, dispose of, and treat the soil and groundwater, and undertake other actions as are, in Grantor's sole discretion, necessary to meet its Remediation obligations. Grantee agrees that it shall not disturb or tamper with or allow to be disturbed or tampered with any equipment, machinery, or other property of any kind, including, without limitation, monitoring wells, located on the Premises and installed or used in connection with Grantor's Remediation. Grantee further agrees that any cost or expense to repair or replace Grantor's monitoring wells or Remediation equipment other than for reasonable wear and tear shall be the responsibility of Grantee and Grantee agrees to indemnify, defend and hold Grantor harmless for any damage done to Grantor's monitoring wells or Remediation equipment by Grantee, its employees, consultants, licensees, invitees and agents.

These foregoing covenants, license and use restrictions shall bind Grantee, its successors and assigns, and any subsequent purchasers or owners of the Premises and the Premises itself, and shall be deemed covenants running with the land and each portion thereof.

**TOGETHER** with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

**AND** the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been encumbered in any way whatever, except as aforesaid.

**AND** the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

**IN WITNESS WHEREOF**, the party of the first part has duly executed this deed the day and year first above written.

In Presence of:

ATTEST:

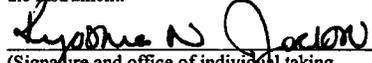
*Christine Pitter*  
Asst. Secy

LEEMILT'S PETROLEUM, INC.

By: *[Signature]*  
Name: Joshua Dicket  
Title: Senior Vice President

STATE OF NEW YORK )  
COUNTY OF NASSAU ) SS:

On the 5<sup>th</sup> day of August, 2014, before me, the undersigned, personally appeared Joshua Dicker personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person on behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

**KYOONA N. JACKSON**  
Notary Public, State of New York  
No. 01JAE237722  
Qualified in Suffolk County  
Commission Expires March 28, 2015

STATE OF NEW YORK )  
COUNTY OF ) SS:

On the \_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

**BARGAIN AND SALE DEED  
WITH COVENANT AGAINST GRANTOR'S ACTS**

Title No. 13-7405-66473ORAN

**LEEMILT'S PETROLEUM, INC.**

TO

**RT 17K PREMIUM GAS INC.**

STATE OF NEW YORK )  
COUNTY OF ) SS:

On the \_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

STATE OF NEW YORK )  
COUNTY OF ) SS:

On the \_\_\_ day of \_\_\_\_\_, 2014, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
(Signature and office of individual taking acknowledgment)

SECTION : 95  
BLOCK : 1  
LOT : 34  
COUNTY : Orange

RETURN BY MAIL TO:

Paul Brite, Esq.  
1661 Route 300  
Newburgh, NY 12550

SCHEDULE A  
LEGAL DESCRIPTION

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Newburgh, County of Orange, State of New York, being more particularly described as follows:

BEGINNING at an iron pipe in the Cochecton Turnpike (Route 17K), this being South 64 degrees 34 minutes 25 seconds East 170.90 feet and South 64 degrees 14 minutes East 158.26 feet from the northeasterly corner of the lands of McCoy, said point of beginning being also the northeasterly corner of lands now or formerly of Columbus Holding Corp. of Newburgh;

RUNNING THENCE South 26 degrees 35 minutes West 125 feet to a point;

THENCE South 65 degrees 44 minutes 30 seconds East 166.88 feet to an iron pin;

THENCE North 26 degrees 36 minutes East 133 feet to a New York State Conc. Monument;

THENCE South 84 degrees 16 minutes West 23.72 feet along the southerly line of New York State Route 17K on an iron pin;

THENCE continuing along said Cochecton Turnpike (Route 17K) North 64 degrees 14 minutes West 146.74 feet more or less to the point of BEGINNING.

