

PB# 05-10

Amerada Hess

12-2-1

AMERADA HESS CORPORATION

H. A. (Andy) Lautenbacher, PP
732-750-6192
732-750-7038 (FAX)

1 HESS PLAZA
WOODBIDGE, NJ 07095-0961

February 15, 2005

Peter Setaro
Morris Associates, PSLLC
9 Elks Lane
Poughkeepsie, NY 12601

To Whom It May Concern:

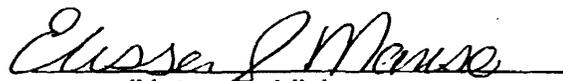
Amerada Hess Corporation does hereby authorize Peter Setaro, Morris Associates, PSLLC, with a usual place of business in Poughkeepsie, New York, to apply for and represent Amerada Hess Corporation in the filing of any applications for required permits and/or approvals for the construction, operation and maintenance of convenience store and full/self-service gas stations, including, but not limited to, appearing before any governmental agency at a general meeting or public hearing addressing such construction/improvement on behalf of Amerada Hess Corporation.



H. A. Lautenbacher
Northern Permit Manager

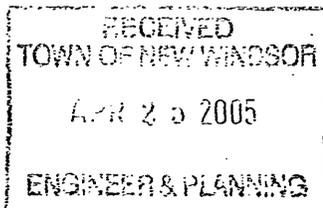
Subscribed and sworn to before me this 15 Day of February, ²⁰05.

ELISSA L. MANSO
NOTARY PUBLIC OF NEW JERSEY
Commission Expires 11/24/2008


(Notary Public)

My commission expires on:

Nov. 24, 2008



05-10

PART II—ENVIRONMENTAL ASSESSMENT (To be completed by Agency)

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.12? If yes, coordinate the review process and use the FULL EAF.
 Yes No

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 If No, a negative declaration may be superseded by another involved agency.
 Yes No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOCIATED WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

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:

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly:

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly:

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly:

D. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly

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.

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.

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:

Name of Lead Agency

Print or Type Name of Responsible Officer in Lead Agency

Title of Responsible Officer

Signature of Responsible Officer in Lead Agency

Signature of Preparer (If different from responsible officer)

Date

REC'D
TOWN OF NEW WINDSOR
 APR 25 2005
 ENGINEER & PLANNING

05-10

PROJECT I.D. NUMBER

617.20

SEQR

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 Amerada Hess / Morris Associates, PS, LLC	2. PROJECT NAME: Amerada Hess Corporation BD Mart #619
3. PROJECT LOCATION: Municipality <u>Town of New Windsor</u> County of <u>Orange</u>	
4. PRECISE LOCATION (Street address and road Intersections, prominent landmarks, etc., or provide map) <u>173 Windsor Highway - Northeast Quadrant of NYS Route 32 at County Route 69 (Union Avenue)</u>	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: <u>Redevelopment and expansion of existing use of convenience store with gasoline sales; Installation of two 20,000 gallon fuel tanks (underground) and decommissioning of existing underground storage tanks. Construction of new 3,514 square foot building and six pump islands with a 79'x35' overhead canopy. Closing one existing curb opening, using three.</u>	
7. AMOUNT OF LAND AFFECTED: Initially <u>0.694</u> acres Ultimately <u>0.694</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If No, Describe Briefly <u>This project requires an amended Special Use Permit and Variances, in addition to those previously granted this site and use.</u>	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" 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: <u>Used car dealership adjacent and to the north;</u> <u>Residential zone and single family detached residence adjacent and to the east</u>	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If yes, list agency(s) and permit/approvals <ul style="list-style-type: none"> • <u>Town of New Windsor Planning Board - Amended Special Use Permit / Site Plan</u> • <u>Town of New Windsor Zoning Board of Appeals - Variance</u> • <u>Orange County Department of Public Works - Work Permit</u> 	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If list agency name and permit/approval <ul style="list-style-type: none"> • <u>Town of New Windsor Planning Board - Amended Special Use Permit / Site Plan</u> • <u>Town of New Windsor Zoning Board of Appeals - Variance</u> 	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input checked="" 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: <u>Amerada Hess / Morris Associates, PS, LLC</u>	Date: <u>April 15, 2005</u>
Signature: <u><i>Dustin L. Adams, Agent</i></u>	

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

(OVER)

APR 25 2005

REFERRING TO QUESTION 9 ON THE APPLICATION FORM, AIS THIS PROPERTY WITHIN AN AGRICULTURAL DISTRICT CONTAINING A FARM OPERATION OR WITHIN 500 FEET OF A FARM OPERATION LOCATED IN AN AGRICULTURAL DISTRICT, PLEASE NOTE THE FOLLOWING:

- 54. NA Referral to Orange County Planning Dept. is required for all applicants filing AD Statement.

- 55. NA A disclosure Statement, in the form set below, must be inscribed on all site plan maps prior to the affixing of a stamp of approval, whether or not the Planning Board specifically requires such a statement as a condition of approval.

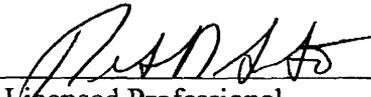
APrior to the sale, lease, purchase, or exchange of property on this site which is wholly or partially within or immediately adjacent to or within 500 feet of a farm operation, the purchaser or leasee shall be notified of such farm operation with a copy of the following notification.

It is the policy of this State and this community to conserve, protect and encourage the development and improvement of agricultural land for the production of food, and other products, and also for its natural and ecological value. This notice is to inform prospective residents that the property they are about to acquire lies partially or wholly within an agricultural district or within 500 feet of such a district and that farming activities occur within the district. Such farming activities may include, but not be limited to, activities that cause noise, dust and odors.

This list is provided as a guide only and is for the convenience of the Applicant. The Town of New Windsor Planning Board may require additional notes or revisions prior to granting approval.

PREPARER'S ACKNOWLEDGMENT:

THE PLAT FOR THE PROPOSED SITE PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THIS CHECKLIST AND THE TOWN OF NEW WINDSOR ORDINANCES, TO THE BEST OF MY KNOWLEDGE.

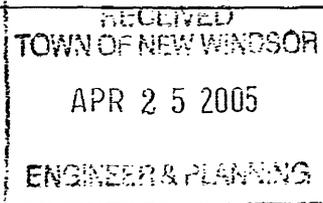
BY:  _____
Licensed Professional Date

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

PLEASE NOTE:

⌘ ⌘ ⌘ ⌘ ⌘ ⌘

THE APPLICANT OR THEIR REPRESENTATIVE IS RESPONSIBLE TO KEEP TRACK OF ALL EXPIRATION DATES FOR ANY AND ALL APPROVALS GRANTED TO A PROJECT. EXTENSIONS MUST BE APPLIED FOR PRIOR TO EXPIRATION DATE.



PROPOSED IMPROVEMENTS

- 22. _____ Landscaping (TO BE SUBMITTED LATER)
- 23. _____ Exterior Lighting "
- 24. _____ Screening (TO BE DISCUSSED @ PLANNING BOARD)
- 25. Access & Egress
- 26. Parking Areas
- 27. Loading Areas
- 28. _____ Paving Details (Items 25 - 27)
- 29. _____ Curbing Locations
- 30. _____ Curbing through section
- 31. _____ Catch Basin Locations
- 32. _____ Catch Basin Through Section
- 33. _____ Storm Drainage (SEE APPLICATION LETTER)
- 34. Refuse Storage
- 35. NA Other Outdoor Storage
- 36. _____ Water Supply (SEE APPLICATION LETTER)
- 37. _____ Sanitary Disposal System (SEE APPLICATION LETTER)
- 38. Fire Hydrants
- 39. Building Locations
- 40. Building Setbacks
- 41. Front Building Elevations
- 42. NA Divisions of Occupancy
- 43. Sign Details
- 44. Bulk Table Inset
- 45. Property Area (Nearest 100 sq. ft.)
- 46. Building Coverage (sq. ft.)
- 47. Building Coverage (% of total area)
- 48. Pavement Coverage (sq. ft.)
- 49. Pavement Coverage (% of total area)
- 50. Open Space (sq. ft.)
- 51. Open Space (% of total area)
- 52. No. of parking spaces proposed
- 53. No. of parking spaces required

RECEIVED
TOWN OF NEW WINDSOR
APR 25 2005
ENGINEER & PLANNING

TOWN OF NEW WINDSOR PLANNING BOARD

SITE PLAN CHECKLIST

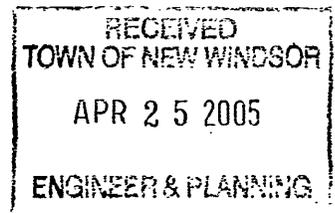
ITEM

- 1. Site Plan Title
- 2. Provide 4" wide X 2" high box **(IN THE LOWEST RIGHT CORNER OF THE PLAN)** for use by Planning Board in affixing Stamp of Approval. (ON ALL PAGES OF SITE PLAN).

SAMPLE:



- 3. Applicant's Name(s)
- 4. Applicant's Address
- 5. Site Plan Preparer's Name
- 6. Site Plan Preparer's Address
- 7. Drawing Date
- 8. Revision Dates
- 9. Area Map Inset and Site Designation
- 10. Properties within 500' of site **(TO BE PROVIDED BY ATTORNEY)**
- 11. Property Owners (Item #10) **ADJACENT OWNERS SHOWN ON PLAN**
- 12. Plot Plan
- 13. Scale (1" = 50' or lesser)
- 14. Metes and Bounds
- 15. Zoning Designation
- 16. North Arrow
- 17. Abutting Property Owners
- 18. Existing Building Locations
- 19. Existing Paved Areas
- 20. Existing Vegetation
- 21. Existing Access & Egress



9. Is this property within an Agricultural District containing a farm operation or within 500 feet of a farm operation located in an Agricultural District? Yes No

***This information can be verified in the Assessor's Office.**

***If you answer yes to question 9, please complete the attached Agricultural Data Statement.**

10. Detailed description of Project: (Use, Size, Number of Lots, etc.) Redevelopment and expansion of existing use as convenience store with gasoline sales; 3,514 S.F. Building with six pump islands, 20 off street parking spaces, one curb cut on Rt. 69, two on Route 32.

11. Has the Zoning Board of Appeals Granted any Variances for this property? yes no

12. Has a Special Permit previously been granted for this property? yes no

IF THIS APPLICATION IS SIGNED BY ANYONE OTHER THAN THE PROPERTY OWNER, A SEPARATE NOTARIZED STATEMENT OR PROXY STATEMENT FROM THE OWNER MUST BE SUBMITTED, AT THE TIME OF APPLICATION, AUTHORIZING THIS APPLICATION.

STATE OF NEW YORK)

SS.:

COUNTY OF ORANGE)

THE UNDERSIGNED APPLICANT, BEING DULY SWORN, DEPOSES AND STATES THAT THE INFORMATION, STATEMENTS AND REPRESENTATIONS CONTAINED IN THIS APPLICATION AND SUPPORTING DOCUMENTS AND DRAWINGS ARE TRUE AND ACCURATE TO THE BEST OF HIS/HER KNOWLEDGE AND/OR BELIEF. THE APPLICANT FURTHER ACKNOWLEDGES RESPONSIBILITY TO THE TOWN FOR ALL FEES AND COSTS ASSOCIATED WITH THE REVIEW OF THIS APPLICATION.

SWORN BEFORE ME THIS:

15th DAY OF April 2005

(OWNER'S SIGNATURE)

Peter D. Setaro
(AGENT'S SIGNATURE)

Peter D. Setaro

Please Print Agent's Name as Signed

Marilyn O'Brien
NOTARY PUBLIC

MARILYN O'BRIEN
Notary Public, State of New York
4923171, Dutchess County
Commission Expires 5/2/06

TOWN OF NEW WINDSOR
TOWN USE ONLY!
APR 25 2005
ENGINEER & PLANNING

05-10

DATE APPLICATION RECEIVED

APPLICATION NUMBER

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4615
Fax: (845) 563-4695

PLANNING BOARD APPLICATION

TYPE OF APPLICATION (check appropriate item):

Subdivision _____ Lot Line Change _____ Site Plan Special Permit

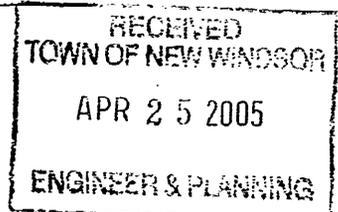
Tax Map Designation: Sec. 12 Block 2 Lot 1

BUILDING DEPARTMENT PERMIT NUMBER PA 2005 - 98 (12-2-1)

1. Name of Project Amerada Hess Corporation DB-Mart #619
2. Owner of Record Orwest New Windsor, Inc. c/o Ralph DiBart Phone _____
Address: 400 Central Park West - Unit 7-R; New York, NY 10025
(Street Name & Number) (Post Office) (State) (Zip)
3. Name of Applicant Amerada Hess (Andy Lautenbacher) Phone (732) 750-6192
Address: 1 Hess Plaza, WB-PL Woodbridge New Jersey 07095-0961
(Street Name & Number) (Post Office) (State) (Zip)
4. Person Preparing Plan Morris Associates (Pete Setaro, PE) Phone (845) 454-3411 (X 29)
Address: 9 Elks Lane Poughkeepsie New York 12601
(Street Name & Number) (Post Office) (State) (Zip)
5. Attorney Cuddy & Feder LLP (Neil Alexander, Esq.) Phone (914) 761-1300
Address 90 Maple Avenue White Plain New York 10601
(Street Name & Number) (Post Office) (State) (Zip)
6. Person to be notified to appear at Planning Board meeting:
Richard Harper (845) 454-3411 (X 31) (845) 473-1962
(Name) (Phone) (fax)
7. Project Location: On the NE Quadrant side of NYS Rt 32 and County Route 69 (Union Ave.)
(Direction) Neighborhood (Street)
8. Project Data: Acreage 0.694 Zone Commercial School Dist. Newburgh

PAGE 1 OF 2

(PLEASE DO NOT COPY 1 & 2 AS ONE PAGE TWO-SIDED)



05-10



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN / VILLAGE OF: New Windsor P/B APP. NO.: 05-10 ^{low-3}

WORK SESSION DATE: 20 April 2005 PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: No RESUB. REQ'D: Fill App

PROJECT NAME: Hess Tp Union

REPRESENTATIVES PRESENT: Neil Abercrombie / Rich

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:

3pm pickup in front of dumpster

ZBA

drop sign height.

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____
(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS: Y _____ N

ZBA Referral: Y _____ N

Ready For Meeting Y _____ N

Recommended Mtg Date next am



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 05-10

WORK SESSION DATE: 6 April 2005 PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: RESUB. REQ'D:

PROJECT NAME: Hess - Union

REPRESENTATIVES PRESENT: Neil / - / -

MUNICIPAL REPS PRESENT: BLDG INSP. FIRE INSP.
ENGINEER X PLANNER
P/B CHMN OTHER

ITEMS DISCUSSED:

- pkr - 3 empl. spaces in lot
= .27
= Variance get back
- pkr carry on variance
need exit eval.
- 1/2 variance
next avail for review
and referral to
ZBA

STND CHECKLIST: PROJECT TYPE
DRAINAGE SITE PLAN
DUMPSTER SPEC PERMIT
SCREENING LL CHG.
LIGHTING SUBDIVISION
(Streetlights)
LANDSCAPING OTHER
BLACKTOP
ROADWAYS
APPROVAL BOX

PROJECT STATUS:
ZBA Referral: X Y N
Ready For Meeting X Y N
Recommended Mtg Date next avail



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhapa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor

P/B APP. NO.: 1003
05-10

WORK SESSION DATE: 2 March 2005

PROJECT: NEW X OLD

REAPPEARANCE AT W/S REQUESTED: later

RESUB. REQ'D: fill later

PROJECT NAME: Hess

REPRESENTATIVES PRESENT: Nesl Alexander / Rich Harper

MUNICIPAL REPS PRESENT:
BLDG INSP. _____
ENGINEER X
P/B CHMN _____

FIRE INSP. _____
PLANNER _____
OTHER _____

ITEMS DISCUSSED: Rt 32/Vardon Ave

STND CHECKLIST:

DRAINAGE _____	<u>PROJECT TYPE</u>
DUMPSTER _____	SITE PLAN
SCREENING _____	SPEC PERMIT
LIGHTING _____	L L CHG.
(Streetlights)	SUBDIVISION
LANDSCAPING _____	OTHER

formed db road

disc OKPLW concern

I agree

look @ alt layout

Puss Ave rt 32 cont

896-2229

PROJECT STATUS:
ZBA Referral: XY later N
Ready For Meeting: YES Y N
Recommended Mtg Date: next arm?

**Re: Hess – New Windsor
173 Windsor Highway
MA #204152.02**

Procedurally, Hess' application for a building permit was denied based on the fact that variances are required from the Zoning Board of Appeals as to the rear yard setback, the number of parking spaces, and the size of certain signs, and because the proposed plan requires review and approval by the Planning Board. Original building placement and traffic patterns were revised as a result of closing the curb cut on Co. Rte. 69. Hess also recognizes the need to provide screening in the form of fencing or vegetation along its eastern property line, and looks forward to discussing that issue with the Planning Board.

Materials Submitted

As instructed by Mr. Edsall, we are hereby submitting a formal application package, including fees and required information. Please find attached eight copies of the Site Plan and the Signage Plan/Package, a short form EAF, and the Application for Special Use Permit form. We also have enclosed a check in the amount of \$750 for the Escrow Account, as well as a check in the amount of \$375 for the application fee and the special use permit fee. We have previously submitted a document granting Morris Associates authority to act as agents for Amerada – Hess in applying for review and approval on this property.

Engineering plans addressing utilities and drainage will be forthcoming. Obviously, the new facility will take service from existing mains at the site. Also, the Planning Board engineer requested that we submit lighting and landscaping at a later date.

It is our understanding we will attend another work session with Mr. Edsall on the morning of April 20th, and be placed on the Planning Board's agenda for April 27, 2005.

If you have any questions, or if our understanding of the schedule and process is incorrect, please call me at 454-3411, extension 31.

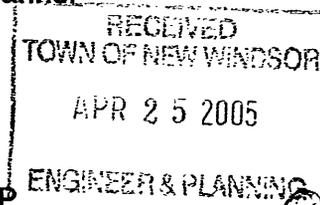
Very truly yours,

MORRIS ASSOCIATES

Richard Harper
Richard Harper,
Planner

RH:mo
Enclosures

cc: Andy Lautenbacher (Amerada-Hess)
Neil J. Alexander, Esq., Cuddy & Feder LLP





MORRIS ASSOCIATES, P.S., L.L.C.

ENGINEERING CONSULTANTS

9 Elks Lane, Poughkeepsie, New York 12601

Tel: (845) 454-3411 Fax: (845) 473-1962

E-Mail: morrisassociates@aol.com

April 15, 2005

Town of New Windsor Planning Board
Town Hall
555 Union Avenue
New Windsor, NY 12553

Attn: James Petro, Jr., Chairman
and Members of the Planning Board

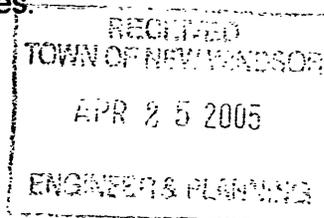
Re: Hess – New Windsor
(MA File # 204152.02)
Former DB Mart #619
Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Petro and Members of the Planning Board:

On behalf of Amerada-Hess, we are making application to redevelop and expand the existing self-service gasoline station and convenience store on the subject premises located at the northeast quadrant of the intersection of NYS Rte. 32 and Co. Rte. 69. The use does not change. In making application, our client seeks an amended Site Plan Approval and Variances from the Zoning Code beyond those previously granted for this property. In addition, it is our understanding that the Planning Board may require an amended Special Permit even though a special permit was previously issued allowing a self-service gasoline station and convenience store on the premises. The purpose of this letter is to provide the Planning Board with a preliminary understanding of the desired Hess Facility on the premises, and to request that this matter be referred to the Zoning Board of Appeals for the necessary variances.

The Proposed Hess Facility

We have attended two work sessions with Mark Edsall, P.E. During those work sessions, Hess addressed the concerns raised by Mr. Edsall and the Orange County Department of Public Works concerning the proposed use of the existing curb openings along Co. Rte. 69 (Union Avenue). In fact, Hess has responded by revising the site layout to mitigate this concern for traffic safety. As a result, Hess has agreed to close the existing curb cut on Co. Rte. 69 closest to the intersection so that there will only be a single curb opening on Co. Rte. 69. This change will increase the distance between the intersection and the curb cut from the existing 47 feet to the currently proposed 118 feet. Additionally, the proposed Hess Facility will involve an expansion of the existing gasoline station and convenience store to a 3514 square foot building with 6 associated pumping stations and 20 parking spaces.



05-10



ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS
P.O. Box 509, 2455 Route 17M
Goshen, New York 10924-0509
TEL (845) 291-2750 FAX (845) 291-2778

Edward A Diana, County Executive
Edmund A. Fares, P.E., Commissioner of Public Works

March 15, 2005

Richard Harper
Morris Associates, PS, LLC
Engineering Consultants
3 Elks Lane
Poughkeepsie, New York 12601

Re: Amerada Hess – Site Plan
County Road No. 69 Union Ave. & NYS Rte. 32 – Windsor Highway
Alternate Scheme “A” – Sketch
Dated: 3/3/05

Dear Mr. Harper:

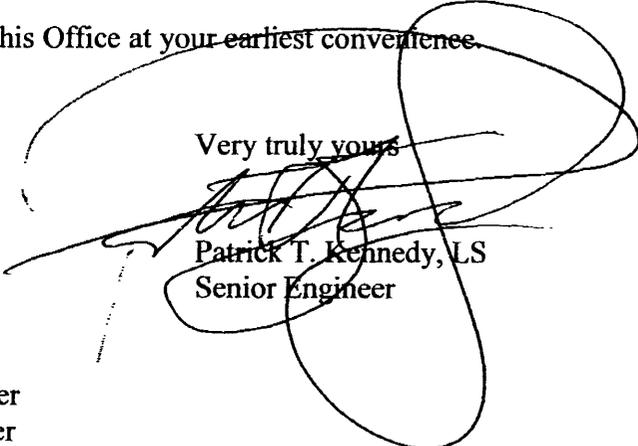
This Department has reviewed the Sketch Plan for the above referenced project and has the following comments.

The Driveway Entrance revisions shown for County Road No. 69 are now acceptable to this Department.

A full set of Site Plans prepared in conformance with the Policy & Standards of the Orange County Department of Public Works must be submitted through the Town of New Windsor for review and approval.

If you have any questions please contact this Office at your earliest convenience.

Very truly yours



Patrick T. Kennedy, LS
Senior Engineer

Cc: Charles W. Lee, PE, Deputy Commissioner
Cesare L. Rotundo, PE, Principal Engineer
Mark J. Edsall, PE, Planning Board Engineer



ORANGE COUNTY
DEPARTMENT OF PUBLIC WORKS
P.O. Box 509, 2455 Route 17M
Goshen, New York 10924-0509
TEL (845) 291-2750 FAX (845) 291-2778

Edward A Diana, County Executive
Edmund A. Fares, P.E., Commissioner of Public Works

February 22, 2005

James Petro, Jr., Chairman
Town of New Windsor, Planning Board
555 Union Ave.
New Windsor, New York 12553

Re: Amerada Hess Corp. – Proposed Site Plan
County Road No. 69 Union Ave. and New York State Route 32 – Windsor Highway
Plans by: Morris Associates, PS, LLC
Dated: 1/31/05
Sheets 1 & 2 of 2

Dear Mr. Petro:

This Department has reviewed the plans for the above referenced project and has the following comments.

I spoke with Mark Edsall, PE, Planning Board Engineer by telephone Friday February 18, 2005 to discuss the above referenced project and as I suspected the Planning has not yet seen the plans I received from the project engineer.

This Departments concern at this time as the plans are not complete is the driveway modifications on County Road No. 69.

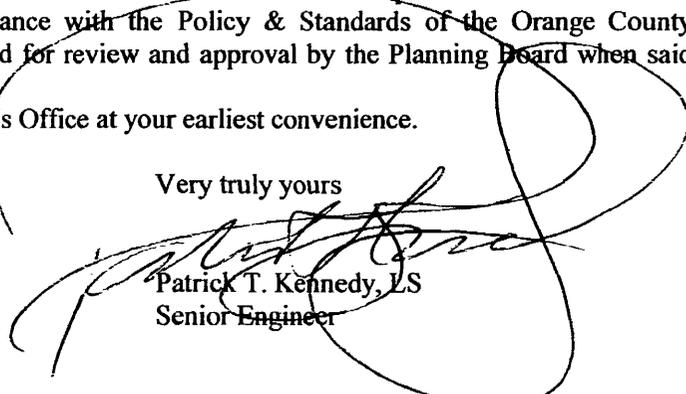
The project proposes closing the driveway furthest from the intersection of Route 32 and leavening and modifying the driveway closest to the intersection which scales on the plans as being 30 feet± from the painted Stop Bar. This is unacceptable.

The existing driveway closest to the intersection of Route 32 must be closed and the driveway furthest from the intersection must be modified to be located as far from the intersection as possible.

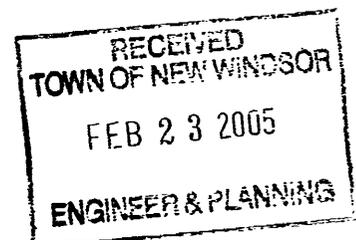
A full set of plans prepared in conformance with the Policy & Standards of the Orange County Department of Public Works must be submitted for review and approval by the Planning Board when said plans have been submitted to you.

If you have any questions please contact this Office at your earliest convenience.

Very truly yours


Patrick T. Kennedy, LS
Senior Engineer

Cc: Charles W. Lee, PE, Deputy Commissioner
Cesare L. Rotundo, PE, Principal Engineer
Mark Edsall, PE, Planning Board Engineer
Morris Associates
Siby Zacharia-Carbone, Resident Engineer, NYSDOT



David Sarinsky
298 Union Ave
New Windsor NY 12553

5 March 2005

RECEIVED
MAR 08 2005
BUILDING DEPARTMENT

TO: NEW WINDSOR VARIANCE BOARD

I am writing this letter to you because I have recently seen the plans for the new Hess Market that is going to be built along side my residential property on 298 Union Avenue.

They are going to ask for a variance to place the building right on the back property line, closest to my residential home where my children play. I STRONGLY oppose this variance request. Also right now there is a row of trees shielding my home from the back of Dairymart. They now plan on removing the trees. Being next door to the existing Dairymart there has always been a garbage and rat problem and a noise problem. Those trees helped eliminate some of the problems. It is obvious that there has to be some kind of protective shielding between the two properties.

I have lived in New Windsor all my life (50 years) and my business has been here for 33 years. I am asking the Board to please enforce the current setback laws that are put in place to protect residential home owners.

Sincerely,



David Sarinsky

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 04/25/2005

PAGE: 1

LISTING OF PLANNING BOARD **FEES**
ESCROW

FOR PROJECT NUMBER: 5-10
NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/25/2005	REC. CK. #2827	PAID		750.00	
		TOTAL:	0.00	750.00	-750.00

Handwritten signature
4/26/05

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#385-2005

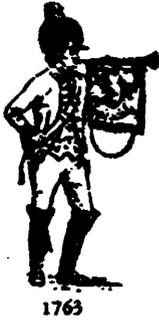
04/26/2005

Amerada Hess Corporate *P.B.# 05-10*

Received \$ 375.00 for Planning Board Fees, on 04/26/2005. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk



TOWN OF NEW WINDSOR

TOWN CLERK'S OFFICE
555 UNION AVENUE
NEW WINDSOR, NEW YORK 12553
Telephone: (845) 563-4611
Fax: (845) 563-4670

RECEIVED
MAY 2 2005
TOWN CLERK'S OFFICE

REQUEST FOR PUBLIC RECORDS

Date: 5/2/05

Name: Jeff Martell

Address: 786 Mountain Blvd
Watchung, NJ 079069

Phone: (908) 668-8300

Representing: Property ~~owner~~ OWNER: across ~~the~~
RT 32

Please specify:

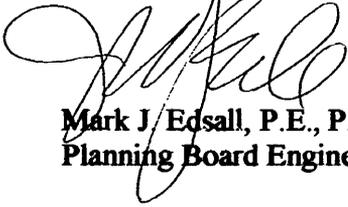
- Property location (street address or section, block and lot number)
- Department you are requesting records from
- Describe information requested as fully as possible

Hess Application
Intersection of Ct 69 & Rt 32

Documents may not be taken from this office.

2. **Prior to making the referral, the Board should discuss, with the Applicant, the alternative investigated by the Applicant for site layout, and the pre-reviews made by the Orange County Department of Public Works regarding site access safety.**
3. **Once the applicant returns from the ZBA, we will continue our review of the application.**

Respectfully Submitted,



**Mark J. Edsall, P.E., P.P.
Planning Board Engineer**

MJE/st
NW05-00-01Jan05.doc



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

**RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)**

**MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553**

**(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENY@MHEPC.COM**

**WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM**

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

PROJECT NAME: AMERADA HESS CORP. SITE PLAN
PROJECT LOCATION: UNION AVENUE & NYS RT. 94
SECTION 12 – BLOCK 2 – LOT 1
PROJECT NUMBER: 05-10
DATE: 27 APRIL 2005
DESCRIPTION: THE APPLICATION PROPOSES THE REDEVELOPMENT OF THE “DB MART” SITE TO CONTINUE THE USE AS RETAIL AND GASOLINE/FUEL SALES. THE PLAN WAS REVIEWED ON A CONCEPT BASIS.

1. The property is located in the NC zoning district of the Town. The gasoline station use is Special Permit Use B-7 of the zone, with the retail use being an “ancillary use” per Section 300-26 of the Code. The use has existing status on the site, although the applicant is before the Board to reconstruct the site.

The bulk information shown on the plan is correct, with the following corrections needed:

- Provide row for Total Side Yard Setback (30') (Provided n/a)
- Add Street Frontage requirement row (n/a)
- Provided side yard value for building appears incorrect
- Ingress/Egress setback value (in code Section 300-26-B applies to Town Roads; both roads are non-Town; therefore the value does not apply. Remove references).

The Existing Conditions Plan should include setback dimensions to document the values shown on the bulk table as existing. On the Proposed Site Plan, similarly, all values noted in the bulk table should be depicted on the plan.

The application requires a variance for rear yard setback as well as requested sign variances. A referral to the Zoning Board of Appeals is required.

REGIONAL OFFICES

- 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
- 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •



TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS
Regular Session
Date: JUNE 27, 2005
AGENDA

7:30 p.m. – Roll Call

PRELIMINARY MEETINGS:

SET UP
FOR P/H

1. **FRANCES AUGUST (05-35)** Request for 2 ft. Side Yard Setback and; 1.5 ft. Total Side Yard Setback for proposed addition and; INTERPRETATION for Single Family Home with two kitchens; all at 30 Continental Drive in an R-4 Zone (45-1-27)

SET UP
FOR P/H

2. **M & Y BUILDERS (05-37)** Request for 21,847 sq. ft. Minimum Lot Area for proposed single family home at 8 Schwartz Lane in an R-1 Zone (52-1-8.1)

SET UP
FOR P/H

3. **LANDMASTER HARP, LLC (05-34)** Request for 6.5 ft. building height variance on proposed Harp Estates Condominium Project at Unit Numbers 14, 20, 26, 32, 40, 58, 66, 72, 78 & 84 on Iron Forge Lane and Units 23 & 29 on Covington Road all in R-5 Zone (65-2-1.1, 1.2 & 3)

SET UP
FOR P/H

4. **AMERADA HESS CORP. (05-36)** Request for:
7 ft. Rear Yard Setback and; 30 square foot variance for façade sign and;
4 parking spaces and; ~~one additional façade sign for three businesses~~
All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1)

PUBLIC HEARINGS:

APPROVED

5. **EDUARDO GUERRERO (05-12)** Request for 5 ft. Rear Yard Setback for proposed in-ground pool at 2818 Cherry Tree Way in an R-3 Zone (77-1-20)

APPROVED

6. **ROBERT STUETZLE (05-23)** Request for 27 ft. Rear Yard Setback for proposed attached two-car garage on a corner lot at 69 Blooming Grove Tpk. in an R-4 Zone (48-1-15)

APPROVED

7. **VERNON COUSER (05-27)** Request for:
7 ft. Rear Yard Setback for existing carport and;
Existing Accessory Blding projects closer to street than principal blding and;
Existing 6 ft. fence projecting between front of principal building and street

All at 93 Silver Spring Road in an R-4 Zone (20-2-9)

APPROVED

8. **EXXON MOBIL (05-17)** Request for variance of:
29 ft. front yard (canopy – Rt. 32) 18 ft. Side yard (car wash)
31 ft. front yard (building – Rt. 94) 6 ft. Maximum Building Ht. (car wash)

All at Corner of Rt. 32 & Rt.94 – Vails Gate in a C Zone (69-4-26.2)

come back and start with the site plan. There's no sense going over it if you're not successful.

MR. ARGENIO: I'll make a motion for approval of Amerada Hess Corp. site plan.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Amerada Hess site plan on Route 94 and Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MASON	NO
MR. GALLAGHER	NO
MR. ARGENIO	NO
MR. SCHLESINGER	NO
MR. PETRO	NO

MR. PETRO: At this time, you have been referred to the New Windsor Zoning Board for your necessary variances. If you're successful and receive those variances, you can then apply to this board to move on with the planning board.

MR. ALEXANDER: We're being sent with just a neutral?

MR. PETRO: Yeah, just whatever they decide, you have a somewhat a positive because coming from our engineer that you're really meeting his request, that's why the rear yard setback is what it is, make sure that the zoning board findings are put on the plan before you reappear before this board.

MR. ALEXANDER: Thank you.

MR. PETRO: What you're really saying when they go to zoning board, the zoning board should know that this rear yard setback of 7 feet is really because of information that you wanted and Orange County--

MR. ARGENIO: To close the curb cut.

MR. EDSALL: Correct, this was not their original plan.

MR. PETRO: Now it's in the minutes and they can read it. What other variance?

MR. EDSALL: They had sign variance for facade sign, they had the setback variance and parking variance because come up short and the code does not allow them to take credit or partial credit for the spaces under the parking or the canopy for the pumping islands.

MR. PETRO: No credit for that at all?

MR. EDSALL: None.

MR. SCHLESINGER: What's the requirement on the parking?

MR. EDSALL: How many?

MR. ALEXANDER: We're four short, requirement would be 24 and we have 20 plus we have 12 under the canopy so we have 32, however, if you want to give us full credit.

MR. SCHLESINGER: Short four technically?

MR. ALEXANDER: Correct.

