



Orange County Department of Planning
Application for Mandatory County Review of Local Planning Action
(Variances, Zone Changes, Special Permits, Subdivisions)

To be completed by Local Board having jurisdiction.
To be signed by Local Official.

TOWN: TOWN of Newburgh
MUNICIPALITY: ZONING BOARD of Appeals

TAX MAP ID: 95-1-39.22
(Section-Block-Lot)

Local File #: 2282-12

Project Name: _____

Applicant: TLC CENTRAL LLC - Applebee's

Address: 180 LAWRENCE BELL DR, WILLIAMSVILLE NY

Attorney, Engineer, Architect: _____

Location of Site: 1205 ROUTE 300 - ORR AVENUE
(Street, highway, nearest intersection)

Size of Parcel: 1.4 ACRES Existing Lots: _____ Proposed Lots/Units _____

Present Zoning District: B

TYPE OF REVIEW:

[] Special Use Permit* (SUP): _____

[x] Variance* USE (VU): _____

AREA (AV): SIGNAGE - MAXIMUM ALLOWED

[] Zone Change* FROM: _____ TO: _____

[] Zoning Amendment** To Section: _____

[] Subdivision Major _____ Minor _____

[] Sketch

[] Preliminary

[x] Final

DATE: 5/14/12

Signature: [Handwritten Signature]

CHAIRPERSON, ZONING BOARD OF APPEALS
Signature and Title

*Cite Section of Zoning Regulations where pertinent.

FOR COUNTY USE ONLY

County ID # _____



April, 19, 2012

Zoning Board of Appeals

Town of Newburgh

308 Gardnertown Road, Newburgh, N.Y., 12550

Re: Sign area variance application – Applebees restaurant at 1205 Route 300, Newburgh

To whom it may concern.

I am writing this letter to seek approval for the installation of replacement signs and awnings at the location listed above. The proposed signage is not in keeping with the by-law due to the fact that the proposed awnings have the Applebees logo graphic applied to the bottom right on the face of each awning, thus making them count as signage. The existing awnings are striped, but contain no graphics. I feel the requested variance is not substantial do to the fact that all of the proposed awnings (with logo graphic) would be going directly in place of the existing awnings at this location.

The approval of this variance would not have any adverse effect on the physical or environmental conditions in the neighborhood or district as we would only be replacing existing with new. The proposed variance, if approved, would be in line with Applebees new corporate re-branding across North America. It would also help to grow our client's corporate image as a leader in the industry and ensure they have highly visible signage which they require by current and future customers.

I ask for your support and approval of the requested variance.

Thank you.

Jeff Barron - Permit Coordinator

Pride Signs Ltd.

Ph: (519) 622-4040 ext. 252 Fax: (519) 622-4031

TOWN OF NEWBURGH

Crossroads of the Northeast

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

OFFICE OF ZONING BOARD
(845) 566-4901

APPLICATION

DATED: April 19, 2012

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

I (WE) TLC Central LLC / TL Cannon PRESENTLY
RESIDING AT NUMBER 180 Lawrence Bell Dr., Williamsville, NY - Suite 100
TELEPHONE NUMBER (716) 634-7700

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

- A USE VARIANCE
- AN AREA VARIANCE
- INTERPRETATION OF THE ORDINANCE

1. LOCATION OF THE PROPERTY:

95-1-39.22 (TAX MAP DESIGNATION)
1205 Route 300, Newburgh (STREET ADDRESS)
Business Zone (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).

185-14-B-1-C Maximum allowed sign area

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: April 10, 2012
- 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: To install signs & awnings with apple graphic which would exceed the allowable square footage for this lot.

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:

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:

Our proposed changes would improve the look of the restaurant, bringing it in line with Applebees new look and corporate re-branding.

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 proposed apple graphics on the awnings are being counted as sign area, there for putting us over the allowable square footage for the site.

c) THE REQUESTED AREA VARIANCE IS NOT SUBSTANTIAL BECAUSE:

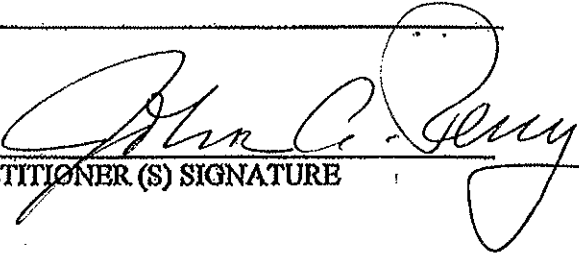
All of our proposed signs are replacing existing and our proposed awnings with apple graphics are replacing the existing striped awnings.

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

No physical impact because everything we are proposing is replacing existing. And our proposed LED lighting uses far less energy than the existing neon lighting.