**EXHIBIT A**  
**ENVIRONMENTAL REPORT**  
**(Attached)**



Interwoven\3896526.2

## Tyree Environmental Corp.

72 Grays Bridge Road, Brookfield, CT 06804 · Phone: (203) 740-8200 · Fax: (203) 740-8201

May 8, 2014

Mr. Dan Bendell  
NYSDEC, Region 3  
21 South Putt Corners Road  
New Paltz, NY

**Re: Remedial Action Plan  
Getty Service Station #58751  
91 Route 17K  
Newburgh, NY  
NYSDEC Spill Numbers: 13-03474**

Dear Mr. Bendell:

On behalf of Getty Realty Corp. (Getty) and Antea Group (Antea), Tyree Environmental Corp. (Tyree) has prepared this Remedial Action Plan to address the petroleum impacted soil at Getty #58751, located at 91 Route 17K in Newburgh, New York. During underground storage tank (UST) removal activities in July 2013, petroleum impacts to soil were encountered. The New York State Department of Environmental Conservation (NYSDEC) was notified, and spill number 13-03474 was assigned to the case.

### ENVIRONMENTAL HISTORY

#### *September 2006 – Subsurface Soil and Groundwater Investigation*

In September 2006, the NYSDEC directed Getty Petroleum Marketing, Inc. (GPMI) to investigate groundwater quality at the project site in relation to spill number 05-10337. Four (4) monitoring wells were installed utilizing air rotary capabilities to penetrate bedrock. Concentrations of volatile organic compounds (VOCs) were below NY State Groundwater Standards, except for one detection of MTBE at 22.8 ug/l. Based on results, Tyree recommended no further action and requested closure for spill number 05-10337. The spill was subsequently closed by NYSDEC. The well locations are depicted on **Figure 1**. The original site data map and soil boring logs from the 2006 investigation report are included in *Appendix A*.

#### *July 2013 - UST Removal Activities*

In July 2013, Tyree was contracted by Getty to remove the USTs at the project site. The scope of work included the removal of:

- Two (2) 8,000-gallon single-wall steel gasoline USTs;
- One (1) 8,000-gallon single-wall steel diesel UST;

Remedial Action Plan  
Former Getty #58751, 91 Route 17K, Newburgh, NY  
NYSDEC Spill No. 13-03474

- Associated vent pipes and underground product piping;
- Six (6) product dispensers.

During removal activities, petroleum impacts were encountered, and NYSDEC spill number 13-03474 was assigned to the site. A total of 76.73 tons of petroleum impacted soil was transported to Pure Soil in Jackson, New Jersey, for proper disposal.

One soil sample collected from bottom of the UST excavation (*T3 Bot 13.5'*) exceeded CP-51 soil cleanup objectives. The soil from this area was subsequently excavated down to a depth of 19 feet, and an additional sample was collected. Concentrations in the subsequent sample (*T3 SW Bottom 19'*) were below CP-51 soil cleanup objectives. Analytical results for all other endpoint soil samples collected from the UST excavation area were non-detect or below CP-51 soil cleanup objectives for VOCs and SVOCs. Endpoint soil samples collected from beneath the dispensers and piping contained VOCs at concentrations exceeding CP-51 soil cleanup objectives. This soil exists beneath the existing canopy. UST closure soil sample locations are depicted on **Figure 1**, attached. A summary of analytical results is attached as **Table 1**.

#### ***October 2013 – Subsurface Investigation Activities***

On October 23-24, 2013, twelve (12) soil borings were completed at the project site. Four (4) monitoring wells were proposed in the work plan; however, only two (2) wells could be installed due to auger refusal. The goal of the investigation was to identify and delineate petroleum impacts in soil and groundwater in order to develop a remedial action plan. Of the 20 soil samples collected from the 12 soil borings, only five (5) soil samples contained petroleum impacts that exceeded CP-51 soil cleanup objectives for VOCs. Those samples were collected from four borings: B-1, B-2, B-3, and "Trench Boring 5-10". Soil sample locations are depicted on **Figure 1**, attached. A summary of analytical results is attached as **Table 2**. Soil boring logs for the investigation are included in **Appendix B**.

A groundwater sample was collected from monitoring well MW-1 on November 12, 2013. Concentrations of benzene, toluene, ethylbenzene, xylenes, and MTBE were below method detection limits. A summary of groundwater analytical results is included in **Appendix B**. Soil analytical data obtained from the subsurface investigation and previous UST removal activities indicate that petroleum impacts remain in soil beneath the canopy and former dispenser area. Based on an evaluation of the current and historic data, the impacts are delineated vertically and horizontally, with the exception of borings "B-2" and "Trench Boring 5-10". Soil impacts extend deeper than 10 feet in these areas, and have not been delineated to concentrations below CP-51 soil cleanup objectives.