MR. PETRO: What we're going to do is we're not going to waste our time and yours tonight because we'll send you for the variance and if you're successful you'll

MR. PETRO: Why wouldn't you if you're 7 feet off?

MR. EDSALL: Because particularly this use in the zone the height is not based on the setback, it's one of the cases where specific height provided 23 feet, so you could build a 23 foot building one foot off the property as long as you got a variance to build it.

MR. ARGENIO: All you need is the horizontal setback from the property line as long as you're not taller than 23 feet.

MR. BABCOCK: That's correct.

MR. EDSALL: Correct.

MR. PETRO: Are you done with your presentation?

MR. ALEXANDER: As long as you don't need to hear from me further, I'm done.

MR. PETRO: Any questions you want to ask him?

MR. EDSALL: Just to expand on the issue of the curb cut independently the Orange County Department of Public Works and our review both push the applicant to close that one driveway because of conflicts with the queuing and vehicles entering and exiting, it was a safety issue, so they provided just so the record is clear various alternatives at the workshop, many of which got shot down because they didn't correct the safety issue. So they're here reacting to what the County and our office suggested.

MR. ARGENIO: I think it should be closed, Mark, in my opinion.

MR. EDSALL: It's a trend and it's a safety issue that's paramount.

that we're seeking.

MR. PETRO: Mark told me one of the variances rear yard was you really didn't need to have the building setback so far but the DOT wanted the other curb cut close, is that true?

MR. ALEXANDER: That's accurate.

MR. EDSALL: County DPW.

MR. PETRO: County, I'm sorry, so you moved it back further so you can keep the other one open or both closed?

MR. ALEXANDER: We're creating an area to have parking on, we're increasing the parking, parking options and circulation and removing the stacking, traffic light here, there's a queuing and stacking issue with regard to the existing--

MR. PETRO: That one I can see.

MR. ALEXANDER: We're closing it up in order to fix that queuing issue, that way people here can get through here and then there's no conflict between people trying to come out here with the queuing that's occurring.

MR. PETRO: You're going to need a height variance.

MR. ALEXANDER: I don't believe we will.

MR. PETRO: So many feet off the property line, you're only 7 feet off, they're going to need a height variance.

MR. EDSALL: I'll check.

MR. ALEXANDER: That hadn't come up previously.

MR. EDSALL: Use is fine.

MR. PETRO: Okay, why don't you give us a little show just for the record.

MR. ALEXANDER: My name is Neil Alexander, I'm a partner in the law firm of Cuddy & Feder. With me here tonight as well is Mr. Harper who you referenced from Morris Associates and Mr. Lautenbacher (phonetic) from Amerada Hess.

MR. PETRO: Are you guys making some money these days or not? You all right? We don't want to worry about it.

MR. ALEXANDER: We know you're all familiar with this DB Mart, Hess is looking to build approximately a 3,500 square foot building here. We've been working closely not only with the County but with Mr. Edsall's office and we have come up with a plan that reconfigures the site quite a bit and enables us to close one of the existing curb cuts. So that way we'll leave one curb cut on the 69 side and two on the Route 32 site. Because of that and a few other reasons what winds up happening the building winds up approximately 7 feet back from the rear property line. Hess has already committed to whatever fencing or vegetation as well as finishing all four sides of the building in order to ameliorate that issue, I know I'm going to have to make this case over at the ZBA, I'm just enlightening you quickly. The other variance has to do with signage on the building facade itself and the third variance has to do with the number of parking spaces. Essentially your code does not give credit for the fact that we're only going to have 12 pumping stations and when a person pumps gas and goes in, they don't move their car into a parking space, that's where we're under on parking but from a utilization standpoint, we have plenty. I'm just laying out to you the three variances

AMERADA HESS CORP. (05-10)

MR. PETRO: Proposed renovation of existing Dairy Mart to Hess Gas Station. Mark, when you say renovation, it's my understanding they're ripping the whole thing down, why is it a renovation? It's one hell of a renovation.

MR. EDSALL: It's a big one.

MR. PETRO: About as big as you can get.

MR. EDSALL: Other than digging out the site as well.

MR. PETRO: Application proposes redevelopment of the the DB Mart site to continue the use as retail and gasoline fuel sales. The plan is reviewed on a concept basis only, NC zone, gasoline station use is a special use permit, B-7 of the zone, are they going to have to go back, it hasn't lost that use yet?

MR. EDSALL: No.

MR. PETRO: Right now the special use permit is still valid?

MR. EDSALL: It is effectively it's my belief that the special permit is continuing that they're coming in for a site plan change cause they're re-orienting the layout.

MR. PETRO: Okay so right now we don't need zoning for the use, we may need zoning for something else but not the use.

MR. EDSALL: They need zoning board because of again some area variances, setback, because of the reconfiguration.

MR. PETRO: But the use is still permitted.

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION - Continued

REQUIREMENTS

P.B. # **05-10**

ZONE: **NC**

USE: **B-7**

	REQUIRED	PROPOSED	VARIANCE REQUESTED
MIN. LOT AREA	15,000 sf	30,247	-
MIN. LOT WIDTH	125 ft	172	-
REQUIRED FRONT YARD	40 ft	26 ft (canopy) Rt.32 (** exist 15 ft.)	-
REQUIRED SIDE YARD	15 ft.	45 ft.	-
REQUIRED TOTAL SIDE YARD	30 ft.	45 ft.	-
REQUIRED REAR YARD	15 ft.	8 ft.	7 ft.
REQUIRED FRONTAGE	n/a	-	-
MAX. BLDG. HT.	23 ft.	22'-8"	-
FLOOR AREA RATIO	0.5	0.203	-
MIN. LIVABLE AREA	n/a	-	-
DEVELOPMENTAL COVERAGE	85%	80%	-
O/S PARKING SPACES	24	20	4

**** denotes pre-existing non-conforming condition (or variance previously granted)**

PLEASE COMPLETE THE ENCLOSED ZONING BOARD APPLICATION AND RETURN TO THE ZONING BOARD SECRETARY AS INSTRUCTED IN THE APPLICATION PACKAGE. YOU WILL THEN BE PLACED ON THE NEXT AVAILABLE AGENDA FOR THE ZONING BOARD OF APPEALS.

CC: Z.B.A., APPLICANT, P.B. ENGINEER, P.B. FILE

OFFICE OF THE PLANNING BOARD
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

NOTICE OF DISAPPROVAL OF PLANNING BOARD APPLICATION

PLANNING BOARD FILE NUMBER: 05-10

DATE: 5-18-05
(revised 6-1-05)

APPLICANT:

Amerada Hess Corporation
1 Hess Plaza, WB-PL
Woodbridge, NJ 07095-0961

#1 ZBA 6-27-05

SET UP FOR P/H

#2 ZBA 7-25-05

PLEASE TAKE NOTICE THAT YOUR APPLICATION:

DATED: 04-15-05

FOR: SITE PLAN

LOCATED AT: Union Avenue

ZONE: NC

DESCRIPTION OF EXISTING SITE: SEC: 12 BLOCK: 2 LOT: 1

IS DISAPPROVED ON THE FOLLOWING GROUNDS:

Variance required for rear yard setback 15' permitted, 8' proposed (7' variance req'd);
Parking variance (4 spaces); Sign Variance for Façade sign – 25 s.f. permitted, 55 s.f.
proposed (30 s.f. variance req'd); and variance for two façade signs for a single business
(4 signs total proposed for 3 businesses).

TOWN OF NEW WINDSOR CODE: Bulk Regulations

Mark Edsall, P.E., P.P.
Mark J. Edsall, P.E., P.P.
Engineer for the Planning Board



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mheny@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhempa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 05-10

WORK SESSION DATE: 21 Sept 05 PROJECT: NEW OLD X

REAPPEARANCE AT W/S REQUESTED: _____ RESUB. REQ'D: new plans

PROJECT NAME: Amarade Hess.

REPRESENTATIVES PRESENT: Darin DeKosky / Richard Hays / Neil Alexander

MUNICIPAL REPS PRESENT:

BLDG INSP.	_____	FIRE INSP.	_____
ENGINEER	<u>X</u>	PLANNER	_____
P/B CHMN	_____	OTHER	_____

ITEMS DISCUSSED:

- Got variances - elm rear yard variance
- ck easements north side
- 36" RCP - need tie in.
- ck status of drainage point + ditch
- canopy must be called out recessed.
- detail - cut off pipes
- ck w/ MB re sep of water pipes
- s/s - req'd or new
- rec surf/water to Union
- * Acting for 9/28 to ask for P/M
- will do letter.

STND CHECKLIST:

DRAINAGE _____

DUMPSTER _____

SCREENING _____

LIGHTING _____

(Streetlights)

LANDSCAPING _____

BLACKTOP _____

ROADWAYS _____

APPROVAL BOX _____

PROJECT STATUS:

ZBA Referral: DONE N

Ready For Meeting X Y _____ N

Recommended Mtg Date letter 9/28

- finish back of bldg.



MORRIS ASSOCIATES, P.S., L.L.C.

ENGINEERING CONSULTANTS

9 Elks Lane, Poughkeepsie, New York 12601

Tel: (845) 454-3411 Fax: (845) 473-1962

E-Mail: morrisassociates@aol.com

September 22, 2005

Town of New Windsor Planning Board
Town Hall
555 Union Avenue
New Windsor, NY 12553

Attn: James Petro, Jr., Chairman,
and Members of the Planning Board

Re: **Hess – New Windsor**
(MA File # 204152.02)
Former DB Mart #619
Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Petro and Members of the Planning Board:

On behalf of Amerada-Hess, we are requesting further consideration of the amended Special Use Permit and Site Plan Application submitted to the Planning Board for the above-described project on April 15, 2005. Since we last met with the Planning Board, we have been before the Zoning Board of Appeals and received the necessary variances. A copy of the August 22, 2005 Zoning Board of Appeals approval resolution is in the Planning Board file. We also met with Mark Edsall, P.E., Planning Board Engineer, in a workshop on Wednesday, September 21, 2005. While we are in the process of finalizing the plans per our workshop discussion, we fully anticipate that these plans will be submitted no later than October 5, 2005. Consequently, we respectfully request that this item be scheduled for a public hearing on October 12, 2005.

Should the Planning Board or Town Staff have any questions or comments, please contact me at 454-3411, extension 31.

Send pictures to plan engineer.

To Authorize P.H.

*(A) } 5 days
(B) } 0 days*

RH: mo

Very truly yours,

MORRIS ASSOCIATES

Richard Harper
Richard Harper,
Planner

"Special Permit on Notice"

cc: Mark Edsall, P.E., PP, Town Engineer
Michael Babcock, Building Inspector
Andrew Lautenbacher, Amerada-Hess
Neil J. Alexander, Esq., Cuddy & Feder LLP

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on **OCTOBER 26, 2005** at 7:30 P.M. on the approval of the proposed Site Plan and Special Permit for **AMERADA HESS CORP. (05-10)** Located at **CORNER RT. 32 & UNION AVENUE** (Tax Map #Section 12, Block 2, Lot 1) . Map of the proposed project is on file and may be inspected at the **Planning Board Office**, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: OCTOBER 11, 2005

By Order of

TOWN OF NEW WINDSOR PLANNING BOARD

James R. Petro, Jr., Chairman

TIMES HERALD-RECORD

40 Mulberry Street, Middletown, NY 10940

State of New York:

County of Orange: ss:

Patricia Foddrill

Being duly sworn deposes and says that the ORANGE COUNTY PUBLICATIONS Division of Ottaway Newspapers-Radio, Inc. is a corporation organized under the laws of the State of New York and is, at all the times hereinafter mentioned, was the printer and publisher of The Times Herald-Record, a daily newspaper distributed in the Orange, Ulster, Rockland, Dutchess, Pike, PA, Delaware and Sullivan Counties, published in the English language in the City of Middletown, County of Orange, State of New York, that deponent is the

Legal Advertising Rep.

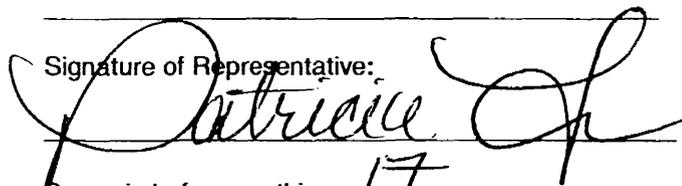
of said The Times Herald-Record acquainted with the facts hereinafter stated, and duly authorized by said Corporation to make this affidavit; that the

Public Notice

a true printed copy of which is hereunto annexed, has been duly and regularly published in the manner required by law in said The Times Herald-Record in each of its issues published upon each of the following dates, to wit: In its issues of

10/14/05

Signature of Representative:



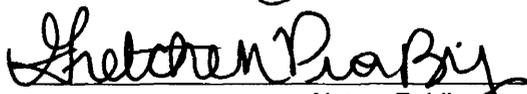
Sworn in before me this

17

Day of

Oct.

2005



Notary Public, Orange County
GRETCHEN PINA BREEDY
NOTARY PUBLIC FOR THE STATE
OF NEW YORK, ORANGE COUNTY
OATH / SIGNATURE IS ON FILE
COMMISSION EXPIRES 11/29/2005

Town of New Windsor
PLANNING BOARD
PUBLIC HEARING NOTICE

NOTICE IS HEREBY GIVEN that the PLANNING BOARD of the TOWN OF NEW WINDSOR, County of Orange, State of New York will hold a PUBLIC HEARING at Town Hall, 555 Union Avenue, New Windsor, New York on OCTOBER 26, 2005 at 7:30 P.M. on the approval of the proposed Site Plan and Special Permit for AMERADA HESS CORP. (05-10). Located at CORNER RT. 32 & UNION AVENUE (Tax Map #Section 12, Block 2, Lot 1). Map of the proposed project is on file and may be inspected at the Planning Board Office, Town Hall, 555 Union Avenue, New Windsor, NY prior to the Public Hearing.

Date: October 11, 2005

BY ORDER OF
TOWN OF NEW WINDSOR PLANNING BOARD
JAMES R. PETRO, JR., CHAIRMAN

Ad Number: 1807047 Advertiser: NEW WINDSOR, TOWN

Phone: 8455634615 Sys No: 1194114 Caller: MYRA

INVOKING CUSTOMER:

Phone: 8455634615 Sys No: 1194114 AcctNo: P.O. No:

Name: NEW WINDSOR, TOWN Subscriber:

Address: ZONING AND PLANNING

555 UNION AVENUE

NEW WINDSOR NY 12553

ORDER:

Printed By: THRFODRIL Date: 10/12/2005 Assigned Sales: AdType: LINEK Order Type: NORMAL

Manual Delay: Box No: Call Back: Y

NOTES:

Change Reason:

INSERTION:

Product: THH Paper: IN Class: 999X

Schedule: Start Date - 10/14/2005 End Date - 10/14/2005

Sort: TOWN OF NEW WINDSORPLANNING BOARDPUBLIC

PRODUCTION:

Text Size: 2 x 25.00 ProdType: ENTERPRISE ColorNo: 0 Colors:

Tearsheets: 1 Proofs: 0 Affidavits: 1 Alt Addr: N

PRICING:

Price: 46.75 Payment Method: BI Amount Paid: 0 Amount Owed: 46.75

PriceMethod: 0 (0=Normal, 1=User Net, 2=System Gross) Rate Code: LEL

For fields listed below 0 = NO 1 = YES

Till Forbid: 0 Mult. Content: 0

RECEIVED

OCT 20 2005

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1696
Phone: (845) 256-3143 • FAX: (845) 255-2987
Website: www.dec.state.ny.us



Denise M. Sheehan
Acting Commissione

March 23, 2005

MR DAVID DOLNICK
AMERADA HESS CORP
1 HESS PLAZA
WOODBRIIDGE NJ 07095-0961

Re: Spill No.: 97-00190
PBS No.: 3-177032
Location: Former Dairy Mart #6666/DB Store #619
173 Windsor Highway
New Windsor, NY Orange County

Dear Mr. Dolnick:

On March 22, 2005, this Office has received via Email the Site Status Report, dated January 2005, concerning the above referenced site. The Department denies the request for closure at this time. The Department will consider site closure, after receiving one additional sampling quarter in 2005. The Department will evaluate the data and decide to either close the site or request additional sampling.

Once the groundwater sampling results satisfy the Department and before site closure can be granted the abandonment of monitoring points on Mr. David Sarinsky's property located at 248 Union Ave. in New Windsor. Please submit a monitoring well abandonment plan, which would include repairs to the lawn where the monitoring points were located.

Please respond to these comments by April 25, 2005. If you have any questions or comments, you can contact me at (845)256-3152.

Sincerely,

Keith Browne
Environmental Engineer I
Region 3

cc: S. Herron
D. Traver
J. Myers - Hande:
D. Sarinsky
OCDH

Mr. D. Dolnick

Oct. 6, 2005

Page 2

- Sampling all monitoring wells and collect water level measurements from onsite (Frm Dairy Mart) and offsite (248 Union Ave.). All monitoring wells must be analyzed for EPA 8020/8021 plus MTBE. The water level measurements and groundwater sampling results shall be used to develop a groundwater contour and an isopleth contamination map.
- All sample analysis submitted must be performed by a NYS Department of Health certified laboratory.

Please respond to these comments by October 27, 2005. If you have any questions or comments, you can contact me at (845)256-3152.

Sincerely,



Keith Browne
Environmental Engineer I
Region 3

cc: P. John
D. Traver
M. Hughes - NYSDOH
J. Myers - Handex
D. Sarinsky
OCDH

D Sarinsky



Denise M. Sheehan
Acting Commissioner

New York State Department of Environmental Conservation
Division of Environmental Remediation, Region 3
21 South Putt Corners Road, New Paltz, New York 12561-1696
Phone: (845) 256-3143 • FAX: (845) 255-2987
Website: www.dec.state.ny.us

October 6, 2005

MR DAVID DOLNICK
AMERADA HESS CORP
1 HESS PLAZA
WOODBIDGE NJ 07095-0961

Re: Spill No.: 97-00190
PBS No.: 3-177032
Location: Former Dairy Mart #6666/DB Store #619
173 Windsor Highway
New Windsor, NY Orange County

Dear Mr. Dolnick:

Mr. David Sarinsky, property owner of 248 Union Ave., New Windsor, NY in Orange County, has made a complaint of gasoline vapors within his house. These gasoline vapors may be associated with the above referenced site. The Department is requesting a supplemental investigation of the site and of 248 Union Ave to determine the reported impacts. This supplemental investigation will sample the groundwater and conduct indoor air sampling. Please contact the property owner to gain access to 248 Union Ave. and the house to conduct the necessary sampling. This Office will require the following to be conducted for the supplemental investigation:

- Conduct indoor air sampling for 248 Union Ave. Follow the New York State Department of Health, "Indoor Air Sampling and Analysis Guidance," which is located on the internet at www.health.state.ny.us/nysdoh/indoor/guidance.htm. The indoor air sampling will be focused on petroleum compounds and the laboratory analysis will include tentatively identified compound (TICS). The Department is interested in the following TICS, 2,2,4-trimethylpentane (iso-octane), hexane, heptane, and methylcyclohexane.

The following are the sampling locations that should be used at 248 Union Ave.; collect at least two sub-slab soil vapor samples from the basement, collect indoor air samples from living areas of the basement, collect one indoor air sample from the main floor living area, and collect one outdoor air sample.

ENCORE® TOP ACCESS - FLAT LENS

CANOPY & CEILING LIGHTING

LUMINAIRE ORDERING INFORMATION

Luminaire Prefix	Distribution	Lamp Wattage	Light Source	Lens	Line Voltage	Luminaire Finish
ECTA	S - Symmetrical	175 200 250 320	PSMV - Pulse-Start Metal Halide 175, 200, 250, 320 Watt	F - Clear Flat Tempered Glass C73 - Diffused Flat Tempered Glass	MT - Multi-Tap ¹ TT - Tri-Tap ² 220V - 50Hz	WHT - White BRZ - Bronze

EXAMPLE OF A TYPICAL ORDER

ECTA S 250 PSMV F MT WHT

Options

QD - Quick Disconnect Plug³
HL - Hazardous Location⁴

FOOTNOTES

- 1- MT - Multi Tap is shipped standard unless otherwise specified. Multi Tap consists of 120V, 208V, 240V, and 277V. Multi Tap is pre-wired for 277V. Alternate voltages will require field re-wiring.
- 2- Tri-Tap is shipped standard for Canadian applications. Tri-Tap consists of 120V, 277V, and 347V. Tri-Tap is pre-wired for 347V. Alternate voltages will require field re-wiring.
3. Quick disconnect plug on socket leads and lamp leads from ballast for ease of installation.
4. Hazardous Location Option available on 250 watt maximum fixtures to meet Class 1, Division 2, Groups A, B, C, and D hazardous location requirements. Ground relamping not available with hazardous location option.

ACCESSORY ORDERING INFORMATION

Description	Order Number
Ground Lamp Changers :	
250, 320 Watt	132678A
200 Watt	179101Z
Kit DA to ECTA Retrofit White Panel	132627
175 Watt Pulse-Start Metal Halide (PSMV) Lamp	153864
200 Watt Pulse-Start Metal Halide (PSMV) Lamp	177426
250 Watt Pulse-Start Metal Halide (PSMV) Lamp	146684
320 Watt Pulse-Start Metal Halide (PSMV) Lamp	22187Z
175 Watt Pulse-Start Metal Halide (PSMV) Multi-Tap Ballast	156891
200 Watt Pulse-Start Metal Halide (PSMV) Multi-Tap Ballast	177453
250 Watt Pulse-Start Metal Halide (PSMV) Multi-Tap Ballast	146681
320 Watt Pulse-Start Metal Halide (PSMV) Multi-Tap Ballast	151262

© 2004 LSI INDUSTRIES INC.

Project Name _____ Fixture Type _____
 Catalog # _____



ENCORE® TOP ACCESS - FLAT LENS

HOUSING - Die-cast two-piece aluminum housing ensures a weather-tight, durable construction. Two threaded conduit openings allow use of ballast box as junction box for through wiring. Hazardous Location (HL) Option available on 250 watt maximum fixtures to meet Class 1, Division 2, Groups A, B, C, and D hazardous location requirements.

LENS/GASKET - Choose either a flat clear tempered glass lens or a C73 diffused flat tempered glass lens. A continuous one-piece extruded high temperature gasket ensures maximum sealing to the housing.

LENS FRAME/DOOR FASTENER - Features an integral hinged, die-cast aluminum lens frame. Door frame closes and locks with stainless steel spring catch, allowing easy access for ground re-lamping.

INSTALLATION - Designed for single deck canopies where access for installation and maintenance is available from above. The Encore Top Access insures a watertight seal without the need for additional sealants. The Encore Top Access can be installed by one person in either a 12" or 16" deck pan.

REFLECTORS/DISTRIBUTION PATTERNS - The vertical burn optical system and symmetrical reflector provide uniform general lighting under the canopy.

LIGHT SOURCES - Pulse-Start Metal Halide. Shipped with lamp installed.

BALLASTS - High-power factor type ballasts. Pulse-Start Metal Halide features Super CWA ballasts. Ballasts are designed for -20 degree F operation. The ballast is mounted in a separate enclosure above the optical unit to provide the lowest operating temperatures available.

FINISH - Standard colors are white or bronze powder coat finish. Each fixture is finished with LSI's DuraGrip® polyester powder coat finish process. The DuraGrip finish withstands extreme weather changes without cracking or peeling, and is guaranteed for five full years.

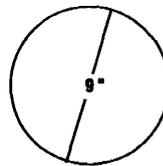
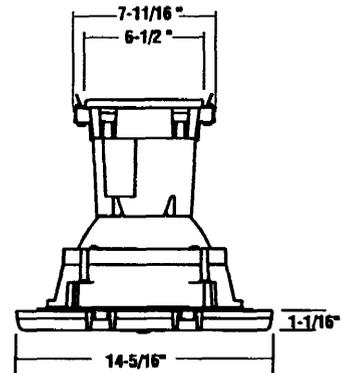
WARRANTY - The Encore Top Access unit carries a comprehensive 5-year warranty on all parts, finish, workmanship and electrical components (excluding lamp).

PHOTOMETRICS - For detailed photometric data, contact LSI Petroleum Lighting Sales.

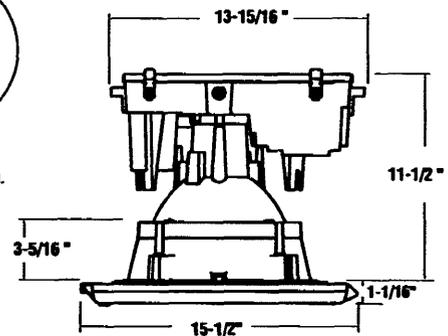


Protected by the following patents:
 5,662,407 6,059,422 6,152,579 6,224,233 6,464,378
 Patentado 199,294 CA2276077 CA2381049
 and Pat. Pend.

DIMENSIONS



Deck requires 9" diameter opening.



NOTE: Encore Top Access can be mounted in a single skin canopy with 12" or 16" deck pans.



© 2004 LSI INDUSTRIES INC.

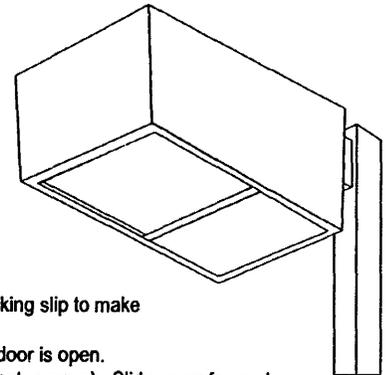


Project Name _____ Fixture Type _____
 Catalog # _____

INSTALLATION AND ASSEMBLY INSTRUCTIONS

CITATION® CTL / CT2H / CT2V / CTS LUMINAIRE SERIES

NOTE: GR option (Ground Relamp) fixtures must use kit #161716. Use those instructions to install lamps.



WARNING: Risk of fire or electrical shock. Disconnect power before installing or servicing.

WARNING: Verify the existing input voltage and choose matching voltage on multi-tap ballast before wiring.

LUMINAIRE PREPARATION

1. Remove luminaire from packaging, taking care to protect lens and luminaire finish. Check packing slip to make sure all parts are present before proceeding.
2. Loosen door fasteners and open door. Do not put pressure on the inside of door frame when door is open.
3. If the luminaire has a reflector as shown in Fig. 2, 3, 4, 6, or 7, loosen ballast cover screw (do not remove). Slide cover forward and set aside. If luminaire is equipped with reflector shown in Fig. 5, remove whole reflector.

ARM ASSEMBLY

4. Lay pole on raised surface. Protect pole finish with soft cloth. See Fig. 1.
5. Insert nut plate into pole end, so the large center hole is closest to the pole end. Thread both all-thread rods into nut plate.
6. Slide arm over all-thread. Position luminaire over arm. Secure luminaire using flat washer, lock washer, and nut (in that order), then tighten. Repeat for other all-thread.
7. Feed wire from luminaire through bracket and into pole.

NOTE: Field mounting connections are to be made in such a manner so as to exclude water from wireway.

WIRING CONNECTIONS

NOTE: Wiring to be performed by qualified electrician only.

WARNING: Risk of electrical shock. High temperatures inside luminaire. Make certain supply wiring is not "hot" before wiring. Make certain line voltage corresponds with ballast's primary voltage. See ballast label.

IMPORTANT: Supplied pigtail wiring is rated 150 degree C!

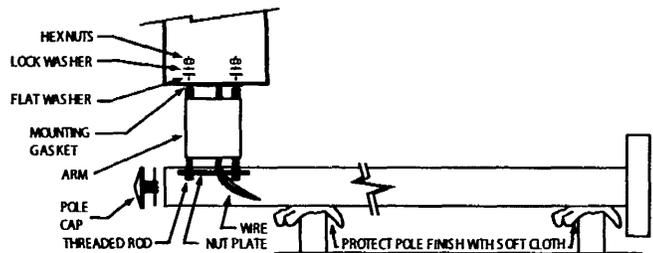


FIG. 1

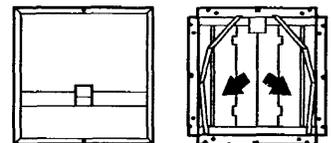
8. Wire luminaire per local code and the National Electrical Code.
- NOTE:** Make certain all unused leads are capped.
9. Direct wiring away from ballast and reflector using wire tie provided.

LUMINAIRE ASSEMBLY

10. Reinstall ballast cover. Secure by tightening screw. If reflector is type in Fig. 5, replace reflector.
11. Clean surface of reflector, plus inside and outside of door lens, with soft cloth and non-ammonia, non-static cleaner.
12. Check to make sure lamp type and wattage are the same as shown on luminaire label. To ensure best contact in socket, tighten, loosen, and then retighten lamp. Wipe lamp with a soft, dry, clean cloth.

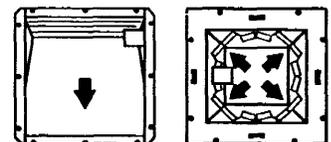
NOTE: If lamp is dirty, operating hours and performance will significantly decrease.

13. Close door and tighten fasteners. Install pole cap.
14. The luminaire/pole assembly is now ready for installation to anchor bolts. When erecting pole, use belts, slings or ropes - do not use chain or cable. Do not attach at luminaire arm.
15. Install base cover if supplied.



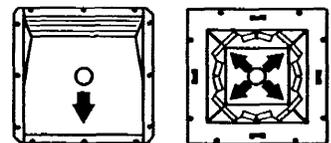
TYPE "A" - Horizontal
FIG. 2

TYPE III - Horizontal
FIG. 3



TYPE FT - Horizontal
FIG. 4

TYPE V
FIG. 5



TYPE FP - Vertical
FIG. 6

TYPE V - Vertical
FIG. 7

FIG. 3-7 arrows depict light distribution.



156856 Rev. 11/03

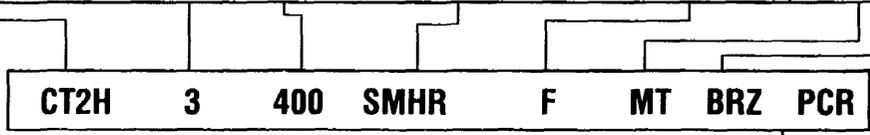
Installation Questions?
Call LSI Field Service Department at:
1-800-436-7800 Ext. 3300 Fax: (513)793-0147

LSI LIGHTING SYSTEMS ♦ An LSI Industries Company
10000 Alliance Road ♦ Cincinnati, Ohio 45242 ♦ (513) 793-3200 ♦ Fax (513) 793-0147 ♦ www.lsi-industries.com

©2000 LSI Industries Inc.

LUMINAIRE ORDERING INFORMATION

Luminaire Prefix	Distribution	Lamp Wattage	Light Source	Lens	Line Voltage	Luminaire Finish
Vertical Burn CT2V - Small	FP - Forward Perimeter 5 - Type V	150 175 250 320 400	PSMV - Pulse-Start Metal Halide 175, 250, 320 Watt SMVR - Super Metal Halide Reduced Envelope 400 Watt MH - Metal Halide 175, 250 Watt MHR - Metal Halide Reduced Envelope 400 Watt HPS - High Pressure Sodium 150 Watt	CT - Contoured Clear Tempered Glass	480V MT - Multi Tap ³ TT - Tri-Tap ⁴	BRZ - Bronze BLK - Black PLP - Platinum Plus BUF - Buff WHT - White GRN - Green GPT - Graphite
Horizontal Burn CT2H - Small	A - Asymmetrical 3 - Type III FT - Forward Throw 5 - Type V	100 150 175 250 320 400	PSMH - Pulse-Start Metal Halide 320 Watt SMH - Super Metal Halide 175, 250 Watt SMHR - Super Metal Halide Reduced Envelope 400 Watt MH - Metal Halide 175, 250 Watt MHR - Metal Halide Reduced Envelope 400 Watt HPS - High Pressure Sodium 100, 150, 250, 400 Watt	F - Flat Clear Tempered Glass		
Horizontal Burn CTM - Medium	A - Asymmetrical 3 - Type III FT - Forward Throw 5 - Type V	250 320 400	PSMH - Pulse Start Metal Halide 320 Watt SMH - Super Metal Halide 250, 400 Watt MH - Metal Halide 250, 400 Watt HPS - High Pressure Sodium 250, 400 Watt			
Horizontal Burn CTL - Large	A - Asymmetrical 3 - Type III FT - Forward Throw ¹	1000	MH - Metal Halide 1000 Watt HPS - High Pressure Sodium 1000 Watt			



EXAMPLE OF A TYPICAL ORDER

Options

- 6BK - 6" Bracket (CTL and CTM)⁵
- PCR - Photoelectric Control Receptacle⁶
- TE - Tool-less Entry⁷
- GR - Ground Relamp (includes Tool-less Entry)⁸

- FOOTNOTES:**
- 1- CTL-FT - Forward Throw reflectors are field-rotatable.
 - 2- For international voltages, consult factory.
 - 3- MT - Multi Tap is shipped standard unless otherwise specified. Multi Tap consists of 120V, 208V, 240V, and 277V. Multi Tap is pre-wired for highest voltage. Alternate voltages will require field re-wiring.
 - 4- Tri-Tap is shipped standard for Canadian applications. Tri-Tap consists of 120V, 277V, and 347V. Tri-Tap is pre-wired for highest voltage. Alternate voltages will require field re-wiring.
 - 5- A 6" bracket can only be ordered with single and D180° configurations - CTL and CTM.
 - 6- PCR factory installed and prewired for highest voltage. Alternate voltages will require field rewiring.
 - 7- TE available on CT2V and CT2H only.
 - 8- Ground relamp available on CT2V Series only. Maximum tool length 15 ft. See Accessories for Ground Lamp Changer.

ACCESSORY ORDERING INFORMATION

Description	Order Number	Description	Order Number
PC120V - Photocell	122514	CT2V HSS - House Side Shield	122519BLK+
PC208V - Photocell	122515	CT2H HSS - House Side Shield	122519BLK+
PC240V - Photocell	122516	CTM HSS - House Side Shield	122520BLK+
PC277V - Photocell	122517	CTL HSS - House Side Shield	122521BLK+
PC480V - Photocell	1225180	CT2H PLS - Polycarbonate Shield	168702
FK120V - Single Fusing	FK120V	CTM PLS - Polycarbonate Shield	122523
FK277V - Single Fusing	FK277V	CTL PLS - Polycarbonate Shield	122524
DFK208, 240V - Double Fusing	DFK208, 240V	RPP2 - Round Pole Plate	162914BLK+
DFK480V - Double Fusing	DFK480V	BKS-BO-WM - CLR Wall Mount Plate	123111CLR
FK347V - Single Fusing	FK347V	Ground Lamp Changer++	132678A

++For use with 250 std, 320 std, 400 Watt Reduced Envelope

© 2004 LSI INDUSTRIES INC.

