



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: May 19, 2020

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

I (WE) Gas Land Petroleum, Inc. PRESENTLY
RESIDING AT NUMBER 3 Ohioville Road, New Paltz, NY 12561
TELEPHONE NUMBER 845-331-7545

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:

43-5-1 (TAX MAP DESIGNATION)
5200 Route 9W (STREET ADDRESS)
B, LHI Overlay and R3 Districts (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 PROVISION OF THE ZONING LAW APPLICABLE, (INDICATE THE SECTION AND SUBSECTION OF THE ZONING LAW APPLICABLE BY NUMBER; DO NOT QUOTE THE LAW).

Zoning Sections 185-11¹ 185-28(G), 185-15(A)1 and (A)3, and 185-15(B)
¹ The Applicant respectfully asserts that relief from 185-11 may not be required because the accessory building is regulated per § 185-15 and meets the requirements of § 185-15(A)(2), "Such building shall be set back at least five feet from any side or rear lot line and at least 10 feet from the main building." Therefore, the required minimum side setback is anticipated to be 5 feet and 9 feet is proposed, which meets this requirement.



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

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:

The project site already contains commercial uses which include an office, a diesel fueling station and a towing business. The project is located along Route 9W and will improve the appearance of the site with new landscaping and an architecturally pleasing building which is appropriately scaled and well designed, and which screens the view of the existing towing facility located to the rear of the site. In addition, site accesses will be reduced from three to two and street trees and a sidewalk will be added along Route 9W. As described, no undesirable change or detrimental effect to nearby properties will be created by granting the area variance.

- 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:

The project site is constrained by residential zoned area, which does not allow motor vehicle service centers. The site is currently developed with Pat's Towing facility and residential uses which will continue on Lot 2. The site plan arranges the new motor vehicle service station away from the existing residential uses to reduce potential negative effects resulting in an encroachment within the 1,000 foot setback. In the proposed scenario where the owner wishes to sell a portion of the lot and retain the residential uses with no new access on Albany Post Road, it is impossible to create a lot where this accessory dwelling would be located behind the single-family residence. The encroachment into the side yard and exceedance over maximum height and coverage is pre-existing non-complying and would be required under any site plan or subdivision approval process if the accessory residence remains. Similarly, the encroachment of Pat's Towing into the 1,000 foot setback is pre-existing non-complying and would be required under any site plan or subdivision approval process if the facility remain. Accordingly, these benefits cannot be achieved by other feasible methods.

- c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

With the exception of one requested variance, each variance requires less than a 50% increase in the non-compliance. The requested variance for encroachment into the 1,000 required setback between the proposed motor vehicle service station and Pat's Towing may be considered substantial, but remains the most feasible alternative given the seller desire to sell the property and retain the towing facility and residential uses and the both parties interest in separating the new proposed motor vehicle service station from the existing residential uses all while constrained by the split zone condition. There is no change in the character of the neighborhood as the proposed fueling station is modernization of the existing fueling operations that already exist on the property and located within 1,000-feet to the Stewart's operation.

- d) THE PROPOSED VARIANCE WILL NOT HAVE AN ADVERSE EFFECT OR

The March 16, 2020 Full Environmental Assessment Form, Part 1 and narrative report assessed the potential for significantly adverse physical or environmental impacts from the proposed project. The proposed project is not anticipated to result in significantly adverse impacts to the resource areas/conditions noted above. In fact, as explained above, the project will result in improvements to the site including, an aesthetically pleasing building replacing a large expanse of asphalt; improved traffic safety and circulation through the reduction of access points to the site, and the addition of landscaping for screening at Route 9W and to screen the towing business.

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

The current owner wishes to sell a portion of the existing tax lot and retain the current operating uses and dwelling units on one of the newly subdivided lots. The Applicant desire to develop a motor vehicle service station which will dispense fuel in a location that currently dispenses fuel and has developed a design for Lot 1 that supports the functionalities needed to support this use despite the constraints of the pre-existing uses and the split zoned parcel. The proposed development will result in improved conditions at the site including lining Route 9W with trees, providing a sidewalk, replacing asphalt with an architecturally pleasing building and introducing landscaping within the site. For the reason noted above, the Applicant does not believe that the alleged difficulty is self created.



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NEWBURGH, NEW YORK 12550

PROXY

P&J Property Walnut St LLC, DEPOSES AND SAYS THAT

HE/SHE RESIDES AT 24 Walnut Street, New Windsor, NY 12553

IN THE COUNTY OF Orange County AND STATE OF New York

AND THAT HE/SHE IS THE OWNER IN FEE OF _____

5200 Route 9W, Newburgh, NY 12550 (4.518 acre parcel identified as Tax Parcel 43-5-1)

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-

TION AND THAT HE/SHE HAS AUTHORIZED Gas Land Petroleum, Inc. and/or
The Chazen Companies

TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 5/15/2020

Mr. Patrick Macioce, P& J Property Walnut St. LLC
OWNER'S SIGNATURE

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 15th DAY OF May 2020

NOTARY PUBLIC

JANETTE M BURGESS
Notary Public - State of New York
NO. 01BU6365850
Qualified in Ulster County
My Commission Expires Oct 16, 2021

**ADDENDUM TO ZBA APPLICATION FOR AREA VARIANCE
REASONS FOR APPEAL
Proposed Convenience Store with Fuel Pumps
5200 Route 9W, Newburgh, NY**

Gas Land Petroleum, Inc., (the Applicant) is proposing a two-lot subdivision of a 4.518-acre parcel located at 5200 NYS Route 9W in the Town of Newburgh into two lots of 1.088 acres (proposed Lot 1) and 3.429 acres (proposed Lot 2). The existing parcel is identified as Section 43 Block 5 Lot 1 on the Town of Newburgh tax map and is owned by P&J Property Walnut St LLC. The site currently contains a diesel fueling station, small office building, a towing business with repair shop for its commercial vehicles, a single-family home, and an accessory barn with a one-bedroom apartment. The Applicant is under contract to purchase proposed Lot 1 for the construction of a 2,772 square foot (SF) convenience store with six fuel pumps (12 fueling positions) and associated parking. The existing office building will be removed and the fueling operations will continue with the addition of gasoline. The towing business, single-family home, and barn with apartment will remain on proposed Lot 2. The towing business currently utilizes the existing office building as a dispatch office and stores impounded vehicles on the site. The business' dispatch office will be relocated offsite. Operations at the 9W site will be reduced with 6 tow trucks stationed at the site and fenced in area for enclosure of 12 vehicles. All existing car storage on the front of the site will be removed. The 4.518-acre parcel has frontage along NYS Route 9W along the western property line and Albany Post Road along the eastern property line. Several access drives exist along NYS Route 9W.

Required Area Variances

The project requires the following variances from the Zoning Board of Appeals: (1) relief from the 1,000 foot requirement to the nearest motor vehicle service station (§ 185-28(G)) due to the proposed convenience store's proximity to Stewart's (+/- 900 feet) on proposed Lot 1; and (2) likewise, the convenience store will be adjacent and on a separate lot to the towing business, and will require a variance from § 185-28(G).

The existing accessory barn with apartment on proposed Lot 2 will require the following variances: (1) the accessory structure is located closer to the fronting street than the main structure on the lot, which requires a variance from § 185-15(B); (2) a side yard setback variance given that 15 feet is required per § 185-11¹, and 9 feet is provided; (3) a variance for the building's height, as a maximum of 15 feet is allowed per § 185-15(A)1 and the building is approximately 20-feet-tall; and (4) a variance for the maximum coverage in a yard area, where 10% is allowed § 185-15(A)3, and 12% is proposed.

Finally, for the existing towing facility (Pat's Towing) relief will be required from the 1,000 foot requirement to the nearest motor vehicle service station per § 185-28(G) due to the existing facility's proximity to Stewart's (+/- 950 feet).

Table 1 presents the requested variances.

¹ The Applicant respectfully asserts that this variance may not be required because the accessory building is regulated per § 185-15 and meets the requirements of § 185-15(A)(2), "Such building shall be set back at least five feet from any side or rear lot line and at least 10 feet from the main building." Therefore, the required minimum side setback is anticipated to be 5 feet and 9 feet is proposed, which meets this requirement.

Area Variance Criteria

Per Section 185-54B, in making its determination, the Zoning Board of Appeals shall take into consideration the following:

(1) To authorize, upon appeal of a decision of the Building and Code Enforcement Officer and the Chairman of the Planning Board, such variances from the terms of this chapter as will not be contrary to the public interest where, owing to exceptional and extraordinary circumstances, there are unnecessary hardships or practical difficulties in the way of carrying out of the strict letter of this chapter, subject to terms and conditions to be fixed by the Zoning Board of Appeals; provided, however, that no such variance shall be granted unless the Zoning Board of Appeals finds:

(a) That there are special circumstances or conditions fully described in the findings of the Board applying to the land or building for which the variance is sought, which circumstances or conditions are unique to such land or building and do not apply generally to land or buildings in the neighborhood and have not resulted from any act of the appellant or applicant subsequent to the adoption of this chapter, whether in violation of the provisions hereof or not.

The site is currently occupied by an active towing and repair business, and diesel fueling facility, which has been operational since at least 1995. The existing tax parcel is unique as it is split between two zoning districts, Business and R-3 Residential Zoning Districts. Currently, the residential zoned portion of the property is not developed. In the proposed condition, Lots 1 and 2 will remain developed within the Business/LHI Zone portion of the lot areas only.

The site is located partially within the B and LHI Overlay Districts, which permits motor vehicle service stations and light and heavy industrial equipment, service and repair by site plan approval of the Planning Board. The proposed subdivision to allow for the development of a modernized motor vehicle service station is consistent with the intent of the existing zoning and will be consistent with area land uses.