Remedial Action Plan  
Former Getty #58751, 91 Route 17K, Newburgh, NY  
NYSDEC Spill No. 13-03474

### ***May 2014 - Groundwater Sampling of New and Old Wells***

On May 1, 2014, a Tyree technician utilized a metal detector to search for the monitoring wells installed in 2006, as they had been paved over. Monitoring well MW-2 was located beneath asphalt, which the Tyree technician was able to break up to gain access to the well. The well was not abandoned and was noted to be in good condition. Monitoring well MW-3 was presumably located with the metal detector; however, the asphalt was too thick to break up, and the Tyree technician could not reach the well. Monitoring well MW-4 could not be located. Monitoring well MW-1 was found along the rear wood line and was in good condition.

The Tyree technician proceeded to sample the accessible wells on May 1, 2014. Prior to sampling, each monitoring well was gauged for static water level and then purged of three well volumes. Groundwater within each monitoring well was allowed to recharge to at least 90 percent of its static water level before samples were collected. MW-1 (2006), MW-1 (2013), MW-2 (2006), and MW-4 (2013) were sampled and analyzed for BTEX and MTBE by EPA method 8260. Concentrations were below method detection limits (non-detect) in each well, indicating that residual impacted soil is not impacting groundwater quality. Historic groundwater flow direction is to the South/Southeast. A summary of analytical results is included on **Table 3**, attached. The complete laboratory report is included in **Appendix C**.

### **REMEDIAL ACTION PLAN**

A remedial soil excavation is proposed to address the petroleum impacted soil identified during subsurface investigation and previous tank removal activities. The proposed excavation extents are depicted on the attached **Figure 1**. The final extents of the excavation will be determined during the field activities.

Excavation activities will be conducted utilizing an excavator and backhoe to remove petroleum impacted soil. A Tyree environmental scientist will be on-site to direct the excavation activities, screen soil with a photo-ionization detector (PID), document site conditions, and collect endpoint soil samples. Petroleum impacted soil will be stockpiled on-site on plastic sheeting, and covered with plastic sheeting after hours. Hay bales will be placed to surround the soil stockpile to prevent runoff of sediment. The soil stockpile will be loaded onto trucks for transportation and disposal at Soil Safe, Inc. in Logan, New Jersey.

A site plan is attached as **Figure 1**, which includes the former site features, groundwater data, soil sample locations, and proposed excavation extents. Excavation activities will be conducted beneath the canopy area and former dispensers, where impacts were identified during UST removal activities in July 2013. Based on analytical results and field observations during the UST removal and Subsurface Investigation (October 2013), the impacts are generally shallow (less than 7 feet) beneath the canopy area. However, impacts in the vicinity of "B-2" and "Trench Boring" are slightly deeper, extending from 5 feet to beyond 11 feet below grade.

Remedial Action Plan  
Former Getty #58751, 91 Route 17K, Newburgh, NY  
NYSDEC Spill No. 13-03474

Endpoint soil samples will be collected to document the effectiveness of the remedial soil excavation. Samples will generally be collected every 30 feet along sidewalls, and every 900 square feet along the bottom of the excavation. It is not anticipated that groundwater will be encountered during excavation activities. Soil samples will be collected from the excavation areas and analyzed for volatile organic compounds (VOCs) by EPA method 8260 STARS. The excavated areas will be backfilled with clean compactable fill upon completion of the remedial excavation activities.

The canopy over the former dispenser island remains at the project site, potentially limiting the amount of impacted soil that can be excavated due to the support footings. Soil will be excavated to the extent possible without compromising the canopy. On behalf of Getty, Tyree requests that analytical results from the endpoint soil samples be compared to the Residential Restricted soil cleanup objectives in 6 NYCRR Part 375-6.8(b). Based on groundwater analytical results, the residual impacted soil is not affecting groundwater quality beneath the site. If Residential Restricted soil cleanup objectives cannot be achieved, alternative plans will be evaluated.