Project Name _____ Fixture Type _____
 Catalog # _____

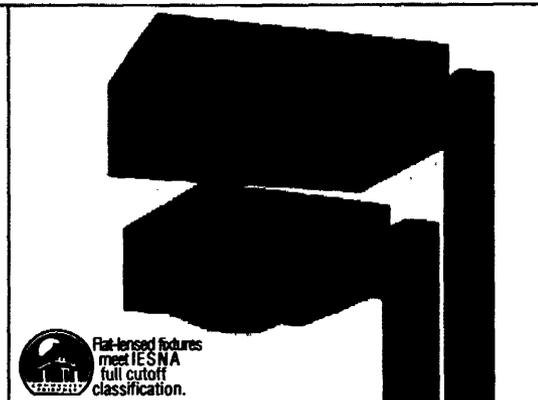


CITATION® (Various reflectors are protected by U.S. Patent No. 6,464,378.)

- HOUSING** - One-piece aluminum, available in small, medium, and large. Corners are welded and finished to produce a clean, sharp appearance while increasing housing strength and ensuring weather-tight construction.
- DOOR FRAME** - Aluminum, with two captive stainless steel door fasteners to provide secure closure and easy access with no loose hardware. The CT2V's Tool-less Entry and Ground Relamp options features a spring loaded quarter-turn fastener for easy access.
- LENS/GASKET** - Clear flat tempered glass lens (CT2H, CTM, CTL) and a contoured clear tempered glass lens (CT2V) are sealed to the lens frame with EPDM gasketing. The lens frame features a continuous, one-piece gasket for maximum sealing to the housing.
- SOCKETS** - Porcelain mogul-base sockets. All sockets are pulse-rated.
- LIGHT SOURCES** - Pulse-Start Metal Halide, Super Metal Halide, Super Metal Halide Reduced Envelope, Metal Halide, Metal Halide Reduced Envelope, or High Pressure Sodium. Clear lamp is supplied as standard.
- BALLASTS** - High-power factor ballast. Pulse-Start Metal Halide fixtures feature a Super CWA type ballast. Super Metal Halide, Metal Halide, and 250 watt and above High Pressure Sodium fixtures feature a CWA type ballast. 100 and 150 watt HPS fixtures feature HX-HPF ballast. All ballasts are designed for -20° F operation, and are mounted to the housing reinforcing plate.
- REFLECTORS/DISTRIBUTION PATTERNS** - Five reflector systems and distribution patterns are available with the Citation: Asymmetrical (A), Type III (3) medium distribution pattern for increased pole spacing, Forward Throw (FT), and Forward Perimeter (FP) for perimeter lighting applications to eliminate stray light and produce a sharp backside cutoff, and Type V (5), for an even symmetrical distribution pattern. A field-rotatable reflector, which provides flexibility in distribution patterns without moving the fixture, is available with the large 1000 Watt Forward Throw Citation only. Photometric data is tested in accordance with IESNA guidelines.
- BRACKETS** - A 2-1/2" x 5-3/8" x 6" aluminum bolt-on bracket is shipped standard with a small Citation (CT2H and CT2V). A 2-1/2" x 5-3/8" x 8" aluminum bolt-on bracket is shipped standard with a medium Citation. A 2-1/2" x 6" x 12" aluminum bolt-on bracket is shipped with a large Citation (CTL). A 6" bracket is available for CTL and CTM in single and D180° configurations. A round pole plate (RPP2) is required for mounting to 3"-5" round poles (See Accessory Ordering Information chart).

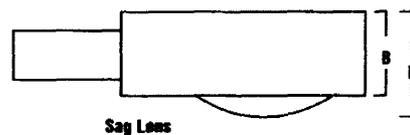
FINISHES - Each fixture is finished with LSI's DuraGrip® polyester powder coat finishing process. The DuraGrip finish withstands extreme weather changes without cracking or peeling, and is guaranteed for five full years. Standard colors include bronze, black, platinum plus, buff, white, green, and graphite.

PHOTOMETRICS - Please visit our web site at www.lsi-industries.com for detailed photometric data.

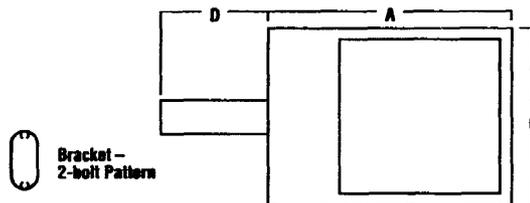


Flat-tensed fixtures meet IESNA full cutoff classification.

DIMENSIONS



Sag Lens



Bracket - 2-bolt Pattern

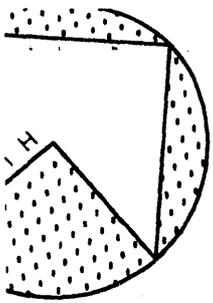
	A	B	C	D	E
CT2V	20-1/8"	8"	14-5/8"	6"	11-1/4"
CT2H	20-1/8"	8"	14-5/8"	6"	-
CTM	25"	8"	18-3/8"	8"	-
CTL	29"	10"	21"	12"	-

LUMINAIRE EPA CHART

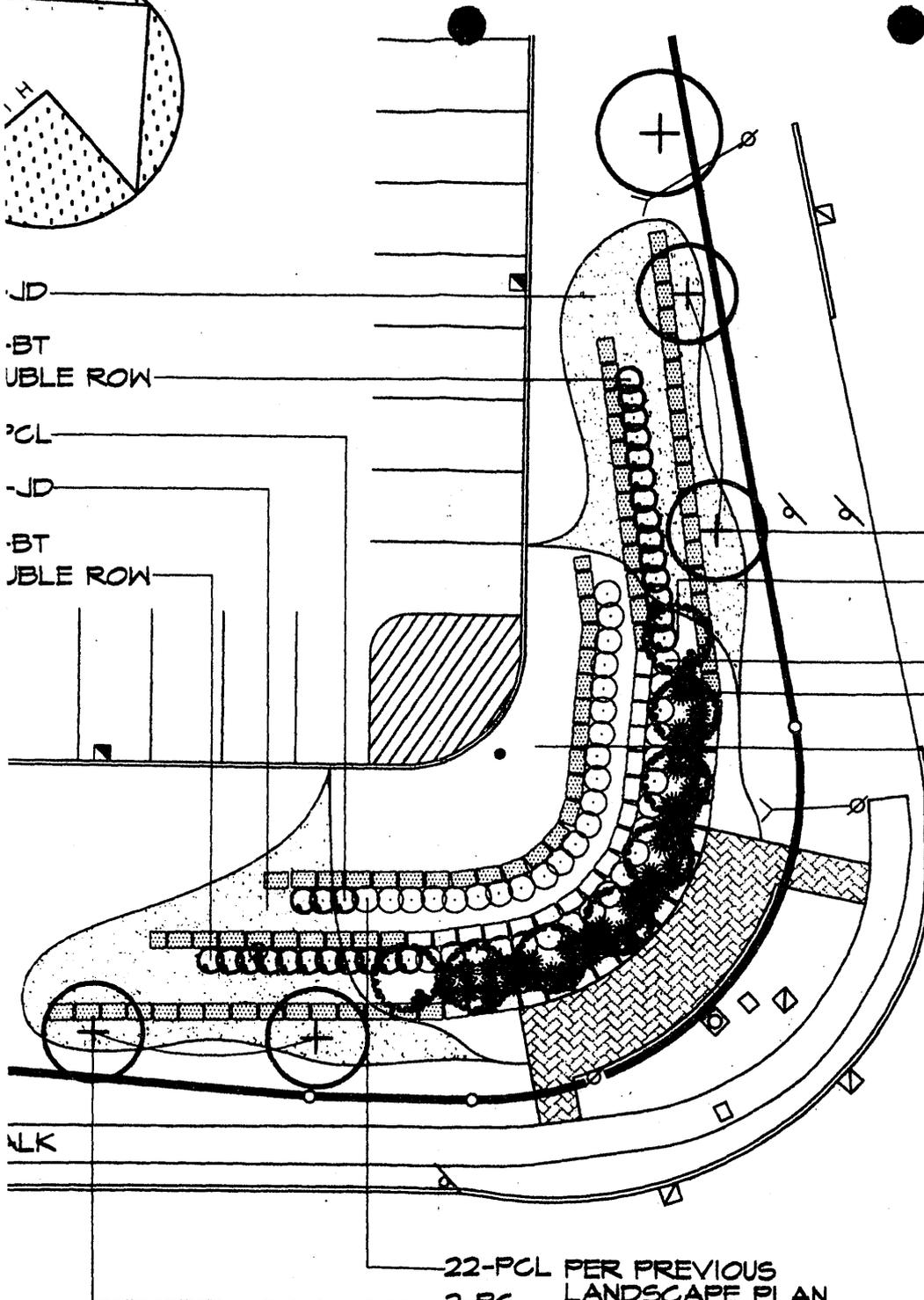
Citation	CT2V 6" bracket	CT2H 6" bracket	CTM 8" bracket	CTL 12" bracket
Single	1.5	1.4	2.2	3.2
D180°	3.0	2.8	4.0	6.4
D90°	2.4	2.2	3.9	5.1
T90°	3.9	3.6	6.1	8.3
TN120°	3.9	3.6	6.2	8.5
O90°	4.7	4.4	7.8	10.2
Parallel (max 90°)	2.4	2.2	3.9	5.1

Note: House Side Shield adds to fixture EPA. Consult factory.

Project Name _____ Fixture Type _____
 Catalog # _____



JD
 .BT
 UBLE ROW
 PCL
 -JD
 .BT
 BLE ROW



UNION AVENUE

2-PC
 8-MS
 19-SG
 44-HHR
 136-JS

PER PREVIOUS
 LANDSCAPE PI

FK

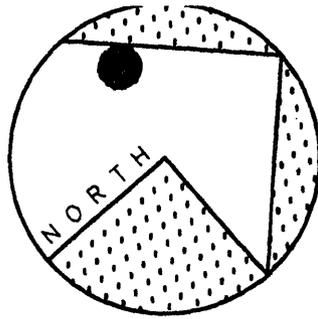
22-PCL PER PREVIOUS
 2-PC LANDSCAPE PLAN

#6

N.Y.S. ROUTE 32)

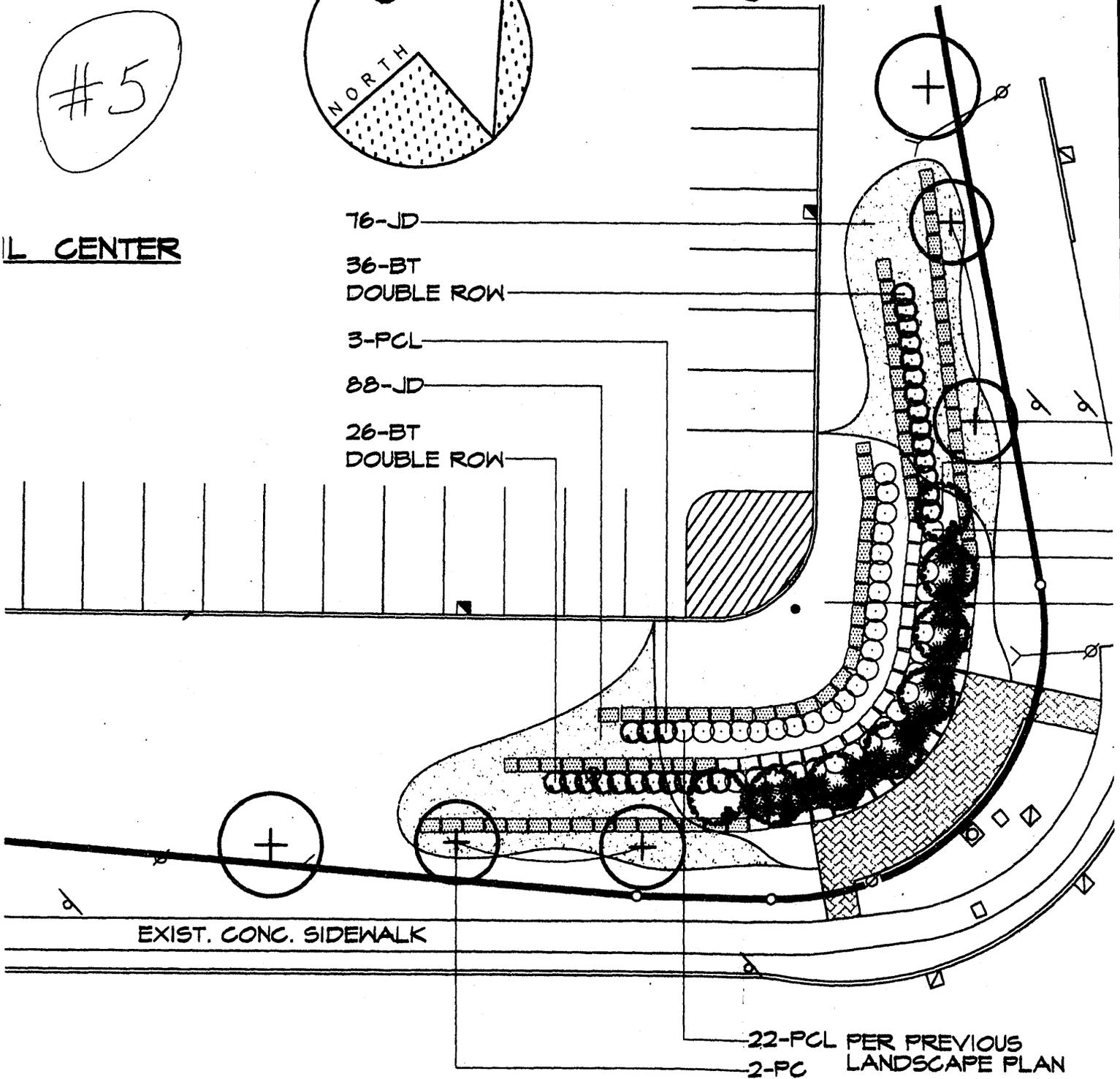


#5



L CENTER

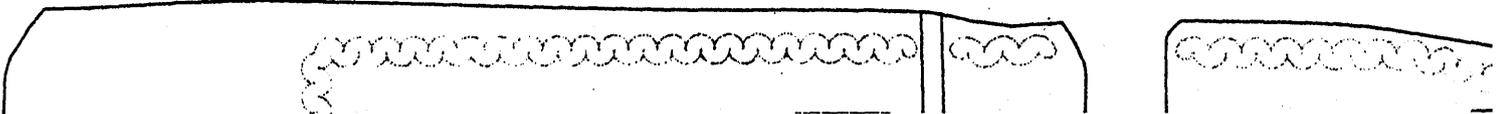
- 76-JD
- 36-BT
DOUBLE ROW
- 3-PCL
- 88-JD
- 26-BT
DOUBLE ROW



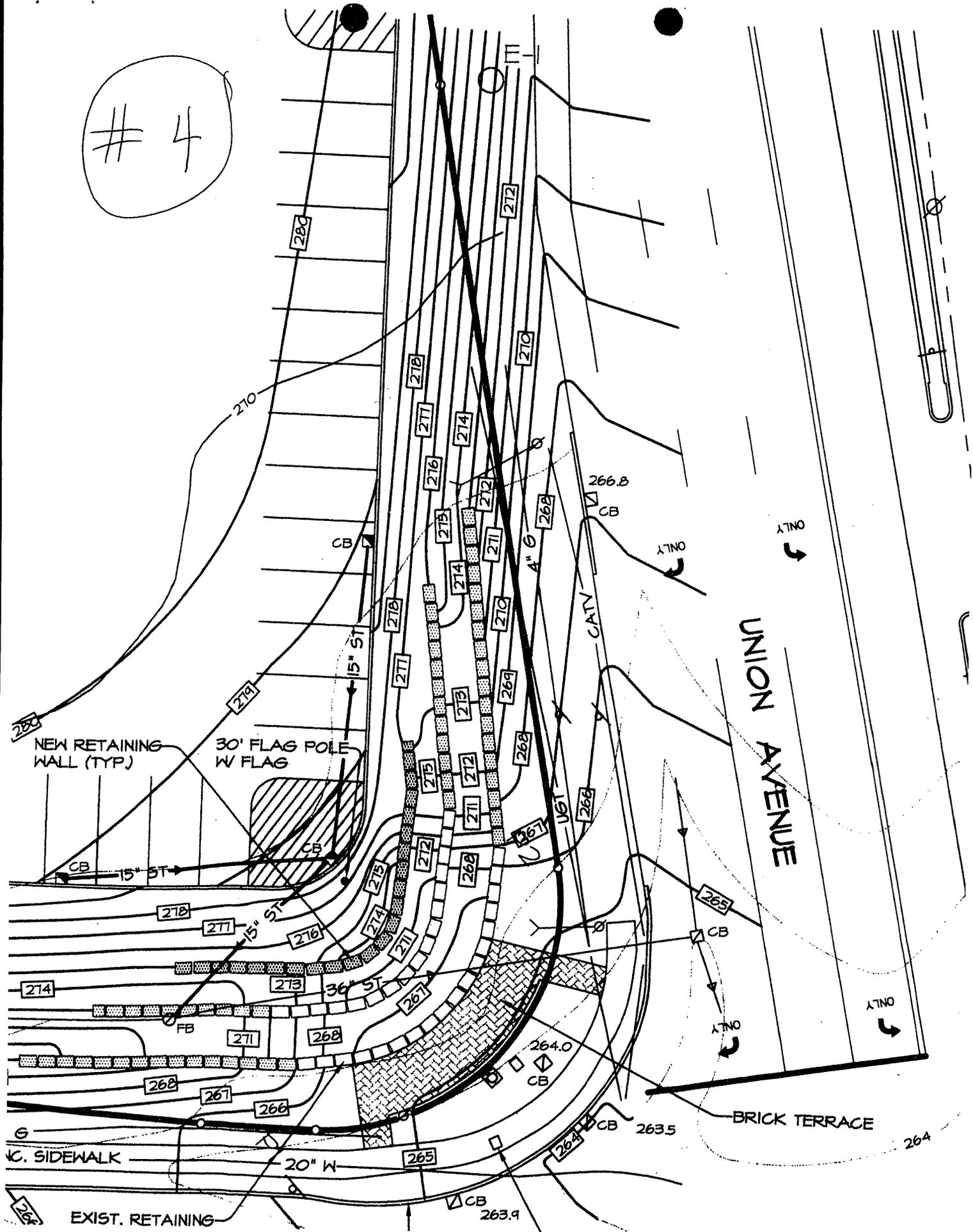
EXIST. CONC. SIDEWALK

22-PCL PER PREVIOUS
2-PC LANDSCAPE PLAN

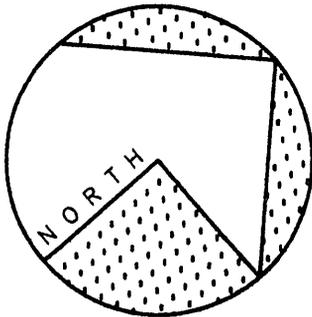
(N.Y.S. ROUTE 32)



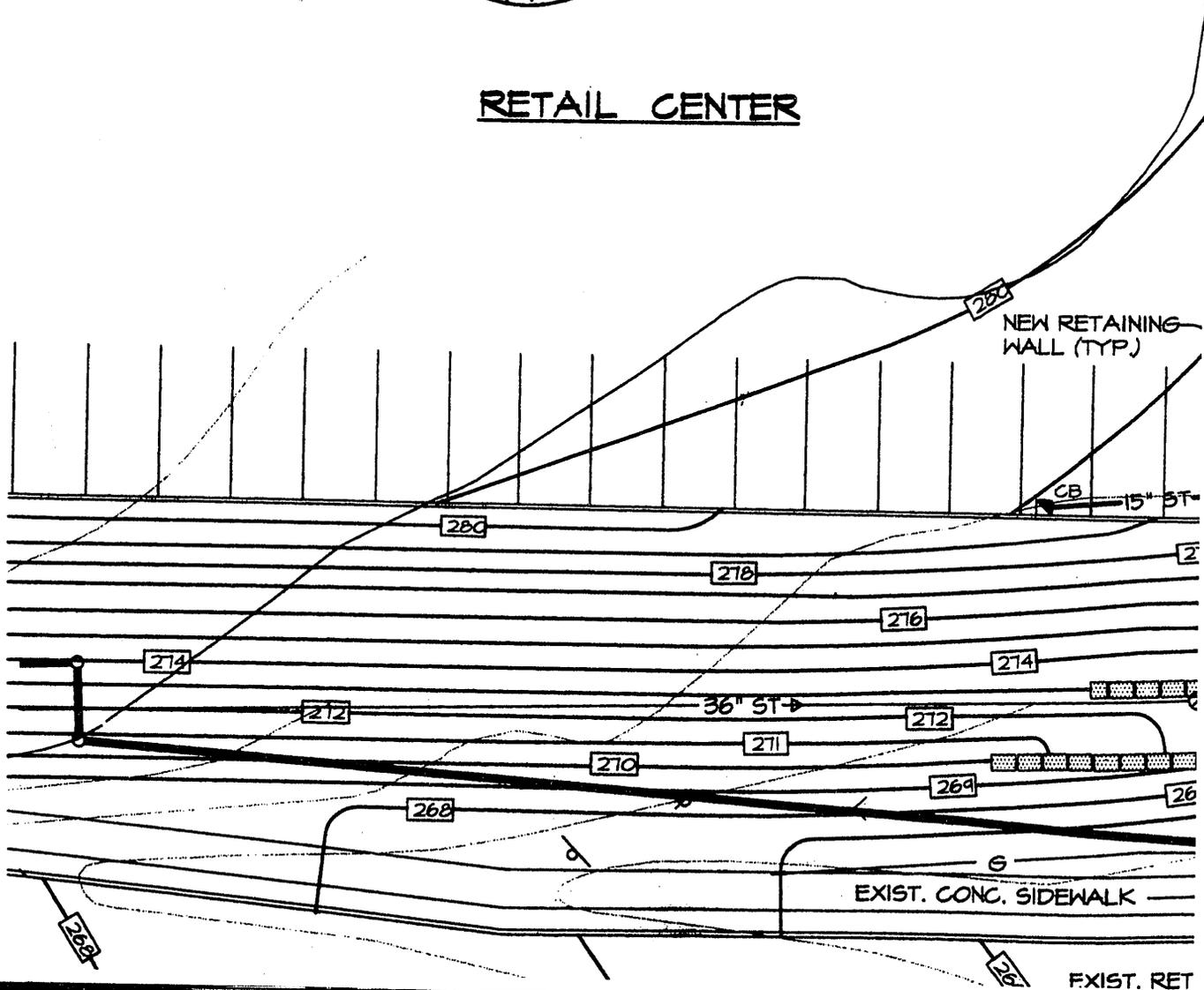
4



#3



RETAIL CENTER

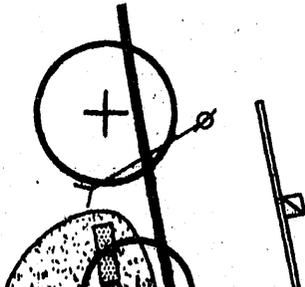
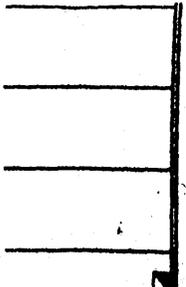
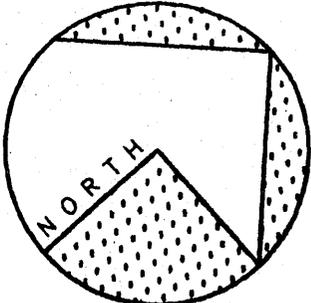


EXIST. RET

2

PLANT LIST

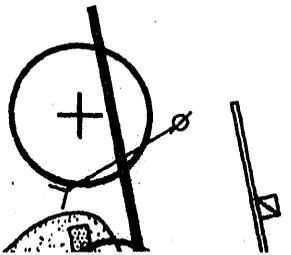
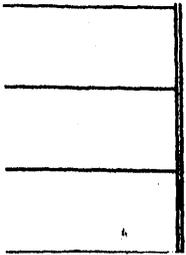
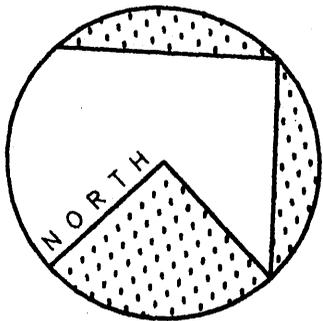
KEY	BOTANICAL NAME	COMMON NAME	QUANTITY	SIZE	REMARKS
BT	BERBERIS THUNBERGI CRIMSON PYGMY	PYGMY BARBERRY	62	18-21" HT.	3 GAL. CONT. FULL
JD	JUNIPERUS DAURICA EXPANSA	PARSONS JUNIPER	164	18" - 24" SPD.	3 GAL. CONT. FULL
PFC	PYRACANTHA COCCONEA LOWBOY	LOWBOY FIRETHORN	3	18-24" SPD.	5 GAL. CONT. FULL



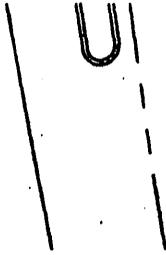
#1

PLANT LIST

COMMON NAME	QUANTITY	SIZE	REMARKS
PYGMY BARBERRY	62	18-21" HT.	3 GAL. CONT. FULL, WELL BRANCHED
PARSONS JUNIPER	164	18" - 24" SPD.	3 GAL. CONT. FULL & DENSE
LOWBOY FIRETHORN	3	18-24" SPD.	5 GAL. CONT. FULL & DENSE



UNION A





RESULTS OF P.B. MEETING OF: October 26, 2005

PROJECT: Amerada Hess Corp. P.B. # 05-10

LEAD AGENCY:

NEGATIVE DEC:

AUTHORIZE COORD. LETTER: Y ___ N ___
TAKE LEAD AGENCY: Y N ___

M) ___ S) ___ VOTE: A ___ N ___
CARRIED: Y ___ N ___

M) A S) S VOTE: A 5 N 0
CARRIED: Y N ___

PUBLIC HEARING: WAIVED: ___ CLOSED:

M) A S) K VOTE: A 5 N 0 SCHEDULE P.H.: Y ___ N ___

SEND TO O.C. PLANNING: Y ___
SEND TO DEPT. OF TRANSPORTATION: Y ___

REFER TO Z.B.A.: M) ___ S) ___ VOTE: A ___ N ___

RETURN TO WORK SHOP: Y ___ N ___

APPROVAL:

M) ___ S) ___ VOTE: A ___ N ___ APPROVED: ___

NEED NEW PLANS: Y ___ N ___

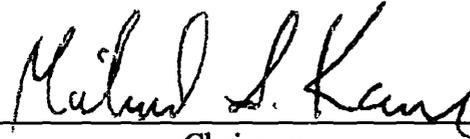
CONDITIONS - NOTES:

<i>Need Fire Approval - Need independent tester of site</i>
<i>Dave Larinsky - Union Ave - spoke re: His property being contaminated.</i>
<i>Jean Thiele - 222 Daniker Ave - spoke re: Contamination of site</i>
<i>John Alva - Mt. Airy Rd - spoke re: Clean up of the site</i>
<i>"BEFORE NEXT MEETING" - Andy Lauterbach</i>
<i>Detailed Remedial Action Plan</i>
<i>Word from DEC that Project OK while Remediation is ongoing</i>

BE IT FURTHER

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and/or Building Inspector and Applicant.

Dated: August 22, 2005

A handwritten signature in cursive script, reading "Michael S. Kemp", is written over a horizontal line.

Chairman

WHEREAS, The Zoning Board of Appeals of the Town of New Windsor makes the following conclusions of law here memorialized in furtherance of its previously made decision in this matter:

1. The requested variance(s) will not produce an undesirable change in the character of the neighborhood or create a detriment to nearby properties.
2. There is no other feasible method available to the Applicant that can produce the benefits sought.
3. The variance(s) requested is/are substantial in relation to the Town regulations but, nevertheless, are warranted.
4. The requested variance(s) will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or zoning district.
5. The difficulty the Applicant faces in conforming to the bulk regulations is/are self-created but, nevertheless, should be allowed.
6. The benefit to the Applicant, if the requested variance(s) is/are granted, outweighs the detriment to the health, safety and welfare of the neighborhood or community.
7. The requested variance(s) are/is appropriate and are/is the minimum variance(s) necessary and adequate to allow the Applicant relief from the requirements of the Zoning Local Law and at the same time preserve and protect the character of the neighborhood and the health, safety and welfare of the community.
8. The interests of justice will be served by allowing the granting of the requested area variance(s) on the condition that the applicant complies with all requirements placed on it by the Planning Board of the Town of New Windsor..

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor GRANT a request for a Request for:

30 square foot variance for façade sign and;
4 parking spaces and;

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1) as sought by the Applicant in accordance with plans filed with the Building Inspector and presented at the public hearing.

- (a) The property is a commercial property located on a busy State Highway and a busy County Road. The neighbors situated along the State Highway are all commercial but, the neighbors located along the County Highway are mixed being of commercial and residential in nature.
- (b) The site is currently improved by a gasoline service station. The instant application is by the new owners of the property who seek to construct a convenient store and gasoline dispensing facility on the site replacing the current facility.
- (c) The objectant who spoke objected to the application for the rear yard variance, that space being immediately adjacent to his property. The applicant objected at the meeting of July 25th, 2005. Subsequent to that meeting, the applicant withdrew its request for a 7 foot rear yard variance at the meeting held on August 22, 2003 thereby rendering the objections moot.
- (d) The parking requirement in the Town of New Windsor Code is for 24 spaces. The applicant proposes to supply 20 spaces. In addition to the 20 specified spaces, there are likely to be cars parked at the gasoline dispensing pumps which, as planned, would provide parking for an additional twelve automobiles.
- (e) With respect to the sign, the method by which it is calculated requires "Squaring Off" the signage, which results in a measurement of approximately 55 square feet. The proposed sign will be placed on the building diagonally and an ellipse drawn around the sign shows the sign to be approximately 32 square feet. While a variance request would be necessary in that case as well (the Town Code allowing a façade signage of 25 square feet), if the sign were measured elliptically, the variance request would be much smaller than it now appears.
- (f) The sign will be internally illuminated with a steady, non-flashing, non-neon light.
- (g) The sign will not be larger than other signs in the neighborhood.
- (h) The proposed façade sign will not project any higher than the roof line on the front side of the building.
- (i) The parking proposed by this applicant equals or exceeds the parking provided by the previous occupants of the property and, while it does not seem to comply with the current requirements of the Zoning Law, the degree of non-conformity will be lessened if this application is granted.

-----X
In the Matter of the Application of
AMERADA HESS CORPORATION

MEMORANDUM OF
DECISION GRANTING

AREA

CASE #05-36
-----X

WHEREAS, Neil Alexander, Esq. Attorney for Amerada Hess Corporation and Richard Harper, P.E. who represented the, owner(s) of 12-2-1 located on Corner of Union Avenue and Windsor Highway, New Windsor, New York, 12553, has made application before the Zoning Board of Appeals for a/an

Request for:

30 square foot variance for façade sign and;
4 parking spaces and;

Subsequent to the application, the Applicant withdrew its request for a 7 ft. rear yard setback, leaving only the application for a variance for the façade sign and four parking places.

All at corner of Union Avenue & Windsor Highway in an NC Zone (12-2-1)

WHEREAS, a public hearing was held on JULY 25TH, 2005 AND CONTINUED ON AUGUST 22ND, 2005 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the Applicant was represented by Neil Alexander, Esq. Attorney for Amerada Hess Corporation and Richard Harper, P.E. who appeared on behalf of this Application; and

WHEREAS, there was one member of the public present at the public hearing; and

WHEREAS, no one spoke in favor of but one person was opposed to the application; and

WHEREAS, a decision was made by the Zoning Board of Appeals on the date of the public hearing granting the application; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor sets forth the following findings in this matter here memorialized in furtherance of its previously made decision in this matter:

1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Times Herald Record, also as required by law.
2. The Evidence presented by the Applicant showed that:

> Mark,

>

> My last email inquiry said something about a workshop on the 7th.

> Perhaps that will not be necessary. We do intend to have all the

> revisions to the site plans completed by then, so you can have a look

> at them before the Planning Board meeting of December 14, 2005. Please
advise.

>

> Richard

----- End of Original Message -----

Myra Mason

From: mje [mje@mhepc.com]
Sent: Sunday, December 04, 2005 3:27 PM
To: rharper@morrisengineers.com; P. E. Mark J. Edsall (E-mail)
Cc: Neil Alexander (E-mail); Andy Lautenbacher (E-mail); Enrico Tamburri (E-mail); Pete Setaro (E-mail); John Ellsworth (E-mail)
Subject: Re: Project 05-10 Amerada Hess Corporation - workshop

Richard

In response to your 11-30-05 email

Show a detail of a masonry dumpster enclosure with concrete ground pad. Front of enclosure should have a latchable gate. Add note that states the masonry will be finished to match building finish. Gates you can note that they will be black vinyl chain link or wooden if finish can be made to match color scheme of building finish.

Nothing special in the memo about handicapped spaces. Spaces must be 8' x 19' all striped in blue. Crosshatched access aisle (which can be shared between two spaces) also same size with diagonal striping in blue. Normal handicapped sign for each parking space, sign in front of access aisle must read "No Parking - Any Time". When a handicapped space adjoins a standard space, both blue and white stipe.

As far as OCDPW goes, they did say ok, but you will need permit from them. You apply for that. That can be condition of approval. you can get it after town approval.

Worksession is this wednesday. It is full. If you are on, you can stay on if you want. If an appointment was not made, just submit updated plans asap.