The project is consistent with the recommendations of the Comprehensive Plan Update in that it is located just north of the Hamlet of Balmville and will serve the neighboring residents and businesses while also taking advantage of tourist traffic through the area. In March 2004, and the Comprehensive Plan Update recommended study of the Route 9W corridor to evaluate potential improvements and provide direction for future land use patterns. The proposed project will improve Route 9W safety and circulation patterns by reducing the number of access points from three to two and providing a sidewalk.

In Transportation Section 2.C, Opportunities, #8, the Comprehensive Plan Update recommends that the Town “consider encouraging smaller scale commercial areas to be closer to residential neighborhoods; thus, reducing the likelihood that people will need to drive extended distances to access everyday needs.” As noted above, the project site is located just north of the Balmville Hamlet and as part of the project a sidewalk will be constructed along Route 9W furthering goals to increase pedestrianization.

Another important recommendation per Section 3.C.14 of the Comprehensive Plan is to capitalize on the tourism initiatives currently underway in neighboring communities in Sullivan and Ulster Counties, “by investigating types of businesses that would benefit

created by granting the area variance. The proposed site improvements will result in a more aesthetically pleasing development (including the removal of vehicles stored along the Route 9W frontage) and landscaping and a sidewalk along Route 9W.

2. The benefit sought by the Applicant cannot be achieved by some method, feasible for the Applicant to pursue, other than the variance.

- Lot 1: Relief from the 1,000 foot requirement to the nearest motor vehicle service station due to the proposed convenience store's proximity to Stewart's (+/- 900 feet);
 - The project site has been in operation with a diesel fueling station since at least 1995. The proposed project does not encroach any further into the 1,000 foot setback currently applied to the existing site and Stewart's. While the proposed project does result in a slightly modified use, a truly new use is not being introduced. The project site is constrained by residential zoned area, which does not allow motor vehicle service centers. The site is currently developed with Pat's Towing facility and residential uses which will continue on Lot 2. The site plan arranges the modernized motor vehicle service station away from the existing residential uses to reduce potential negative effects. Accordingly, this benefit cannot be achieved by other feasible methods.
- Lot 1: Relief from the 1,000 foot requirement from the convenience store to the towing business;
 - See response above.
- Lot 2: Relief for the accessory structure, which will be located closer to the fronting street than the main structure on the lot;
 - Due to site constraints described above, the existing accessory structure will continue to be located in front of the main structure for new Lot 2. In the proposed scenario where the owner wishes to sell a portion of the lot and retain the residential uses with no new access on Albany Post Road, it is impossible to create a lot where this accessory dwelling would be located behind the single-family residence. Accordingly, this benefit cannot be achieved by other feasible methods.
- Lot 2: Relief for the accessory structure, which is a pre-existing non-compliance where it encroaches on the required minimum side yard. The requested variance for new Lot 2 will not result in an increased non-compliance;
 - The encroachment into the minimum side yard is pre-existing. Under any site plan or subdivision approval process this variance would be required if the residence is meant to remain. Therefore, this benefit cannot be achieved by other feasible methods.

- Lot 2: Relief for the accessory structure, which will be located closer to the fronting street than the main structure on the lot will result in a 16% encroachment into the required setback.
 - The requested variance is not substantial as it is less than 50%.
- Lot 2: Relief for the accessory structure, which is a pre-existing non-compliance where it encroaches on the required minimum side yard, will result in a 40% encroachment in the required yard. The requested variance for new Lot 2 will not result in an increased non-compliance.
 - The requested variance is not substantial as it is less than 50%.
- Lot 2: Relief for the accessory structure, which is a pre-existing non-compliance where it exceeds the 15-foot maximum building height, will result in a 33% increase in height over the maximum allowed. The requested variance for new Lot 2 will not result in an increased non-compliance.
 - The requested variance is not substantial as it is less than 50%.
- Lot 2: Relief for the accessory structure, which is a pre-existing non-compliance where it exceeds the maximum 10% coverage in the yard area, will result in a 20% increase in coverage over the maximum allowed. The requested variance for new Lot 2 will not result in an increased non-compliance.
 - The requested variance is not substantial as it is less than 50%.
- Lot 2: Relief from the 1,000 foot requirement to the nearest motor vehicle service station due to the proximity of Pat's Towing (+/- 950 feet) to Stewart's.
 - The requested variance is not substantial as it is less than 50% and pre-existing.

4. The proposed variance will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood district.

The March 16,2020 Full Environmental Assessment Form, Part 1 and narrative report assessed the potential for significantly adverse physical or environmental impacts from the proposed project on the following resource areas/conditions:

- Land use, zoning, and public policy;
- Police, fire and emergency services;
- Soils and water resources;
- Utilities;
- Traffic and parking;
- Noise and lighting;
- Solid waste;
- Endangered, threatened and rare species and significant habitat; and
- Historic and archaeological resources.



Photo 1: View looking north along Route 9W.



Photo 2: View looking northeast.



Photo 4: View looking southeast.



Photo 6: Looking south along Route 9W.

Caren LoBrutto

From: David A. Donovan <David.Donovan@DDDLLPLaw.Com>
Sent: Thursday, May 14, 2020 4:04 PM
To: Caren LoBrutto; zoningboard@townofnewburgh.org
Cc: Chris Lapine; Samantha LoVerme
Subject: RE: Gas Land 5200 Route 9W Application (incoming)

Hi Caren:

Given that it is currently virtually impossible to obtain a certified copy of a deed from the Orange County Clerk, I have no objection to using the deed you have attached for your application.

Questions 2, 3, 4 and 5 are above my pay grade however. I will need to defer to the ZBA administrator Siobhan Jablesnik on those matters.

Dave Donovan.

*David A. Donovan
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Dickover, Donnelly & Donovan, LLP
28 Bruen Place
P.O. Box 610
Goshen, New York 10924
Pho: (845) 294-9447
Fax: (845) 294-6553*

FRAUD ALERT: IF YOU RECEIVE AN EMAIL REQUESTING A WIRE TRANSFER, YOU MUST IN EVERY INSTANCE CALL US FIRST TO VERIFY THE INFORMATION BEFORE SENDING ANY MONEY VIA WIRE TRANSFER.

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From: Caren LoBrutto [mailto:clobrutto@chazencompanies.com]
Sent: Thursday, May 14, 2020 3:47 PM
To: David A. Donovan <David.Donovan@DDDLLPLaw.Com>; zoningboard@townofnewburgh.org
Cc: Chris Lapine <clapine@chazencompanies.com>; Samantha LoVerme <sloverme@chazencompanies.com>
Subject: FW: Gas Land 5200 Route 9W Application (incoming)

Hi Dave,

I just left you a voicemail. We have a few questions about submittals under the current circumstances for our incoming application to the Zoning Board, see attached referral letter.

- 1) We do not have an original or certified copy of the deed, but we do have the copy as downloaded from the Orange County website (see attached). Will this suffice?
- 2) Is it a single fee for one or more area variances?

James R. Loeb
Richard J. Drake, *retired*
Glen L. Heller*
Marianna R. Kennedy
Gary J. Gogerty
Stephen J. Gabo
Adam L. Rodd
Dominic Cordisco
Ralph L. Puglione, Jr.
Nicholas A. Pascale

Aiana R. Bartley
Aaron C. Fitch
Judith A. Wayne
Michael Mortens

Jennifer E. Schneider
Managing Attorney

*U.S. Marine Veteran

May 8, 2020

BY EMAIL ONLY

Darrin J. Scalzo, Chairman
Zoning Board of Appeals
Town of Newburgh
Town Hall
1496 Route 300
Newburgh, New York 12550

Re: Gas Land / 5200 Route 9W; Planning Board Project No. 19-16

Dear Chairman Scalzo and Board Members:

At the Planning Board's May 7, 2020 meeting, the Planning Board resolved to refer this application to the Zoning Board of Appeals for its consideration of the following area variances that are required for this project.

Gas Land Petroleum, Inc. (the Applicant) proposes a two-lot subdivision of a 4.518-acre parcel located at 5200 NYS Route 9W, to create two lots of 1.088 acres (proposed Lot 1) and 3.429 acres (proposed Lot 2). The site is currently improved with a diesel fueling station, small office building, a towing business with repair shop, a single family home, and an accessory barn with a one-bedroom apartment. The Applicant also seeks site plan approval to construct a 2,772 square foot convenience store with six fuel pumps and associated parking on proposed Lot 1. The existing office building will be removed. The towing business, the single-family home and the barn with apartment will remain on proposed Lot 2.

The project requires the following variances from the Zoning Board of Appeals: (1) relief from the 1000 foot requirement to the nearest motor vehicle service station (Town Zoning Code § 158-28(G) due to the proposed convenience store's proximity to Stewart's (+/- 900 feet); and (2) likewise, the convenience store will be adjacent and on a separate lot to the towing business, and will require a variance from § 158-28(G).

Furthermore or the existing accessory barn with apartment on proposed Lot 2, will require the following variances: (1) the accessory structure is located closer to the fronting street than the main structure on the lot, which requires a variance from § 185-15(B); (2) a side yard setback variance given that 15 feet is required, and 10.8 feet is provided; (3) a variance for the building's height, as a maximum of 15 feet is allowed and the building consists of 2 stories; and (4) a variance for the maximum percentage in yard area, where 10% is allowed, and 12% is proposed.

The Planning Board has not declared its intent to serve as lead agency so that the Zoning Board of Appeals may consider and process this application without the need to wait for the Planning Board to conclude its review.

Thank you for your consideration of this matter.