***Remedial Action Report***

Upon completion of the remedial excavation activities, a report will be generated that includes a summary of field activities, a site data map, analytical tables, soil disposal manifests, complete laboratory reports, and recommendations.

Please feel free to contact me to discuss the plan presented in this letter. I can be reached at (203) 740-8200, extension 3116. Please also respond in writing (email is fine) with your approval of this work plan. My email address is [bwarn@tyreeorg.com](mailto:bwarn@tyreeorg.com).

Sincerely,  
**Tyree Environmental Corp.**



Brian Warner  
*Environmental Project Manager*

Cc: Timothy Fisher (Antea Group)  
Michelle Tipple (NYSDEC)  
File

Remedial Action Plan  
Former Getty #58751, 91 Route 17K, Newburgh, NY  
NYSDEC Spill No. 13-03474

## **ATTACHMENTS**

Figure 1- Site Data Map with Proposed Excavation Extents

Table 1- July 2013 – UST Closure Samples – Summary of Soil Analytical Results

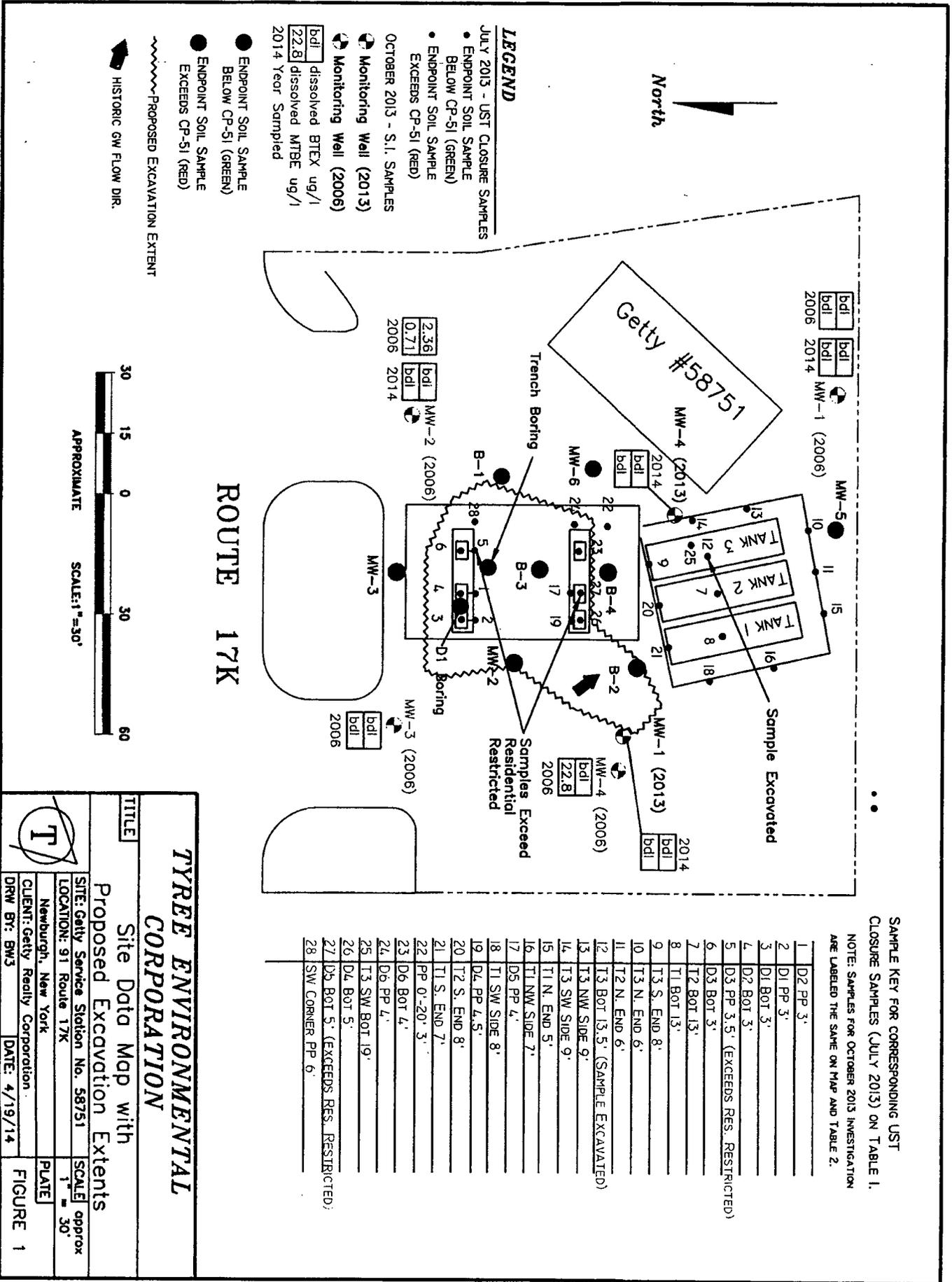
Table 2- October 2013 – Subsurface Investigation – Summary of Soil Analytical Results