It may be beneficial for Neil to submit the letter and any other info discussed at our recent meeting asap. Competition for 12-14 agenda slots is fierce. Applicants are NOT given a slot until their submittal is received. First come first serve.

mark

Mark J. Edsall, P.E., Principal
McGoey, Hauser & Edsall, Consulting Engineers, P.C.
33 Airport Center Drive - Suite #202
New Windsor, New York 12553
(845) 567-3100

----- Original Message -----

From: "Richard Harper" <rharper@morrisengineers.com>
To: "P. E. Mark J. Edsall \ (E-mail\)" <mje@mhepc.com>
Sent: Fri, 2 Dec 2005 13:40:03 -0500
Subject: Project 05-10 Amerada Hess Corporation - workshop



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

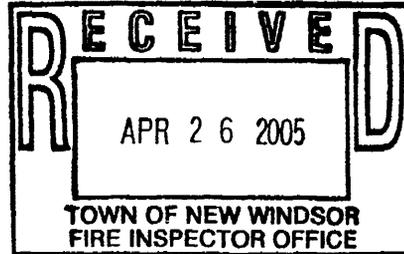
TO: **E 911 COORDINATOR**

P.B. FILE #05-10 DATE RECEIVED: 04-25-05 TAX MAP #12-2-1

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: A.S.A.P. TO BE ON AGENDA FOR THE 4-27-05 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

AMERADA HESS CORP.
Applicant or Project Name



SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT XXX

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: _____

Signature: [Handwritten Signature] 4/26/05
Reviewed by date



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. McGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

Main Office
33 Airport Center Drive
Suite #202
New Windsor, New York 12553
(845) 567-3100
e-mail: mhenry@mhepc.com

Regional Office
507 Broad Street
Milford, Pennsylvania 18337
(570) 296-2765
e-mail: mhepa@mhepc.com

Writer's E-mail Address:
mje@mhepc.com

**PLANNING BOARD WORK SESSION
RECORD OF APPEARANCE**

TOWN/VILLAGE OF: New Windsor P/B APP. NO.: 05 10

WORK SESSION DATE: 19 Oct 05 PROJECT: NEW OLD

REAPPEARANCE AT W/S REQUESTED: _____ RESUB. REQ'D: _____

PROJECT NAME: Hess

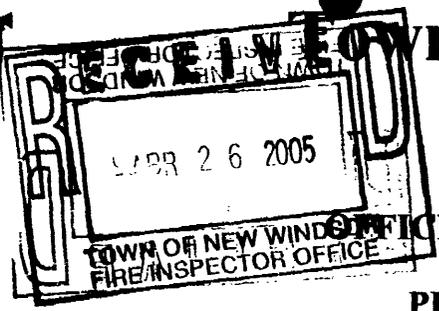
REPRESENTATIVES PRESENT: _____

MUNICIPAL REPS PRESENT: BLDG INSP. _____ FIRE INSP. _____
ENGINEER X PLANNER _____
P/B CHMN _____ OTHER _____

ITEMS DISCUSSED:
- sign height fix
- P/A next week
Memo corrections

STND CHECKLIST: PROJECT TYPE
DRAINAGE _____ SITE PLAN
DUMPSTER _____ SPEC PERMIT
SCREENING _____ L L CHG.
LIGHTING _____ SUBDIVISION
(Streetlights)
LANDSCAPING _____ OTHER
BLACKTOP _____
ROADWAYS _____
APPROVAL BOX _____

PROJECT STATUS:
ZBA Referral: _____ Y _____ N
Ready For Meeting X Y _____ N
Recommended Mtg Date _____



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4693

OFFICE OF THE PLANNING BOARD

PROJECT REVIEW SHEET

TO: FIRE INSPECTOR

P.B. FILE #05-10 DATE RECEIVED: 04-25-05 TAX MAP #12-2-1

**PLEASE RETURN COMPLETED FORM TO MYRA
BY: A.S.A.P. TO BE ON AGENDA FOR THE 4-27-05 PLANNING BOARD
MEETING.**

THE MAPS AND/OR PLANS FOR:

AMERADA HESS CORP.
Applicant or Project Name

SITE PLAN XXX, SUBDIVISION _____, LOT LINE CHANGE _____,
SPECIAL PERMIT XXX

HAVE BEEN REVIEWED BY THE UNDERSIGNED AND ARE:

APPROVED:

Notes: _____

DISAPPROVED:

Notes: _____

Signature: *AmDonald* 4/26/05
Reviewed by date

ORANGE COUNTY DEPARTMENT OF PLANNING

124 Main Street
Goshen, NY 10924-2124

APPLICATION FOR MANDATORY COUNTY REVIEW OF LOCAL PLANNING ACTION

(Variances, Zone Changes, Special Permits, Subdivisions, Site Plans)

Local File No. 05-10 (Please include this number on any correspondence)

1. Municipality Town of New Windsor Public Hearing Date: not determined

City, Town or Village Board _____ Planning Board Zoning Board _____

2. Owner: Name: Orwest New Windsor, Inc.
Address: 400 Central Park West - 7-R, NY, NY 10025

3. Applicant * Name: Amerada Hess
Address: 1 Hess Plaza, Woodbridge, NJ 07095

***If applicant is owner, leave blank**

4. Location of Site: Intersection NYS Route 32 and CR 69 (Union Avenue)
(Street or highway, plus nearest intersection)

Tax Map Identification: Section: 12 Block: 2 Lot: 1

Present Zoning District: NC Size of Parcel: 0.7+/- Acres

5. Type of Review:

*****Site Plan**

Zone Change: From To:

Zoning Amendment: To Section

**Subdivision: Number of Lots/Units

***Site Plan: Use Gasoline & Retail Sales (Special Permit Use)

Date: 10-25-05

Signature & Title: _____

**Mark J. Edsall, P.E.,
Planning Board Engineer**

SUBMITTAL HISTORY FOR
PLANNING BOARD FILE #05-10

APPLICANT:AMERADA HESS

DATE RECEIVED: 05-18-06

ITEM RECEIVED: COST ESTIMATE & REVISED PLANS (2) SETS

DISTRIBUTION: ONE SET TO MARK - ONE SET FOR FILE

RESULTS: _____

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW

TASK: 5- 10

FOR WORK DONE PRIOR TO: 07/07/2006

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION	RATE	HRS.	TIME	EXP.	-----DOLLARS----- BILLED
5-10	252400	02/18/05	TIME	MJE	MC TC/KENNEDY OODPW	99.00	0.30	29.70		
5-10	253558	03/02/05	TIME	MJE	WS HESS UNION S/P	99.00	0.40	39.60		
5-10	256891	04/06/05	TIME	MJE	WS HESS - UNION	99.00	0.40	39.60		
5-10	258478	04/20/05	TIME	MJE	WS HESS S/P	99.00	0.40	39.60		
5-10	258482	04/27/05	TIME	MJE	MM Hess DISAPP > ZBA	99.00	0.10	9.90		
5-10	258870	04/27/05	TIME	MJE	MR HESS S/P UNION/32	99.00	0.70	69.30		
5-10	261238	05/18/05	TIME	MJE	MC ZBA REF HESS S/P	99.00	0.40	39.60		
5-10	261243	05/18/05	TIME	MJE	MC ZBA REF W/MM	99.00	0.20	19.80		
5-10	262118	05/26/05	TIME	MJE	MC HESS ZBA REFERRAL	99.00	0.40	39.60		
5-10	262119	05/26/05	TIME	MJE	MC HMC MM:HESS ZBA REF	99.00	0.20	19.80		
								346.50		
5-10	261564	05/25/05			BILL 05-746					-227.70
										-227.70
5-10	262648	06/01/05	TIME	MJE	MC HESS ZBA RVED REFERRL	99.00	0.40	39.60		
								39.60		
5-10	264765	06/22/05			BILL 05-833					-158.40
										-158.40
5-10	267819	07/22/05	TIME	MJE	MC HESS S/P W/MM	99.00	0.30	29.70		
5-10	267821	07/22/05	TIME	MJE	MC SARINSKY:HESS ISSUES	99.00	0.50	49.50		
5-10	268512	07/28/05	TIME	MJE	MC TC/ANDY K:HESS APP	99.00	0.40	39.60		
								118.80		
5-10	271896	08/30/05			BILL 05-1154					-118.80
										-118.80
5-10	274808	09/21/05	TIME	MJE	WS HESS S/P	99.00	0.40	39.60		
5-10	276541	10/03/05	TIME	MJE	MC HMC/RE HESS APP	99.00	0.40	39.60		
5-10	277939	10/19/05	TIME	MJE	WS HESS SITE PLAN	99.00	0.40	39.60		
5-10	278804	10/25/05	TIME	MJE	MR HESS SITE PLAN	99.00	0.40	39.60		
5-10	278805	10/25/05	TIME	MJE	MC HESS OODP REF	99.00	0.40	39.60		
5-10	280649	11/08/05	TIME	MJE	MC HMC/NEIL:HESS	99.00	0.20	19.80		
5-10	280659	11/11/05	TIME	MJE	MC HMC/RE: HESS	99.00	0.30	29.70		
5-10	282047	11/21/05	TIME	MJE	PM HESS MTG 33ACD	99.00	1.00	99.00		
5-10	282048	11/21/05	TIME	MJE	MC HESS MEMO-FILE	99.00	0.50	49.50		
5-10	283232	12/04/05	TIME	MJE	MC HESS:S/P ISSUES	99.00	0.40	39.60		

CHRONOLOGICAL JOB STATUS REPORT

JOB: 87-56

NEW WINDSOR PLANNING BOARD (Chargeable to Applicant)

CLIENT: NEWWIN - TOWN OF NEW WINDSOR

TASK: 5- 10

FOR WORK DONE PRIOR TO: 07/07/06

TASK-NO	REC	--DATE--	TRAN	EMPL	ACT DESCRIPTION-----	RATE	HRS.	TIME	EXP.	-----DOLLARS-----	
										BILLED	BALANCE
5-10	284420	12/13/05	TIME	MJE	MC EMC HESS RE APP	99.00	0.30	29.70			
5-10	284110	12/14/05	TIME	MJE	MM HESS S/P COND APPL	99.00	0.10	9.90			
5-10	284428	12/14/05	TIME	MJE	MR HESS KVV	99.00	1.00	99.00			
								574.20			
5-10	282649	12/02/05			BILL 05-1703						-396.00
5-10	287493	12/31/05			BILL 06-292 1/17/06						-178.20
											-574.20
5-10	309123	06/02/06	TIME	MJE	MC TC/MORRIS ASSOC:HESS	115.00	0.30	34.50			
TASK TOTAL								1113.60		-1079.10	34.50
									0.00		
GRAND TOTAL								1113.60		-1079.10	34.50
									0.00		

closeout @
T/M

57.50

\$ 1171.10

MR. MASON: Second that.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board grant final approval to the Amerada Hess Corporation site plan on Union Avenue and with the subject-tos that Mr. Argenio just read in and this is also for the special use permit and the same specifications for that special use permit will apply to you as I said earlier.

MR. ARGENIO: And the building will be brick.

MR. PETRO: Yes and that will run for no specific time but someone makes a complaint or there's a major problem at that time the special permit could be looked at and you'd be at risk of that. Any further comments from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

clapboard kind of cream color.

MR. PETRO: Otherwise all brick.

MR. LAUTENBACHER: What I prefer, yeah, is all brick like the one on 32.

MR. MINUTA: I have no objection to brick.

MR. LAUTENBACHER: Thank you very much. The building will be brick. Thank you.

MR. PETRO: I agree, I'd rather have it all brick than clapboard and stucco.

MR. MINUTA: The only question that I had was with regard to the glare same as we had for Quick Chek and that that would be addressed as well.

MR. LAUTENBACHER: Everything the guy from Bohler said ditto, they're all, the canopy lights are flush, the difference I think is that our canopy fascia is illuminated but will be subdued.

MR. PETRO: Motion for final approval.

MR. ARGENIO: I'm going to make a motion for final approval for Amerada Hess at the corner of Union Avenue and New York State Route 32 subject to what Mark read in earlier, Orange County Department of Planning and Mark's comments and the bond estimate.

MR. BABCOCK: Mr. Chairman, that would be for site plan and special permit?

MR. ARGENIO: Site plan and special permit approval, thank you, Mike.

MR. PETRO: One motion this time.

MR. KRIEGER: No, I agree with him.

MR. ALEXANDER: One quick thing at the risk of hurting myself but the architecture issue we didn't finalize at the last meeting as to can you spend a minute or should we spend a minute or is that something that you want to delegate?

MR. PETRO: How about Mr. Minuta and you can do it at your leisure, if you make him happy, he don't come back to us and talk to us about it.

MR. ALEXANDER: I think there's been some questions about the surrounding area and I'm going to let Andy Lautenbacher talk about it. We'd really like to use brick, right, essentially?

MR. LAUTENBACHER: Correct, I e-mailed the elevations that you're looking at here to Mr. Minuta, he responded that it was a good effort but and so I, you know, I feel like we need to discuss it and as Mr. Alexander said, I would really like to do brick here. I did a little quick inventory today and most everything around us is red brick, most everything, I mean, there's a red brick house across the street, the building across the street which is going to be Quick Chek has red brick, there's a new building diagonally across the street that's red brick and stucco, two doors down the self-storage is red brick and stucco and I don't have an elevation to show you but I'm sure you've all seen the station on Route 300.

MR. MINUTA: I was there last night, they ran out of gas.

MR. LAUTENBACHER: That's the building I'm proposing otherwise we'll do this one, although I'd prefer to do the brick, this one we've never done this building before just architecturally although it's about to be done in Long Island, it's field stone on the bottom and

up and move on from there. Okay? Do any of the board members have any other comments? We've seen this a number of times.

MR. EDSALL: I would just ask that if you make it conditioned to my comments but also make sure you grant a special permit approval as well.

MR. ARGENIO: Do we have to negative dec on this thing first?

MR. BABCOCK: Yes.

MR. PETRO: Yes,

MR. EDSALL: You need a negative dec.

MR. ARGENIO: I'll make a motion we declare a negative dec on the Amerada Hess site plan.

MR. GALLAGHER: Second it.

MR. PETRO: Motion has been made and seconded that the Nath New Windsor Planning Board declare a negative dec for the SEQRA process for the Amerada Hess site plan. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. MINUTA	AYE
MR. MASON	AYE
MR. GALLAGHER	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. ARGENIO: I've got one thing quick, Andy, do you take exception to anything Mark said? Seems as though he's right on top of this.

guarantees than what exists today.

MR. PETRO: You agree with that?

MR. SURINSKY: This is all new to me, I haven't heard too much about it.

MR. ARGENIO: We're quite a ways further.

MR. SURINSKY: I'd like to see all the things done that he discussed.

MR. PETRO: Basically, it's going to be bonded that they have to be cleaned up so I don't see a problem with it.

MR. SURINSKY: As long as it's cleaned up, I don't have a problem either.

MR. PETRO: A few bullets, the same as Quick Chek's across the street, we're not going to go over them, all you can clean them up with Mark, more housekeeping type, we're not going to hold this up because of a handicapped sign.

MR. ALEXANDER: Thank you.

MR. PETRO: The other thing again we haven't heard back from the Orange County Department of Health but--

MR. EDSALL: Planning.

MR. PETRO: You have it, Mark?

MR. EDSALL: I haven't seen anything from Planning.

MR. PETRO: We're go going to again if something comes up and it's a major problem then I'm not going to obviously I'm not signing the plan until we do hear but we're not going to hold you up tonight, we'll finish it

everything from the November 21 meeting has been taken care of.

MR. PETRO: What we're going to do is do a negative dec but it's going to be exclusive of everything that we just discussed which is ongoing with the DEC, in other words, we're going to look at it as if it's a clean slate.

MR. EDSALL: I don't think you can do that, the point is that SEQRA says when you take an action, you have to review the impacts of that action, your action has nothing do with what the DEC has jurisdiction on and has already taken care of your action is purely that to deal with site plan approval and issuing a new special permit to this applicant.

MR. ARGENIO: So it's divorced of the whole thing to begin with?

MR. EDSALL: Exactly, your action has nothing to do with what DEC's environmental review is cause they theoretically have done their own environmental review of any action.

MR. PETRO: Any mechanism to have recourse if it doesn't proceed?

MR. EDSALL: Well, the bottom line is even if they did nothing with the site, meaning Dairy Mart or Hess, the clean-up jurisdiction doesn't fall with the Town, it falls with the DEC, they've gone one step beyond, they've given us a performance guarantee that ensures that even if someone stops paying Handex that there will be money to pay them so it can continue so they've gone over and above.

MR. PETRO: We're in better shape than they are today.

MR. EDSALL: Exactly right now we've got more

monitoring and clean-up as necessary to comply with DEC's activities at the site. They were able to contact DEC and DEC by letter dated November 28 has confirmed that they see no problem with this site being redeveloped. Further in our meeting we asked them to go beyond just promising that they would continue to clean up what DB Mart had started by giving the Town some guarantees and keeping the Town advised even though it's not our jurisdiction, have us be aware of what's happening, they have committed in their counsel's letter to number one post performance guarantee to cover the cost of Handex to finish the work.

MR. ARGENIO: In the form of a bond?

MR. EDSALL: I would suggest a letter of credit is the simplest way to handle it, so we would have that again we have no reason to believe they won't finish it but this is just further guarantee. Secondly, we asked that they go on record agreeing to every three months submitting an update on how the progress and the clean-up is proceeding, if there's any new information, they have agreed to do that. They have agreed to as well which we assume they would have to anyway but they have agreed if they run into any additional contaminated material that they obviously will so in accordance with DEC's regulations so we, again, the burden on them on November 21 to show us that they'll act as appropriate and also guarantee what might be not guaranteed to the Town now but guaranteed to the DEC and they have stepped up to the plate and agreed to do that. Further, I asked the counsel for Hess to advise us if they believe any of the activities that are proposed run contrary to a settlement agreement between Dairy Mart and Surinsky and they have reviewed those documents and it's their opinion that there's no inconsistencies. Last but not least I believe they have also indicated that no, I think that was it, we hit them with all these items to address, it seems that

problem, can even be handled through the building department, the proposed site plan does not speak to the location of the handicapped parking space, one is required, how did you leave that off?

MR. EDSALL: They actually show the crosshatched zone but they don't say which side is the handicapped, very minor, they just need to clean that up.

MR. MARTEL: We have a symbol there but we didn't follow that.

MR. EDSALL: It's burned out, that's what it might be on the prints, maybe just darken it.

MR. PETRO: Pursuant to the discussions at the public hearing, the applicant was asked to address comments, applicant's counsel has submitted a letter to the board dated 12/8/05, attached to Mr. Alexander's letter are a letter from the DEC dated 11/28/05 Handex (phonetic) Group site status report dated August, 2005 with attachments. What that basically is about we had a meeting with Hess, we being Mark Edsall and myself went over in detail the concerns of the public hearing, namely Mr. Surinsky, some of his concerns and adjacent property owners and we did receive the letter from the DEC which really kind of covers it. Mark, I'm going to let you go over that because that was the really the main crux of why we didn't move forward with this, in the clean-up status, we assume the position of lead agency for this site plan, this action is limited to the site plan and special permit action and in my opinion does not involve the ongoing clean-up on the site which is the DEC's jurisdiction.

MR. EDSALL: Mr. Chairman, just so the record's clear, we met with the applicant on November 21 and in effect what we did was we threw the burden on the applicant to show us via correspondence from DEC that what they're proposing in no way is a detriment to the continued

REGULAR ITEMS: _____

AMERADA_HESS_(05-10) _____

Neil Alexander, Esq. from Cuddy & Feder appeared before the board for this proposal.

MR. PETRO: Proposed renovation of existing Dairy Mart to Hess Gas Station. This is not a public hearing, I think we've had a number of public hearings here, is that correct?

MR. ALEXANDER: That's correct, Jim. Just for the record, Neil Alexander, Cuddy & Feder and with me is Richard Harper and Andy Lautenbacher and David Dolnick (phonetic).

MR. PETRO: This application proposes redevelopment of the DB Mart to continue the use as retail and gasoline fuel sales, plan was previously reviewed at the 27 April, 2005 and 26 October, 2005 planning board meetings. It's an NC zone, it's a special use permit, the application was forwarded to ZBA for rear yard setback, parking and sign variances which are implemented on the plan, is that correct?

MR. ALEXANDER: That's correct.

MR. EDSALL: Actually moved the building so they removed the need for the rear yard, I believe.

MR. PETRO: That's correct.

MR. BABCOCK: That's correct.

MR. PETRO: The applicant has modified and corrected the plans in response to my previous comments, some additional minor corrections are still required as follows, handicapped detail, no parking sign directly in front of the access aisle relocated which is not a

April 26, 2006

85

MR. MINUTA	AYE
MR. VAN LEEUWEN	AYE
MR. ARGENIO	AYE

Respectfully Submitted By:

Frances Roth
Stenographer

AMERADA_HESS

MR. MINUTA: I do have one question, Amerada Hess, we approved their application, when are they starting construction, does anyone know?

MR. EDSALL: Have not heard.

MR. MINUTA: They were in a big rush to get the approvals.

MR. EDSALL: Hurry up and wait.

MR. BABCOCK: I think they're probably--

MS. MASON: Haven't even signed the site plans.

MR. BABCOCK: They had to have the approvals because DEC wouldn't give them approval without our approval and we wouldn't give them without DEC, if you remember that, so we give them the approval, now they're at DEC to get DEC approval, they haven't even asked for a stamped plan.

MR. MINUTA: They're at DEC?

MR. BABCOCK: Yeah.

MR. MINUTA: Thank you.

MR. ARGENIO: Nothing further, motion to adjourn.

MR. MINUTA: So moved.

MR. VAN LEEUWEN: Second it.

ROLL CALL

MR. SCHLESINGER AYE
MR. BROWN AYE

Revised

- The dumpster enclosure is indicated as vinyl fencing. I recommend that the sides and walls (and a front return) be masonry, with finish to match the building. Front gates could be vinyl fence to match rear fence.
- Pursuant to a policy memorandum dated 23 February 1989 from the Town Building Inspector, a complete detail for the handicapped parking space and associated sign(s) should be provided on the plans (currently just a sign detail is provided). The plan view should be dimensioned, call out the necessary blue striping, call for the double line on the boundaries, provide for the "No Parking - Any Time" sign at the access aisle, etc.

Revised

3. A landscaping plan has been submitted as sheet 9. I have the following specific comments on the plan:

- I believe the plantings in the triangular area along Union Avenue may be inappropriate. It may be more appropriate to install an ornamental street tree with low supplemental ground cover.
- The corner planting and sign area could be enhanced to compliment the other treatments occurring at the other two corners of the intersection.
- More information is needed for the planting schedule. Specific selections from a landscape architect would be appropriate.

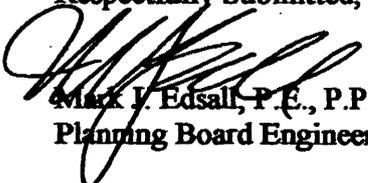
Revised

Revised

Revised

- 4. The Planning Board may wish to assume the position of Lead Agency under the SEQRA review process.
- 5. The Planning Board may wish to classify this action as an "unlisted action" under SEQRA, and consider a "negative declaration" of environmental significance, based on the information presented and reviewed.
- 6. As per New York State General Municipal Law (GML 239), this plan was referred to the OCPD for review. A response is pending.
- 7. The Planning Board should require that a bond estimate be submitted for this Site Plan in accordance with Chapter 137 of the Town Code.

Respectfully Submitted,



Mark J. Edsall, P.E., P.P.
 Planning Board Engineer



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)
WILLIAM J. HAUSER, P.E. (NY & NJ)
MARK J. EDSALL, P.E. (NY, NJ & PA)
JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE
33 AIRPORT CENTER DRIVE
SUITE 202
NEW WINDSOR, NEW YORK 12553

(845) 567-3100
FAX: (845) 567-3232
E-MAIL: MHENT@MHEPC.COM

WRITER'S E-MAIL ADDRESS:
MJE@MHEPC.COM

**TOWN OF NEW WINDSOR
PLANNING BOARD
REVIEW COMMENTS**

FILE
COPY

PROJECT NAME: AMERADA HESS CORP. SITE PLAN
PROJECT LOCATION: UNION AVENUE & NYS RT. 94
SECTION 12 - BLOCK 2 - LOT 1
PROJECT NUMBER: 05-10
DATE: 26 OCTOBER 2005
DESCRIPTION: THE APPLICATION PROPOSES THE REDEVELOPMENT OF THE "DB MART" SITE TO CONTINUE THE USE AS RETAIL AND GASOLINE/FUEL SALES. THE PLAN WAS PREVIOUSLY REVIEWED AT THE 27 APRIL 2005 PLANNING BOARD MEETING. THE APPLICATION IS BEFORE THE BOARD FOR A SITE PLAN AND SPECIAL PERMIT PUBLIC HEARING AT THIS MEETING.

1. The property is located in the NC zoning district of the Town. The gasoline station use is Special Permit Use B-7 of the zone, with the retail use being an "ancillary use" per Section 300-26 of the Code. The application was forwarded to the ZBA for rear yard setback, parking and sign variances.

During the course of the ZBA review, the applicant revised the layout to provide the minimum rear yard setback; as such the need for that variance was eliminated. It is my understanding the ZBA granted variances for sign area and off-street parking, as well as variances in connection with canopy setbacks. These are indicated on the plans (sheet 3). A record of the ZBA decision should be placed in the PB file.

2. The applicant has modified and corrected the plans in response to my previous comments. Some very minor corrections are required on the final plans, as follows:

- On sheet 3 at parking space 11, explain or eliminate the 8' dimension. *Eliminated*
- On Detail sheet 7, storm manhole detail, add requirement that covers read "Stormwater". *Revised*
- On Detail sheet 7, sanitary manhole detail, add requirement that covers read "Sanitary Sewer". *Revised*
- On Detail sheet 6, ADA Sign detail, eliminate penalty sign, and provide clearance to bottom of lowest sign minimum 5 ft. *Revised*

REGIONAL OFFICES

• 507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •
• 540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •

New Windsor Planning Board
Chairman Petro & Members of the Planning Board

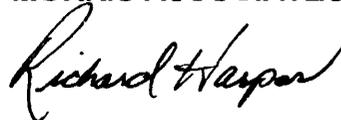
December 8, 2005
Page 2

**Re: Hess – New Windsor
173 Windsor Highway
MA #204152.02**

Should the Planning Board or Town Staff have any questions or comments, please contact me at 454-3411, extension 31.

Very truly yours,

MORRIS ASSOCIATES



Richard Harper,
Planner

RH: mo
Enclosures

cc: Mark Edsall, P.E., PP, Town Engineer - w/enclosures
Michael Babcock, Building Inspector
Andrew Lautenbacher, Amerada-Hess - w/enclosures
Neil J. Alexander, Esq., Cuddy & Feder LLP - w/enclosures



MORRIS ASSOCIATES, P.S. L.L.C.
ENGINEERING CONSULTANTS

9 Elks Lane, Poughkeepsie, New York 12601 Tel: (845) 454-3411 Fax: (845) 473-1962
 187 Church Street, Poughkeepsie, New York 12601 Tel: (845) 471-7900 Fax: (845) 471-7901
 389 Fairview Avenue, Hudson, New York 12534 Tel: (518) 828-2300 Fax: (518) 828-3963
E-Mail: morrisassociates@aol.com

December 8, 2005

Town of New Windsor Planning Board
Town Hall
555 Union Avenue
New Windsor, NY 12553

Attn: James Petro, Jr., Chairman,
and Members of the Planning Board

Re: **Hess – New Windsor**
(MA File # 204152.02)
Former DB Mart #619
Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Petro and Members of the Planning Board:

In a letter dated September 22, 2005, we requested further consideration of the amended Special Use Permit and Site Plan Application submitted to the Planning Board for the above-described project on April 15, 2005. We have been before the Zoning Board of Appeals and received the necessary variances. A copy of the August 22, 2005 Zoning Board of Appeals approval resolution is in the Planning Board file. We last appeared at a public hearing before the Planning Board on October 26, 2005. Since then, we have met with Mark Edsall, P.E. and Chairman Petro, primarily to discuss environmental issues. The date of that meeting was November 21, 2005. We have finalized the plans per Mark Edsall's comment letter dated October 26, 2005, (copy attached). We are hereby submitting six (6) sets of plans for review for site plan approval. We previously submitted a formal application, including fees and escrow, a short form EAF, and a document granting Morris Associates authority to act as agents for Amerada-Hess in applying for review and approval on this property.

The public hearing of October 26th was left open. It is our understanding that the next opportunity to appear before the Planning Board is December 14, 2005. We request placement on the agenda for that date, or the next available date thereafter.

October 26, 2005

41

MR. LAUTENBACHER: We'll be quick.

MR. PETRO: You need to address whatever comments Mark has.

MR. ALEXANDER: That's not a problem and we had some conversations in the hall with Mr. Surinsky about some of these aesthetic concerns.

MR. PETRO: And I want to see the remediation plan and the letter from DEC how you're going to proceed.

MR. SCHLESINGER: And the current status.

MR. LAUTENBACHER: You'll have it.

MR. PETRO: Workshop?

MR. EDSALL: Yes.

MR. PETRO: Set up with Mark and Myra another workshop before the planning board.

MR. PETRO: You can augment.

MR. LAUTENBACHER: Request the changes we just don't have a stable of standards.

MR. PETRO: Can you leave that with us?

MR. LAUTENBACHER: Sure.

MR. PETRO: Joe, take that with you.

MR. ALEXANDER: Just so you know on that one thing one of the since TCBY this is an older, we're not using TCBY, it's going to be Godfather's Pizza.

MR. MINUTA: Just so I understand the site on Route 9 is not company owned?

MR. LAUTENBACHER: That's correct, it's a dealer location.

MR. PETRO: Thank you very much.

MR. LAUTENBACHER: What's your date?

MR. PETRO: To come back, contact Myra whenever you're ready.

MR. LAUTENBACHER: We're ready.

MR. PETRO: Keep in mind there's only one meeting in November and one in December.

MR. LAUTENBACHER: Can we make the November meeting?

MR. PETRO: It's questionable. We'll have to look at it but if there's room and you can, I don't ever keep anybody off.

MR. ARGENIO: I'll make a motion for lead agency for Amerada Hess.

MR. SCHLESINGER: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board declare lead agency for the Hess site plan on Route 32 and Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

MR. PETRO: If you can take a copy of the comments from our engineer, we're not going to go over a single site plan tonight, you can do that yourself, take care of 90 percent of it, you don't need me to go over it, the renderings, does he have, does anybody have any objection? Joe, did you look at that? What do you have to comment?

MR. MINUTA: I would like to see, I'm sure you have other prototypes that you use, I'd like to see what you have to offer.

MR. PETRO: Is there a different model?

MR. LAUTENBACHER: This is the model if we need to do something to satisfy the board, something different.

MR. PETRO: Is this designed specifically for this site or it's a standard model?

MR. LAUTENBACHER: It's a standard model.

MR. PETRO: At this time I'll open it back up to the board for any further discussion.

MR. ARGENIO: I have one thing, I'm going to be brief because I think that I wrote a little note that I'm showing to him and the note says the horse is dead, I think we've covered a lot of things here but I think John Alva made a very, very good point, it's a point that I was going to make myself in that I think that Mr. Surinsky and the lady sitting behind him I think and the town we should, I'm going to fall short of using the term embarrass Hess but I think it's a good thing that we have a corporation here, an able corporation that has the means and the ability and more importantly the desire to occupy that location and to correct your problem, Mr. Surinsky and the lady behind you, because they have the ability to do it. I think the chairman has enunciated in a very clear form that there's not going to be any shenanigans here, it's going to be done right and that's going to be the end of it and we're all going to go on. That's it, Jim.

MR. PETRO: Okay, you know, Mark, we're going to take lead agency, you don't see any reason that we can't do that at this time, right, even though the DEC is going to be involved?

MR. EDSALL: I do not and keep, keep in mind that under SEQRA you're taking a lead agency for the site plan and special permit action so again Mr. Alexander was correct that already several things are occurring at this site, two of them being site plan and special permit, that's what you're taking lead agency on and you would be, it would be appropriate that you coordinate with DEC as has been suggested but your scope is what it is.

MR. PETRO: Motion for lead agency.

team and verify the sampling that's done.

MR. LAUTENBACHER: Okay.

MR. ALEXANDER: If people want to be on site and watch our people do the work.

MR. PETRO: We used to send out people to do their own perc tests and everything came back six minutes but nobody's toilet would flush, it just kind of didn't work.

MR. ARGENIO: So we started witnessing ourselves.

MR. PETRO: Now we have 58 minute ones, I think you get the point. Maybe we can work with an independent, it's not a huge expense for them to come and monitor what's being done. Is that it?

MR. SURINSKY: Thank you.

MR. PETRO: Anybody else?

MR. ARGENIO: With no hands being shown, I'll make a motion we close the public hearing.

MR. KARNAVEZOS: Second it.

MR. PETRO: Motion has been made and seconded that the New Windsor Planning Board close the public hearing for the Hess station on Union Avenue. Any further discussion from the board members? If not, roll call.

ROLL CALL

MR. SCHLESINGER	AYE
MR. MASON	AYE
MR. KARNAVEZOS	AYE
MR. ARGENIO	AYE
MR. PETRO	AYE

did the testing when they remediated this site.

MR. PETRO: People who work for Hess.

MR. SURINSKY: Yes and they did a bias job, it was obvious, you could see where they took their samples from when there was a big hole they took it from a clean not a dirty spot because they're not going to cut the hand off that feeds them. Would it be a good idea or is it a, I'd feel more comfortable if it was an independent agency that did the testing rather than Hess' people, rather than my people, can we find an independent guy that has no bias one way or the other that will give us unfair, impartial readings.

MR. LAUTENBACHER: We have a state certified firm that's doing work on this particular site, happens to be one of the best and Decks (phonetic) is the name of it.

MR. SURINSKY: They're the people that I watched not do a good job, I watched them remediate.

MR. ALEXANDER: Ultimately I understand that you want to make sure that DEC does their job but this really is DEC jurisdiction, you want I think your board has a right to say we need to know what's going on with DEC. I think don't we shouldn't be re-inventing the wheel with protocols or anything like that because that's all DEC regulated.

MR. PETRO: I'm not disagreeing with you a hundred percent but he makes a valid point that the DEC is just reading the data that's supplied to them, very similar to the soil burning plant on River Road, they monitor themselves, they mark down the boxes over what they're emitting, they send it to DEC for them to look at, that's the point he's making. So being that's the case, we may ask to have an independent, maybe somebody like Mr. Conklin to work along in conjunction with your

any, no room for mistake, so you understand exactly what I'm saying, we'll continue with the site plan, I don't have a problem with that, continue, move along.

MR. ARGENIO: Site needs to be remediated.

MR. PETRO: It needs to be remediated, you're saying we don't know the extent of it, I'm telling you when somebody stands up there on that floor and tells me that he smells gasoline fumes in the basement and have to have machinery taking it away there's a serious problem, I don't need to look at the piece of paper that's going to tell me that, you know, there's no problem.

MR. ALEXANDER: No but all I was saying, Mr. Chairman, is that I think collectively once we all fully agree and understand the scope of the problem, we can work to fashion a condition of approval that gives everyone comfort, that's all I'm asking for, once we have that understanding, I agree no plan will be signed until you're satisfied, I hear that, just as far as getting a conditional approval fashioned that makes everyone happy is where I think we're trying to get to through providing remediation plan materials.

MR. PETRO: We have an open mind, we listen to everything, I try to be as reasonable as possible but there's not a lot of gray area as far as I'm concerned in this particular application.

MR. ALEXANDER: We're committed to make the cleanup.

MR. PETRO: Public hearing is still open, so let me see if anyone else, gentlemen, is there anyone else who wants to speak?