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

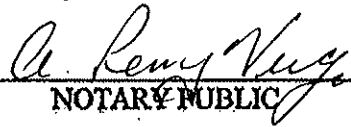
7. ADDITIONAL REASONS (IF PERTINENT):


PETITIONER (S) SIGNATURE

STATE OF NEW YORK; COUNTY OR ORANGE:

SWORN TO THIS 18 DAY OF April 2012

A PENNY VERGOS, No. 01VE6207300
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 8, 20____


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.

617.20
Appendix C
 State Environmental Quality Review
SHORT ENVIRONMENTAL ASSESSMENT FORM
 For UNLISTED ACTIONS Only

PART I - PROJECT INFORMATION (To be completed by Applicant or Project Sponsor)

1. APPLICANT/SPONSOR <i>Jeff Barron - Pride Signs Ltd.</i>	2. PROJECT NAME <i>Applebees</i>
3. PROJECT LOCATION: Municipality <i>Newburgh, New York</i> County _____	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) <i>1205 Route 300, Newburgh, NY, 12550</i>	
5. PROPOSED ACTION IS: <input type="checkbox"/> New <input type="checkbox"/> Expansion <input checked="" type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <i>To install the proposed signs and awnings with apple graphics as shown in the attached drawings at this Applebees</i>	
7. AMOUNT OF LAND AFFECTED: <i>NA</i> Initially _____ acres Ultimately _____ acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: <i>Business Zone</i>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <i>NA</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE Applicant/sponsor name: <i>Jeff Barron - Pride Signs Ltd.</i> Date: <i>April 19, 12</i> Signature: <i>Jeff Barron</i>	

If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment



PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

<p>A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	<p>If yes, coordinate the review process and use the FULL EAF.</p>
<p>B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING; (Answers may be handwritten, if legible)</p> <p>C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:</p> <p>C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:</p> <p>C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:</p> <p>C4. A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? Explain briefly:</p> <p>C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:</p> <p>C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:</p> <p>C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:</p>	
<p>D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	
<p>E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?</p> <p><input type="checkbox"/> Yes <input type="checkbox"/> No If Yes, explain briefly:</p>	

PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)

INSTRUCTIONS: For each adverse effect identified above, determine whether it is substantial, large, important or otherwise significant. Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination of significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

<p><input type="checkbox"/> Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration.</p> <p><input type="checkbox"/> 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 AND provide, on attachments as necessary, the reasons supporting this determination.</p>	
<p>_____</p> <p style="text-align: center;">Name of Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Date</p>
<p>_____</p> <p style="text-align: center;">Print or Type Name of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Title of Responsible Officer</p>
<p>_____</p> <p style="text-align: center;">Signature of Responsible Officer in Lead Agency</p>	<p>_____</p> <p style="text-align: center;">Signature of Preparer (if different from responsible officer)</p>



TOWN OF NEWBURGH
ZONING BOARD OF APPEALS

PROXY

John A Perry, DEPOSES AND SAYS THAT
HE/SHE RESIDES AT 130 Ruskin Rd, Snyder NY 14226
IN THE COUNTY OF Erie AND STATE OF NY.

AND THAT HE/SHE IS THE OWNER IN FEE OF TRC Rental LLC
DBA Appleber's Neighborhood Grill + Bar, 1205 Route 13, Newburg NY

WHICH IS THE PREMISES DESCRIBED IN THE FOREGOING APPLICA-
TION AND THAT HE/SHE HAS AUTHORIZED Pride Signs
TO MAKE THE FOREGOING APPLICATION AS DESCRIBED THEREIN.

DATED: 4/18/2012

John A. Perry
OWNER'S SIGNATURE

Miles Flew

WITNESS' SIGNATURE

STATE OF NEW YORK: COUNTY OF ORANGE:

SWORN TO THIS 18th DAY OF April 2012

A. Penny Vergos

NOTARY PUBLIC

A PENNY VERGOS, No. 01VE6207300
Notary Public, State of New York
Qualified in Erie County
My Commission Expires June 8, 2013



LANDLORD AUTHORIZATION FORM

I, John A. Perry, AS THE

OWNER OF THE PROPERTY; OR

OWNER'S AUTHORIZED SIGNING OFFICER (AUTHORIZED TO BIND THE COMPANY)

COMPANY: TLC Central LLC / TL Cannon

ADDRESS: 180 Lawrence Bell Dr. 3.100

CITY/PROVINCE: Williamsville NY POSTAL CODE: 14221

FOR THE TENANT Applebee's Neighborhood Grill & Bar

AT THE PROPERTY LOCATED AT 1205 Route 300 Newburgh NY 12550 HEREBY:

- (i) GRANT PRIDE SIGNS LIMITED PERMISSION TO APPLY FOR AND OBTAIN NECESSARY SIGN PERMITS AND VARIANCES AND OBTAIN SITE PLANS AND/OR ELEVATION DRAWINGS FROM THE ARCHIVES IF REQUIRED.
- (ii) AUTHORIZE PRIDE SIGNS LIMITED TO ERECT SIGN(S) AT THE AFOREMENTIONED LOCATION AND MAY, AT THEIR OPTION, ELECT TO SUB-CONTRACT THE INSTALLATION.