Table 3- May 2014 – Groundwater Sampling for New and Old Wells

Appendix A – September 2006 - Subsurface Investigation Data Map and Soil Boring Logs

Appendix B – October 2013 - Subsurface Investigation Soil Boring Logs

Appendix C – May 2014 - Groundwater Laboratory Analytical Report



**SAMPLE KEY FOR CORRESPONDING UST CLOSURE SAMPLES (JULY 2013) ON TABLE 1.**

NOTE: SAMPLES FOR OCTOBER 2013 INVESTIGATION ARE LABELED THE SAME ON MAP AND TABLE 2.

1	D2 PP 3'
2	D1 PP 3'
3	D1 BOT 3'
4	D2 BOT 3'
5	D3 PP 3.5' (EXCEEDS RES. RESTRICTED)
6	D3 BOT 3'
7	T2 BOT 13'
8	T1 BOT 13'
9	T3 S. END 8'
10	T3 N. END 6'
11	T2 N. END 6'
12	T3 BOT 13.5' (SAMPLE EXCAVATED)
13	T3 NW SIDE 9'
14	T3 SW SIDE 9'
15	T1 N. END 5'
16	T1 NW SIDE 7'
17	D5 PP 4'
18	T1 SW SIDE 8'
19	D4 PP 4.5'
20	T2 S. END 8'
21	T1 S. END 7'
22	PP 0'-20' 3'
23	D6 BOT 4'
24	D6 PP 4'
25	T3 SW BOT 19'
26	D4 BOT 5'
27	D5 BOT 5'. (EXCEEDS RES. RESTRICTED);
28	SW CORNER PP 6'

**TYREE ENVIRONMENTAL CORPORATION**

Site Data Map with Proposed Excavation Extents

TITLE	
Proposed Excavation Extents	
SITE: Getty Service Station No. 58751	SCALE: approx 1" = 30'
LOCATION: 91 Route 17K	PLATE
CLIENT: Getty Realty Corporation	FIGURE 1
DRW BY: BWS	DATE: 4/19/14



Table 1. (Page 2 of 2)  
 July 2013 - UST Closure Samples - Summary of Soil Analytical Results  
 EPA Method 8260 - VOCs  
 Getty 58751, 91 Route 17K, Newburgh, New York 12550