MR. SURINSKY: The only thing that slightly concerns me is there people are the ones that are going to do the testing, all right, last time it was their people that

built and not fixing his property if they're assuming the risk then maybe they can fix his first of all at the same time.

MR. PETRO: Yes, sir.

MR. LAUTENBACHER: Just to kind of respond. For your next meeting, I will have for you a detailed remedial action plan, you can see exactly what the plan is, status of it and an indication from DEC that the project can move forward while the remediation is being done. I can give that to you absolutely for your next meeting.

MR. PETRO: Okay, well, I'm not going to make any comment because frankly I'm going to give it to counsel and let them advise me on to the correct procedure. I would say that unless the remediation is towards the end of the process or we know that there's going to be a lifting of the number, I'm not going to sign any plan until we know that that's about where we're at. So, in other words, if you're, we're not going to issue a building permit or site plan approval on a condition that this is going to happen, this is going to happen, this is going to happen, it's going to have to happen and then we're going to look at it. I don't want to waste your time.

MR. ALEXANDER: Yeah, I just want to, can we reserve judgment, let's see what the status is and where we are, I think we're all prone on each of our sides, me advocating for my client, you advocating for the town to make certain assumptions, I don't want to do that, let's get the data in front of us, let's adjourn to a date certain 30 days from now, come back, you'll have the information then we can decide and you can tell us why it needs to wait or you now feel a little more comfortable.

MR. PETRO: I'm going to seek counsel and I don't make

liable and the town will be liable if they did give them a permit to build knowing there's a spill there now that's contaminating it then becomes the town's responsibility also cause if we know about this problem now and we allow them to build before it's cleaned up then that's a disaster.

MR. PETRO: I think everybody on the board agrees with you a hundred percent. I think Hess agrees with you also, just have to get to that point.

MR. ALVA: John Alva, Mt. Airy Road. No, I think that we're very fortunate in New Windsor to have a company this size with the probably the financing available to clean up a site like this but I think that if they're going to be approved they know where the site is and it looks horrible now that the last guy went out of business but I just would look into if you're going to do that, if this contamination under the ground may be given some type of bifurcated approval that says yes, it's approved if, and building permit can be taken away any time but we want that cleaned up, you have the man right here who has his property has a problem, did they assume the responsibility for his property as well?

MR. PETRO: Yes.

MR. ALVA: Will they?

MR. PETRO: They're going to do the whole thing, John, and if the plan's not signed, the site plan is not signed, there's no building permit can be issued so that's the tool, that's as simple as it gets and it will not be signed until the spill number is removed or some satisfaction from the DEC that it is done to the best of their ability whatever that case may be.

MR. ALVA: I'm just saying that I feel very good and fortunate that a company this size can come in and take on those risks to do this but I wouldn't want to see it

a matter of timing and procedure, I think I laid it out probably pretty clear.

MR. SURINSKY: The timing has been five years nothing's been done, they've just moved.

MR. PETRO: You'd be surprised when somebody's trying to get a building permit how things move along on their part.

MR. SURINSKY: I hope so. I had to speak my piece, this is my time and I'm hoping that the planning board is here to protect New Windsor residents from large corporations like this taking advantage of us little guys. Thank you very much for listening to me.

MS. THEIL: My name is Joan Theil and I'm directly across the street from Mr. Surinsky. I'm at 222 Danaher (phonetic) Avenue, I agree wholeheartedly with Mr. Surinsky, the large corporations run over people like this, I have been here since 1968, I have seen a big change in New Windsor, not that I like all the, I mean, to have one gas station and another gas station right across the street, more pollution, more traffic, but this is a serious problem, it has to be fixed before they're allowed to start building. It has to be deemed safe cause once they start building, who knows what would happen. And I want to make sure the town keeps abreast of the situation, does not permit them to build anything until it's secure and safe to build on top of that again cause I smell fumes also, I know when we had, I mean, I can imagine with two gas stations now what it's going to be but we pay taxes here, you know, Mr. Surinsky keeps his house immaculate, he happens to be an excellent neighbor, he's clean, I'm clean, I try and keep my property clean, well maintained and I'm sure Hess is a big corporation, all their millions they can make sure that we're safe and his children don't get cancer, my grandchildren don't get cancer, I don't come down with cancer because then I think they're

property, their property is contaminated and my property is contaminated.

MR. PETRO: They being the previous owner?

MR. SURINSKY: DB, I use Hess as they, because they bought the piece of property now and I have to assume that they're responsible for what they bought. My property has been contaminated for five years. There were agreements put in place that it was to be cleaned up and D & B went bankrupt, they walked away and left me holding the bag. My property is contaminated, I have fumes coming in my house right now that I have to run special equipment downstairs so it's safe to live in my house. They want to build their Hess station as soon as possible and make as much money as possible, I think it's their responsibility if they're going to move into the neighborhood to take a responsibility to the neighborhood and clean up the existing site. I mean, it's contaminated, I can't sell my house right now if I wanted to sell my house, I can't, it's contaminated because of D & B. If Hess bought it, I think it's their responsibility to clean it up and I think they need to have a plan put in place to clean it up. If they have a plan put in place to clean it up and they clean it up, I have no problem with Hess.

MR. PETRO: Kind of sounds like that they want to do that, just seems like it's not a plan in place.

MR. SURINSKY: They came here asking your permission to build a place but yet they don't have a plan, they need a plan.

MR. PETRO: I agree with you. No argument with us.

MR. SURINSKY: That's my point of contention, they clean it up, I have no problem in the world.

MR. PETRO: I don't think they're arguing, I think it's

services have not concluded up to this included addressing the spill number issue and as a result I can't really--

MR. PETRO: I'm surprised because to me of course I'm not Hess, I keep saying that but that would have been one of the more important things is to know that I can remediate the problem and you don't really know, I mean, I assume there's a way to do anything especially for a large corporation but I would certainly want to know especially next door there's quite a bit of contamination evidently that was, has spilled onto the next properties plus the land underneath the building, you know, that's got to be removed. I'm not telling you anything you don't know, okay. And also I think when some of the existing tanks were put in its possible from my understanding and I don't know this to be true, I'm just suggesting it to you that there was still some contaminated soils around the tanks. Now I know you have double containment tanks, the whole system so I think when you do a Phase 1 there or whatever you're going to do you may and I say may find that there's still a problem on the existing site in the front also, all right, I don't want to, I think I said it all, I think I know what you're saying, well, it's important because we have facts that you know you can go there and see the wells and it happens to be a subject I know a little bit about, okay. On the 12th day of October, 2005, 32 addressed envelopes went out containing the public hearing notice. If someone is here, would like to speak for or against or just make comment on this application, be recognized by the chair, come forward, state your name and your concerns and your address.

MR. SURINSKY: I'm Dave Surinsky, I live right next door to the convenient store. My home is on one side, my business is on the other side. I have no problem with Hess building this, they're in a hurry to build it. Problem is five years ago they contaminated my

MR. PETRO: So you can go a long time once you have your approval, I still think it's a very good idea to find out more information for us exactly what your plan of attack is here. We didn't even get to the neighbor's property yet. What's your plan there? It's contaminated by this site.

MR. LAUTENBACHER: I can't answer the question, I don't have it off the top of my head.

MR. PETRO: But you have to understand there's some liability, I think it's all liability.

MR. LAUTENBACHER: We have assumed the responsibility for the cleanup of this site when we acquired it, that was part of what we bought.

MR. PETRO: Well, I think what we're going to do is open up the public hearing, we're going to go through the process, I'm going to continue to review the project but I think until you have a very, very clear way of handling this that it's not going to be finalized. In other words, we'll go up to a certain point that's where it's going to be or if you like, you discussed earlier even if we did finalize it, I would not sign the plan until the DEC pulled the number.

MR. ALEXANDER: And I don't think, you know, that's unreasonable as far as me to show you that we have satisfied DEC.

MR. PETRO: Nothing's going to happen, I cannot sign the plan until the numbers, that may be a condition of final approval, I don't want to just hold you up in limbo at least you know you have approval once that problem's solved, I don't mind doing that, that's not a problem.

MR. ALEXANDER: It's unfair for us to say my scope of

that you're close and I'm probably not telling you anything you don't know is that I had NDs on every one of my wells for 2 1/2 years, it was vacant for nine years and now ND, if you don't know what it is, means non-detected, non-detected, we did it quarterly for 2 1/2 years, forget about the expense, I'm not even talking about that, and my question always was what are you looking for, the tanks are removed, the ground was taken out and it says ND on every one of your--there's nothing to even say. Well, it's close, it's ND, how do you know that's not going to happen here? You can take the building down, clean it up and they're either going to come over, look at the monitoring well, say there's non-detected, we'll see you in two or three months, well, let's see what happens with the aquifer underneath the ground, probably telling you everything you've heard a hundred times.

MR. LAUTENBACHER: There's a very good chance that's how it's going to go.

MR. ALEXANDER: But your approval in your code I don't have the section off the top of my head gives a certain amount of time by which we have to commence construction otherwise we're going to have to come back to get our approval renewed, I guess what I'm saying I hear everything you're saying, what I'm just trying to highlight is the other controls that you have in place and available that are checks and balances in the system that giving us a, granting us an approval in making for site plan and on the SEQRA issue is not the end of the system and there are other checks and balances in Town Hall and up in New Paltz and that's all I'm trying to highlight. I understand your point.

MR. PETRO: Don't forget the planning board approval is good for a year and then you have to, if you can pull a building permit, it's good for 18 months.

MR. BABCOCK: Depends on cost of construction but yes.

MR. PETRO: We're talking about Hess.

MR. ALEXANDER: There are different financing that are used, that's why I see as chicken and egg issue.

MR. ARGENIO: What's the last minute have to do with SEQRA, unless, what does the last minute of dialogue have to do with the SEQRA problem that you outlined three minutes ago when the--

MR. PETRO: Financing or not, I don't know, I still, I hear what you're saying and I understand that cause I know business a little bit myself but I don't understand why you cannot once the building is removed why you can't remediate the site, actually clean it and I think that's probably if there's any leaching coming that's probably where it's coming from.

MR. LAUTENBACHER: May I just real quickly, that's part of this project any contaminated soil that we find on the site is going to be removed as part of this project. So to answer your questions why is, there isn't any reason why not, that's part of the project.

MR. SCHLESINGER: I have a question, we have a copy of a letter dated March 23 approximately six months ago and it was I guess in response from Hess to the DEC requesting a write-off of or conclusion on the monitoring wells and that was denied and the department wanted to perform one more additional sampling quarter in 2005, do you know whether that was done?

MR. LAUTENBACHER: I can't answer your question.

MR. PETRO: And there's no way of knowing either, I don't know what Hess owns but if you own one and it's contaminated just as much of a nightmare as if you own a lot. Mine had approximately 11 or 12 monitoring wells on it and I got it down to 6 wells, just to give you a frame of mind what the DEC can do, if you think

MR. PETRO: In order to get to the building part of it you have to get through planning. Again, how am I physically going to sit here and do a roll call for a negative dec knowing there's a spill number attached?

MR. ALEXANDER: I can tell you why because the conditions that exist on the site right now and the monitoring that's going on exists today, the planning approval you're giving is in order to engage if new activity on the site, the new activity is proposed on the site will not exacerbate or impact or affect the existing conditions and the linchpin of that is that DEC is not going to let us do anything, give us the permits to engage in activities on that site that would affect the in-place monitoring agreements and set on any consent degrees to the extent that they exist and that's why in my opinion they're two separate things and ultimately the back end control for you is if you make it a condition of our approval to obtain any and all permits from DEC and proof that the monitoring agreement has been amended in accordance with the approval by the planning board you have that control before we pull a building permit. That's why I see them as separate.

MR. PETRO: Let me say that let's not rule that out because you always want to be reasonable and listen to everything but let's try another approach, something very novel. Why not clean up the site before we start?

MR. ALEXANDER: I think it may be a chicken and egg issue, not being in-house and not being in the environmental counsel on this issue, Hess is taking care of that. I don't want to get too far ahead but it's a chicken and egg issue, my guess is some of the funding and financing for this is going to be contingent upon having the approvals in place to do, that's the chicken and egg.

MR. ALEXANDER: Yes.

MR. PETRO: Obviously, the dirt that's underneath that building I know there's been some remediation done at the site, I've done this myself with sites so I'm familiar, I probably don't know what you know but I know you're shaking your head, I know a lot.

MR. ALEXANDER: I'm not here to fight with you.

MR. PETRO: So just bear me out and you can talk all you want. The dirt that's underneath the building obviously has not been remediated, it's been I guess about six or seven or eight years old the entire site takes 20 years to remediate by itself.

MR. ALEXANDER: I haven't looked at all the papers on that issue because that's dealt with by Hess' environmental department in-house.

MR. PETRO: That's what's there, it's MTBE 20 years to remediate and there's a number of monitoring wells on this site and the neighbor's site, so I guess my question is and I don't want to just keep going with planning board if we have nowhere to go because once we get to that stumbling block of the SEQRA process I know you're shaking your head like it's not a problem, I'm telling you that it is a problem, how do you plan on remediating the situation?

MR. ALEXANDER: My understanding is as follows. There's a spill number, there's also an operating maintenance and monitoring agreement that's in place, obviously our work once we get our approvals locally is going to have to be shown to DEC, we're going to have to get the appropriate permits from DEC in order to engage in activities on the property. And that means the construction activities, very separate from the planning activities, that's why I was shaking my head, I think they're two separate things.

location built by somebody else and they're flying our flag but it's not a Hess property.

MR. SCHLESINGER: Did you do the work on Route 300?

MR. LAUTENBACHER: Yes.

MR. PETRO: All right, leave the rendering, before I open it up to the public I want to, the information that I received, I think all the board members I want to go over it first is that you presently have a spill number attached to this location, correct, from New York State DEC, I have it in front of me, I have the number, I believe the homeowner who you know is here and also at the zoning board public hearing is affected to the east of your property. I believe he has a number of monitoring wells that are in operation on his site now from the spill that occurred at DB when it was a DB station, your site also has the same spill number attached to it, correct?

MR. LAUTENBACHER: I'm not sure if it's the same number but we assume the responsibility for that cleanup.

MR. PETRO: Let me ask you first, what's your plan and how are you going to deal with that? Number 2, before you get to that part, you understand of course that now that we're aware of the spill number and that there's contamination there, there's no way that this board can declare a negative dec under SEQRA process knowing that we have this in our hand that it's there which would hold up this process so I'm telling you now that it's going to hold up the process, we can't do a negative dec until it's been taken care of. I don't even know how we can physically or even get those words out knowing that there's a spill number attached to a property. You have, you're going to remove the building that's there now, correct, it's going to be completely removed?

MR. PETRO: What's in the building, one handicapped bathroom?

MR. SETARO: Two.

MR. ARGENIO: You have a Blimpie looks like, yes?

MR. SETARO: Correct.

MR. ARGENIO: Is that the reason for the grease trap?

MR. SETARO: Yes because we're going to have Blimpie will be a Godfather's Pizza in there so that's why we're proposing to have the grease trap and I believe I don't know if CAMO sent through a comment letter but it was my understanding talking with them that from a conceptual standpoint they were okay, there was a couple of details that John Agido wanted to work out with me on the pump station.

MR. PETRO: I think that's enough because I want to get into other things and first I'm going to, does anybody else want to say anything at this time? Let's open it up to the public.

MR. SETARO: If you would like, I can just show you quickly before you open it up, show you a picture of the building.

MR. PETRO: Did anybody receive correspondence with the planning board with their renderings on the facade of the building that you have over on Route 9, one of our members, Mr. Minuta--

MR. SETARO: Okay, he did not mention that to me, he was on vacation this week so--

MR. LAUTENBACHER: He did mention it to me, the building on Route 9 is not ours, that's a dealer's

existing island and then we'll just bring that right into our proposed building. Then because of the way that the site grades are, the site slopes from north to south we're not able to make a gravity sewer connection so we're going to put in a grease trap and then a sewage pump station and then we'll pump up and again we'll find the existing sewer line coming into the site and we'll put a proposed manhole there and we'll pump it.

MR. PETRO: Nothing on Union Avenue, Mark, to get away from the pump station?

MR. EDSALL: There's also the issue of I believe cutting out into the middle of the driving lanes verses connecting into an existing lateral with a receiving manhole so--

MR. SETARO: We did look at that because obviously if we don't need to have a pump station we certainly would rather not have one. We did talk to the County Public Works Department, I believe they said within the past year maybe they just paved out there and they really weren't too thrilled about that.

MR. ARGENIO: It's 150 feet of force main across your on property am I reading that correctly?

MR. SETARO: That's about right, yes.

MR. PETRO: I own 12 pumping stations, probably the worst thing in my life that I own. The only thing in your favor you're going to have limited use in the building.

MR. SETARO: We looked at trying to make a gravity connection but by the time you work your elevations through your grease trap, it was going to be so close that I figured we'd just show the worst case scenario which would be the pump station, so I don't know.

build it that close, yes.

MR. BABCOCK: Do we have fire approval? We should have that.

MR. PETRO: We'll look at that. Why don't you tell us briefly what your plan is, what you want to do.

MR. SETARO: For the record, my name is Pete Setaro, S-E-T-A-R-O, a partner with Morris Associates. As you know, the project is on the corner of 32 and county Route 6C9. It's the site where the existing DB Mart is. The plan is to construct a 3,500 square foot Hess Express convenient store and gasoline filling station, the building, the current building on the site which I just showed you sits over in this area of the property, currently two canopies there, the proposal is to install the new building back closer to the rear property line and then to locate the canopy out in the front. We have as far as the access to the site we're going to use the two existing curb cuts off of Route 32. We have talked to both your town engineer and the Orange County Public Works Department about closing up one of the current access points that's on County Route 69 and then moving our new access using the one that's further to the east but even trying to get it as far away from the intersection as physically possible so we're only going to have one access point off County Route 69. As we had talked earlier we did receive several variances from the ZBA, there were variances for wall signs, a variance for three less parking spaces than as required by the town zoning code. As far as the infrastructure for the site we're going to be using existing water and sewer by the town, I spoke with CAMO Pollution Control yesterday in regards to our proposed water supply, we're basically going to, we have a pretty good idea where the existing water and sewer come into the site based upon records that were provided by CAMO so we're going to find the existing water service and basically tie into that in our

MR. ALEXANDER: Yes, we did, we have the table with the variances and the date they were granted.

MR. PETRO: You had a public hearing there I know and you requested this public hearing, how was that public hearing attended?

MR. ALEXANDER: Just for the record, Neil Alexander, a partner at Cuddy & Feder. It was attended only by one individual who's also here tonight, we're talking with him, that's why we were late, sorry but--

MR. PETRO: Property is located in NC zone district of the town, gasoline station use is a special use of the zone with the retail being, with the retail being auxiliary use. It was forwarded to the ZBA for a rear yard setback, parking and sign variances, basically you just got the variances for the parking on the sign, rear yard you moved the building forward so you didn't need it, let me just look at this for a second here. Mark, I'm just curious, the tanks are under the ground to the north and they're very close to the property line, I know that we treat tanks as buildings when they're above the ground and they have certain codes that go along with the tanks when they're underground, is there a certain setback that's needed if they're underground?

MR. EDSALL: Not with the town zoning ordinance there may be some NFBA regulations or DEC permitting regulations but no town zoning regulations.

MR. PETRO: Is there?

MR. ALEXANDER: No according to Hess.

MR. PETRO: So you can put an underground tank?

MR. LAUTENBACHER: There are no regulations. You can

AMERADA_HESS_CORP._(05-10)

Neil Alexander, Esq. and Mr. Andy Lautenbacher appeared before the board for this proposal.

MR. PETRO: Amerada Hess Corporation, Union Avenue, Route 32, proposed renovation of existing Dairy Mart to Hess gas station. The application proposes redevelopment of the DB Mart site to continue the use as retail and gasoline fuel sales. The plan was previously reviewed at the 27 April, 2005 planning board meeting. The application is before the board for a site plan and special permit public hearing at that meeting. I believe you have also been to the zoning board?

MR. ALEXANDER: Yes, we have.

MR. PETRO: For variances that you were requesting, were you successful in receiving any of the variances?

MR. ALEXANDER: Yes, we were, all.

MR. PETRO: Some, not all?

MR. ALEXANDER: All.

MR. PETRO: You received the rear setback variance?

MR. ALEXANDER: We were able to revise the site plan so that it did not, we did not need the variance setback.

MR. PETRO: So other than that one, you received all the ones you requested?

MR. ALEXANDER: Signage, there was one for wall signage and one for, a variance for three parking spaces.

MR. PETRO: The other question is did you implement them and put them on the plan?

Proj Name: Amerada Hess Corporation Station #32579
 MA#: 204152.02
 By: JK
 Reviewed By: PDS
 Date: 05/17/06

Site Work Misc.

Lump	\$ 2,500.00	1	\$ 2,500.00	\$ 2,750.00
Lump	\$ 22,500.00	1	\$ 22,500.00	\$ 24,750.00
Lump	\$ 1,500.00	1	\$ 1,500.00	\$ 1,650.00
Lump	\$ 15,000.00	1	\$ 15,000.00	\$ 16,500.00
Total				\$ 45,650.00

Site Work - Utility, Paving, Curbing

Lump	\$ 35,000.00	1	\$ 35,000.00	\$ 38,500.00
Lump	\$ 5,500.00	1	\$ 5,500.00	\$ 6,050.00
Each	\$ 2,500.00	1	\$ 2,500.00	\$ 2,750.00
LF	\$ 45.00	143	\$ 6,435.00	\$ 7,078.50
Each	\$ 2,500.00	2	\$ 5,000.00	\$ 5,500.00
Each	\$ 2,500.00	2	\$ 5,000.00	\$ 5,500.00
LF	\$ 45.00	280	\$ 12,600.00	\$ 13,860.00
LF	\$ 35.00	140	\$ 4,900.00	\$ 5,390.00
LF	\$ 55.00	334	\$ 18,370.00	\$ 20,207.00
LF	\$ 22.00	620	\$ 13,640.00	\$ 15,004.00
Cu Yds	\$ 130.00	140	\$ 18,200.00	\$ 20,020.00
LF	\$ 150.00	92	\$ 13,800.00	\$ 15,180.00
Cu Yds	\$ 15.00	300	\$ 4,500.00	\$ 4,950.00
Cu Yds	\$ 20.00	472	\$ 9,440.00	\$ 10,384.00
Asphalt	\$ 50.00	480	\$ 24,000.00	\$ 26,400.00
Site Lighting	\$ 4,000.00	6	\$ 24,000.00	\$ 26,400.00
Total			\$202,885.00	\$ 223,173.50

Project Total = \$244,385.00 \$ 258,623.50

5376.47

RECEIVED
 TOWN OF NEW WINDSOR
 MAY 18 2006
 ENGINEER & PLANNING

P.B. # 05-10

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/25/2005	REC. CK. #2827	PAID		750.00	
04/27/2005	P.B. ATTY. FEE	CHG	35.00		
04/27/2005	P.B. MINUTES	CHG	33.00		
10/26/2005	P.B. ATTY. FEE	CHG	35.00		
10/26/2005	P.B. MINUTES	CHG	126.50		
12/14/2005	P.B. ATTY. FEE	CHG	35.00		
12/14/2005	P.B. MINUTES	CHG	49.50		
04/26/2006	P.B. MINUTES	CHG	7.00		
07/07/2006	P.B. ENGINEER FEE	CHG	1171.10		
		TOTAL:	1492.10	750.00	742.10

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 5-10
NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/18/2006	2% OF 268,823.50 INSP FEE	CHG	5376.47		
		TOTAL:	5376.47	0.00	5376.47

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/18/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 5-10
NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/18/2006	APPROVAL FEE	CHG	150.00		
		TOTAL:	150.00	0.00	150.00



Town of New Windsor

555 Union Avenue
New Windsor, New York 12553
Telephone: (845) 563-4615
Fax: (845) 563-4689

OFFICE OF THE PLANNING BOARD

July 18, 2006

Amerada Hess Corporation
1 Hess Plaza, WB-PL
Woodbridge, NJ 07095-0961

ATTN: ANDY LAUTENBACHER

SUBJECT: FEES DUE P.B. #05-10

Dear Sir:

Please find attached printouts of fees due for subject project.

Please submit payment in separate checks, payable to the Town of New Windsor, as follows:

Check #1 – Approval Fee.....	\$	150.00
Check #2 – 2% of \$268,823.50 inspect fee.....	\$	5,376.47
Check #3 – Amount over escrow posted.....	\$	742.10

Upon receipt of these checks and ten (10) sets of plans (at least 5 sets folded), I will have the plans stamped and signed approved.

If you have any questions in this regard, please contact my office.

Very truly yours,

Myra L. Mason

Myra L. Mason, Secretary To The
NEW WINDSOR PLANNING BOARD

MLM

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/21/2006

PAGE: 1

LISTING OF PLANNING BOARD FEES
APPROVAL

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98

APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/18/2006	APPROVAL FEE	CHG	150.00		
07/20/2006	REC. CK. #3037	PAID		150.00	
		TOTAL:	150.00	150.00	0.00

P. B. #05-10 Approval fee

Town of New Windsor
555 Union Avenue
New Windsor, NY 12553
(845) 563-4611

RECEIPT
#599-2006

07/21/2006

Amerada Hess Corporate

Received \$ 150.00 for Planning Board Fees, on 07/21/2006. Thank you for stopping by the Town Clerk's office.

As always, it is our pleasure to serve you.

Deborah Green
Town Clerk

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/21/2006

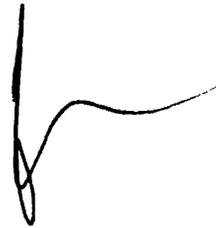
PAGE: 1

LISTING OF PLANNING BOARD FEES
4% FEE

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
07/18/2006	2% OF 268,823.50 INSP FEE	CHG	5376.47		
07/20/2006	REC. CK. #3038	PAID		5000.00	
07/20/2006	REC. CK. #3039	PAID		376.47	
		TOTAL:	5376.47	5376.47	0.00



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/21/2006

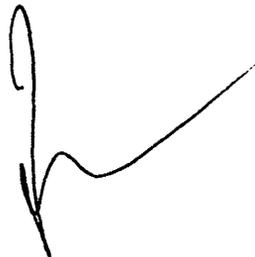
PAGE: 1

LISTING OF PLANNING BOARD FEES
ESCROW

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	DESCRIPTION-----	TRANS	--AMT-CHG	-AMT-PAID	--BAL-DUE
04/25/2005	REC. CK. #2827	PAID		750.00	
04/27/2005	P.B. ATTY. FEE	CHG	35.00		
04/27/2005	P.B. MINUTES	CHG	33.00		
10/26/2005	P.B. ATTY. FEE	CHG	35.00		
10/26/2005	P.B. MINUTES	CHG	126.50		
12/14/2005	P.B. ATTY. FEE	CHG	35.00		
12/14/2005	P.B. MINUTES	CHG	49.50		
04/26/2006	P.B. MINUTES	CHG	7.00		
07/07/2006	P.B. ENGINEER FEE	CHG	1171.10		
07/20/2006	REC. CK. #3040	PAID		742.10	
		TOTAL:	1492.10	1492.10	0.00



PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/24/2006

PAGE: 1

LISTING OF PLANNING BOARD SEQRA ACTIONS

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

	DATE-SENT	ACTION-----	DATE-RECD	RESPONSE-----
ORIG	04/25/2005	EAF SUBMITTED	04/25/2005	WITH APPLIC
ORIG	04/25/2005	CIRCULATE TO INVOLVED AGENCIES	/ /	
ORIG	04/25/2005	LEAD AGENCY DECLARED	10/26/2005	TOOK LA
ORIG	04/25/2005	DECLARATION (POS/NEG)	12/14/2005	DECL NEG DEC
ORIG	04/25/2005	SCHEDULE PUBLIC HEARING	10/26/2005	SCHED PH
ORIG	04/25/2005	PUBLIC HEARING HELD	12/14/2005	CLOSED PH
ORIG	04/25/2005	WAIVE PUBLIC HEARING	/ /	
ORIG	04/25/2005	PRELIMINARY APPROVAL	/ /	
ORIG	04/25/2005		/ /	
ORIG	04/25/2005	LEAD AGENCY LETTER SENT	/ /	

PLANNING BOARD
TOWN OF NEW WINDSOR

AS OF: 07/24/2006

PAGE: 1

LISTING OF PLANNING BOARD ACTIONS

STAGE:

STATUS [Open, Withd]
A [Disap, Appr]

FOR PROJECT NUMBER: 5-10

NAME: AMERADA HESS CORP DB-MART #619 PA2005-98
APPLICANT: AMERADA HESS (ANDY LAUTENBACHER)

--DATE--	MEETING-PURPOSE-----	ACTION-TAKEN-----
07/21/2006	PLANS STAMPED	APPROVED
12/14/2005	P.B. APPEARANCE	ND APPR COND.
10/26/2005	P.B. APPEARANCE	LA: CLOSED PH
04/27/2005	P.B. APPEARANCE	REFER TO ZBA
04/20/2005	WORK SHOP	SUBMIT
04/06/2005	WORK SHOP	RET TO WS
03/02/2005	WORK SHOP	RET TO WS

SARINSKY'S GARAGE

COMMERCIAL PROPERTIES

LEVINES GARAGE

ONDA'S HAIR SALON

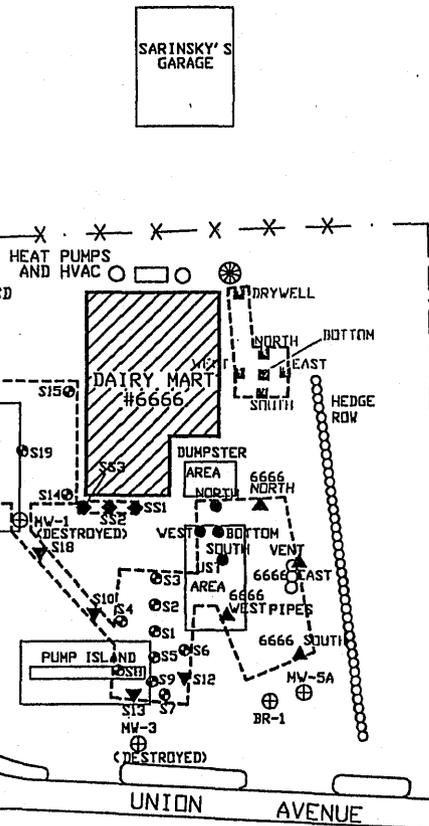
ANTONELLI'S SERVICE

POWER'S DANCE ART CENTERS

PICTURE GALLERY ANTHONY'S VERTICALS

ANTHONY'S DELI

32 NORTH WINDSOR HWY



69 WEST

VACANT LAND

UNION AVENUE

RESIDENTIAL



LEGEND

- ⊕ = MONITORING WELL
- ⊙ = SPARGE WELL
- ⊗ = TANK PAD WELL
- ⊘ = DRY WELL
- ⌚ = LIMIT OF EXCAVATION
- ▲ = GASLINE UST EXCAVATION (TABLE 3)
- = FUEL OIL UST EXCAVATION (TABLE 4)
- = USED OIL UST EXCAVATION (TABLE 5)
- ⊙ = SOUTH CANOPY EXCAVATION (TABLE 6)
- ⊙ = WEST CANOPY EXCAVATION (TABLE 7)
- ▼ = GASLINE PRODUCT LINE EXCAVATION (TABLE 8)
- ◆ = CONDUIT TRENCH EXCAVATION (TABLE 9)

SARINSKY'S HOUSE (approx.)