Very Truly Yours


Dominic Cordisco

cc:

David A. Donovan, Esq., Attorney for the ZBA
Town of Newburgh Planning Board
Patrick J. Hines, Planning Board Consulting Engineer



ORANGE COUNTY - STATE OF NEW YORK
 ANN G. RABBITT, COUNTY CLERK
 255 MAIN STREET
 GOSHEN, NEW YORK 10924

COUNTY CLERK'S RECORDING PAGE
 THIS PAGE IS PART OF THE DOCUMENT - DO NOT DETACH



BOOK/PAGE: 14001 / 209
 INSTRUMENT #: 20160005970

Receipt#: 2072152
 Clerk: KP
 Rec Date: 01/29/2016 12:55:17 PM
 Doc Grp: D
 Descrip: DEED
 Num Pgs: 4
 Rec'd Frm: J T ABSTRACT

Party1: COLANDREA RONALD
 Party2: P&J PROPERTY WALNUT ST LLC
 Town: NEWBURGH (TN)
 43-5-1

Recording:
 Recording Fee 40.00
 Cultural Ed 14.25
 Records Management - Coun 1.00
 Records Management - Stat 4.75
 TP584 5.00
 RP5217 All others - State 241.00
 RP5217 - County 9.00

Sub Total: 315.00

Transfer Tax
 Transfer Tax - State 3800.00

Sub Total: 3800.00

Total: 4115.00

**** NOTICE: THIS IS NOT A BILL ****

***** Transfer Tax *****
 Transfer Tax #: 4650
 Commercial Transfer Tax
 Consideration: 950000.00

Transfer Tax - State 3800.00

Total: 3800.00

Payment Type: Check ___
 Cash ___
 Charge ___
 No Fee ___

Comment: _____

Ann G. Rabbitt

Ann G. Rabbitt
 Orange County Clerk

Record and Return To:

J T ABSTRACT
 717 BROADWAY
 NEWBURGH, NY 12550

Schedule A Description

Title Number JT-WC1850

Page 1

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

BEGINNING at a point in the east line of State Highway Route 9W in the northerly line of lands now or formerly of Paul Remer and runs thence along said State Highway, North 17-04 East 55.70 feet to a concrete monument;

THENCE North 26-06-30 East 364.34 feet to a point in the southerly line of lands now or formerly of Joseph Rhoda;

THENCE leaving said highway line and along the line of lands of Rhoda, South 63-14 East 545.9 feet to an iron pipe at the end of a stone wall in the westerly line of the Old Marlboro Road;

THENCE along said road, South 33-20-40 West 227.20 feet;

THENCE still along said road, South 32-11 West 94.47 feet to the northeasterly corner of a lot conveyed to Stevens in October 1954 as recorded in the Orange County Clerk's Office in Liber 1325 of Deeds at page 424;

THENCE along Steven's lot, North 61-44 West 198.82 feet to the northwest corner of said Steven's lot;

THENCE along the westerly line of said Steven's lot South 32-53 West 15.46 feet to a point in the line of lands of Remer as aforesaid;

THENCE along said Remer's land, North 61-12 West 129.60 feet to a point marked by a post;

THENCE North 64-50 West 157.90 feet to the point or place of beginning.

FOR INFORMATION ONLY: BEING the same premises conveyed to Ronald L. Colandrea by

> Deed dated December 20, 2008 made by Bernice J. Colandrea as Executrix of the Estate of Louis W. Colandrea, recorded in the Orange County Clerk's Office on February 19, 2009 in Liber 12783 page 711; and

> Deed dated May 10, 2012 made by Bernice J. Colandrea, recorded in the Orange County Clerk's Office on July 11, 2012 in Liber 13370 page 1771.

Full Environmental Assessment Form Part 1
for
Proposed Convenience Store with Fuel Pumps

**5200 Route 9W
Town of Newburgh
Orange County, New York**



Issued: June 27, 2019
Revised: March 16, 2020

Prepared for:

Gas Land Petroleum, Inc.
785 Broadway
Kingston, New York 12401

Prepared by:

Chazen Engineering, Land Surveying &
Landscape Architecture Co., D.P.C.
21 Fox Street Suite 201
Poughkeepsie, NY 12601
845-454-3980

Chazen Project No. 81912.00

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FULL ENVIRONMENTAL ASSESSMENT FORM PART 1 FORM

PROJECT NARRATIVE

1.0 PROJECT DESCRIPTION

Gas Land Petroleum, Inc., (the Applicant) is proposing a two-lot subdivision of a 4.518-acre parcel located at 5200 NYS Route 9W in the Town of Newburgh into two lots of 1.088 acres (proposed Lot 1) and 3.429 acres (proposed Lot 2). The existing parcel is identified as Section 43 Block 5 Lot 1 on the Town of Newburgh tax map, and is owned by P&J Property Walnut St LLC. The site currently contains a diesel fueling station, small office building, a towing business with repair shop for its commercial vehicles, a single-family home, and an accessory barn with a one-bedroom apartment. The Applicant is under contract to purchase proposed Lot 1 for the construction of a 2,772 square foot (SF) convenience store with six fuel pumps (12 fueling positions) and associated parking. The existing office building will be removed and the fueling operations will continue with the addition of gasoline. The towing business, single-family home, and barn with apartment will remain on proposed Lot 2. The towing business currently utilizes the existing office building as a dispatch office, and stores impounded vehicles on the site. The business' dispatch office will be relocated offsite. Operations at the 9W site will be reduced with 6 tow trucks stationed at the site and fenced in area for enclosure of 12 vehicles. All existing car storage on the front of the site will be removed. The 4.518-acre parcel has frontage along NYS Route 9W along the western property line and Albany Post Road along the eastern property line. Several access drives exist along NYS Route 9W.

The existing uses are served by water supply wells and subsurface sewage disposal systems (SSDS). Since the site is located in the Newburgh Consolidated Water District, the project includes abandonment of the existing wells and connection of all uses to municipal water service. A new SSDS on proposed Lot 1 will serve the proposed convenience store with fuel pumps, and a new SSDS is proposed on Lot 2 which will serve the existing towing business, single-family home, and apartment. The well abandonment, new SSDS's, and water connection will require approval by the Orange County Department of Health (OCDOH).

For the purpose of this Full Environmental Assessment Form (FEAF) Part 1, the project area is defined as the 4.518± acre parcel which is the subject of the proposed subdivision and site plan. The FEAF was completed utilizing the NYSDEC EAF Mapper. The EAF Mapper tool sometimes indicates limited availability for certain digital data. This narrative provides clarification for certain responses and/or reference used for the responses.

2.0 LAND USE, ZONING, AND PUBLIC POLICY

2.1 Land Use

The project site is located on the east side NYS Route 9W in a commercial area of the Town just north of the hamlet of Balmville. Figure 3 shows land uses within 1,000 feet of the project site. The parcel borders NYS Route 9W on the west property line and Albany Post Road on the east property line. Adjacent uses include a motel to the north, a commercial business to the south, vacant commercial property and a residential parcel across NYS Route 9W to the west, residential properties along Albany Post Road to the north and south, and residential property across Albany Post Road to the east. Other nearby uses along NYS Route 9W in this area include small retail and services businesses, a religious facility, an energy company (Depew Energy Co.), another motel, and single-family residences. The project site already contains commercial uses which include an office, a diesel fueling station and a towing business. The project is located along NYS Route 9W, and will improve the appearance of the site with new landscaping

to access everyday needs.” Another important recommendation per Section 3.C.14 is to capitalize on the tourism initiatives currently underway in neighboring communities in Sullivan and Ulster Counties,” by investigating types of businesses that would benefit from the tourism traffic that passes through the Town. The project is consistent with the recommendations of the Comprehensive Plan Update in that it is located just north of the hamlet of Balmville and will serve the neighboring residents and businesses while also taking advantage of tourist traffic through the area. The project will improve the appearance of the site with new landscaping and an architecturally pleasing building which is appropriately scaled and well designed. The removal of the impoundment area will improve the aesthetics of proposed Lot 2.

2.3.2 NYS Department of State (DOS) Designated Coastal Zone

The project site is located within a designated coastal zone, according to the NYSDOS coastal boundary map. The Town of Newburgh does not have an approved Local Waterfront Revitalization Plan (LWRP). The project site is located over a half mile from the Hudson River. Due to the elevation increase between the project site and the River, the project is not visible from the River and will not affect any scenic views. Since the project does not require any Federal permits and is not an action undertaken by a State agency, a NYSDOS coastal consistency review is not expected to be required.

2.3.3 Hudson River Valley Greenway and Natural Heritage Area

Orange County is a designated Hudson River Valley Greenway Compact County, and the Town of Newburgh is within the Hudson River Valley Natural Heritage Area, which extends along the Hudson River Valley from Saratoga Springs to near New York City. There are no Natural Heritage Area Sites in the vicinity of the project, and no trails within or adjacent to the project site. The Hudson River Valley Greenway Act of 1991, revised 2012, sets forth the following criteria as a basis for attaining the goals of the Hudson River Valley Greenway:

- Natural and Cultural Resource Protection: Protect, preserve and enhance natural resources including natural communities, open spaces and scenic areas as well as cultural resources including historic places and scenic roads.
- Economic Development: Encourage economic development that is compatible with the preservation and enhancement of natural and cultural resources including agriculture, tourism and the revitalization of established community centers and waterfronts.
- Public Access: Promote increased public access to the Hudson River through the creation of riverside parks and the development of the Hudson River Valley Greenway Trail System.
- Regional Planning: Communities can work together to develop mutually beneficial regional strategies for natural and cultural resource protection, economic development (including necessary public facilities and infrastructure), public access and heritage and environmental education
- Heritage and Environmental Education: Promote awareness among residents and visitors about the Valley's natural, cultural, scenic and historic resources

4.3 Floodplain

According to FEMA information available through GIS (Figure 6), there are no areas of 100-year floodplain on or directly adjacent to the project site.