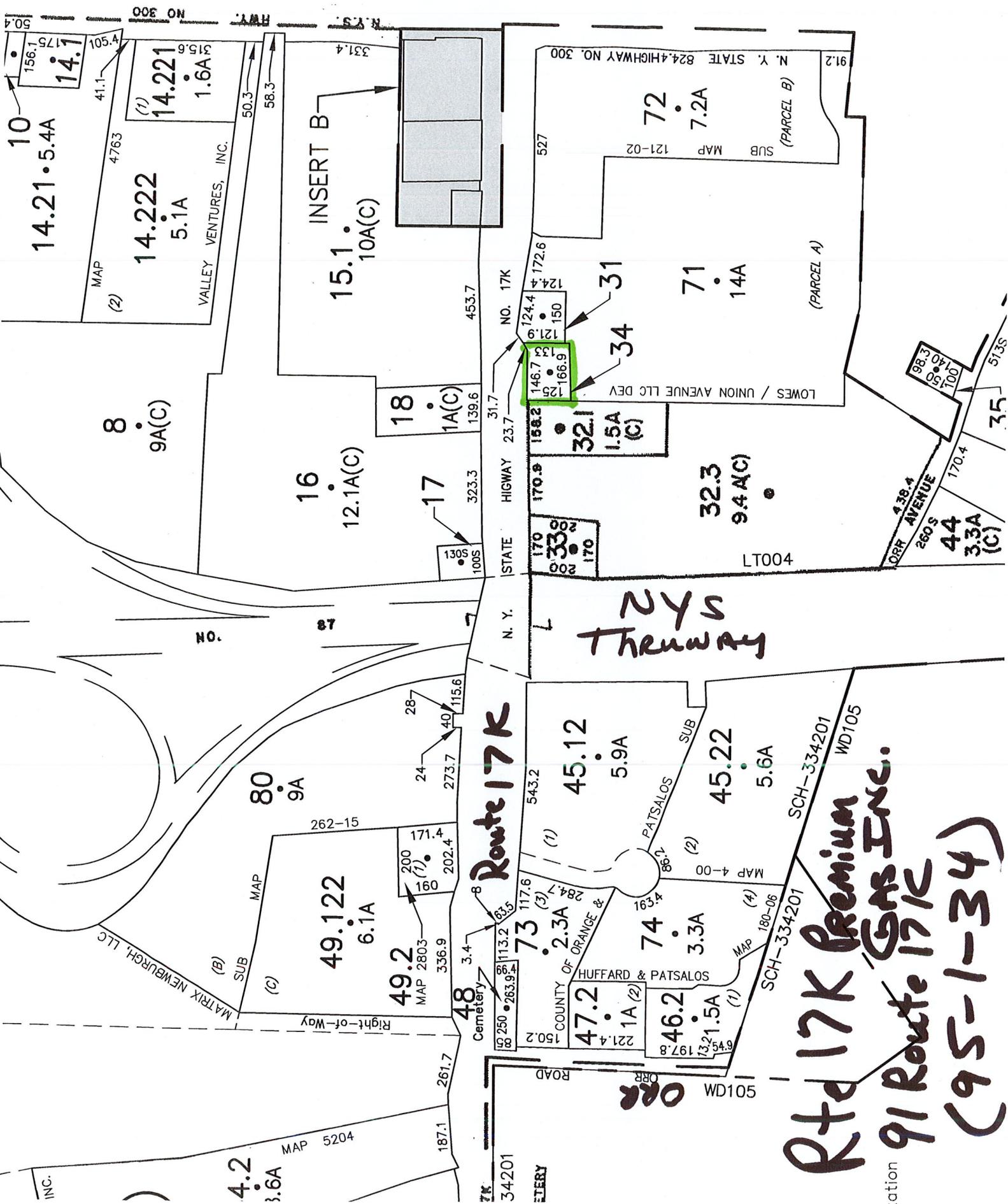
Account: Getty 58751, 91 Route 17K, Newburgh, NY		Job Number: M023824		Project: 213072-422		Results Flagged as "Exceed": If any of the selected criteria exceeded (most stringent).		9A.M.P.P.E.D. #3												HR		Exceed	
Type: Contaminated		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table		NY CP-41 Table					
Client Sample ID:	3 - Gasoline	3 - Fuel Oil	T1 N.E.M.D. #	T1 N.W. SIDE 7	O3 PP 4	T1 S.W. SIDE #	O4 PP 4.5'	T2 S.E.M.D. #	T1 S.E.M.D. 7'	PP 0-30" 3'	O6 BOT 4'	O6 PP 4'	T3 S.W. BOT 15'	O4 BOT 5'	O6 BOT 7'	COBLEN PP 6	S.W. COBLEN PP 6						
Lab Sample ID:	Contaminated	Contaminated	M023824-16	M023824-16	M023824-17	M023824-18	M023824-19	M023824-20	M023824-21	M023824-22	M023824-23	M023824-24	M023824-25	M023824-26	M023824-27	M023824-28	M023824-29						
Date Sampled:	Soil (NDEC CP-51 10/19)	Soil (NDEC CP-51 10/19)	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/1/2013	7/2/2013	7/2/2013	7/2/2013	7/2/2013	7/2/2013						
Matrix:	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil	Soil						
Benzene	60	60	ND (65)	ND (52)	ND (59)	ND (64)	ND (62)	ND (61)	ND (62)	ND (63)	ND (64)	ND (67)	ND (73)	ND (74)	ND (73)	ND (74)	ND (79)						
n-Butylbenzene	12000	12000	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	1060	5660	9710	ND (110)	ND (280)						
sec-Butylbenzene	11000	11000	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	802	ND (740)	1110	ND (280)	ND (280)						
tert-Butylbenzene	5900	5900	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	1410	ND (740)	2080	183	ND (280)						
Ethylbenzene	1000	1000	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	ND (730)	ND (740)	923	ND (280)	ND (280)						
Isopropylbenzene	2300	2300	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	ND (730)	ND (740)	1040	ND (110)	ND (280)						
p-Isopropylbenzene	10000	10000	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	ND (730)	ND (740)	14700	16700	ND (280)						
Methyl tert Butyl Ether	310	310	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	2970	3310	4480	ND (280)	ND (280)						
Naphthalene	12000	12000	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	ND (730)	ND (740)	ND (330)	ND (330)	ND (280)						