HANDEX OF CONNECTICUT
569 MAIN STREET MONROE, CONNECTICUT 06468

FIGURE 4
SITE PLAN DETAILING SOIL SAMPLING LOCATIONS
DAIRY MART #6666

LOCATION	173 WINDSOR HIGHWAY NEW WINDSOR, NEW YORK	
JOB No	115897-02	
SCALE	1' = 60'	115897

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethyl-benzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-16	253.52	Jun-21-00	5.86	-	247.66	<1.0	<1.0	<1.0	<1.0	657	
		Sep-28-00	4.68	-	248.84	<5.0	<5.0	<5.0	<25	933	
		Dec-5-00	5.02	-	248.50	<2.5	<2.5	<2.5	<12	986	
		Mar-20-01	3.66	-	249.86	<1.0	<1.0	<1.0	<5.0	217	
		May-30-01	4.82	-	248.70	<2.5	<2.5	<2.5	<12	854	
		Aug-21-01	5.22	-	248.30	<1.0	<1.0	<1.0	<5.0	860	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	3.98	-	249.54	<1.0	<1.0	<1.0	<1.0	<1.0	
		Oct-2-03	3.90	-	249.62	<1.0	<1.0	<1.0	<1.0	309	
		Mar-15-04	4.57	-	248.95	<1.0	<1.0	<1.0	<1.0	270	
		Jan-3-05	4.79	-	248.73	<1.0	<1.0	<1.0	<1.0	203	
Aug-2-05	5.09	-	248.43	<1.0	<1.0	<1.0	<1.0	143			
MW-17	256.43	Jun-21-00	6.29	-	250.14	80.9	40.3	159	200	2,720	
		Aug-8-00	nm	-	na	<5.0	<5.0	<5.0	<5.0	1,590	
		Sep-28-00	8.65	-	247.78	<5.0	30	<5.0	<25	1,220	
		Dec-5-00	8.81	-	247.62	2.2	<1.0	1.2	<5.0	102	
		Mar-20-01	8.34	-	248.09	<1.0	<1.0	<1.0	<5.0	<1.0	
		Aug-21-01	10.10	-	246.33	<1.0	<1.0	<1.0	<5.0	37	
		Mar-6-03	7.42	-	249.01	<1.0	<1.0	<1.0	<1.0	5.5	
		Aug-8-03	8.91	-	247.52	ns	ns	ns	ns	ns	
		Oct-2-03	7.80	-	248.63	<1.0	<1.0	<1.0	<1.0	629	
		Mar-15-04	8.27	-	248.16	<1.0	<1.0	<1.0	<1.0	6.3	
		Jan-3-05	8.64	-	247.79	<1.0	<1.0	<1.0	<1.0	1.7	
Aug-2-05	9.08	-	247.35	<1.0	<1.0	<1.0	<1.0	0.63			
MW-18	252.08	Dec-5-00	5.19	-	246.89	<1.0	<1.0	<1.0	<5.0	<1.0	
		Mar-20-01	5.01	-	247.07	<1.0	<1.0	<1.0	<5.0	1.2	
		Aug-21-01	nm	-	na	na	na	na	na	na	
		Mar-6-03	3.19	-	248.89	<1.0	<1.0	<1.0	<1.0	10.6	
		Aug-8-03	4.53	-	247.55	ns	ns	ns	ns	ns	
		Oct-2-03	4.57	-	247.51	<1.0	<1.0	<1.0	<1.0	12.6	
		Mar-15-04	4.41	-	247.67	<1.0	<1.0	<1.0	<1.0	8.6	
		Jan-3-05	5.00	-	247.08	<1.0	<1.0	<1.0	<1.0	8.8	
Aug-2-05	5.15	-	246.93	ns	ns	ns	ns	ns			
NYS Ground Water Quality Standards						0.7	5	5	5	10	

Notes:
 nm - not measured
 na - not available
 * - Bedrock well decommissioned
 ** - Wells destroyed during excavation.
 † - Well destroyed in 2003 due to landscaping work
 †† - no measurable LNAPL present
 ug/l - micrograms per liter or parts per billion (ppb)
 ns - not sampled

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-12	257.00	Oct-01-99	4.08	-	252.92	<1.0	0.6	<1.0	<1.0	11.9	
		Nov-12-99	4.81	-	252.19	<1.0	<1.0	<1.0	<1.0	11.4	
		Feb-11-00	4.42	-	252.58	<1.0	<1.0	<1.0	<1.0	10.3	
		Jun-21-00	4.23	-	252.77	<1.0	<1.0	<1.0	<1.0	6	
		Sep-28-00	3.89	-	253.11	<1.0	<1.0	<1.0	<5.0	5.5	
		Dec-5-00	7.32	-	249.68	<1.0	<1.0	<1.0	<5.0	5.3	
		Aug-21-01	3.70	-	253.30	<1.0	<1.0	<1.0	<5.0	6.5	
		Mar-6-03	2.19	-	254.81	<1.0	<1.0	<1.0	<1.0	14.7	
		Aug-8-03	4.41	-	252.59	ns	ns	ns	ns	ns	
		Oct-2-03	3.37	-	253.63	<1.0	<1.0	<1.0	<1.0	<1.0	
		Mar-15-04	3.83	-	253.17	<1.0	<1.0	<1.0	<1.0	27.9	
		Jan-3-05	3.33	-	253.67	<1.0	<1.0	<1.0	<1.0	9.1	
Aug-2-05	4.35	-	252.65	ns	ns	ns	ns	ns			
MW-13	251.00	Jun-21-00	3.19	-	247.81	1.1	<1.0	<1.0	<1.0	72.9	
		Sep-28-00	5.52	-	245.48	<1.0	<1.0	<1.0	<5.0	<1.0	
		Dec-5-00	5.90	-	245.10	<1.0	<1.0	<1.0	<5.0	<1.0	
		Mar-20-01	5.83	-	245.17	<1.0	<1.0	<1.0	<5.0	<1.0	
		Aug-21-01	5.90	-	245.10	<1.0	<1.0	<1.0	<5.0	1.3	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	5.29	-	245.71	ns	ns	ns	ns	ns	
		Oct-2-03	5.17	-	245.83	<1.0	<1.0	<1.0	<1.0	<1.0	
		Mar-15-04	5.93	-	245.07	<1.0	<1.0	<1.0	<1.0	<1.0	
		Jan-3-05	5.57	-	245.43	<1.0	<1.0	<1.0	<1.0	<1.0	
		Aug-2-05	5.72	-	245.28	ns	ns	ns	ns	ns	
		MW-14	252.32	Jun-21-00	nm	-	na	7.6	<5.0	<5.0	<5.0
Aug-8-00	nm			-	na	<1.0	<1.0	<1.0	<1.0	388	
Sep-28-00	6.97			-	245.35	<1.0	180	<1.0	<5.0	166	
Dec-5-00	7.23			-	245.09	<1.0	<1.0	<1.0	<5.0	9.2	
Mar-20-01	6.40			-	245.92	<2.5	<2.5	<2.5	<12	587	
May-30-01	7.25			-	245.07	<1.0	<1.0	<1.0	<5.0	43.4	
Aug-21-01	8.20			-	244.12	<1.0	<1.0	<1.0	<5.0	39.6	
Mar-6-03	Well inaccessible due to snow.										
Aug-8-03	7.61			-	244.71	ns	ns	ns	ns	ns	
Oct-2-03	6.42			-	245.90	<1.0	0.57	<1.0	<1.0	475	
Mar-15-04	7.07			-	245.25	<1.0	<1.0	<1.0	<1.0	5.7	
Jan-3-05	7.07			-	245.25	<1.0	0.31	<1.0	<1.0	<1.0	
Aug-2-05	6.42			-	245.90	ns	ns	ns	ns	ns	
MW-15	250.26			Jun-21-00	4.46	-	245.80	<1.0	<1.0	<1.0	<1.0
		Sep-28-00	5.28	-	244.98	<1.0	<1.0	<1.0	<5.0	16.9	
		Dec-5-00	5.64	-	244.62	<1.0	<1.0	<1.0	<5.0	17.4	
		Mar-20-01	5.34	-	244.92	<1.0	<1.0	<1.0	<5.0	16.9	
		Aug-21-01	5.73	-	244.53	<1.0	<1.0	<1.0	<5.0	22.6	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	4.31	-	245.95	ns	ns	ns	ns	ns	
		Oct-2-03	5.05	-	245.21	<1.0	<1.0	<1.0	<1.0	22.8	
		Mar-15-04	5.33	-	244.93	<1.0	<1.0	<1.0	<1.0	10.6	
		Jan-3-05	5.35	-	244.91	<1.0	<1.0	<1.0	<1.0	7.2	
		Aug-2-05	5.46	-	244.80	<1.0	<1.0	<1.0	<1.0	9.0	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-9 (cont.)	258.95	Aug-21-01	7.20	-	251.75	<1.0	<1.0	<1.0	<5.0	443	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	6.91	-	252.04	<1.0	<1.0	<1.0	<1.0	6.3	
		Oct-2-03	6.50	-	252.45	<1.0	<1.0	<1.0	<1.0	2.6	
		Mar-15-04	6.78	-	252.17	<1.0	<1.0	<1.0	<1.0	2.9	
		Jan-3-05	6.77	-	252.18	<1.0	<1.0	<1.0	<1.0	0.75	
		Aug-2-05	7.15	-	251.80	ns	ns	ns	ns	ns	
MW-10	256.17	Oct-01-99	5.95	-	250.22	208	48.1	329	688	228	
		Nov-12-99	6.57	-	249.60	149	50.7	294	560	426	
		Feb-11-00	6.78	-	249.39	104	32.1	144	259	1,870	
		Jun-21-00	nm	-	na	8	<2.5	4.6	8.7	923	
		Aug-8-00	nm	-	na	4	<1.0	2.8	3.4	583	
		Sep-28-00	6.09	-	250.08	<5.0	<5.0	<5.0	<25.0	908	
		Dec-5-00	6.67	-	249.50	2.3	<1.0	1.4	<5.0	67.3	
		Mar-20-01	5.56	-	250.61	<5.0	<5.0	<5.0	<25	1,240	
		May-30-01	6.36	-	249.81	<5.0	<5.0	<5.0	<25	1,020	
		Jul-30-01	7.34	-	248.83	146	421	794	4,370	72.1	
		Aug-21-01	7.31	-	248.86	<5.0	<5.0	<5.0	<25	358	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	5.90	-	250.27	<1.0	<1.0	<1.0	<1.0	373	
		Oct-2-03	5.66	-	250.51	<1.0	<1.0	<1.0	<1.0	1,520	
		Mar-15-04	5.96	-	250.21	<1.0	<1.0	<1.0	<1.0	8.7	
		Jan-3-05	6.41	-	249.76	<1.0	<1.0	<1.0	<1.0	1.9	
		Aug-2-05	7.11	-	249.06	ns	ns	ns	ns	ns	
MW-11	253.50	Oct-01-99	7.74	-	245.76	<1.0	<1.0	<1.0	<1.0	2.8	
		Nov-12-99	8.20	-	245.30	<1.0	<1.0	<1.0	0.74	48.4	
		Feb-11-00	8.12	-	245.38	<1.0	<1.0	<1.0	<1.0	138	
		Jun-21-00	nm	-	na	8.1	<5.0	<5.0	<5.0	1,030	
		Aug-8-00	nm	-	na	<1.0	<1.0	<1.0	<1.0	75.2	
		Sep-28-00	8.28	-	245.22	<1.0	<1.0	<1.0	<5.0	184	
		Dec-5-00	8.49	-	245.01	<1.0	<1.0	<1.0	<5.0	17.7	
		Mar-20-01	8.19	-	245.31	<1.0	<1.0	<1.0	<5.0	52.9	
		Aug-21-01	8.46	-	245.04	<1.0	<1.0	<1.0	<5.0	44.3	
		Mar-6-03	3.21	-	250.29	<1.0	<1.0	<1.0	<1.0	1.9	
		Aug-8-03	7.68	-	245.82	ns	ns	ns	ns	ns	
		Oct-2-03	7.17	-	246.33	<1.0	<1.0	<1.0	<1.0	764	
		Mar-15-04	7.63	-	245.87	<1.0	<1.0	<1.0	<1.0	3.9	
		Jan-3-05	7.76	-	245.74	<1.0	<1.0	<1.0	<1.0	1.5	
		Aug-2-05	8.01	-	245.49	ns	ns	ns	ns	ns	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-6	259.74	Oct-01-99	5.39	-	254.35	<1.0	<1.0	<1.0	<1.0	<1.0	
		Nov-12-99	6.30	-	253.44	<1.0	<1.0	<1.0	<1.0	0.47	
		Feb-11-00	6.50	-	253.24	<1.0	<1.0	<1.0	<1.0	3.5	
		Jun-21-00	5.41	-	254.33	<1.0	<1.0	<1.0	<1.0	<1.0	
		Sep-28-00	4.88	-	254.86	<1.0	<1.0	<1.0	<5.0	186	
		Dec-5-00	5.68	-	254.06	<1.0	<1.0	<1.0	<5.0	27.5	
		Mar-20-01	3.61	-	255.38	<1.0	<1.0	<1.0	<5.0	2.7	
		Aug-21-01	5.95	-	253.04	<1.0	<1.0	<1.0	<5.0	10.4	
		Mar-6-03	3.86	-	255.88	<1.0	<1.0	<1.0	<1.0	2.5	
		Aug-8-03	6.21	-	253.53	-	ns	ns	ns	ns	ns
		Oct-2-03	4.03	-	255.71	<1.0	<1.0	<1.0	<1.0	<1.0	80
		Mar-15-04	4.75	-	254.99	<1.0	<1.0	<1.0	<1.0	<1.0	9.4
Jan-3-05	4.85	-	254.89	<1.0	<1.0	<1.0	<1.0	<1.0	2.0		
Aug-2-05	6.06	-	253.68	-	ns	ns	ns	ns	ns		
MW-7**	259.33	Oct-01-99	5.72	<1.0	253.61	380	338	871	3,240	630	
		Nov-12-99	6.06	-	253.27	307	334	725	1,790	2,240	
		Feb-11-00	6.15	-	253.18	262	318	410	1,410	3,780	
MW-8	261.30	Oct-01-99	7.54	-	253.76	0.75	<1.0	2.6	9.6	734	
		Nov-12-99	7.85	-	253.45	16.1	0.4	4.7	3.8	486	
		Feb-11-00	7.97	-	253.33	<1.0	<1.0	<1.0	<1.0	749	
		Jun-21-00	9.23	-	252.07	114	34	314	929	1,800	
		Sep-28-00	6.27	-	255.03	<20	<20	<20	<100	4,950	
		Dec-5-00	6.90	-	254.40	<1.0	<1.0	<1.0	<5.0	4,350	
		Mar-20-01	5.16	-	256.14	<10	<10	<10	<50	3,170	
		May-30-01	6.59	-	254.71	<20	<20	<20	<100	6,610	
		Jul-30-01	7.31	-	253.99	293	27	433	451	2,680	
		Aug-21-01	7.00	-	254.30	<10	<10	<10	<50	6,150	
		Mar-6-03	5.88	-	255.42	<1.0	<1.0	<1.0	<1.0	6.3	
		Aug-8-03	5.81	-	255.49	4.5	<5.1	<4.6	<4	21,300	
		Oct-2-03	5.34	-	255.96	6.1	<1.0	<1.0	<1.0	11,500	
		Mar-15-04	6.03	-	255.27	0.33	<1.0	<1.0	<1.0	135	
Jan-3-05	6.05	-	255.25	<1.0	<1.0	<1.0	<1.0	6.2			
Aug-2-05	7.21	-	254.09	<1.0	<1.0	<1.0	<1.0	13.5			
MW-9	258.95	Oct-09-99	6.73	-	252.22	0.71	<1.0	<1.0	<1.0	4.4	
		Nov-12-99	7.38	-	251.57	<1.0	<1.0	<1.0	<1.0	3.2	
		Feb-11-00	7.14	-	251.81	1.7	<1.0	<1.0	<1.0	38.5	
		Jun-21-00	5.38	-	253.57	<1.0	<1.0	<1.0	<1.0	<1.0	
		Sep-28-00	6.87	-	252.08	<1.0	<1.0	<1.0	<5.0	67.6	
		Dec-5-00	7.04	-	251.91	<1.0	<1.0	<1.0	<5.0	134	
		Mar-20-01	5.87	-	253.08	<1.0	<1.0	<1.0	<5.0	39.6	
		Jul-30-01	7.32	-	251.63	344	122	163	3,090	2,680	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-4'	92.63	Sep-16-97	4.42	-	88.21	-	-	-	-	310	
		Dec-9-98	4.87	-	87.76	-	-	-	-	780	
		Mar-25-98	4.52	-	88.11	-	-	-	-	673	
		Jun-30-98	5.15	-	87.48	-	-	-	-	620	
		Sep-16-98	5.26	-	87.37	-	-	-	-	130	
		Dec-10-98	nm	na	na	ns	ns	ns	ns	ns	
	Jul-8-99	5.35	<1.0	87.28	<1.0	<1.0	<5.0	<5.0	<5.0	140	
	256.55	Oct-01-99	4.44	-	252.11	<1.0	<1.0	<1.0	<1.0	<1.0	384
		Nov-12-99	4.82	-	251.73	<1.0	<1.0	<1.0	<1.0	288	
		Feb-11-00	4.80	-	251.75	<1.0	<1.0	<1.0	<1.0	80.7	
		Dec-5-00	4.73	-	251.82	<1.0	<1.0	<1.0	<5.0	85.1	
		Mar-20-01	4.39	-	252.16	<1.0	<1.0	<1.0	<5.0	2,800	
		Aug-21-01	nm	-	na	na	na	na	na	na	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	3.61	-	252.94	2.4	2.6	<10	<10	11,100	
		Oct-2-03	nm	na	na	ns	ns	ns	ns	ns	
Mar-15-04	nm	na	na	ns	ns	ns	ns	ns			
MW-5A	94.32	Apr-2-99	4.54	-	89.78	84	5	7	110	270	
		Jul-8-99	5.10	-	89.22	220	<5.0	60	23	1,700	
	258.92	Oct-01-99	4.50	-	254.42	72.4	1	17.4	10	126	
		Nov-12-99	4.95	-	253.97	26.5	0.41	3.9	2.7	56.2	
		Feb-11-00	4.15	-	254.77	16.7	<1.0	13.8	5.2	55.4	
		Jun-21-00	5.25	-	253.67	43.8	0.6	20.9	6	190	
		Sep-28-00	4.98	-	253.94	18.7	<1.0	<1.0	<5.0	842	
		Dec-5-00	4.23	-	254.69	8.4	<1.0	<1.0	<5.0	470	
		Mar-20-01	3.02	-	255.90	14.2	<1.0	3.8	<5.0	1,630	
		Jul-30-01	4.96	-	253.96	<1.0	<1.0	<1.0	<1.0	<1.0	
		Aug-21-01	4.95	-	253.97	<5.0	<5.0	<5.0	<25	420	
		Mar-6-03	3.46	-	255.46	1.8	<1.0	<1.0	<10	98	
		Aug-8-03	3.82	-	255.10	0.22J	0.33J	<0.23	<0.20	35.8	
		Oct-2-03	3.60	-	255.32	<1.0	0.61	<1.0	1.6	345	
		Mar-25-04	3.88	-	255.04	0.40	<1.0	0.27	<1.0	73.4	
		Jan-3-05	3.92	-	255.00	<1.0	<1.0	<1.0	<1.0	2.2	
Aug-2-05	5.15	-	253.77	ns	ns	ns	ns	ns			
BR-1*	94.37	Apr-2-99	4.00	-	90.37	<1.0	<1.0	<1.0	<1.0	<1.0	
		Jul-8-99	5.31	-	89.06	<5.0	<5.0	<5.0	<5.0	<5.0	
	258.99	Oct-01-99	4.65	-	254.34	<1.0	<1.0	<1.0	<1.0	1.1	
		Nov-12-99	4.32	-	254.67	<1.0	<1.0	<1.0	<1.0	0.99	
		Feb-11-00	4.41	-	254.58	<1.0	<1.0	<1.0	<1.0	2.8	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)
MW-1A	98.15	Apr-2-99	5.00	-	93.15	<1.0	69	<1.0	<1.0	4
		Jul-8-99	5.50	-	92.65	<5.0	<5.0	<5.0	<5.0	<5.0
	262.79	Oct-01-99	4.98	-	257.81	<1.0	<1.0	<1.0	<1.0	0.55
		Nov-12-99	5.53	-	257.26	<1.0	<1.0	<1.0	<1.0	1.5
		Feb-11-00	5.30	-	257.49	<1.0	<1.0	<1.0	<1.0	196
		Jun-21-00	5.19	-	257.60	<1.0	<1.0	<1.0	<1.0	12.4
		Sep-28-00	4.95	-	257.84	<1.0	<1.0	<1.0	<1.0	9.4
		Dec-5-00	5.15	-	257.64	<1.0	<1.0	<1.0	<5.0	9.8
		Mar-20-01	4.75	-	258.04	<1.0	<1.0	<1.0	<5.0	6.7
		Aug-21-01	5.55	-	257.24	<1.0	<1.0	<1.0	<5.0	12.2
		Mar-6-03	3.51	-	259.28	<1.0	<1.0	<1.0	<1.0	18.3
		Aug-8-03	3.92	-	258.87	ns	ns	ns	ns	ns
		Oct-2-03	4.82	-	257.97	<1.0	<1.0	<1.0	<1.0	21.0
		Mar-15-04	5.07	-	257.72	ns	ns	ns	ns	ns
Jan-3-05	5.13	-	257.66	ns	ns	ns	ns	ns		
Aug-2-05	5.37	-	257.42	ns	ns	ns	ns	ns		
MW-2**	94.97	Sep-16-97	7.10	-	87.87	1,100	22	240	261	1,400
		Dec-9-98	6.95	-	88.02	780	43	240	170	170
		Mar-25-98	6.64	-	88.33	478	94	285	255	173
		Jun-30-98	7.07	-	87.90	710	-	390	460	630
		Sep-16-98	7.20	-	87.77	460	-	94	73	80
		Dec-10-98	nm	na	na	ns	ns	ns	ns	ns
		Apr-2-99	nm	na	na	ns	ns	ns	ns	ns
	Jul-8-99	7.00	-	87.97	390	48	160	330	1,300	
	258.89	Oct-01-99	6.99	-	251.90	149	5.1	56.8	36.8	37.3
		Nov-12-99	6.85	-	252.04	214	3.2	63.7	21.8	16.5
		Feb-11-00	6.88	-	252.01	235	9.5	70.4	29.5	587
MW-3A	261.81	Oct-01-99	5.01	-	256.80	<1.0	<1.0	<1.0	<1.0	221
		Nov-12-99	5.18	-	256.63	<1.0	<1.0	<1.0	<1.0	185
		Feb-11-00	5.25	-	256.56	<1.0	<1.0	<1.0	<1.0	138
		Jun-21-00	6.21	-	255.60	<1.0	<1.0	<1.0	<1.0	198
		Sep-28-00	5.08	-	256.73	<1.0	<1.0	<1.0	<1.0	265
		Dec-5-00	5.33	-	256.48	<1.0	<1.0	<1.0	<1.0	102
		Mar-20-01	4.79	-	254.10	<1.0	<1.0	<1.0	<5.0	43.3
		Aug-21-01	5.72	-	253.17	<1.0	<1.0	<1.0	<5.0	42.5
		Mar-6-03	3.68	-	258.13	<1.0	<1.0	<1.0	<1.0	10.5
		Aug-8-03	3.95	-	257.86	ns	ns	ns	ns	ns
		Oct-2-03	4.78	-	257.03	<1.0	<1.0	<1.0	<1.0	20.2
		Mar-15-04	5.09	-	256.72	ns	ns	ns	ns	ns
		Jan-3-05	5.12	-	256.69	ns	ns	ns	ns	ns
		Aug-2-05	5.62	-	256.19	ns	ns	ns	ns	ns

Witness:

Jacie Sarinsky
Print Name:

GERTRUDE SARINSKY
Print Name:

DAVID SARINSKY
Print Name:

Settling Parties:

David Sarinsky
David Sarinsky

Jacie Sarinsky
Jacie Sarinsky

Gertrude Sarinsky
Gertrude Sarinsky

Subject Property:

298 Union Avenue
New Windsor, New York

294 Union Avenue
New Windsor, New York

171 Windsor Highway
New Windsor, New York

Relevant Dairy Mart Location:

Store # 6666
Address: 173 Windsor Highway
 New Windsor, New York

of the foregoing ("Released Parties") caused by, arising from, or related to (i) the DM Location, or (ii) environmental conditions on, at or under the Property as a result of releases that occurred prior to the date hereof. Any claim against Dairy Mart submitted in its bankruptcy case, shall be expunged, withdrawn, waived and released.

Complete Agreement: Modification and Termination:

This Agreement contains a complete statement of all the arrangements among the parties with respect to its subject matter, supersedes any existing agreements among them and cannot be changed or terminated orally.

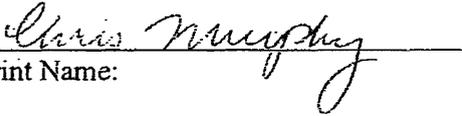
Expenses:

Each party will pay all costs and expenses of its performance of and compliance with all agreements and conditions contained herein on its part to be performed and complied with, including fees, expenses and disbursements of its accountants and counsel.

IN WITNESS WHEREOF, the parties have executed, acknowledged and delivered this instrument as of the date first above written.

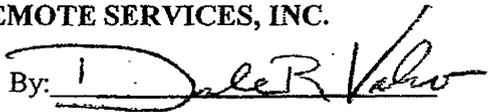
Witness:

Print Name:



REMOTE SERVICES, INC.

By:



Name: Dale Valvo
Vice President

DAIRY MART SETTLEMENT AGREEMENT

This Agreement is intended to settle claims by the undersigned "settling parties" against Dairy Mart (as defined below) with respect to alleged contamination of groundwater and other asserted damages relating to relevant Dairy Mart location identified below the signature lines of this Agreement (referred to as the "DM Location") as of the following date.

Date:

8 day of January, 2003 (RM)
2002

Parties:

The parties to this Agreement are

Remote Services, Inc., on behalf of itself and related companies, Dairy Mart Convenience Stores, Inc., Dairy Mart, Inc., Dairy Mart East, Inc., CIA Foodmarts, Inc., Convenient Gasoline, Inc., Remote Services, Inc., Convenient Industries of America, Inc., Financial Opportunities, Inc., all referred to as "Dairy Mart") and

The "Settling Parties" are David Sarinsky, Jacie Sarinsky, and Gertrude Sarinsky with respect to the relevant Settling Parties' property identified below the signature lines hereto (referred to as the "Subject Property").

Dairy Mart Agreement:

Dairy Mart has arranged that the DM Location will be remediated by Handex pursuant to a Fixed Price Remediation Agreement by and between Handex and DB Companies dated November 11, 2002, for the provision of environmental remediation services, including the bonding of such obligation.

Dairy Mart will also pay to the order of the Settling Parties (jointly) the amount of \$20,000. It is understood that this amount is a negotiated settlement based upon the costs of installing, operating and maintaining a system for preventing the contamination of, and removing contamination from, indoor air at the Sarinsky residence located at 298 Union Avenue, New Windsor, New York 12553.

Release by Owner:

In consideration of Dairy Mart's Agreement above, and other consideration received, each Settling Party (with respect to such Settling Party and any partnership, corporation or limited liability corporation controlled by such Settling Party) waives and releases, and promises never to assert, any actions, claims, causes of action, suits, debts, covenants, damages, judgments and demands whatsoever, whether currently known or unknown, against Dairy Mart, DB Companies, Handex, and all other potentially responsible persons, and the respective officers, directors and agents of each

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
SETTLEMENT	SETTLEMENT FOR JOINT PARTIES	1/8/2003	\$20,000.00	0.00	\$20,000.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
1/8/2003	1246	DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY	0.00	\$20,000.00

DAIRY MART DEBTOR IN POSSESSION
 ONE DAIRY MART WAY
 300 EXECUTIVE PARKWAY WEST
 HUDSON, OH 44236

WELLS FARGO BANK
 71-382412

1246

DATE
 JANUARY 8, 2003

AMOUNT

TWENTY THOUSAND DOLLARS AND ZERO CENTS

\$ 20,000.00

PAY TO THE ORDER OF: DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY

Gregory G. Lindsay
 AUTHORIZED SIGNATURE

⑈001246⑈ ⑆041203824⑆9600029767⑈

DAIRY MART DEBTOR IN POSSESSION

1246

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
SETTLEMENT	SETTLEMENT FOR JOINT PARTIES	1/8/2003	\$20,000.00	0.00	\$20,000.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
1/8/2003	1246	DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY	0.00	\$20,000.00

- **Letter from Hess agreeing to mitigate (remove and proper disposal) any contaminated soils encountered during course of work.**
- **Letter from Hess to agree to submit quarterly reports to planning board advising of progress of cleanup/monitoring.**
- **Hess has agreed to obtain cost quotation from Handex for cost of all remaining work to be performed, and Hess will post a performance bond for such completion.**
- **Hess attorney to review Sarinsky settlement agreement and advise if site plan amendment application has any effect on the same.**

The planning board will await submittals as noted above. Any outstanding engineering comments on site plan are to be addressed. Matter is tentatively scheduled for PB meeting on 12-14.

NW05-10-Memo 11-21-05
MJE/st



**McGOEY, HAUSER and EDSALL
CONSULTING ENGINEERS P.C.**

RICHARD D. MCGOEY, P.E. (NY & PA)

WILLIAM J. HAUSER, P.E. (NY & NJ)

MARK J. EDSALL, P.E. (NY, NJ & PA)

JAMES M. FARR, P.E. (NY & PA)

MAIN OFFICE

33 AIRPORT CENTER DRIVE

SUITE 202

NEW WINDSOR, NEW YORK 12553

(845) 567-3100

FAX: (845) 567-3232

E-MAIL: MHENY@MHEPC.COM

WRITER'S E-MAIL ADDRESS:

NJE@MHEPC.COM

MEMORANDUM

11-21-05

TO: PLANNING BOARD FILE – HESS SITE PLAN & SPECIAL PERMIT

FROM: MARK J. EDSALL, P.E., PLANNING BOARD ENGINEER

**SUBJECT: HESS SITE PLAN
PLANNING BOARD APPLICATION NO. 05-10**

On this date a meeting was held at the offices of MHE to discuss the status of the cleanup and environmental issues at the subject site.

Present at this meeting were representatives of the applicant, Chairman Petro and this writer. An attendance list is attached. The applicant provided record information including the following:

- **DM Letter 1-8-03 with attached settlement agreement Dairy Mart with Sarinsky.**
- **Handex Site Plan Figure 4**
- **Handex Site Status Report dated August 2005 with attachments.**
- **Table 1 monitoring well Groundwater Analytical Data**

The applicants explained that a cleanup is currently in progress, with such work being performed by Handex Group, Inc. Handex has been prepaid by DB. NYSDEC has approved and is monitoring cleanup activity.

After some discussion it was agreed that the following would be submitted to the planning board:

- **Letter from NYSDEC indicating that they have no objection to proposed site plan amendment and rebuild of site.**
- **Letter from NYSDEC indicating that cleanup is in progress and is not behind schedule or in default.**

REGIONAL OFFICES

• **507 BROAD STREET • MILFORD, PENNSYLVANIA 18337 • 570-296-2765 •**
• **540 BROADWAY • MONTICELLO, NEW YORK 12701 • 845-794-3399 •**

of the foregoing ("Released Parties") caused by, arising from, or related to (i) the DM Location, or (ii) environmental conditions on, at or under the Property as a result of releases that occurred prior to the date hereof. Any claim against Dairy Mart submitted in its bankruptcy case, shall be expunged, withdrawn, waived and released.

Complete Agreement: Modification and Termination:

This Agreement contains a complete statement of all the arrangements among the parties with respect to its subject matter, supersedes any existing agreements among them and cannot be changed or terminated orally.

Expenses:

Each party will pay all costs and expenses of its performance of and compliance with all agreements and conditions contained herein on its part to be performed and complied with, including fees, expenses and disbursements of its accountants and counsel.

IN WITNESS WHEREOF, the parties have executed, acknowledged and delivered this instrument as of the date first above written.

Witness:

Print Name:

Chris Murphy

REMOTE SERVICES, INC.

By:

Dale R. Valvo

Name: Dale Valvo
Vice President

DAIRY MART SETTLEMENT AGREEMENT

This Agreement is intended to settle claims by the undersigned "settling parties" against Dairy Mart (as defined below) with respect to alleged contamination of groundwater and other asserted damages relating to relevant Dairy Mart location identified below the signature lines of this Agreement (referred to as the "DM Location") as of the following date.

Date:

8 day of January, 2003 (2002) (DM)

Parties:

The parties to this Agreement are

Remote Services, Inc., on behalf of itself and related companies, Dairy Mart Convenience Stores, Inc., Dairy Mart, Inc., Dairy Mart East, Inc., CIA Foodmarts, Inc., Convenient Gasoline, Inc., Remote Services, Inc., Convenient Industries of America, Inc., Financial Opportunities, Inc., all referred to as "Dairy Mart") and

The "Settling Parties" are David Sarinsky, Jacie Sarinsky, and Gertrude Sarinsky with respect to the relevant Settling Parties' property identified below the signature lines hereto (referred to as the "Subject Property").

Dairy Mart Agreement:

Dairy Mart has arranged that the DM Location will be remediated by Handex pursuant to a Fixed Price Remediation Agreement by and between Handex and DB Companies dated November 11, 2002, for the provision of environmental remediation services, including the bonding of such obligation.

Dairy Mart will also pay to the order of the Settling Parties (jointly) the amount of \$20,000. It is understood that this amount is a negotiated settlement based upon the costs of installing, operating and maintaining a system for preventing the contamination of, and removing contamination from, indoor air at the Sarinsky residence located at 298 Union Avenue, New Windsor, New York 12553.

Release by Owner:

In consideration of Dairy Mart's Agreement above, and other consideration received, each Settling Party (with respect to such Settling Party and any partnership, corporation or limited liability corporation controlled by such Settling Party) waives and releases, and promises never to assert, any actions, claims, causes of action, suits, debts, covenants, damages, judgments and demands whatsoever, whether currently known or unknown, against Dairy Mart, DB Companies, Handex, and all other potentially responsible persons, and the respective officers, directors and agents of each

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
SETTLEMENT	SETTLEMENT FOR JOINT PARTIES	1/8/2003	\$20,000.00	0.00	\$20,000.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
1/8/2003	1246	DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY	0.00	\$20,000.00

DAIRY MART DEBTOR IN POSSESSION
 ONE DAIRY MART WAY
 300 EXECUTIVE PARKWAY WEST
 HUDSON, OH 44236

WELLS FARGO BANK
 71-382412

1246

DATE
 JANUARY 8, 2003

AMOUNT

TWENTY THOUSAND DOLLARS AND ZERO CENTS

\$ 20,000.00

PAY TO THE ORDER OF: DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY

Gregory G. Landry
 AUTHORIZED SIGNATURE

⑈001246⑈ ⑆041203824⑆9600029767⑈

DAIRY MART DEBTOR IN POSSESSION

1246

REFERENCE NO.	DESCRIPTION	INVOICE DATE	INVOICE AMOUNT	DISCOUNT TAKEN	AMOUNT PAID
SETTLEMENT	SETTLEMENT FOR JOINT PARTIES	1/8/2003	\$20,000.00	0.00	\$20,000.00

CHECK DATE	CHECK NO.	PAYEE	DISCOUNTS TAKEN	CHECK AMOUNT
1/8/2003	1246	DAVID SARINSKY, JACIE SARINSKY AND GERTRUDE SARINSKY	0.00	\$20,000.00



Dairy Mart Convenience Stores, Inc.
300 Executive Parkway West
Hudson, Ohio 44236

January 8, 2003

Mr. Dean Sommer
Young, Sommer...LLC
Executive Woods
Five Palisades Drive
Albany, New York 12205

Dear Dean:

Enclosed please find a fully executed copy of the Settlement Agreement between Dairy Mart and the Sarinsky family. Also, please find a check paid jointly to the Sarinskys. I trust you will forward both a copy of the agreement and check to Mr. Sarinsky. On behalf of Bob Lawrence and the estate of Dairy Mart, I want to thank you for your cooperation to resolve this matter.