5.0 UTILITIES

5.1 Water and Wastewater

The project site is currently served by individual water supply wells and several SSDS's. The project site is located within the Newburgh Consolidated Water District, and the existing residences and business as well as the project will be connected to this municipal water supply along Albany Post Road. The location of the existing wells will be determined, and these wells will be abandoned. Municipal sewer service is not available to the site. Several subsurface sewage disposal systems exist on the site, which are proposed to be abandoned. A new SSDS would be installed on proposed Lot 1 to serve the new convenience store with fuel pumps, and an additional new SSDS on proposed Lot 2 will serve the existing towing business and residential uses. Orange County Department of Health approvals will be required for the well abandonment, new SSDS's, and municipal water connections.

Table 2 provides estimated water usage/wastewater generation for each of the uses on the site, based on the NYSDEC Design Standards for Intermediate Sized Wastewater Treatment Systems, March 2014.

Table 2: Estimated Water Usage/Wastewater Generation

Use	Rate	Calculated Water Usage/Wastewater Generation	Water Usage/Wastewater Generation after 20% Adjustment for Water Saving Plumbing Fixtures
Existing single-family home and apartment, with a total of 4 bedrooms	110 gpd per bedroom	440 gpd	440 gpd (reduction is already incorporated into rate)
Existing towing facility repair shop with 3 employees	15 gpd per employee	45 gpd	36 gpd
Proposed convenience store with fuel pumps (1 toilet)	400 gpd per toilet	400 gpd	320 gpd
Total:			796 gpd

It is anticipated that sufficient capacity exists to provide water service to the project. Therefore, no significant adverse impacts related to water supply or sewage disposal are anticipated.

In addition to employee and customer traffic, approximately six to seven fuel truck deliveries are anticipated per month.

Temporary traffic generated during demolition and construction activities includes construction employees and the delivery of equipment and materials. Impacts related to construction are temporary and are not expected to be significant.

6.2 Parking

Required parking for a “retail store, shopping center and personal service store” is 1 per 150 SF of gross leasable floor space per Section 185-13.C(1)(b), which results in 19 required parking spaces for the proposed 2,772 SF convenience store. The proposed site plan provides 21 parking spaces, including 12 spaces at the fuel pumps.

7.0 NOISE AND LIGHTING

7.1 Noise

The project is not expected to result in an increase in noise levels above local ambient noise levels during operation of the facility, since the project is located in a commercial area of NYS Route 9W and already contains commercial uses. Construction activities may result in temporary noise that exceeds local ambient noise levels. These activities will be limited to the hours of 8:00 AM to 10:00 PM, in accordance with Town Code Chapter 125. Therefore, the project is not expected to result in any significant adverse impacts with regard to noise.

7.2 Lighting

The facility would be well-lit, thereby discouraging criminal activities. All exterior lighting will be downward-directed and directed away from adjoining streets and properties so as not to cause any objectionable glare on the streets or properties, in accordance with Chapter 125 Section 125-9. The existing residence on the site is over 100 feet from the nearest parking space at the proposed facility.

8.0 SOLID WASTE

Demolition debris resulting from the removal of the existing office building and other structures will be hauled to a licensed construction debris or solid waste landfill for disposal.

During operation of the proposed facility, solid waste will be collected in a refuse container located onsite. The refuse container will be screened within an enclosure constructed of opaque masonry materials. Solid waste generated in Orange County would be transported regularly by a licensed waste hauler to the Orange County Transfer Station #2 in Newburgh, prior to being transported to a solid waste disposal facility.

According to the Development Impact Assessment Handbook, Urban Land Institute, 1994, a retail use would generate 0.001± tons of solid waste per retail employee per day, which results in 0.004 tons per day or 0.12 tons per month for the proposed facility with up to four employees. It is anticipated that

**FULL ENVIRONMENTAL ASSESSMENT FORM (FEAF)
PART 1 FORM**

Full Environmental Assessment Form
Part 1 - Project and Setting

Instructions for Completing Part 1

Part 1 is to be completed by the applicant or project sponsor. 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; indicate whether missing information does not exist, or is not reasonably available to the sponsor; and, when possible, generally describe work or studies which would be necessary to update or fully develop that information.

Applicants/sponsors must complete all items in Sections A & B. In Sections C, D & E, most items contain an initial question that must be answered either "Yes" or "No". If the answer to the initial question is "Yes", complete the sub-questions that follow. If the answer to the initial question is "No", proceed to the next question. Section F allows the project sponsor to identify and attach any additional information. Section G requires the name and signature of the applicant or project sponsor to verify that the information contained in Part 1 is accurate and complete.

A. Project and Applicant/Sponsor Information.

Name of Action or Project: Proposed subdivision and convenience store with fuel pumps		
Project Location (describe, and attach a general location map): 5200 Route 9W, Town of Newburgh, Orange County, NY; Tax Parcel Section 43 Block 5 Lot 1. Refer to Figures 1 and 2.		
Brief Description of Proposed Action (include purpose or need): Gas Land Petroleum, Inc., is proposing a two-lot subdivision of a 4.518-acre parcel located at 5200 NYS Route 9W in the Town of Newburgh into two lots of 1.098 acres (proposed Lot 1) and 3.420 acres (proposed Lot 2). The site currently contains a diesel fueling station, small office building, a towing business with repair shop for its vehicles, a single family home, and an accessory barn with apartment. The Applicant is under contract to purchase proposed Lot 1 for the construction of a 2,604 square foot (SF) convenience store with six fuel pumps (12 fueling positions) and associated parking. The existing diesel fueling station and office building will be removed. The towing business and residential uses will remain on proposed Lot 2. The towing business currently utilizes the existing office building as a dispatch office, and stores impounded vehicles on the site. The dispatch office and impoundment area will be relocated offsite. The existing uses are served by water supply wells and subsurface sewage disposal systems (SSDS). Since the site is located in the Newburgh Consolidated Water District, the project includes abandonment of the existing wells and connection of all uses to municipal water service. A new SSDS on proposed Lot 1 will serve the proposed convenience store with fuel pumps, and a new SSDS on proposed Lot 2 will serve the existing business and residential uses.		
Name of Applicant/Sponsor: Gas Land Petroleum, Inc. (Zeidan Nesheiwat, Vice President)		Telephone: 845-331-7545 E-Mail: gasland.zeidan@gmail.com
Address: 785 Broadway		
City/PO: Kingston	State: NY	Zip Code: 12401
Project Contact (if not same as sponsor; give name and title/role): The Chazen Companies (Christopher P. Lapine, P.E.)		Telephone: 845-486-1478 E-Mail: clapine@chazencompanies.com
Address:		
City/PO:	State:	Zip Code:
Property Owner (if not same as sponsor): P&J Property Walnut St LLC		Telephone: E-Mail:
Address: 24 Walnut Street		
City/PO: New Windsor	State: NY	Zip Code: 12553

C.3. Zoning

a. Is the site of the proposed action located in a municipality with an adopted zoning law or ordinance. Yes No
If Yes, what is the zoning classification(s) including any applicable overlay district?

b. Is the use permitted or allowed by a special or conditional use permit? Yes No

c. Is a zoning change requested as part of the proposed action? Yes No

If Yes,
i. What is the proposed new zoning for the site? _____

C.4. Existing community services.

a. In what school district is the project site located? Newburgh School District

b. What police or other public protection forces serve the project site?
Town of Newburgh Police Department with support from Orange County Sheriff's Department and NYS Police

c. Which fire protection and emergency medical services serve the project site?
Middlehope Fire District

d. What parks serve the project site?
Cronomer Hill County Park; Chadwick Lake Park; Storm King State Park; other local parks

D. Project Details

D.1. Proposed and Potential Development

a. What is the general nature of the proposed action (e.g., residential, industrial, commercial, recreational; if mixed, include all components)? commercial and residential

b. a. Total acreage of the site of the proposed action? 4.518 acres

b. Total acreage to be physically disturbed? 1.598 acres

c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor? 4.518 acres

c. Is the proposed action an expansion of an existing project or use? Yes No

i. If Yes, what is the approximate percentage of the proposed expansion and identify the units (e.g., acres, miles, housing units, square feet)? % _____ Units: _____

d. Is the proposed action a subdivision, or does it include a subdivision? Yes No

If Yes,
i. Purpose or type of subdivision? (e.g., residential, industrial, commercial; if mixed, specify types)
commercial and residential

ii. Is a cluster/conservation layout proposed? Yes No

iii. Number of lots proposed? 2

iv. Minimum and maximum proposed lot sizes? Minimum 1.098 acres Maximum 3.420 acres

e. Will the proposed action be constructed in multiple phases? Yes No

i. If No, anticipated period of construction: 10 months

ii. If Yes:

- Total number of phases anticipated _____
- Anticipated commencement date of phase 1 (including demolition) _____ month _____ year
- Anticipated completion date of final phase _____ month _____ year

• Generally describe connections or relationships among phases, including any contingencies where progress of one phase may determine timing or duration of future phases: _____

ii. Describe how the proposed action would affect that waterbody or wetland, e.g. excavation, fill, placement of structures, or alteration of channels, banks and shorelines. Indicate extent of activities, alterations and additions in square feet or acres:

iii. Will the proposed action cause or result in disturbance to bottom sediments? Yes No

If Yes, describe: _____

iv. Will the proposed action cause or result in the destruction or removal of aquatic vegetation? Yes No

If Yes:

- acres of aquatic vegetation proposed to be removed: _____
- expected acreage of aquatic vegetation remaining after project completion: _____
- purpose of proposed removal (e.g. beach clearing, invasive species control, boat access): _____
- proposed method of plant removal: _____
- if chemical/herbicide treatment will be used, specify product(s): _____

v. Describe any proposed reclamation/mitigation following disturbance: _____

c. Will the proposed action use, or create a new demand for water? Refer to FEAF Narrative Section 5.1. Yes No