m-Tolylbenzene	3900	3900	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	3190	3590	4890	ND (280)	ND (280)						
o-Tolylbenzene	700	700	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	ND (730)	ND (740)	11200	14900	ND (280)						
1,2,4-Trimethylbenzene	3800	3800	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	247	ND (230)	16800	512	ND (280)						
1,2,4,5-Tetramethylbenzene	8400	8400	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	247	ND (230)	16800	512	ND (280)						
m-Xylene	250	250	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	287	ND (230)	10780	14300	1980						
p-Xylene	250	250	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	287	ND (230)	10780	14300	1980						
Xylene (total)	250	250	ND (650)	ND (520)	ND (590)	ND (640)	ND (620)	ND (610)	ND (620)	ND (630)	ND (640)	ND (670)	287	ND (230)	10780	14300	1980						
Acenaphthene	ND (65)	20000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Acenaphthylene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Anthracene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Benzofluoranthene	ND (65)	1000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Benzofluoranthene	ND (65)	1000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Benzofluoranthene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Benzofluoranthene	ND (65)	1000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Chrysene	ND (65)	1000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Diaceylanthracene	ND (65)	330	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Fluoranthene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Fluoranthene	ND (65)	30000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Indene (1,2,3-cd)pyrene	ND (65)	500	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Naphthalene	ND (65)	12000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Phenanthrene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Pyrene	ND (65)	100000	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)	ND (110)						
Solids, Percent	%	-	87.7	90.7	89.2	87.8	88.6	87.7	90.1	87.2	90.4	89.8	85.7	84.5	87.2	90.4	90.4						