Sincerely,

Dale Valvo
Vice President
Retail Operations

/mas

cc: B. Lawrence

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-16	253.52	Jun-21-00	5.86	-	247.66	<1.0	<1.0	<1.0	<1.0	657	
		Sep-28-00	4.68	-	248.84	<5.0	<5.0	<5.0	<25	933	
		Dec-5-00	5.02	-	248.50	<2.5	<2.5	<2.5	<12	986	
		Mar-20-01	3.66	-	249.86	<1.0	<1.0	<1.0	<5.0	217	
		May-30-01	4.82	-	248.70	<2.5	<2.5	<2.5	<12	854	
		Aug-21-01	5.22	-	248.30	<1.0	<1.0	<1.0	<5.0	860	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	3.98	-	249.54	<1.0	<1.0	<1.0	<1.0	<1.0	
		Oct-2-03	3.90	-	249.62	<1.0	<1.0	<1.0	<1.0	309	
		Mar-15-04	4.57	-	248.95	<1.0	<1.0	<1.0	<1.0	270	
		Jan-3-05	4.79	-	248.73	<1.0	<1.0	<1.0	<1.0	203	
Aug-2-05	5.09	-	248.43	<1.0	<1.0	<1.0	<1.0	143			
MW-17	256.43	Jun-21-00	6.29	-	250.14	80.9	40.3	159	200	2,720	
		Aug-8-00	nm	-	nm	<5.0	<5.0	<5.0	<5.0	1,590	
		Sep-28-00	8.65	-	247.78	<5.0	30	<5.0	<25	1,220	
		Dec-5-00	8.81	-	247.62	2.2	<1.0	1.2	<5.0	102	
		Mar-20-01	8.34	-	248.09	<1.0	<1.0	<1.0	<5.0	<1.0	
		Aug-21-01	10.10	-	246.33	<1.0	<1.0	<1.0	<5.0	37	
		Mar-6-03	7.42	-	249.01	<1.0	<1.0	<1.0	<1.0	5.5	
		Aug-8-03	8.91	-	247.52	ns	ns	ns	ns	ns	
		Oct-2-03	7.80	-	248.63	<1.0	<1.0	<1.0	<1.0	629	
		Mar-15-04	8.27	-	248.16	<1.0	<1.0	<1.0	<1.0	6.3	
		Jan-3-05	8.64	-	247.79	<1.0	<1.0	<1.0	<1.0	1.7	
Aug-2-05	9.08	-	247.35	<1.0	<1.0	<1.0	<1.0	0.63			
MW-18	252.08	Dec-5-00	5.19	-	246.89	<1.0	<1.0	<1.0	<5.0	<1.0	
		Mar-20-01	5.01	-	247.07	<1.0	<1.0	<1.0	<5.0	1.2	
		Aug-21-01	nm	-	nm	nm	nm	nm	nm	nm	
		Mar-6-03	3.19	-	248.89	<1.0	<1.0	<1.0	<1.0	10.6	
		Aug-8-03	4.53	-	247.55	ns	ns	ns	ns	ns	
		Oct-2-03	4.57	-	247.51	<1.0	<1.0	<1.0	<1.0	12.6	
		Mar-15-04	4.41	-	247.67	<1.0	<1.0	<1.0	<1.0	8.6	
		Jan-3-05	5.00	-	247.08	<1.0	<1.0	<1.0	<1.0	8.8	
Aug-2-05	5.15	-	246.93	ns	ns	ns	ns	ns			
NYS Ground Water Quality Standards						0.7	5	5	5	10	

Notes:
 nm - not measured
 na - not available
 * - Bedrock well decommissioned
 ** - Wells destroyed during excavation.
 † - Well destroyed in 2003 due to landscaping work
 " - " - no measurable LNAPL present
 ug/l - micrograms per liter or parts per billion (ppb)
 ns - not sampled

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-12	257.00	Oct-01-99	4.08	-	252.92	<1.0	0.6	<1.0	<1.0	11.9	
		Nov-12-99	4.81	-	252.19	<1.0	<1.0	<1.0	<1.0	11.4	
		Feb-11-00	4.42	-	252.58	<1.0	<1.0	<1.0	<1.0	10.3	
		Jun-21-00	4.23	-	252.77	<1.0	<1.0	<1.0	<1.0	6	
		Sep-28-00	3.89	-	253.11	<1.0	<1.0	<1.0	<5.0	5.5	
		Dec-5-00	7.32	-	249.68	<1.0	<1.0	<1.0	<5.0	5.3	
		Aug-21-01	3.70	-	253.30	<1.0	<1.0	<1.0	<5.0	6.5	
		Mar-6-03	2.19	-	254.81	<1.0	<1.0	<1.0	<1.0	14.7	
		Aug-8-03	4.41	-	252.59	ns	ns	ns	ns	ns	
		Oct-2-03	3.37	-	253.63	<1.0	<1.0	<1.0	<1.0	<1.0	
		Mar-15-04	3.83	-	253.17	<1.0	<1.0	<1.0	<1.0	27.9	
		Jan-3-05	3.33	-	253.67	<1.0	<1.0	<1.0	<1.0	9.1	
Aug-2-05	4.35	-	252.65	ns	ns	ns	ns	ns			
MW-13	251.00	Jun-21-00	3.19	-	247.81	1.1	<1.0	<1.0	<1.0	72.9	
		Sep-28-00	5.52	-	245.48	<1.0	<1.0	<1.0	<5.0	<1.0	
		Dec-5-00	5.90	-	245.10	<1.0	<1.0	<1.0	<5.0	<1.0	
		Mar-20-01	5.83	-	245.17	<1.0	<1.0	<1.0	<5.0	<1.0	
		Aug-21-01	5.90	-	245.10	<1.0	<1.0	<1.0	<5.0	1.3	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	5.29	-	245.71	ns	ns	ns	ns	ns	
		Oct-2-03	5.17	-	245.83	<1.0	<1.0	<1.0	<1.0	<1.0	
		Mar-15-04	5.93	-	245.07	<1.0	<1.0	<1.0	<1.0	<1.0	
		Jan-3-05	5.57	-	245.43	<1.0	<1.0	<1.0	<1.0	<1.0	
		Aug-2-05	5.72	-	245.28	ns	ns	ns	ns	ns	
		MW-14	252.32	Jun-21-00	nm	-	na	7.6	<5.0	<5.0	<5.0
Aug-8-00	nm			-	na	<1.0	<1.0	<1.0	<1.0	388	
Sep-28-00	6.97			-	245.35	<1.0	180	<1.0	<5.0	166	
Dec-5-00	7.23			-	245.09	<1.0	<1.0	<1.0	<5.0	9.2	
Mar-20-01	6.40			-	245.92	<2.5	<2.5	<2.5	<12	587	
May-30-01	7.25			-	245.07	<1.0	<1.0	<1.0	<5.0	43.4	
Aug-21-01	8.20			-	244.12	<1.0	<1.0	<1.0	<5.0	39.6	
Mar-6-03	Well inaccessible due to snow.										
Aug-8-03	7.61			-	244.71	ns	ns	ns	ns	ns	
Oct-2-03	6.42			-	245.90	<1.0	0.57	<1.0	<1.0	475	
Mar-15-04	7.07			-	245.25	<1.0	<1.0	<1.0	<1.0	5.7	
Jan-3-05	7.07			-	245.25	<1.0	0.31	<1.0	<1.0	<1.0	
Aug-2-05	6.42			-	245.90	ns	ns	ns	ns	ns	
MW-15	250.26			Jun-21-00	4.46	-	245.80	<1.0	<1.0	<1.0	<1.0
		Sep-28-00	5.28	-	244.98	<1.0	<1.0	<1.0	<5.0	16.9	
		Dec-5-00	5.64	-	244.62	<1.0	<1.0	<1.0	<5.0	17.4	
		Mar-20-01	5.34	-	244.92	<1.0	<1.0	<1.0	<5.0	16.9	
		Aug-21-01	5.73	-	244.53	<1.0	<1.0	<1.0	<5.0	22.6	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	4.31	-	245.95	ns	ns	ns	ns	ns	
		Oct-2-03	5.05	-	245.21	<1.0	<1.0	<1.0	<1.0	22.8	
		Mar-15-04	5.33	-	244.93	<1.0	<1.0	<1.0	<1.0	10.6	
		Jan-3-05	5.35	-	244.91	<1.0	<1.0	<1.0	<1.0	7.2	
		Aug-2-05	5.46	-	244.80	<1.0	<1.0	<1.0	<1.0	9.0	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethylbenzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-9 (cont.)	258.95	Aug-21-01	7.20	-	251.75	<1.0	<1.0	<1.0	<5.0	443	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	6.91	-	252.04	<1.0	<1.0	<1.0	<1.0	6.3	
		Oct-2-03	6.50	-	252.45	<1.0	<1.0	<1.0	<1.0	2.6	
		Mar-15-04	6.78	-	252.17	<1.0	<1.0	<1.0	<1.0	2.9	
		Jan-3-05	6.77	-	252.18	<1.0	<1.0	<1.0	<1.0	0.75	
		Aug-2-05	7.15	-	251.80	ns	ns	ns	ns	ns	
MW-10	256.17	Oct-01-99	5.95	-	250.22	208	48.1	329	688	228	
		Nov-12-99	6.57	-	249.60	149	58.7	294	560	426	
		Feb-11-00	6.78	-	249.39	104	32.1	144	259	1,870	
		Jun-21-00	nm	-	na	8	<2.5	4.6	8.7	923	
		Aug-8-00	nm	-	na	4	<1.0	2.8	3.4	583	
		Sep-28-00	6.09	-	250.08	<5.0	<5.0	<5.0	<25.0	908	
		Dec-5-00	6.67	-	249.50	2.3	<1.0	1.4	<5.0	67.3	
		Mar-20-01	5.56	-	250.61	<5.0	<5.0	<5.0	<25	1,240	
		May-30-01	6.36	-	249.81	<5.0	<5.0	<5.0	<25	1,020	
		Jul-30-01	7.34	-	248.83	146	421	794	4,370	72.1	
		Aug-21-01	7.31	-	248.86	<5.0	<5.0	<5.0	<25	358	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	5.90	-	250.27	<1.0	<1.0	<1.0	<1.0	373	
		Oct-2-03	5.66	-	250.51	<1.0	<1.0	<1.0	<1.0	1,520	
		Mar-15-04	5.96	-	250.21	<1.0	<1.0	<1.0	<1.0	8.7	
		Jan-3-05	6.41	-	249.76	<1.0	<1.0	<1.0	<1.0	1.9	
Aug-2-05	7.11	-	249.06	ns	ns	ns	ns	ns			
MW-11	253.50	Oct-01-99	7.74	-	245.76	<1.0	<1.0	<1.0	<1.0	2.8	
		Nov-12-99	8.20	-	245.30	<1.0	<1.0	<1.0	0.74	48.4	
		Feb-11-00	8.12	-	245.38	<1.0	<1.0	<1.0	<1.0	138	
		Jun-21-00	nm	-	na	8.1	<5.0	<5.0	<5.0	1,030	
		Aug-8-00	nm	-	na	<1.0	<1.0	<1.0	<1.0	75.2	
		Sep-28-00	8.28	-	245.22	<1.0	<1.0	<1.0	<5.0	184	
		Dec-5-00	8.49	-	245.01	<1.0	<1.0	<1.0	<5.0	17.7	
		Mar-20-01	8.19	-	245.31	<1.0	<1.0	<1.0	<5.0	52.9	
		Aug-21-01	8.46	-	245.04	<1.0	<1.0	<1.0	<5.0	44.3	
		Mar-6-03	3.21	-	250.29	<1.0	<1.0	<1.0	<1.0	1.9	
		Aug-8-03	7.68	-	245.82	ns	ns	ns	ns	ns	
		Oct-2-03	7.17	-	246.33	<1.0	<1.0	<1.0	<1.0	764	
		Mar-15-04	7.63	-	245.87	<1.0	<1.0	<1.0	<1.0	3.9	
		Jan-3-05	7.76	-	245.74	<1.0	<1.0	<1.0	<1.0	1.5	
		Aug-2-05	8.01	-	245.49	ns	ns	ns	ns	ns	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ng/l)	Toluene (ng/l)	Ethylbenzene (ng/l)	Total Xylenes (ng/l)	MTBE (ng/l)	
MW-6	259.74	Oct-01-99	5.39	-	254.35	<1.0	<1.0	<1.0	<1.0	<1.0	
		Nov-12-99	6.30	-	253.44	<1.0	<1.0	<1.0	<1.0	0.47	
		Feb-11-00	6.50	-	253.24	<1.0	<1.0	<1.0	<1.0	3.5	
		Jun-21-00	5.41	-	254.33	<1.0	<1.0	<1.0	<1.0	<1.0	
		Sep-28-00	4.88	-	254.86	<1.0	<1.0	<1.0	<5.0	186	
		Dec-5-00	5.68	-	254.06	<1.0	<1.0	<1.0	<5.0	27.5	
		Mar-20-01	3.61	-	255.38	<1.0	<1.0	<1.0	<5.0	2.7	
		Aug-21-01	5.95	-	253.04	<1.0	<1.0	<1.0	<5.0	10.4	
		Mar-6-03	3.86	-	255.88	<1.0	<1.0	<1.0	<1.0	2.5	
		Aug-8-03	6.21	-	253.53	-	ns	ns	ns	ns	ns
		Oct-2-03	4.03	-	255.71	<1.0	<1.0	<1.0	<1.0	80	
		Mar-15-04	4.75	-	254.99	<1.0	<1.0	<1.0	<1.0	9.4	
		Jan-3-05	4.85	-	254.89	<1.0	<1.0	<1.0	<1.0	2.0	
Aug-2-05	6.06	-	253.68	-	ns	ns	ns	ns	ns		
MW-7**	259.33	Oct-01-99	5.72	<1.0	253.61	380	338	871	3,240	630	
		Nov-12-99	6.06	-	253.27	307	334	725	1,790	2,240	
		Feb-11-00	6.15	-	253.18	262	318	410	1,410	3,780	
MW-8	261.30	Oct-01-99	7.54	-	253.76	0.75	<1.0	2.6	9.6	734	
		Nov-12-99	7.85	-	253.45	16.1	0.4	4.7	3.8	486	
		Feb-11-00	7.97	-	253.33	<1.0	<1.0	<1.0	<1.0	749	
		Jun-21-00	9.23	-	252.07	114	34	314	929	1,800	
		Sep-28-00	6.27	-	255.03	<20	<20	<20	<100	4,950	
		Dec-5-00	6.90	-	254.40	<1.0	<1.0	<1.0	<5.0	4,350	
		Mar-20-01	5.16	-	256.14	<10	<10	<10	<50	3,170	
		May-30-01	6.59	-	254.71	<20	<20	<20	<100	6,610	
		Jul-30-01	7.31	-	253.99	293	27	433	451	2,680	
		Aug-21-01	7.00	-	254.30	<10	<10	<10	<50	6,150	
		Mar-6-03	5.88	-	255.42	<1.0	<1.0	<1.0	<1.0	6.3	
		Aug-8-03	5.81	-	255.49	4.5	<5.1	<4.6	<4	21,300	
		Oct-2-03	5.34	-	255.96	6.1	<1.0	<1.0	<1.0	11,500	
		Mar-15-04	6.03	-	255.27	0.33	<1.0	<1.0	<1.0	135	
Jan-3-05	6.05	-	255.25	<1.0	<1.0	<1.0	<1.0	6.2			
Aug-2-05	7.21	-	254.09	<1.0	<1.0	<1.0	<1.0	13.5			
MW-9	258.95	Oct-09-99	6.73	-	252.22	0.71	<1.0	<1.0	<1.0	4.4	
		Nov-12-99	7.38	-	251.57	<1.0	<1.0	<1.0	<1.0	3.2	
		Feb-11-00	7.14	-	251.81	1.7	<1.0	<1.0	<1.0	38.5	
		Jun-21-00	5.38	-	253.57	<1.0	<1.0	<1.0	<1.0	<1.0	
		Sep-28-00	6.87	-	252.08	<1.0	<1.0	<1.0	<5.0	67.6	
		Dec-5-00	7.04	-	251.91	<1.0	<1.0	<1.0	<5.0	134	
		Mar-20-01	5.87	-	253.08	<1.0	<1.0	<1.0	<5.0	39.6	
Jul-30-01	7.32	-	251.63	344	122	163	3,090	2,680			

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ug/l)	Toluene (ug/l)	Ethyl-benzene (ug/l)	Total Xylenes (ug/l)	MTBE (ug/l)	
MW-4*	92.63	Sep-16-97	4.42	-	88.21	-	-	-	-	310	
		Dec-9-98	4.87	-	87.76	-	-	-	-	780	
		Mar-25-98	4.52	-	88.11	-	-	-	-	673	
		Jun-30-98	5.15	-	87.48	-	-	-	-	620	
		Sep-16-98	5.26	-	87.37	-	-	-	-	130	
		Dec-10-98	nm	na	na	ns	na	ns	ns	ns	
		Jul-8-99	5.35	<1.0	87.28	<1.0	<1.0	<5.0	<5.0	140	
	256.55	Oct-01-99	4.44	-	252.11	<1.0	<1.0	<1.0	<1.0	384	
		Nov-12-99	4.82	-	251.73	<1.0	<1.0	<1.0	<1.0	288	
		Feb-11-00	4.80	-	251.75	<1.0	<1.0	<1.0	<1.0	80.7	
		Dec-5-00	4.73	-	251.82	<1.0	<1.0	<1.0	<5.0	85.1	
		Mar-20-01	4.39	-	252.16	<1.0	<1.0	<1.0	<5.0	2,800	
		Aug-21-01	nm	-	na	na	na	na	na	na	
		Mar-6-03	Well inaccessible due to snow.								
		Aug-8-03	3.61	-	252.94	2.4	2.6	<10	<10	11,100	
		Oct-2-03	nm	na	na	ns	ns	ns	ns	ns	
		Mar-15-04	nm	na	na	ns	ns	ns	ns	ns	
		MW-5A	94.32	Apr-2-99	4.54	-	89.78	84	5	7	110
Jul-8-99	5.10			-	89.22	220	<5.0	60	23	1,700	
258.92	Oct-01-99		4.50	-	254.42	72.4	1	17.4	10	126	
	Nov-12-99		4.95	-	253.97	26.5	0.41	3.9	2.7	56.2	
	Feb-11-00		4.15	-	254.77	16.7	<1.0	13.8	5.2	55.4	
	Jun-21-00		5.25	-	253.67	43.8	0.6	20.9	6	190	
	Sep-28-00		4.98	-	253.94	18.7	<10	<10	<50	842	
	Dec-5-00		4.23	-	254.69	8.4	<1.0	<1.0	<5.0	470	
	Mar-20-01		3.02	-	255.90	14.2	<1.0	3.8	<5.0	1,630	
	Jul-30-01		4.96	-	253.96	<1.0	<1.0	<1.0	<10	<1.0	
	Aug-21-01		4.95	-	253.97	<5.0	<5.0	<5.0	<25	420	
	Mar-6-03		3.46	-	255.46	1.8	<1.0	<1.0	<10	98	
	Aug-8-03		3.82	-	255.10	0.22J	0.33J	<0.23	<0.20	35.8	
	Oct-2-03		3.60	-	255.32	<1.0	0.61	<1.0	1.6	345	
	Mar-25-04		3.88	-	255.04	0.40	<1.0	0.27	<1.0	73.4	
Jan-3-05	3.92	-	255.00	<1.0	<1.0	<1.0	<1.0	2.2			
Aug-2-05	5.15	-	253.77	ns	ns	ns	ns	ns			
BR-1*	94.37	Apr-2-99	4.00	-	90.37	<1.0	<1.0	<1.0	<1.0	<1.0	
		Jul-8-99	5.31	-	89.06	<5.0	<5.0	<5.0	<5.0	<5.0	
	258.99	Oct-01-99	4.65	-	254.34	<1.0	<1.0	<1.0	<1.0	1.1	
		Nov-12-99	4.32	-	254.67	<1.0	<1.0	<1.0	<1.0	0.99	
		Feb-11-00	4.41	-	254.58	<1.0	<1.0	<1.0	<1.0	2.8	

TABLE 1
GROUNDWATER ANALYTICAL DATA

Hess 32576 (Former DM Store #6666/ DB Store #619)
173 Windsor Highway
New Windsor, New York

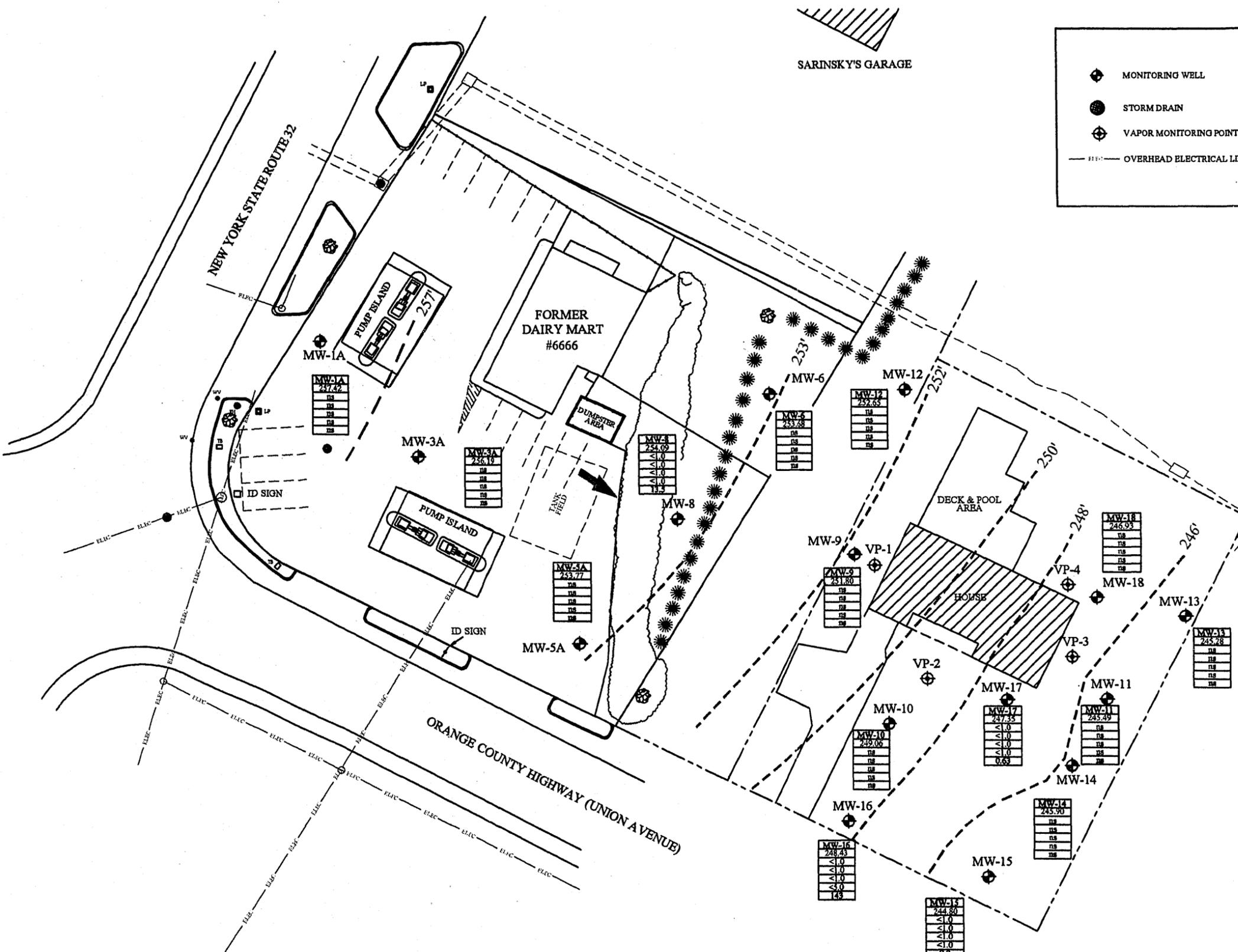
Well Number	Casing Elevation (feet)	Date	Depth to Water (feet)	LNAPL Thickness (feet)	Relative Ground Water Elevation (feet)	Benzene (ng/l)	Toluene (ng/l)	Ethylbenzene (ng/l)	Total Xylenes (ng/l)	MTBE (ng/l)
MW-1A	98.15	Apr-2-99	5.00	-	93.15	<1.0	69	<1.0	<1.0	4
		Jul-8-99	5.50	-	92.65	<5.0	<5.0	<5.0	<5.0	<5.0
	262.79	Oct-01-99	4.98	-	257.81	<1.0	<1.0	<1.0	<1.0	0.55
		Nov-12-99	5.53	-	257.26	<1.0	<1.0	<1.0	<1.0	1.5
		Feb-11-00	5.30	-	257.49	<1.0	<1.0	<1.0	<1.0	196
		Jun-21-00	5.19	-	257.60	<1.0	<1.0	<1.0	<1.0	12.4
		Sep-28-00	4.95	-	257.84	<1.0	<1.0	<1.0	<1.0	9.4
		Dec-5-00	5.15	-	257.64	<1.0	<1.0	<1.0	<5.0	9.8
		Mar-20-01	4.75	-	258.04	<1.0	<1.0	<1.0	<5.0	6.7
		Aug-21-01	5.55	-	257.24	<1.0	<1.0	<1.0	<5.0	12.2
		Mar-6-03	3.51	-	259.28	<1.0	<1.0	<1.0	<1.0	18.3
		Aug-8-03	3.92	-	258.87	ns	ns	ns	ns	ns
		Oct-2-03	4.82	-	257.97	<1.0	<1.0	<1.0	<1.0	21.0
		Mar-15-04	5.07	-	257.72	ns	ns	ns	ns	ns
Jan-3-05	5.13	-	257.66	ns	ns	ns	ns	ns		
Aug-2-05	5.37	-	257.42	ns	ns	ns	ns	ns		
MW-2**	94.97	Sep-16-97	7.10	-	87.87	1,100	22	240	261	1,400
		Dec-9-98	6.95	-	88.02	780	43	240	170	170
		Mar-25-98	6.64	-	88.33	478	94	285	255	173
		Jun-30-98	7.07	-	87.90	710	-	390	460	630
		Sep-16-98	7.20	-	87.77	460	-	94	73	80
		Dec-10-98	nm	na	na	ns	ns	ns	ns	ns
		Apr-2-99	nm	na	na	ns	ns	ns	ns	ns
	Jul-8-99	7.00	-	87.97	390	48	160	330	1,300	
	258.89	Oct-01-99	6.99	-	251.90	149	5.1	56.8	36.8	37.3
		Nov-12-99	6.85	-	252.04	214	3.2	63.7	21.8	16.5
Feb-11-00		6.88	-	252.01	235	9.5	70.4	29.5	587	
MW-3A	261.81	Oct-01-99	5.01	-	256.80	<1.0	<1.0	<1.0	<1.0	221
		Nov-12-99	5.18	-	256.63	<1.0	<1.0	<1.0	<1.0	185
		Feb-11-00	5.25	-	256.56	<1.0	<1.0	<1.0	<1.0	138
		Jun-21-00	6.21	-	255.60	<1.0	<1.0	<1.0	<1.0	198
		Sep-28-00	5.08	-	256.73	<1.0	<1.0	<1.0	<1.0	265
		Dec-5-00	5.33	-	256.48	<1.0	<1.0	<1.0	<1.0	102
		Mar-20-01	4.79	-	254.10	<1.0	<1.0	<1.0	<5.0	43.3
		Aug-21-01	5.72	-	253.17	<1.0	<1.0	<1.0	<5.0	42.5
		Mar-6-03	3.68	-	258.13	<1.0	<1.0	<1.0	<1.0	10.5
		Aug-8-03	3.95	-	257.86	ns	ns	ns	ns	ns
		Oct-2-03	4.78	-	257.03	<1.0	<1.0	<1.0	<1.0	20.2
		Mar-15-04	5.09	-	256.72	ns	ns	ns	ns	ns
		Jan-3-05	5.12	-	256.69	ns	ns	ns	ns	ns
Aug-2-05	5.62	-	256.19	ns	ns	ns	ns	ns		

Site Status Report - August 2005

NYSDEC Case # 97-00662

Hess 32579 (Former Dairy Mart #6666 / DB Location #619)
New Windsor, New York

TABLES



SARINSKY'S GARAGE

LEGEND

- MONITORING WELL
- STORM DRAIN
- VAPOR MONITORING POINT
- OVERHEAD ELECTRICAL LINES

WELL DESIGNATION	GROUND WATER ELEVATION (ft)	BENZENE CONCENTRATION (ug/L)	TOLUENE CONCENTRATION (ug/L)	ETHYLBENZENE CONCENTRATION (ug/L)	XYLENES CONCENTRATION (ug/L)	MTBE CONCENTRATION (ug/L)
MW-1	254.71	<1.0	<1.0	<1.0	<1.0	6.6
MW-2	252.63	NS	NS	NS	NS	NS
MW-3	253.64	NS	NS	NS	NS	NS
MW-4	254.09	<1.0	<1.0	<1.0	<1.0	14.9
MW-5	253.64	NS	NS	NS	NS	NS
MW-6	253.64	NS	NS	NS	NS	NS
MW-7	253.77	NS	NS	NS	NS	NS
MW-8	253.77	NS	NS	NS	NS	NS
MW-9	251.80	NS	NS	NS	NS	NS
MW-10	249.06	<1.0	<1.0	<1.0	<1.0	0.63
MW-11	247.33	NS	NS	NS	NS	NS
MW-12	252.63	NS	NS	NS	NS	NS
MW-13	245.28	NS	NS	NS	NS	NS
MW-14	245.90	NS	NS	NS	NS	NS
MW-15	248.43	<1.0	<1.0	<1.0	<1.0	9.0
MW-16	248.43	<1.0	<1.0	<1.0	<1.0	9.0
MW-17	247.33	NS	NS	NS	NS	NS
MW-18	246.93	NS	NS	NS	NS	NS
MW-19	245.28	NS	NS	NS	NS	NS

NM = NOT MONITORED
NS = NOT SAMPLED

INFERRED GROUNDWATER CONTOUR
 INFERRED GROUNDWATER FLOW DIRECTION

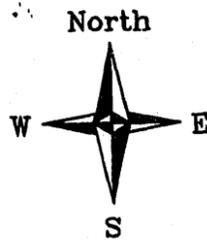
Handex
HANDEX OF NEW JERSEY
500 CAMPUS DRIVE, MORGANVILLE, NJ 07751

GROUND WATER SUMMARY DIAGRAM
AUGUST 2, 2005
HESS 32579 (Former Dairy Mart #6666/DB #619)
173 WINDSOR HIGHWAY
NEW WINDSOR, NY

NORTH

SCALE IN FEET
0 20 40

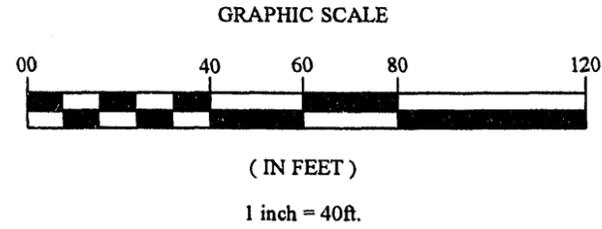
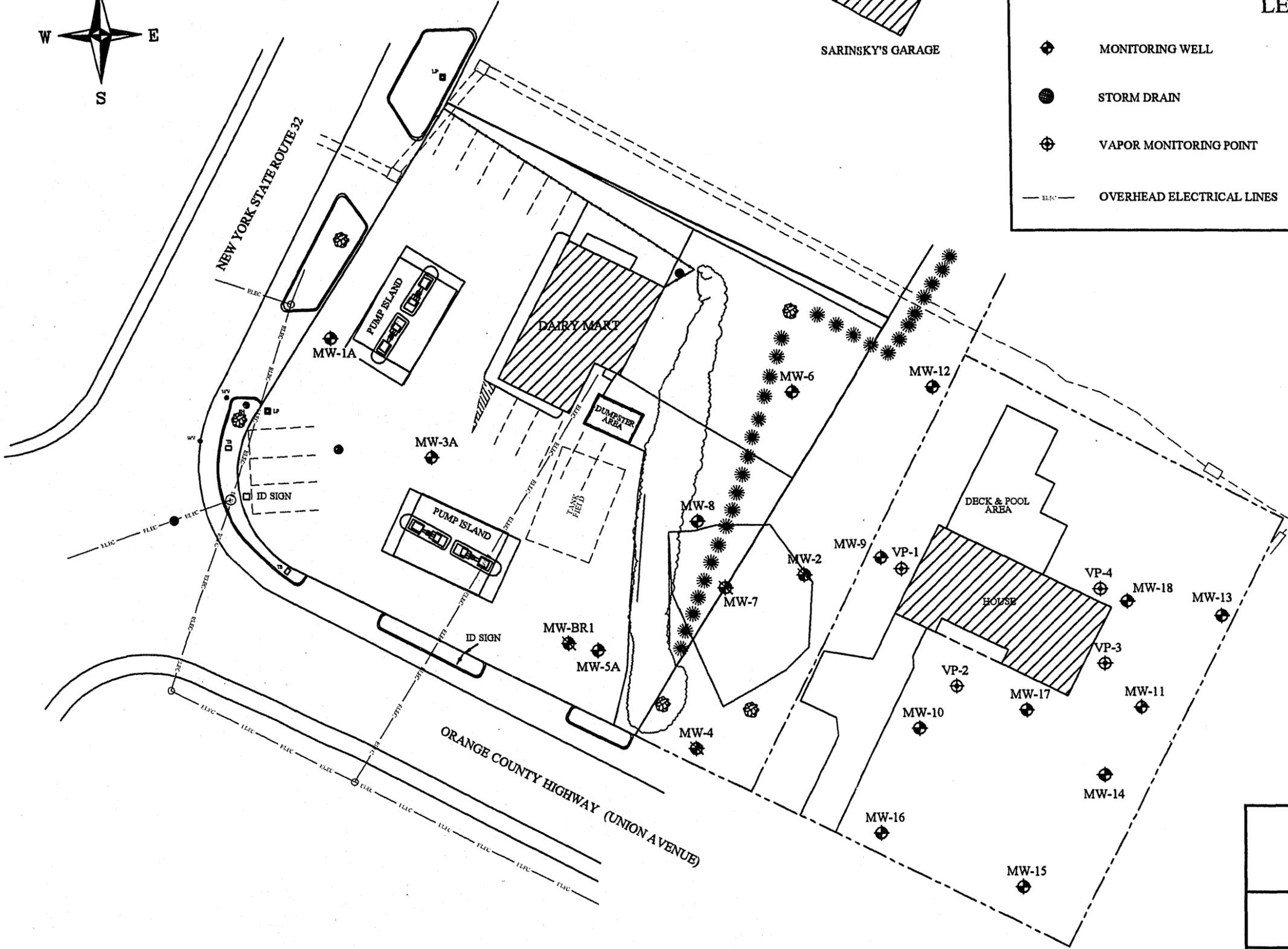
FIGURE 2	
DATE	DWG NO.
10/2/03	115897



SARINSKY'S GARAGE

LEGEND

<ul style="list-style-type: none"> MONITORING WELL STORM DRAIN VAPOR MONITORING POINT OVERHEAD ELECTRICAL LINES 	<ul style="list-style-type: none"> DESTROYED MONITORING WELL SOIL EXCAVATION LIMITS (JULY 2000)
---------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------------------------------------



HANDEX OF NEW JERSEY
500 CAMPUS DRIVE, MORGANVILLE NEW JERSEY 07751
HESS 32579 (Former Dairy Mart #6666/DB #619)
173 WINDSOR HIGHWAY
NEW WINDSOR, NEW YORK

FIGURE 1 - SITE PLAN

SCALE - 1" = 40'	JOB NO. - 115897
DRAWN BY - F. DeVITA	DATE - JANUARY 13, 2000

Site Status Report - March 2004
Former Dairy Mart #6666 / DB Location #619
New Windsor, New York

NYSDEC Case # 97-00662

FIGURES



Future Site Activities

The next groundwater sampling round is scheduled for October 2005, with regulatory submittal the following November. Based on these results, Handex anticipates requesting closure of case number 97-00662 at that time.