SINCERELY,

SIGNATURE

John A. Perry

PRINT NAME

President / Officer

TITLE

716 6347700

PHONE NUMBER

716 634 6266

FAX NUMBER

3/23/2012

DATE

Updated: January 2010

TOWN OF NEWBURGH

Crossroads of the Northeast
OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550
(845)564-7801

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No. 2282-12

Date: April 10, 2012

To: TLC CENTRAL LLC / APPLEBEE'S

SBL 95-1-39.22

180 LAWRENCE BELL DRIVE - SUITE 100

ADD: 1205 ROUTE 300, NBGH

WILLIAMSVILLE, NY 14221

ZONE B

PLEASE TAKE NOTICE that your application dated April 5,

20 12 for permit to erect signage

At the premises located at 1205 Route 300, Newburgh

Is returned herewith and disapproved on the following grounds:

185 - 14 - B - 1 - (c) -
THE TOTAL AREA OF ALL SIGNS ON A LOT SHALL NOT EXCEED 1 / 2 OF THE
TOTAL LENGTH OF STREET FRONTAGE OF THE LOT IN LINEAR FEET.


JOSEPH MATTINA

Cc: Town Clerk & Assessor (300')
File

Town of Newburgh Code Compliance

2282-12

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

NAME: TLC CENTRAL LLC. / APPLEBEES

ADDRESS: 180 LAWRENCE BELL DR SIUTE 100 WILLIAMSVILLE NY 14221

PROJECT INFORMATION:

TYPE OF STRUCTURE: NEW SIGNS, AND AWNINGS @ 1205 RTE 300

SBL: 95-1-39.22 ZONE: B

TOWN WATER: YES TOWN SEWER: YES

	MINIMUM	EXISTING	PROPOSED	VARIANCE	PERCENTAGE
TOTAL ALLOWED SIGNAGE	100 S.F.		971.97 S.F.	871.97 S.F.	871.97%
LOT WIDTH					
LOT DEPTH	TOTAL ROAD FRONTAGE = 200 L.F.				
FRONT YARD					
REAR YARD					
SIDE YARD					
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: INSTALLING NEW SIGNAGE AND AWNINGS WITH LOGO'S, DOES NOT REQUIRE AN A.R.B.
 REVIEW BY THE PLANNING BOARD.**

VARIANCE(S) REQUIRED:

- 1 185-14-B-1-C MAXIMUM ALLOWED SIGNAGE = TO 1/2 OF TOTAL ROAD FRONTAGE.
- 2 _____
- 3 _____
- 4 _____

REVIEWED BY: JOSEPH MATTINA DATE: 10-Apr-12

TOWN OF NEWBURGH

Crossroads of the Northeast

OLD TOWN HALL
308 GARDNERTOWN ROAD
NEWBURGH, NEW YORK 12550

CODE COMPLIANCE DEPT.
TELEPHONE 845-564-7801
FAX LINE 845-564-7802

1205 RTE 300 / APPLEBEES

MAIL TO: PRIDE SIGNS 255 PINEBUSH RD
CAMBRIDGE, ONTARIO CANADA N1T 1B9

PROJECT: NEW SIGNS

CONTRACTOR:

S.B.L.: 95-1-39.22

PHONE # 519-622-4040 EXT 252

APPLICATION # 12-199

DATE: 4-9-2012

A VARIANCE IS REQUIRED FROM THE ZONING BOARD OF APPEALS
ARCHITECTURAL REVIEW IS REQUIRED FROM THE PLANNING BOARD

Your sign application for the new signage at the above location can't be issued at this time.

The maximum allowed signage for this lot is only 50 square feet total.

You are requesting a total of 971.97 square feet, which will require a variance from the Town of Newburgh Zoning board of Appeals.

