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

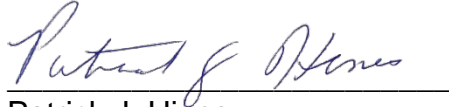
PROJECT: NEWBURGH PARK ASSOCIATES (NPA) SITE PLAN
PROJECT NO.: 17-03
PROJECT LOCATION: SECTION 89, BLOCK 1, LOT 80.1 & 80.2
REVIEW DATE: 31 DECEMBER 2020
MEETING DATE: 4 JANUARY 2021
PROJECT REPRESENTATIVE: ZEN DESIGN CONSULTANT, INC.

1. The Site Plan has been revised to reduce the number of variances required. Significantly the drive-thru component which would require a Use Variance has been removed from the Site Plan. Based on the review of the most recent plans and the Project Narrative submitted by the Applicants representative we have identified the following variances being required.
 - 1) Front yard setback for canopy. NYS Route 747 -25 feet provided where 60 feet is required.
 - 2) Side yard setback for west canopy. The 3 8+/- feet provided where 50 feet is required.
 - 3) Rear yard setback for proposed building. 43.5 feet provided where 60 feet is required.
 - 4) East canopy. 24.5 foot rear yard provided where 60 feet is required.
 - 5) East canopy. 21.3 foot side yard setback where 50 feet is required.
2. It is noted that the project site must be addressed as a Stormwater Hotspot under the NYSDEC Stormwater SPDES program. No areas are depicted for stormwater management. Infiltration practices are not permitted for Stormwater Hotspots.
3. Extensive retaining walls are identified on the site. Height of the retaining walls is unknown as no Grading Plan has been produced for the new layout. It is noted that the truck turning movements identify the vehicle maneuvering against the proposed retaining walls in many locations.
4. While an access easement may exist across lands of others between the two parcels it is unclear if utilities including sewer lines and retaining wall structures are permitted based on the access easement.
5. Signage may require ZBA Variances as previous projects required variances for signage on gasoline canopies.

6. Additional comments will be provided once detailed design plans are submitted.

Respectfully submitted,

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

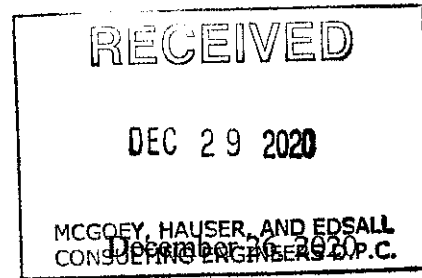
A handwritten signature in blue ink, appearing to read "Patrick J. Hines", is written over a horizontal line.

Patrick J. Hines
Principal

PJH/kbw

ZEN Consultants, Inc.

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Town of Newburgh
Planning Board
308 Gardnertown Road
Newburgh, New York 12550

Newburgh Park Associates
Site Plan
SBL: 89-1-80.1 & 80.2

Dear Board Members,

I am asking to be placed on the January 7, 2020 planning board meeting to discuss the changes to the NPA Site Plan. At our last board meeting you directed us to the ZBA for the variances we would need based on the plan submitted at that time.

Since this time we have made some changes to the plan reducing the number of variances needed for our project. We wanted to present the new layout to the board and ask for a new letter of referral directing us to the ZBA based on the changed layout.

Comments addressed from Domnic Cordisco letter to the ZBA (dated Nov.19, 2020)

1. *Fast food drive thru is not permitted as a standalone use in the IB zone, and will require a use variance or an interpretation.* - The drive thru has been removed from the plan.
2. *The petroleum storage tanks must be located at least 15 feet from any property line. The storage tanks on the plans last revised on October 11, 2020 do not appear to meet this requirement.* - The tank location has been adjusted to meet this separation requirement.
3. *Additionally, Town Zoning Code 185-28 requires a 15 foot separation between storage tanks and the fuel pump dispensers. The current plan does not appear to meet this requirement.* - The storage tanks have been relocated to meet this separation requirement.
4. *Confirmation of the front yard setback variance previously granted by the ZBA on December 28, 2017 due to the reconfiguration and enlargement of the proposed development: 60 feet is required, 28.8 feet is provided.* - This has now been adjusted to a 25.0' proposed setback.
5. *The lot is two-sided, so an additional variance for the front yard would be from the canopy on the south side where 60 feet is required, and 25 feet is proposed - front yard setbacks on the 747 Blvd will now meet the requirement.*
6. *The front yard setback along Route 747 requires a 60 foot setback to the canopy and 21.8' is proposed - This has now been adjusted to a 25.0' proposed setback.*

7. *For the side of the north canopy, there is a 50 foot setback requirement, and 30 feet is proposed.* - based on the new layout the proposed setback is 21.3'
8. *The rear yard requires 60 feet, and 34.7 feet is proposed* - based on the new layout the proposed setback is 24.5'
9. *The applicant has not yet identified any signage on the canopy. Signage on the canopy is not permitted in the town's signage ordinance. Past applications have been referred to the ZBA for consideration of variances to allow signage on canopies.* - the applicant is putting together the building signage and is planning to submit that material to the ZBA for consideration.

To sum this up we are asking for the following variances when sent to the ZBA:

1. 35.0' front yard variance - 747 Blvd. - west side
2. 35.5' rear yard variance - east side
3. 28.7' side yard variance - north side

All other consultants comments will be addressed for future submissions based on acquiring the required variances needed for this project based on this revised layout.

Very Truly Yours,

Ken Lytle
ZEN Consultants, Inc.