Table 2. (Page 2 of 2)  
 October 2013 - Subsurface Investigation - Summary of Soil Analytical Results  
 EPA Method 8260 - VOCs  
 Getty 58751, 91 Route 17K, Newburgh, New York 12550

Accutest Labs of New England, Inc.											
Job Number:	MGC25737										
Account:	Tyree										
Project:	Getty 58751, 91 Route 17K, Newburgh, NY										
Project Number:	2130741-422										
Legend: Hit Exceed											
Client Sample ID:	NY GP-51 Table 2 - Gasoline Contaminated Soil (NYDEC CP-51 10/10)										
Lab Sample ID:	B-3(15'-16')	B-3(4'-5')	B-4(17'-19')	B-4(7'-9')	D1 BORING(5')	MW-6(10')	MW-6(13'-14')	TRENCH BORING(5'-10')			
Date Sampled:	MGC25737-6 10/24/2013	MGC25737-5 10/24/2013	MGC25737-2 10/24/2013	MGC25737-1 10/24/2013	MGC25737-8 10/24/2013	MGC25737-3 10/24/2013	MGC25737-4 10/24/2013	MGC25737-7 10/24/2013	Soil		
Matrix:	Soil										
Benzene	ug/kg	60	ND (32)	ND (34)	ND (34)	ND (33)	ND (36)	ND (35)	ND (28)	ND (34)	
n-Butylbenzene	ug/kg	12000	ND (320)	3080	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
sec-Butylbenzene	ug/kg	11000	ND (320)	ND (340)	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
tert-Butylbenzene	ug/kg	5900	ND (320)	ND (340)	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
Ethylbenzene	ug/kg	1000	ND (130)	157	ND (140)	ND (130)	ND (140)	ND (140)	ND (110)	254	
Isopropylbenzene	ug/kg	2300	ND (320)	ND (340)	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
p-Isopropyltoluene	ug/kg	10000	ND (320)	ND (340)	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
Methyl Tert Butyl Ether	ug/kg	930	ND (130)	ND (140)	ND (140)	ND (130)	ND (140)	ND (140)	ND (110)	ND (140)	
Naphthalene	ug/kg	12000	ND (320)	3290	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
n-Propylbenzene	ug/kg	3900	ND (320)	568	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
Toluene	ug/kg	700	ND (320)	ND (340)	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
1,2,4-Trimethylbenzene	ug/kg	3600	ND (320)	11500	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	952	
1,3,5-Trimethylbenzene	ug/kg	8400	ND (320)	3100	ND (340)	ND (330)	ND (360)	ND (350)	ND (280)	ND (340)	
m,p-Xylene	ug/kg	260	ND (130)	559	ND (140)	ND (130)	140	ND (140)	ND (110)	1120	
o-Xylene	ug/kg	260	ND (130)	ND (140)	ND (140)	ND (130)	ND (140)	ND (140)	ND (110)	457	
Xylene (total)	ug/kg	260	ND (130)	559	ND (140)	ND (130)	140	ND (140)	ND (110)	1580	

Table 3.  
Groundwater Analytical Results  
May 1, 2014  
Getty #58751, 91 Route 17K, Newburgh, NY

Accutest Labs of New England, Inc.						
Job Number:		MC30290				
Account:		Tyree				
Project:		Getty 58751, 91 Route 17K, Newburgh, NY				
Project Number:		2140				
Legend:						Exceed
Client Sample ID:	NY TOGS Class	MW-1(2006)	MW-1(2013)	MW-2(2006)	MW-4(2013)	
Lab Sample ID:	GA GW Standards	MC30290-1	MC30290-2	MC30290-3	MC30290-4	
Date Sampled:	(NYSDEC 6/2004) <sup>1</sup>	5/1/2014	5/1/2014	5/1/2014	5/1/2014	
Matrix:		Ground Water	Ground Water	Ground Water	Ground Water	
<b>Regulatory Limits (ug/l)</b>						
Benzene	1	ND (0.50)	ND (0.50)	ND (0.50)	ND (0.50)	
Toluene	5	ND (1.0)	ND (1.0)	ND (1.0)	ND (1.0)	
Ethylbenzene	5	ND (1.0)	ND (1.0)	ND (1.0)	ND (1.0)	
Xylene (total)	5	ND (1.0)	ND (1.0)	ND (1.0)	ND (1.0)	
Methyl Tert Butyl Ether	10	ND (1.0)	ND (1.0)	ND (1.0)	ND (1.0)	
Regulatory limits listed in this document have been obtained from the latest version of the regulations cited and are used for advisory purposes only. Accutest assumes no responsibility for errors in regulatory documents or changes to criteria detailed in later versions of the referenced regulation. It is the responsibility of the user to verify these limits before using or reporting any data.						
No results exceeded regulatory criteria.						
<sup>1</sup> NOTE: The above contain the following criteria that must be evaluated manually by the user:						
Sum of Aldicarb and Methomyl at 0.35 ug/l.						
Sum of Iron and Manganese at 500 ug/l.						
Sum of Parathion and Methyl parathion at 1.5 ug/l.						
Sum of Phenolic compounds (total phenols) at 1 ug/l.						
Sum of Phenols, total chlorinated at 1 ug/l.						
Sum of Phenols, total unchlorinated at 1 ug/l.						
Principal organic contaminant at 5 ug/l defined as "any and every individual substance, whether listed in this Table or not, that is in one of the principal organic contaminant classes as defined in section 700.1 of this Title" unless listed elsewhere in this table.						



*NYS Thruway*

*Route 17K*

*Rtd 17K Premium Gas Inc.  
91 Route 17K  
(95-1-34)*

*32.1*

ation