If Yes:

i. Total anticipated water usage/demand per day: _____ 796 gallons/day (existing uses to remain and proposed uses)

ii. Will the proposed action obtain water from an existing public water supply? Yes No

If Yes:

- Name of district or service area: Newburgh Consolidated Water District
- Does the existing public water supply have capacity to serve the proposal? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No
- Do existing lines serve the project site? Yes No

iii. Will line extension within an existing district be necessary to supply the project? Yes No

If Yes:

- Describe extensions or capacity expansions proposed to serve this project: _____
New water supply lines will be installed to connect to the water main along Albany Post Road.
- Source(s) of supply for the district: Chadwick Lake and Delaware Aquaduct (through NYCDEP)

iv. Is a new water supply district or service area proposed to be formed to serve the project site? Yes No

If, Yes:

- Applicant/sponsor for new district: _____
- Date application submitted or anticipated: _____
- Proposed source(s) of supply for new district: _____

v. If a public water supply will not be used, describe plans to provide water supply for the project: _____

vi. If water supply will be from wells (public or private), what is the maximum pumping capacity: NA gallons/minute.

d. Will the proposed action generate liquid wastes? Refer to FEAF Narrative Section 5.1. Yes No

If Yes:

i. Total anticipated liquid waste generation per day: _____ 796 gallons/day (existing uses to remain and proposed uses)

ii. Nature of liquid wastes to be generated (e.g., sanitary wastewater, industrial; if combination, describe all components and approximate volumes or proportions of each): _____

sanitary sewage

iii. Will the proposed action use any existing public wastewater treatment facilities? Yes No

If Yes:

- Name of wastewater treatment plant to be used: _____
- Name of district: _____
- Does the existing wastewater treatment plant have capacity to serve the project? Yes No
- Is the project site in the existing district? Yes No
- Is expansion of the district needed? Yes No

h. Will the proposed action generate or emit methane (including, but not limited to, sewage treatment plants, landfills, composting facilities)? Yes No

If Yes:

i. Estimate methane generation in tons/year (metric): _____

ii. Describe any methane capture, control or elimination measures included in project design (e.g., combustion to generate heat or electricity, flaring): _____

i. Will the proposed action result in the release of air pollutants from open-air operations or processes, such as quarry or landfill operations? Yes No

If Yes: Describe operations and nature of emissions (e.g., diesel exhaust, rock particulates/dust): _____

j. Will the proposed action result in a substantial increase in traffic above present levels or generate substantial new demand for transportation facilities or services? Refer to FEA Narrative Section 6.0. Yes No

If Yes:

i. When is the peak traffic expected (Check all that apply): Morning Evening Weekend
 Randomly between hours of _____ to _____.

ii. For commercial activities only, projected number of truck trips/day and type (e.g., semi trailers and dump trucks): _____

iii. Parking spaces: Existing _____ Proposed _____ Net increase/decrease _____

iv. Does the proposed action include any shared use parking? Yes No

v. If the proposed action includes any modification of existing roads, creation of new roads or change in existing access, describe: _____

vi. Are public/private transportation service(s) or facilities available within 1/2 mile of the proposed site? Yes No

vii. Will the proposed action include access to public transportation or accommodations for use of hybrid, electric or other alternative fueled vehicles? Yes No

viii. Will the proposed action include plans for pedestrian or bicycle accommodations for connections to existing pedestrian or bicycle routes? Yes No

k. Will the proposed action (for commercial or industrial projects only) generate new or additional demand for energy? Yes No

If Yes:

i. Estimate annual electricity demand during operation of the proposed action: _____
amount of electric and fuel for heating and air conditioning of the proposed convenience store.

ii. Anticipated sources/suppliers of electricity for the project (e.g., on-site combustion, on-site renewable, via grid/local utility, or other):
 Central Hudson Gas & Electric Corp.

iii. Will the proposed action require a new, or an upgrade, to an existing substation? Yes No

l. Hours of operation. Answer all items which apply.

<p>i. During Construction:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 8:00 am to 10:00 pm • Saturday: _____ 8:00 am to 10:00 pm • Sunday: _____ NA • Holidays: _____ NA 	<p>ii. During Operations:</p> <ul style="list-style-type: none"> • Monday - Friday: _____ 24 hours • Saturday: _____ 24 hours • Sunday: _____ 24 hours • Holidays: _____ 24 hours
--	---

s. Does the proposed action include construction or modification of a solid waste management facility? Yes No

If Yes:

- i. Type of management or handling of waste proposed for the site (e.g., recycling or transfer station, composting, landfill, or other disposal activities): _____
- ii. Anticipated rate of disposal/processing:
 - _____ Tons/month, if transfer or other non-combustion/thermal treatment, or
 - _____ Tons/hour, if combustion or thermal treatment
- iii. If landfill, anticipated site life: _____ years

t. Will the proposed action at the site involve the commercial generation, treatment, storage, or disposal of hazardous waste? Yes No

If Yes:

- i. Name(s) of all hazardous wastes or constituents to be generated, handled or managed at facility: _____
- ii. Generally describe processes or activities involving hazardous wastes or constituents: _____
- iii. Specify amount to be handled or generated _____ tons/month
- iv. Describe any proposals for on-site minimization, recycling or reuse of hazardous constituents: _____

v. Will any hazardous wastes be disposed at an existing offsite hazardous waste facility? Yes No

If Yes: provide name and location of facility: _____

If No: describe proposed management of any hazardous wastes which will not be sent to a hazardous waste facility: _____

E. Site and Setting of Proposed Action

E.1. Land uses on and surrounding the project site

a. Existing land uses.

i. Check all uses that occur on, adjoining and near the project site. [Refer to FEAF Narrative Section 2.1.](#)

- Urban Industrial Commercial Residential (suburban) Rural (non-farm)
 Forest Agriculture Aquatic Other (specify): energy company, religious

ii. If mix of uses, generally describe:
diesel fueling station, towing and auto repair business, and single family residence on site; nearby uses include motels, retail and service businesses, religious facility, energy company, residential

b. Land uses and covertypes on the project site.

Land use or Covertypes	Current Acreage	Acreage After Project Completion	Change (Acres +/-)
• Roads, buildings, and other paved or impervious surfaces	1.657	1.333	-0.324
• Forested	1.665	1.580	-0.085
• Meadows, grasslands or brushlands (non-agricultural, including abandoned agricultural)	0.865	0.865	0
• Agricultural (includes active orchards, field, greenhouse etc.)			
• Surface water features (lakes, ponds, streams, rivers, etc.)			
• Wetlands (freshwater or tidal)			
• Non-vegetated (bare rock, earth or fill)			
• Other Describe: <u>lawn/landscaped area</u>	0.331	0.740	+0.409

v. Is the project site subject to an institutional control limiting property uses? Yes No

- If yes, DEC site ID number: _____
- Describe the type of institutional control (e.g., deed restriction or easement): _____
- Describe any use limitations: _____
- Describe any engineering controls: _____
- Will the project affect the institutional or engineering controls in place? Yes No
- Explain: _____

E.2. Natural Resources On or Near Project Site

a. What is the average depth to bedrock on the project site? _____ >2 feet Refer to FEAF Narrative Section 4.1.

b. Are there bedrock outcroppings on the project site? Yes No
 If Yes, what proportion of the site is comprised of bedrock outcroppings? _____ %

c. Predominant soil type(s) present on project site:

Dumps (Du)	_____	50 %
Mardin gravelly silt loam (MdD)	_____	40 %
Mardin gravelly silt loam (MdC)	_____	10 %

d. What is the average depth to the water table on the project site? Average: _____ TBD feet Refer to FEAF Narrative Section 4.1.

e. Drainage status of project site soils: Well Drained: _____ TBD % of site Refer to FEAF Narrative Section 4.1.
 Moderately Well Drained: _____ 50 % of site
 Poorly Drained _____ TBD % of site

f. Approximate proportion of proposed action site with slopes: 0-10%: _____ 46 % of site
 10-15%: _____ 15 % of site
 15% or greater: _____ 39 % of site

g. Are there any unique geologic features on the project site? Yes No
 If Yes, describe: _____ (EAF Mapper automated response)

h. Surface water features.

i. Does any portion of the project site contain wetlands or other waterbodies (including streams, rivers, ponds or lakes)? Refer to FEAF Narrative Section 4.2. Yes No (EAF Mapper automated response)

ii. Do any wetlands or other waterbodies adjoin the project site? Yes No (EAF Mapper automated response)

If Yes to either i or ii, continue. If No, skip to E.2.i.

iii. Are any of the wetlands or waterbodies within or adjoining the project site regulated by any federal, state or local agency? Yes No (EAF Mapper automated response)

iv. For each identified regulated wetland and waterbody on the project site, provide the following information:

- Streams: Name 862-360 (tributary of Hudson River) Classification C
- Lakes or Ponds: Name None Classification _____
- Wetlands: Name Federal Waters, Federal Waters, Federal Waters,... Approximate Size None on site
- Wetland No. (if regulated by DEC) None

v. Are any of the above water bodies listed in the most recent compilation of NYS water quality-impaired waterbodies? Yes No (EAF Mapper automated response)
 If yes, name of impaired water body/bodies and basis for listing as impaired: _____

i. Is the project site in a designated Floodway? Yes No (EAF Mapper automated response)

j. Is the project site in the 100-year Floodplain? Yes No (EAF Mapper automated response)

k. Is the project site in the 500-year Floodplain? Yes No (EAF Mapper automated response)

l. Is the project site located over, or immediately adjoining, a primary, principal or sole source aquifer? Yes No (EAF Mapper automated response)
 If Yes:
 i. Name of aquifer: _____

e. Does the project site contain, or is it substantially contiguous to, a building, archaeological site, or district which is listed on the National or State Register of Historic Places, or that has been determined by the Commissioner of the NYS Office of Parks, Recreation and Historic Preservation to be eligible for listing on the State Register of Historic Places? Yes No
Refer to FEAF Narrative Section 10.0.