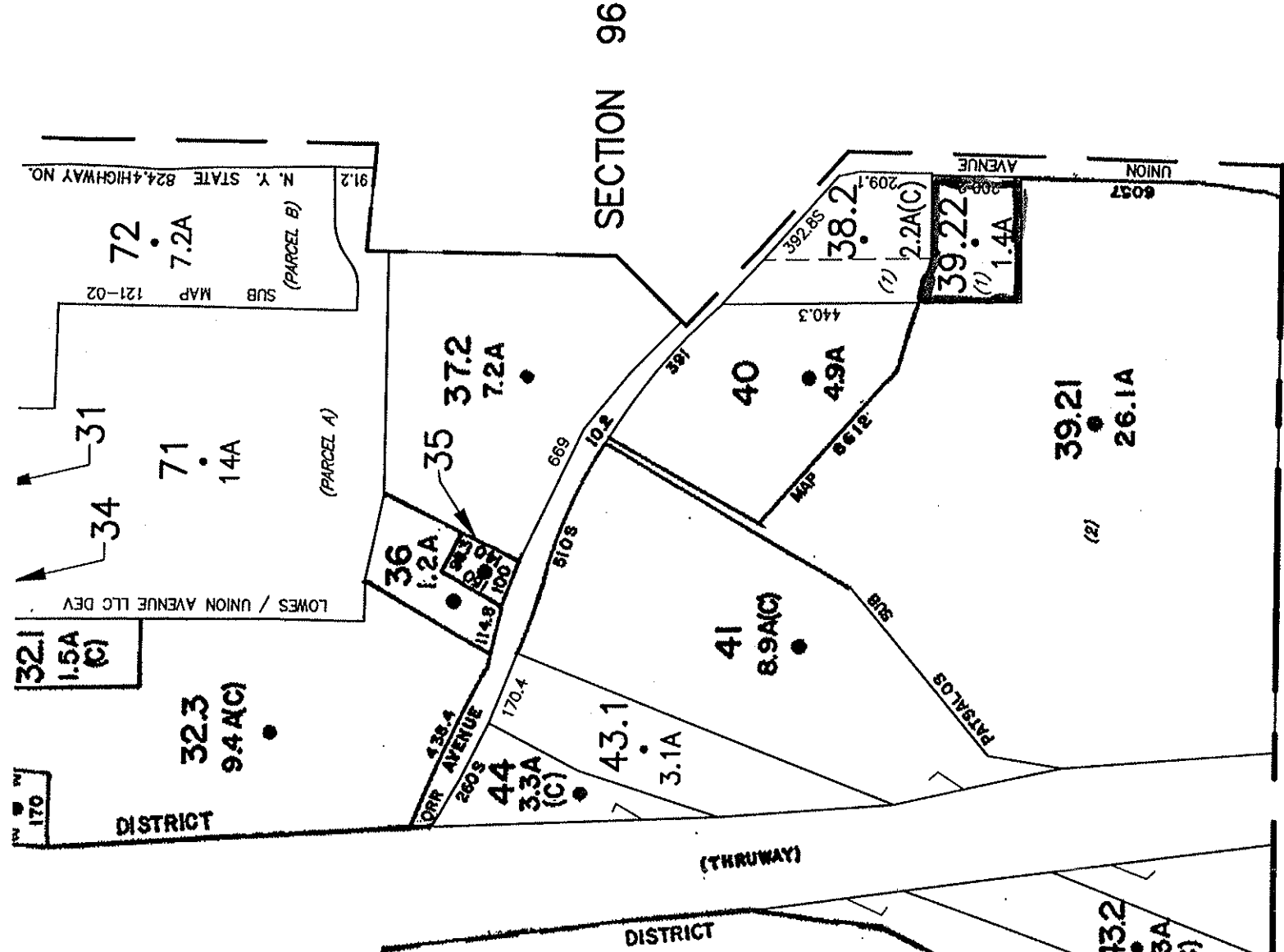
Below is the definition from the Town of Newburgh Zoning Code.

SIGNS:

Any letter, word, model, reproduction, banner, pennant, insignia, trade flag, device or representation used as, or which is in the nature of, an advertisement, attraction or directive.

Due to the fact there are new colors, designs and awnings will require approval from the towns planning board architectural review board division.

Joseph Mattina
Code Compliance



TLC Central LLC -
 Apple Bee's
 1205 Route 300
 95-1-39.22

NEWBURGH

SECTION 96

DISTRICT

DISTRICT

SCHOOL

(THRUWAY)

N. Y. STATE 824.4 HIGHWAY NO. 91.2

LOWES / UNION AVENUE LLC DEV

170

HUFFARD & PATSALOS MAP 180-06 (4)
 OF ORANGE & PATSALOS 88-72 (2)
 MAP 4-00

SUB MAP 121-02 (PARCEL B)

(PARCEL A)

UNION AVENUE 6057

(2)

(1)

MAP 86-12

440.3

209.1

38.2

4.9A

8.9A(C)

43.1

3.3A (C)

44

438.4

ORR AVENUE 2808

170.4

9108

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