If Yes:
i. Nature of historic/archaeological resource: Archaeological Site Historic Building or District
ii. Name: _____
iii. Brief description of attributes on which listing is based: _____

f. Is the project site, or any portion of it, located in or adjacent to an area designated as sensitive for archaeological sites on the NY State Historic Preservation Office (SHPO) archaeological site inventory? Yes No
(EAF Mapper automated response)
Refer to FEAF Narrative Section 10.0.

g. Have additional archaeological or historic site(s) or resources been identified on the project site? Yes No
If Yes:
i. Describe possible resource(s): _____
ii. Basis for identification: _____

h. Is the project site within five miles of any officially designated and publicly accessible federal, state, or local scenic or aesthetic resource? Yes No
If Yes:
i. Identify resource: Refer to Figure 9.
ii. Nature of, or basis for, designation (e.g., established highway overlook, state or local park, state historic trail or scenic byway, etc.): NYS Scenic Byway; DEC trails; SASS; State parks, recreation, forest; State/National Historic Register site; County & municipal recreation
iii. Distance between project and resource: _____ 0.5+/- miles. (Echo Lawn Estate)

i. Is the project site located within a designated river corridor under the Wild, Scenic and Recreational Rivers Program 6 NYCRR 666? Yes No
(EAF Mapper automated response)
If Yes:
i. Identify the name of the river and its designation: _____
ii. Is the activity consistent with development restrictions contained in 6NYCRR Part 666? Yes No

F. Additional Information

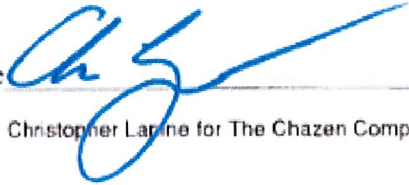
Attach any additional information which may be needed to clarify your project.

If you have identified any adverse impacts which could be associated with your proposal, please describe those impacts plus any measures which you propose to avoid or minimize them.

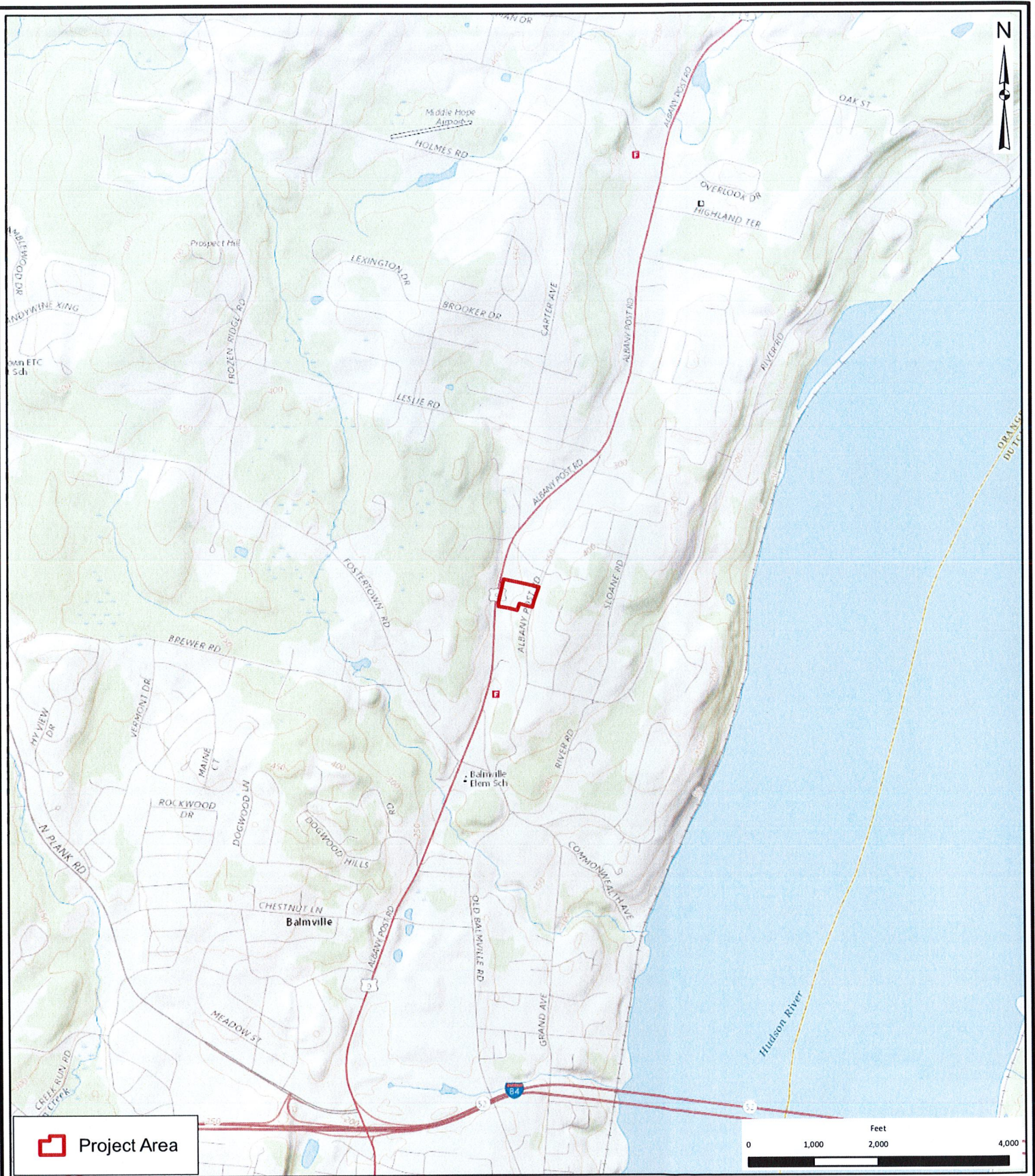
G. Verification

I certify that the information provided is true to the best of my knowledge.

Applicant/Sponsor Name Gas Land Petroleum, Inc. Date 03/16/2020

Signature  Title Director of Engineering Services
Christopher Laraine for The Chazen Companies, Agent for Applicant

E.2.i. [Aquifers]	No
E.2.n. [Natural Communities]	No
E.2.o. [Endangered or Threatened Species]	Yes
E.2.o. [Endangered or Threatened Species - Indiana Bat Name]	Indiana Bat
E.2.p. [Rare Plants or Animals]	No
E.3.a. [Agricultural District]	No
E.3.c. [National Natural Landmark]	No
E.3.d [Critical Environmental Area]	No
E.3.e. [National or State Register of Historic Places or State Eligible Sites]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
E.3.f. [Archeological Sites]	No
E.3.i. [Designated River Corridor]	No



THE
Chazen
COMPANIES

ENGINEERS
LAND SURVEYORS
PLANNERS
ENVIRONMENTAL & SAFETY PROFESSIONALS
LANDSCAPE ARCHITECTS

Dutchess County Office:
21 Fox Street, Poughkeepsie, NY 12601
Phone: (845) 454-3980

Capital District Office:
547 River Street, Troy, NY 12801
Phone: (518) 273-0055

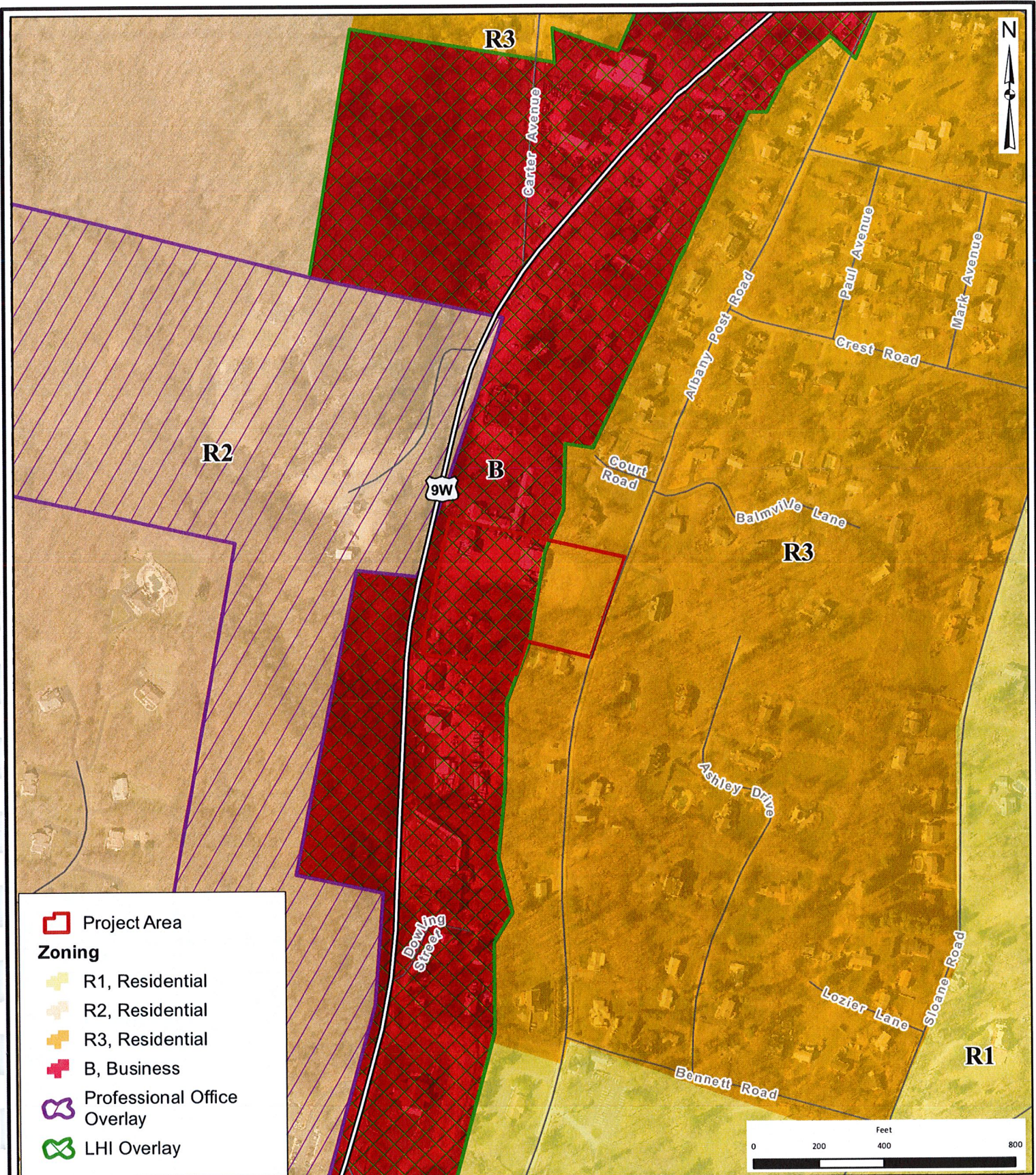
North Country Office:
20 Elm St, Suite 110
Glens Falls, NY 12801
Phone: (518) 812-0513

Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan

USGS Location Map

5200 Route 9W, Town of Newburgh - Orange County NY

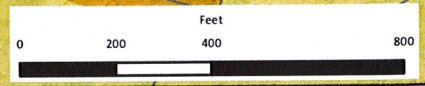
Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 2,000 feet
Project:	81912.00
Figure:	1



Project Area

Zoning

- R1, Residential
- R2, Residential
- R3, Residential
- B, Business
- Professional Office Overlay
- LHI Overlay



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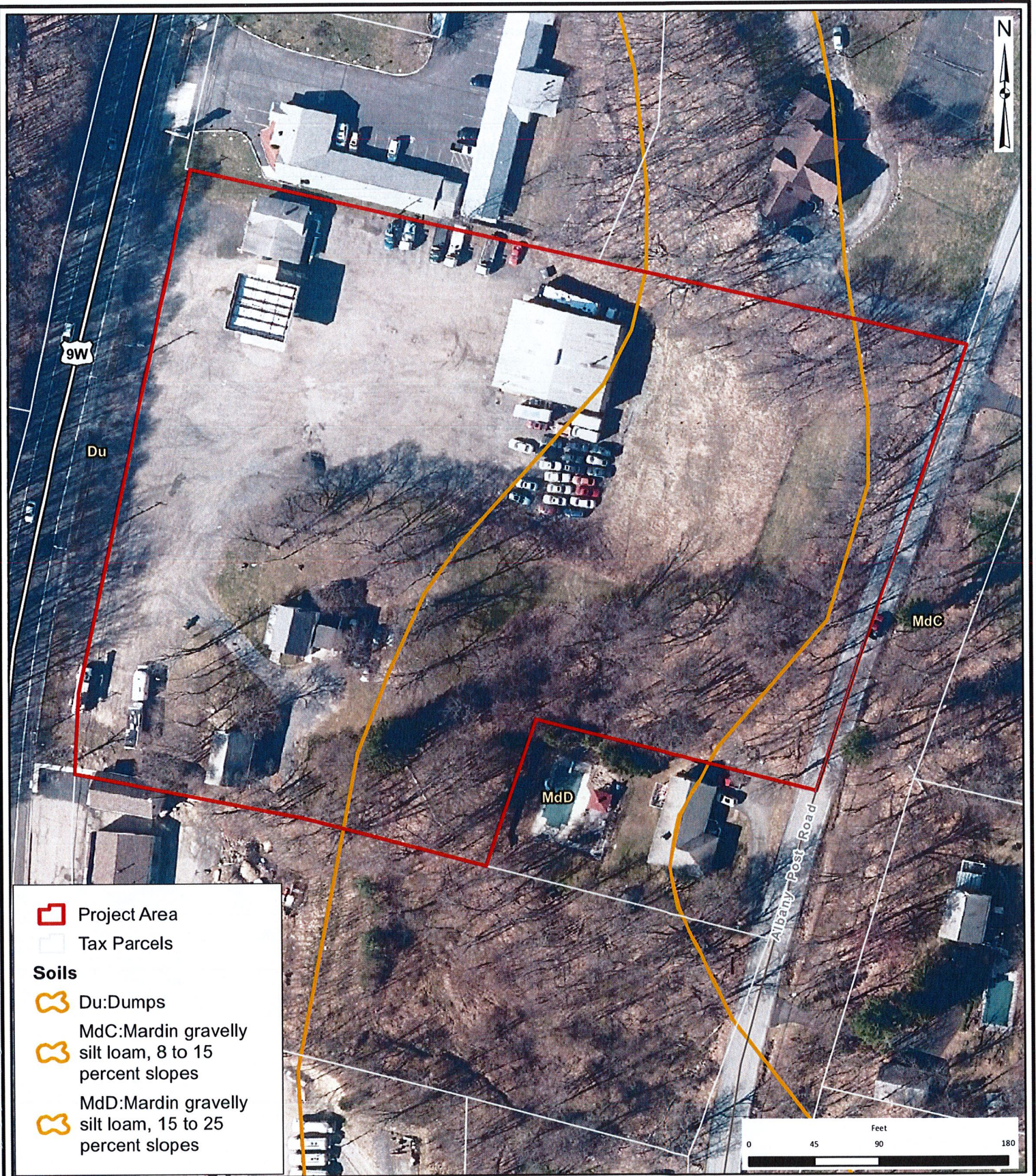
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



Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan

Zoning

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 400 feet
Project:	81912.00
Figure:	3



 Project Area
 Tax Parcels
Soils
 Du:Dumps
 MdC:Mardin gravelly silt loam, 8 to 15 percent slopes
 MdD:Mardin gravelly silt loam, 15 to 25 percent slopes

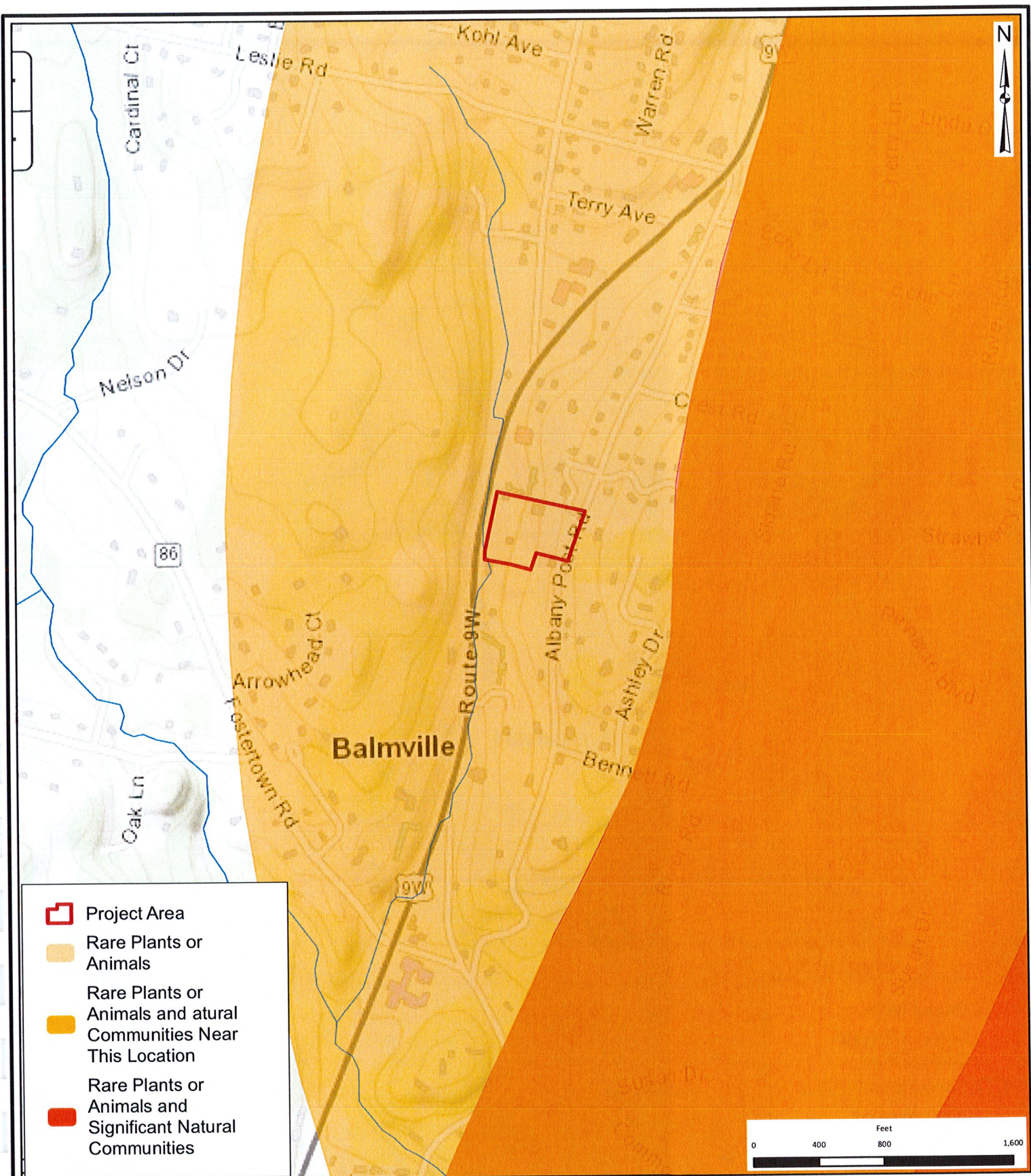
THE Chazen COMPANIES
ENGINEERS
LAND SURVEYORS
PLANNERS
ENVIRONMENTAL & SAFETY PROFESSIONALS
LANDSCAPE ARCHITECTS
Dutchess County Office:
 21 Fox Street, Poughkeepsie, NY 12601
 Phone: (845) 454-3980
Capital District Office:
 547 River Street, Troy, NY 12180
 Phone: (518) 273-0055
North Country Office:
 20 Elm St, Suite 110
 Glens Falls, NY 12801
 Phone: (518) 812-0513

Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan

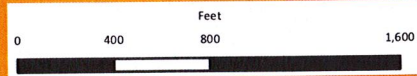
Soils

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 90 feet
Project:	81912.00
Figure:	5



- Project Area
- Rare Plants or Animals
- Rare Plants or Animals and atural Communities Near This Location
- Rare Plants or Animals and Significant Natural Communities



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 LANDSCAPE ARCHITECTS

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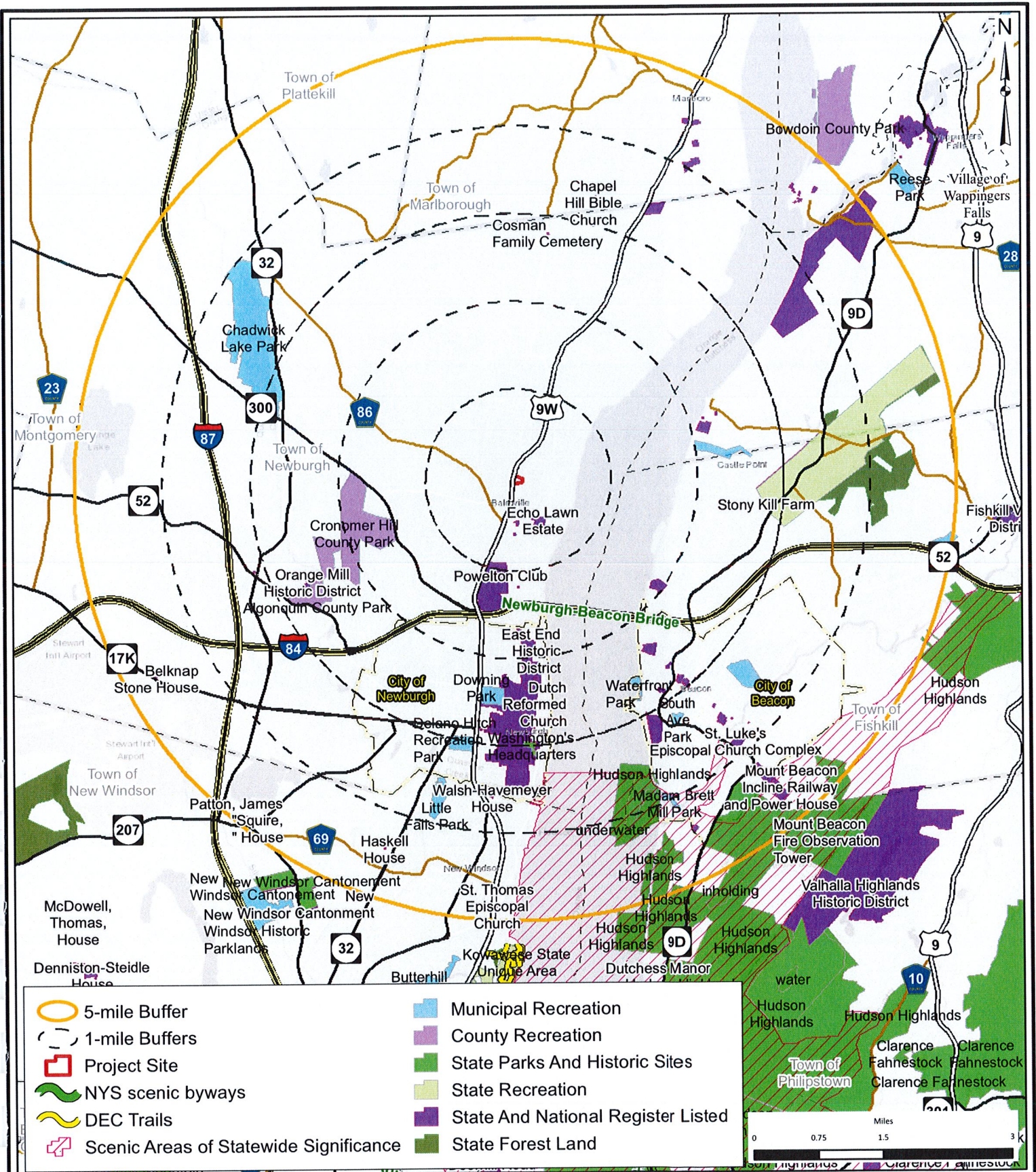
North Country Office:
 20 Elm St, Suite 110
 Glens Falls, NY 12801
 Phone: (518) 812-0513

Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan

NYSDEC Environmental Resource Map

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 800 feet
Project:	81912.00
Figure:	7



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Proposed Subdivision and Gas Land Petroleum, Inc., Site Plan

**Publicly Accessible
 Federal, State, or Local Scenic or Aesthetic
 Resources within 5 Miles**

5200 Route 9W, Town of Newburgh - Orange County NY

Drawn:	RL-B
Date:	06/04/2019
Scale:	1 in = 1.5 miles
Project:	81912.00
Figure:	9

ATTACHMENT A
USFWS Official Species List



United States Department of the Interior

FISH AND WILDLIFE SERVICE
New York Ecological Services Field Office

3817 Luker Road

Cortland, NY 13045-9385

Phone: (607) 753-9334 Fax: (607) 753-9699

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



In Reply Refer To:

June 05, 2019

Consultation Code: 05E1NY00-2019-SLI-2207

Event Code: 05E1NY00-2019-E-06889

Project Name: 2-Lot Subdivision and Proposed Gas Station/Convenience Store on Proposed Lot 1

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*). This list can also be used to determine whether listed species may be present for projects without federal agency involvement. New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list.

Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC site at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list. If listed, proposed, or candidate species were identified as potentially occurring in the project area, coordination with our office is encouraged. Information on the steps involved with assessing potential impacts from projects can be found at: <http://www.fws.gov/northeast/nyfo/es/section7.htm>

Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

New York Ecological Services Field Office
3817 Luker Road
Cortland, NY 13045-9385
(607) 753-9334

Endangered Species Act Species

There is a total of 5 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

Mammals

NAME	STATUS
Indiana Bat <i>Myotis sodalis</i> There is final critical habitat for this species. Your location is outside the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/5949	Endangered
Northern Long-eared Bat <i>Myotis septentrionalis</i> No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/9045	Threatened

Reptiles

NAME	STATUS
Bog Turtle <i>Clemmys muhlenbergii</i> Population: Wherever found, except GA, NC, SC, TN, VA No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/6962 Species survey guidelines: https://ecos.fws.gov/ipac/guideline/survey/population/182/office/52410.pdf Habitat assessment guidelines: https://ecos.fws.gov/ipac/guideline/assessment/population/182/office/52410.pdf	Threatened

ATTACHMENT B
Pat's Towing Letter Describing Future Operations



TOWING FOR LOCAL & STATE MUNICIPALITIES

(845) 561-4004 (Phone)
(845) 568-3012 (Fax)
5198 Route 9W Newburgh, NY 12550

JAN. 31 2020

← August 12, 2019

Town of Newburgh Planning Board

Mr. John Ewasutyn, Chairman:

The purpose of this letter is to clarify the future plans for the Route 9W site, now occupied by Pat's Towing. As presented to the board, Gas Land Petroleum Inc. is under contract to develop a gasoline/diesel pumping facility along with a convenience store located on a portion of the land, known as #5198-5200 Route 9W. The board has requested clarification regarding the remaining lands beyond the subdivision/site plan presented.

Pat's Towing initially expressed their intention to Gas Land Petroleum, Inc. to use the repair garage, located in the rear of the lot on 9W, as their company vehicle maintenance facility only, with no other repairs or storage on the property. This was presented to the planning board on August 1, 2019.

After further consideration, given the fact they are an existing registered automotive repair facility, and an official New York State Inspection Station, Pat's now intends to retain the ability to repair a customer vehicle, should that business present itself. (A likely scenario as they tow in break downs, needing repairs.)

**AFFIDAVIT OF POSTING(S) OF
NOTICE OF PUBLIC HEARING
AT THE PROPERTY**

STATE OF NEW YORK: COUNTY OF ORANGE:

I Samantha Loveme, being duly sworn, depose and say that I did on or before

June 11, 2020, post and will thereafter maintain at

5200 Route 9W 43-5-1 B Zone in the Town of Newburgh, New York, at or near the front

property line(s) and within view of each fronting street a copy(ies) of the Notice of Public Hearing, which notice was in the form attached hereto.

The applicant shall maintain and update notice(s) (with amended information if there is any change to the information contained in the original Notice of Hearing) until after the Public Hearing is closed. The Notice must then be removed and property disposed of within ten (10) days of the close of the Public Hearing. Failure to follow the required procedure may result in the Public Hearing being held open for additional time.

Samantha Loveme

Sworn to before me this 9

day of June, 2020.

GAIL L. SETARO
Notary Public, State of New York
#11-4062589
Qualified in Columbia County
My Commission expires June 03, 2023

Gail L. Setaro

TIME STAMP 



June 8, 2020 6:56 PM



TIME STAMP 

TRUCK & AUTO MAINTENANCE & REPAIR FACILITY

**WE NOW DO
N.Y.S.
INSPECTIONS**



**EMERGENCY
SERVICES**

June 8, 2020 6:57 PM