Figures:

<i>Figure 1</i>	<i>Site Plan</i>
<i>Figure 2</i>	<i>Groundwater Summary Diagram – August 2005</i>

Tables:

<i>Table 1</i>	<i>Groundwater Analytical Data</i>
----------------	------------------------------------

Attachments:

<i>Attachment 1</i>	<i>Laboratory Analytical Report</i>
---------------------	-------------------------------------

Groundwater monitoring of on-site and off-site monitoring wells had been completed from September 1997 to August 2001. Concentrations displayed a decreasing trend since 1997.

Handex stopped groundwater monitoring at the site on September 24, 2001 following Dairy Mart's bankruptcy filing. The blower to the soil depressurization system connected to the footing drains of the Sarinsky house was shut down in January 2003. The blower, associated piping and connection to the drainpipes were left in place. During July 2003, the footing drain piping was restored to its original configuration. The fitting connecting the blower was removed, the secondary discharge line was reconnected, and the check valve at the discharge point was removed.

Groundwater sampling resumed in March 2003. At that time, benzene was detected in on-site well MW-5A at 1.8 parts per billion exceeding the standard of 0.7 ppb. No other BTEX compounds were detected. MTBE was detected in all wells sampled, but exceeded the NYS criteria in only on-site well MW-5A at 98 ppb.

On August 8, 2003, six groundwater monitoring wells (MW-3A, MW-5A, MW-8, MW-9, MW-10, and MW-16) were sampled based on historical MTBE concentrations. BTEX compounds were detected in two (2) samples, MW-5A at 0.22 ppb (estimated value) and MW-8 at 4.5 ppb. MTBE concentrations ranged from 6.3 ppb (MW-9) to 21,300 ppb (MW-8). Well MW-8 has displayed fluctuations in MTBE concentrations as follows: 6,150 ppb in August 2001 to 6.3 ppb in March 2003 to 21,300 ppb in August 2003. Farther downgradient, the MTBE concentration of 373 ppb in MW-10, located on Sarinsky's property, is consistent with the last sampling event for that well in August 2001 where MTBE was detected at 358 ppb. Conversely, MTBE concentrations in samples from wells MW-5A, MW-9 and MW-16 all decreased since the previous sampling round in March 2003.

On October 2, 2003 all wells were gauged and sampled. Total BTEX concentrations ranged from non-detect to 6.1 ppb in MW-8. Detected MTBE concentrations ranged from 2.6 ppb in MW-9 to 11,500 ppb in MW-8.

Total BTEX was non-detect in all wells sampled in March 2004, except for MW-5A at 0.67 ug/l and MW-8 at 0.33 ug/l. Detected MTBE concentrations ranged from 2.9 ug/l (MW-9) to 270 ug/l (MW-16). MTBE remained non-detect in MW-13.

In the January 2005 sampling event, MTBE concentrations on and off site continued to exhibit a decreasing trend. MTBE was only identified at one well (MW-16) above NYSDEC standard of 10 ug/l. In addition, with the exception of 0.31 ug/l of toluene observed at MW-14, BTEX concentrations were not detected.

Current Site Activities 2005

On August 2, 2005, all on-site and off-site wells were gauged for depth to water. Per authorization from the NYSDEC, selected wells (MW-8, 15, 16 & 17) were purged and sampled.

Depth to groundwater ranged from 4.35 (MW-12) to 9.08 (MW-17) feet below grade. The inferred groundwater flow direction is towards southeast, which is consistent with previous contouring (Table 1 & Figure 2).

As summarized in Table 1 and Figure 2, BTEX concentrations have remained non-detect. MTBE concentrations continue to decrease and are below NYSDEC groundwater standards in all measured wells except for MW-16 at 143 ug/l. Complete laboratory reports can be found in Attachment 1.



In June 2000, Handex installed five additional monitoring wells (MW-13 through MW-17) on the Sarinsky property (Figure 1). In order to allow for additional delineation of adsorbed and dissolved phase hydrocarbons on the residential Sarinsky property, on October 27, 2000, monitoring well MW-18 was installed off the northeast corner of the Sarinsky residence. The soil sampling results from these additional monitoring wells indicated that no BTEX compounds were detected above the NYSDEC STARS guidance values.

In July 2000, Handex oversaw the excavation and disposal of approximately 2,000 tons of soil in the vicinity of former monitoring well MW-7. Post excavation sampling indicated that the sidewall and bottom samples collected for VOCs including MTBE were below NYSDEC Guidance Values with the exception of one sample from the western wall of the excavation (CW3) and one sample from the eastern wall of the excavation (NE2). The CW3 sample was taken at the interface between the soil and the pea gravel situated around the USTs on the former Dairy Mart site. The excavation in this direction was stopped, with the permission of the NYSDEC, so as not to undermine the existing UST system. This sample had a reported concentration of benzene at 35 ug/kg. The present NYS TAGM 4046 guidance value is 60 ug/kg. The NE2 sample was obtained from the sidewall of the excavation along the edge of the residential Sarinsky property driveway. In this sample, 1,2,4-Trimethylbenzene was reported at a concentration of 160 ug/kg. The present NYS TAGM 4046 guidance value is established at 10,000 ug/kg. After a conversation with the NYSDEC, it was determined that no further excavation in this direction would be required.

Indoor air sampling had been conducted since July 1999 and became a monthly monitoring event with O&M of the depressurization system and indoor air filtration units. Indoor air sampling and O&M of the system continued through 2002. Previous review of historic indoor air sampling results indicated the concentration of benzene in indoor air and outdoor air is sufficiently similar to discount the assumption that groundwater beneath the Sarinsky home is significantly contributing to indoor benzene concentrations. An evaluation of ambient air conditions outside the home and results of indoor air sampling indicated that the average outside air concentration of benzene is 1.42 micrograms per cubic meter (ug/m³) and the average benzene concentration of the indoor air is 1.68 ug/m³. This fact indicated that benzene impacted air may be getting into the home through open doors and windows, rather than volatilization from groundwater beneath the home's foundation. The presence of benzene and MTBE in the ambient air outside the home is attributed to its location immediately next door to an active gas station (the former Dairy Mart property).

In order to evaluate site conditions, Tyree Organization was retained by the NYSDEC to conduct a limited site investigation in May 2002. As part of this investigation, soil vapor samples were collected from three existing subsurface vapor points around the Sarinsky property and from two vapor points installed in the beneath the basement floor of the residence. The purpose of this investigation was to evaluate whether petroleum compounds in groundwater beneath the site were volatilizing into the soil air space (vadose zone) beneath and around the Sarinsky residence.

Results of the soil gas survey indicated that the major gasoline constituents, Benzene, Toluene, Ethylbenzene, Xylenes were not detected in any sample collected from the vapor points located around the house. MTBE was detected in only one (1) air sample collected from a vapor point located on the east side of the Sarinsky property. No petroleum related compounds were detected in either of the samples collected from the vapor points installed beneath the basement floor. The results of this investigation indicated that although dissolved phase petroleum compounds are present beneath the Sarinsky property, hydrocarbon compounds were not migrating up through the foundation.



Site History

As part of the lease transfer, Phase I and Phase II Site Assessments were conducted at the Site in April 1997. Based on the Phase II investigation, dissolved phase gasoline compounds were identified in soil and groundwater samples. The New York State Department of Environmental Conservation (NYSDEC) was notified and assigned case number 97-00062.

In December 1997, a supplemental subsurface investigation was conducted at the Site. As part of this supplemental subsurface investigation, two monitoring wells were installed on-site (MW-1 & MW-3) and two monitoring wells were installed on the adjacent residential property owned by David and Jackie Sarinsky (MW-2 & MW-4). The results of the investigation indicated that petroleum hydrocarbons were present in the soil and groundwater on the residential Sarinsky property. Groundwater samples were collected on a quarterly basis from the four monitoring wells (MW-1 through MW-4) through September 1998. All wells are shown on Figure 1.

In January 1999, DB redeveloped the Site. As part of the redevelopment, DB removed and replaced the existing underground storage tanks. Handex, on behalf of Dairy Mart, oversaw the removal and disposal of approximately 2,000 tons of petroleum contaminated soil. Subsequent sampling of the remaining excavation walls and bottoms indicated that benzene, toluene, ethyl benzene, xylenes (BTEX) and methyl-tert-butyl-ether (MTBE) were not detected above the criteria of the August 1992 NYSDEC Spill Technology and Remediation Series (STARS) Memo.

The monitoring wells identified as MW-1 and MW-3 were destroyed during the facility reconstruction by DB in January 1999. Handex installed three new monitoring wells, MW-1A, MW-5, and bedrock monitoring well (BR-1) in March 1999 after the DB site reconstruction was complete. On April 2, 1999, groundwater samples were collected from these newly installed monitoring wells (Figure 1).

In July 1999, after retaining access to the residential Sarinsky property, Handex, on behalf of Dairy Mart, collected groundwater samples from all the monitoring wells on both the former Dairy Mart property as well as the residential Sarinsky property. Additionally, Handex and Ecosystem, the consultant retained by David Sarinsky, collected several indoor air samples from within the Sarinsky home.

In August 1999, Dairy Mart proposed and received approval from the NYSDEC and the New York State Department of Health (NYSDOH) to implement an additional soil and groundwater assessment at the former Dairy Mart site and the residential Sarinsky site and to implement interim corrective action measures to address volatile organic compounds previously detected in the indoor air of the home on the Sarinsky's property. The interim corrective action measures included the installation of a soil depressurization system connected to the footing drains around the Sarinsky home and the installation of four (4) indoor air filtration units (CARE 2000 system). The installation of the CARE 2000 units and the depressurization system was completed in September 1999. The indoor air sampling was completed as per the August 30, 1999 Scope of Work approved by the NYSDEC on August 23, 1999. Also as part of the approved work scope, Handex installed six monitoring wells (MW-6 through MW-12) on Site and on the Sarinsky property (Figure 1). Soil samples collected during the well installation reported BTEX concentrations from wells MW-6, -7, and -8, all located along the property boundary between the Site and Sarinsky's property.

Soil samples from wells MW-9 through MW-12, all located on the Sarinsky property, did not report any BTEX or MTBE concentrations above the laboratory method detection limit. Quarterly groundwater samples were collected Nov-99, Feb-00, and Jun-00.



**Site Status Report
August 2005**

**Hess Store 32579
(Former Dairy Mart #6666/DB Store #619)
173 Windsor Highway
New Windsor, New York
NYDEC Case #97-00662**

Primary Consultant: Handex of New Jersey, Inc.
Morganville, New Jersey

Project Manager: Jed Myers, Principal Hydrogeologist
(631) 451-0617

Hess Company Contact: David Dolnick, Amerada Hess Corporation
(732) 750-6801

Regulatory Contact: NYSDEC – Region 3 Attn. Keith Brown
21 South Putt Corner Road
New Paltz, New York

Site Description

Hess Facility 32579 (former Dairy Mart 6666 and DB store 619) is located at the intersection of Windsor Highway and Union Avenue, New Windsor, New York (Figure 1). The current station building is situated in the northwest corner of the site and is surrounded by asphalt parking areas and grass. The Underground Storage Tanks (USTs), used to store three grades of gasoline, are placed south of the building adjacent the eastern property boundary. The station utilizes two dispenser islands, one located in front of the building, the other on the southern end of the site. The topography of the Site is relatively flat with a gentle slope to the south. Adjacent properties include residential properties directly to the east and also south across Union Avenue. An auto repair shop is located north and a strip mall to the west. Vacant property is southwest beyond Windsor Highway.

The site is currently operated by Amerada Hess Corporation (Hess). From 1980 until 1997, Dairy Mart leased facility from Orwest Realty Corporation. In 1997, Dairy Mart ceased operations and the lease was assigned to DB Companies, Inc (DB). Hess began operating the station in the Fall of 2004.

No reported public or private supply wells exist within a 1/2-mile of the site. The Town of New Windsor supplies potable water to the businesses and residences in the immediate area of the Site. Residential homes with basements are located to the east and south of the site along Union Avenue. The nearest surface water body is an unnamed tributary to the Hudson River located to the north and east of the Site.

Mr. D. Dolnick
Nov. 28, 2005
Page 2

If you have any questions or comments, you can contact me at (845)256-3152.

Sincerely,



Keith Browne
Environmental Engineer I
Region 3

cc: P. John
D. Traver
M. Hughes - NYSDOH
J. Myers - Handex
P. Holloway - The Tyree Organization
G. Meyers - Town of New Windsor, Supervisor
D. Sarinsky
OCDH



Denise M. Sheehan
Acting Commissioner

New York State Department of Environmental Conservation

Division of Environmental Remediation, Region 3

21 South Puff Corners Road, New Paltz, New York 12561-1696

Phone: (845) 256-3143 • FAX: (845) 255-2987

Website: www.dec.state.ny.us

November 28, 2005

MR DAVID DOLNICK
AMERADA HESS CORP
1 HESS PLAZA
WOODBIDGE NJ 07095-0961

Re: Spill No.: 97-00190
PBS No.: 3-177032
Location: Former Dairy Mart #6666/DB Store #619
173 Windsor Highway
New Windsor, NY Orange County

Dear Mr. Dolnick:

This Office has received the NYSDEC Review of Property Redevelopment letter, dated November 23, 2005, concerning the above referenced site. The Spill No. 97-00662 has been administratively closed and referred to the above stated open spill number of 97-00190. This is the Department's response to the two issues stated in your 11/23/05 letter; Proposed site redevelopment and environmental cleanup and Current environmental investigation, remediation, and monitoring.

The proposed redevelopment of the former Dairy Mart service station should not cause any additional petroleum contamination impacts to the current remedial activities of groundwater monitoring. The Department does not have any concerns at this time on the redevelopment of the former Dairy Mart service station. During the redevelopment activities the Spill Prevention Operations Technology Series (SPOTS) Memo #14 Site Assessments at Bulk Storage Facilities will be followed, which address underground tanks and piping removal.

The current remedial activity is groundwater monitoring. Any necessary remedial activities will be conducted either by Handex or by this Department. Handex is conducting groundwater monitoring of the on site and off site monitoring wells. The Department is planning to conduct an additional indoor air sampling survey of 298 Union Ave., New Windsor.

CUDDY & FEDER LLP

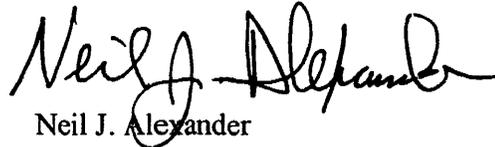
Chairman James Petro, Jr., and Members of the Planning Board

December 8, 2005

Page 3

Hess looks forward to appearing before the Planning Board on December 14, 2005. Should the Planning Board or Town Staff have any questions or comments in the interim, please feel free to contact me. Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,



Neil J. Alexander

NJA/dt

Enclosures

cc: Mark Edsall, PE, PP, Town Engineer (w/enclosures)
Michael Babcock, Building Inspector (w/enclosures)
Phillip A. Crotty, Esq., Town Attorney (w/enclosures)
Keith Browne, NYSDEC Region 3 (w/enclosures)
Andrew Lautenbacher, Amerada Hess (w/enclosures)
David Dolnick, Amerada Hess (w/enclosures)
Richard Harper, Morris Associates (w/enclosures)

CUDDY & FEDER LLP

Chairman James Petro, Jr., and Members of the Planning Board

December 8, 2005

Page 2

Handex of New Jersey, Inc. ("Handex") has been conducting groundwater monitoring of the numerous on-site and off-site monitoring wells for several years under a fixed price remediation contract with Dairy/DB Mart. As noted in Handex's attached August 2005 Site Status Report, "[n]o reported public or private supply wells exist within a ½-mile of the site," and the "Town of New Windsor supplies potable water to the businesses and residences in the immediate area of the Site." More importantly, Handex's testing of all on-site and off-site wells in August 2005 established that BTEX concentrations (i.e., benzene, toluene, ethylbenzene, and xylene) have remained at non-detect levels and MTBE (i.e., Methyl Tertiary-Butyl Ether) concentrations are below NYSDEC groundwater standards in all measured wells except for Monitoring Well No. 16 abutting Union Avenue with a level of 143 µg/l where 10 µg/l is the New York State standard. Further, NYSDEC previously performed an indoor air assessment of the Sarinsky's house and concluded that the dissolved concentrations of petroleum constituents were not negatively contributing to indoor air quality. Notwithstanding this conclusion, in January 2003, Dairy/DB Mart and the Sarinskys entered into the attached Settlement Agreement whereby Dairy/DB Mart paid \$20,000, which constituted "the costs of installing, operating and maintaining a system for preventing the contamination of, and removing contamination from, indoor air at the Sarinsky residence located at 298 Union Avenue, New Windsor, New York 12553." Based on the above, Handex anticipates requesting closure of this Spill Number after the October 2006 groundwater sampling is submitted to NYSDEC in November 2006.

In the unlikely event that the NYSDEC does not close this spill number in November 2006 and/or Handex defaults on its fixed price remediation contract, which Dairy/DB Mart bonded, Hess expressly commits to performing the groundwater sampling and submitting the closure report. Hess also is willing to post a performance surety in the amount of \$10,423 with the Town of New Windsor to cover such costs. In addition, Hess acknowledges and warrants that it will follow NYSDEC's Spill Prevention Operations Technology Series Memo No. 14 governing Site Assessments at Bulk Storage Facilities during the redevelopment of the Premises, including the affirmative obligation incumbent on all developers to report any contamination uncovered during construction. Moreover, Hess agrees to provide the Planning Board on a quarterly basis with copies of all Handex reports submitted to NYSDEC.

In sum, Hess respectfully submits that its proposal to raze and rebuild a gasoline station and convenience store on the Premises will not interfere with NYSDEC's and Handex's remediation and monitoring of the Premises, nor will it impinge upon the Settlement Agreement between Dairy/DB Mart and the Sarinskys. Additionally, Hess respectfully submits that the Planning Board's adoption of a Negative Declaration under SEQRA is warranted because the "Action" here is the site plan approval for Hess's redevelopment project, which will not have any significant adverse environmental impacts. See SEQRA Sections 617.2(b) & (y). Hess further submits that this project will have no effect on the environment because NYSDEC concluded in its November 28, 2005 letter that it "does not have any concerns at this time on the redevelopment of the former Dairy Mart service station."

Hess

CUDDY & FEDER LLP
90 MAPLE AVENUE
WHITE PLAINS, NEW YORK 10601-5196

WILLIAM V. CUDDY
1971-2000

NEIL J. ALEXANDER (also CT)
THOMAS R. BEIRNE (also DC)
STEPHANIE BORTNYK (also NJ)
JOSEPH P. CARLUCCI
LUCIA CHIOCCHIO (also CT)
ROBERT DiSIENA
KENNETH J. DUBROFF
ROBERT FEDER
CHRISTOPHER B. FISHER (also CT)
ANTHONY B. GIOFFRE III (also CT)
JOSHUA J. GRAUER
KENNETH F. JURIST
MICHAEL L. KATZ (also NJ)
JOSHUA E. KIMERLING (also CT)
DANIEL F. LEARY (also CT)
BARRY E. LONG

(914) 761-1300
FACSIMILE (914) 761-5372/6405
www.cuddyfeder.com

500 FIFTH AVENUE
NEW YORK, NEW YORK 10110
(212) 944-2841
FACSIMILE (212) 944-2843

WESTAGE BUSINESS CENTER
300 WESTAGE BUSINESS CENTER, SUITE 380
FISHKILL, NEW YORK 12524
(845) 896-2229
FACSIMILE (845) 896-3672

NORWALK, CONNECTICUT

EON S. NICHOLS (also CT)
WILLIAM S. NULL
DAWN M. PORTNEY
ELISABETH N. RADOW
PAMELA B. RICHARDSON (also NJ)
NEIL T. RIMSKY
RUTH E. ROTH
ANDREW P. SCHRIEVER (also MA)
JENNIFER L. VAN TUYL
CHAUNCEY L. WALKER (also CA)

Of Counsel
ANDREW A. GLICKSON (also CT)
KAPEN G. GRANIK
ROBERT L. OSAR (also TX)
MARYANN M. PALERMO
ROBERT C. SCHNEIDER

December 8, 2005

By Federal Express

Chairman James Petro, Jr., and
Members of the Planning Board
Town of New Windsor
Town Hall
555 Union Avenue
New Windsor, NY 12553

Re: Hess – New Windsor
Former DB Mart #619
Premises: 173 Windsor Highway a/k/a the intersection of Routes 32 & 69
Tax Identification: Section 12, Block 2, Lot 1

Dear Chairman Petro and Members of the Planning Board:

This letter is respectfully submitted on behalf of Amerada Hess Corporation (“Hess”) in furtherance of the above-referenced application and in anticipation of the Planning Board’s December 14, 2005 meeting.

The purpose of this letter is to address the status of the remediation and monitoring of NYSDEC Spill No. 97-00190 that occurred almost a decade ago when the now bankrupt Dairy/DB Mart was the operator of a gasoline station and convenience store on the Premises.

In particular, Hess has attached a copy of NYSDEC’s November 28, 2005 letter advising that Hess’s “proposed redevelopment of the former Dairy Mart service station should not cause any additional petroleum contamination impacts to the current remedial activities of groundwater monitoring.”

APPENDIX C

- Preliminary Drainage Plan (SEE INSERT)

RJA

204152.00
Proposed Conditions
Orange County, New York

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
DA-1	Open space; grass cover 50% to 75% (fair)	C	.005	79
	Paved parking lots, roofs, driveways	C	.135	98
	Total Area / Weighted Curve Number		.14 ===	97 ==
DA-2	Open space; grass cover > 75% (good)	C	.099	74
	Paved parking lots, roofs, driveways	C	.55	98
	Total Area / Weighted Curve Number		.65 ===	94 ==
DA-3	Open space; grass cover > 75% (good)	C	.063	74
	Paved parking lots, roofs, driveways	C	.057	98
	Total Area / Weighted Curve Number		.12 ===	85 ==

RJA

204152.00
Proposed Conditions
Orange County, New York

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)
DA-1							
SHEET	53	0.0116	0.011				0.014
SHALLOW	69	0.0124	0.025				0.008
						Time of Concentration	0.1 =====
DA-2							
SHEET	100	0.0248	0.011				0.018
CHANNEL	289	0.0050	0.011	1.75	4.71	5.017	0.016
						Time of Concentration	0.1 =====
DA-3							
SHEET	62	0.0833	0.011				0.007
SHALLOW	135	0.0114	0.050				0.022
						Time of Concentration	0.1 =====

RJA

204152.00
Proposed Conditions
Orange County, New York

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
DA-1	.14	0.100	97	Outlet	North East
DA-2	.65	0.100	94	Outlet	South
DA-3	.12	0.100	85	Outlet	North West

Total Area: .91 (ac)

RJA

204152.00
Proposed Conditions
Orange County, New York

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period							1-Yr (cfs)
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)		

SUBAREAS								
DA-1	.00 n/a	0.52 12.11	0.64 12.10	0.76 12.11	0.82 12.11	0.94 12.10	.00 n/a	
DA-2	1.78 12.10	2.34 12.11	2.91 12.10	3.47 12.11	3.75 12.11	4.31 12.11	1.43 12.11	
DA-3	.00 n/a	.00 n/a	.00 n/a	0.57 12.11	0.63 12.11	0.74 12.11	.00 n/a	
REACHES								
OUTLET	1.78	2.87	3.55	4.81	5.20	5.98	1.43	

RJA

204152.00
Proposed Conditions
Orange County, New York

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period						
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)	1-Yr (cfs)

SUBAREAS							
DA-1	.00	0.52	0.64	0.76	0.82	0.94	.00
DA-2	1.78	2.34	2.91	3.47	3.75	4.31	1.43
DA-3	.00	.00	.00	0.57	0.63	0.74	.00
REACHES							
OUTLET	1.78	2.87	3.55	4.81	5.20	5.98	1.43

RJA

204152.00
Proposed Conditions
Orange County, New York

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)
Rainfall Distribution Type: Type III
Dimensionless Unit Hydrograph: <standard>

WinTR-55 Current Data Description

--- Identification Data ---

User: RJA Date: 10/5/2005
 Project: 204152.00 Units: English
 SubTitle: Proposed Conditions Areal Units: Acres
 State: New York
 County: Orange
 Filename: E:\documents\General\2004\204152\Drainage\Proposed.w55

--- Sub-Area Data ---

Name	Description	Reach	Area (ac)	RCN	Tc
DA-1	North East	Outlet	0.14	97	0.1
DA-2	South	Outlet	0.65	94	0.1
DA-3	North West	Outlet	0.12	85	0.1

Total area: .91 (ac)

--- Storm Data ---

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)
 Rainfall Distribution Type: Type III
 Dimensionless Unit Hydrograph: <standard>

APPENDIX B

PROPOSED CONDITIONS

- Runoff Curve Number Calculations
- Time of Concentration Calculations
- Peak Flow Calculations

RJA

204152.00
Existing Conditions
Orange County, New York

Sub-Area Land Use and Curve Number Details

Sub-Area Identifier	Land Use	Hydrologic Soil Group	Sub-Area Area (ac)	Curve Number
DA-1	Open space; grass cover 50% to 75% (fair)	C	.016	79
	Paved parking lots, roofs, driveways	C	.261	98
	Total Area / Weighted Curve Number		.28 ===	97 ==
DA-2	Open space; grass cover 50% to 75% (fair)	C	.093	79
	Paved parking lots, roofs, driveways	C	.388	98
	Total Area / Weighted Curve Number		.48 ===	94 ==
DA-3	Open space; grass cover 50% to 75% (fair)	C	.119	79
	Paved parking lots, roofs, driveways	C	.016	98
	Total Area / Weighted Curve Number		.14 ===	81 ==

RJA

204152.00
Existing Conditions
Orange County, New York

Sub-Area Time of Concentration Details

Sub-Area Identifier/	Flow Length (ft)	Slope (ft/ft)	Mannings's n	End Area (sq ft)	Wetted Perimeter (ft)	Velocity (ft/sec)	Travel Time (hr)

DA-1							
SHEET	39	0.0526	0.011				0.006
SHALLOW	67	0.0022	0.025				0.020
					Time of Concentration		0.1
							=====
DA-2							
SHEET	55	0.0336	0.011				0.010
SHALLOW	112	0.0429	0.025				0.007
					Time of Concentration		0.1
							=====
DA-3							
SHEET	30	0.0833	0.011				0.004
SHALLOW	109	0.0720	0.050				0.007
					Time of Concentration		0.1
							=====

RJA

204152.00
Existing Conditions
Orange County, New York

Sub-Area Summary Table

Sub-Area Identifier	Drainage Area (ac)	Time of Concentration (hr)	Curve Number	Receiving Reach	Sub-Area Description
DA-1	.28	0.100	97	Outlet	Existing Catch Basin
DA-2	.48	0.100	94	Outlet	Blacktop Swale
DA-3	.14	0.100	81	Outlet	Adjacent Property

Total Area:	.90 (ac)				

RJA

204152.00
Existing Conditions
Orange County, New York

Hydrograph Peak/Peak Time Table

Sub-Area or Reach Identifier	Peak Flow and Peak Time (hr) by Rainfall Return Period						
	2-Yr (cfs) (hr)	5-Yr (cfs) (hr)	10-Yr (cfs) (hr)	25-Yr (cfs) (hr)	50-Yr (cfs) (hr)	100-Yr (cfs) (hr)	1-Yr (cfs) (hr)

SUBAREAS							
DA-1	0.81 12.11	1.05 12.11	1.29 12.10	1.53 12.11	1.65 12.11	1.88 12.10	0.66 12.10
DA-2	1.31 12.10	1.72 12.11	2.14 12.10	2.55 12.11	2.76 12.11	3.17 12.11	1.05 12.11
DA-3	.00 n/a	.00 n/a	.00 n/a	0.62 12.11	0.68 12.11	0.80 12.11	.00 n/a
REACHES							
OUTLET	2.11	2.77	3.43	4.69	5.08	5.85	1.72

RJA

204152.00
Existing Conditions
Orange County, New York

Watershed Peak Table

Sub-Area or Reach Identifier	Peak Flow by Rainfall Return Period						
	2-Yr (cfs)	5-Yr (cfs)	10-Yr (cfs)	25-Yr (cfs)	50-Yr (cfs)	100-Yr (cfs)	1-Yr (cfs)

SUBAREAS							
DA-1	0.81	1.05	1.29	1.53	1.65	1.88	0.66
DA-2	1.31	1.72	2.14	2.55	2.76	3.17	1.05
DA-3	.00	.00	.00	0.62	0.68	0.80	.00
REACHES							
OUTLET	2.11	2.77	3.43	4.69	5.08	5.85	1.72

RJA

204152.00
Existing Conditions
Orange County, New York

Storm Data

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)
Rainfall Distribution Type: Type III
Dimensionless Unit Hydrograph: <standard>

WinTR-55 Current Data Description

--- Identification Data ---

User: RJA Date: 10/5/2005
 Project: 204152.00 Units: English
 SubTitle: Existing Conditions Areal Units: Acres
 State: New York
 County: Orange
 Filename: E:\documents\General\2004\204152\Drainage\Existing.w55

--- Sub-Area Data ---

Name	Description	Reach	Area(ac)	RCN	Tc
DA-1	Existing Catch Basin	Outlet	0.28	97	0.1
DA-2	Blacktop Swale	Outlet	0.48	94	0.1
DA-3	Adjacent Property	Outlet	0.14	81	0.1

Total area: .90 (ac)

--- Storm Data --

Rainfall Depth by Rainfall Return Period

2-Yr (in)	5-Yr (in)	10-Yr (in)	25-Yr (in)	50-Yr (in)	100-Yr (in)	1-Yr (in)
3.5	4.5	5.5	6.5	7.0	8.0	2.9

Storm Data Source: Orange County, NY (NRCS)
 Rainfall Distribution Type: Type III
 Dimensionless Unit Hydrograph: <standard>

APPENDIX A

EXISTING CONDITIONS

- Runoff Curve Number Calculations
- Time of Concentration Calculations
- Peak Flow Calculations

Drainage Area	Area (Acres)	Runoff (CFS)	Peak Discharge (CFS)	Time to Peak (min)	Peak Discharge (CFS)	Time to Peak (min)
1	0.14	97	0.022	0.00	0.76	0.94
2	0.65	94	0.024	1.43	3.47	1.14
3	0.12	85	0.029	0.74	0.57	0.74

Table 3 Proposed Condition Runoff Characteristics

5.0 Conclusion

The proposed re-development does alter the existing drainage characteristics by changing the size of the drainage areas, the amount of impervious cover and existing flow patterns change little as compared to the existing conditions. As a result of the proposed project the peak discharge flow rates also change by a minor amount. A summary of the change in peak flow rates can be found below in Table 4.

DRAINAGE AREA	CHANGE IN PEAK FLOW (CFS)	
	PROPOSED	EXISTING
1	-0.77	-0.94
2	0.92	1.25
3	-0.05	-0.06

Table 4 Change in Peak Flow (Proposed – Existing Conditions)

Both Drainage Areas 1 and 3 decrease the peak discharge rates slightly and should not cause any downstream effects with regards to flooding. The only increase in flow occurs at the design point for Drainage Area 2. The cause for this increase is primarily the result in the altered drainage area, with an increase from an existing drainage area of 0.48 acres to 0.65 acres for proposed conditions. The existing State drainage system and surrounding area should be able to adequately handle the slight increase in runoff.

Drainage Area	Area (Acres)	Area (Sq Ft)	Runoff Coefficient	Runoff (CFS)	Runoff (MGD)	Runoff (MG)
1	0.28	97	0.026	0.66	1.53	1.88
2	0.48	94	0.017	1.05	2.55	3.17
3	0.14	81	0.011	0.00	0.62	0.80

Table 2 Existing Condition Runoff Characteristics

4.2 Proposed Hydrologic Conditions

The development of the site ultimately alters the existing soils natural ability of infiltration, creating the potential for an increase in the amount of stormwater runoff, however these increases are extremely minor. Based on the Conceptual Grading and Drainage Plan, grading changes will be required to accommodate the proposed layout. The existing condition drainage areas have been revised to reflect the new drainage patterns of the parcel.

For the proposed conditions, DA 1 has been decreased in size to better reflect the proposed grading and drainage patterns and continues to convey runoff to the same catch basin. The area consists predominately of impervious cover associated with the proposed development. A new design point has been chosen for DA 2, in order to analyze the proposed grading and drainage patterns. Runoff from the area is conveyed as sheet and shallow concentrated flow which now discharges into a drainage network where it is conveyed to the existing drainage system north of the site. The area is comprised of primarily impervious cover receiving runoff from on-site drainage and a small portion from off-site drainage. DA 2 has increased in size as compared to the existing conditions drainage area. DA 3 has been increased in size ever so slightly in order to reflect the proposed grading and drainage conditions and continues to flow to the same design point. The area is predominately open space with a portion of drainage from the proposed building. Runoff from the area continues to be conveyed as sheet and shallow concentrated flow before eventually entering the existing stream channel.

A summary the proposed drainage areas can be found below in Table 3 and is included in Appendix B.

4.0 Hydrologic Evaluation

In order to evaluate the potential impacts associated with development, existing and proposed conditions were analyzed for the site using a Type III rainfall distribution. For the purpose of this analysis, Morris Associates limited the hydrological model to those areas that drained to the chosen design point.

Runoff curve numbers and time of concentrations were computed for the site using the methodology provided by the USDA Soil Conservation Service's TR-55 hydrological model.

4.1 Existing Hydrologic Conditions

For the purpose of this analysis, the existing watershed was determined to be comprised of three (3) drainage areas each with a chosen design point, consisting of both on-site and off-site drainage. Drainage Area 1, DA 1, is located to the northeastern most portion of the parcel bounded by NYS Route 32 to the east, the existing one story brick building to the west and high points within the topography to the north and south. Runoff generated from the area flows as sheet and shallow concentrated flow from a highpoint near the brick building in an easterly direction before flowing to an existing catch basin. Within the drainage system, the runoff combines with flows from the north and is conveyed in a westerly direction before outletting to an existing stream channel.

Drainage Area 2, DA 2, is located within the southern most portion of the site bounded by private property to the west, County Route 69 to the south and high points within the topography to the north and east. This particular area of the site consists primarily of impervious cover with a small portion of open space. Runoff from the area flows as sheet and shallow concentrated flow from a high point near the existing brick building in a southerly direction before entering an existing blacktop drainage swale.

Drainage Area 3, DA-3, is situated in the northwestern most portion of the parcel bounded by a drainage easement to the north and high points within the topography to the south, west and east. DA 3 consists of primarily of open space and impervious cover resulting from the existing brick building. Runoff from the area is conveyed in a westerly direction as sheet and shallow concentrated flow before flowing offsite towards the existing stream channel.

Upon analysis of the existing drainage areas, peak flow rates were determined and are summarized below in Table 2, and can be found in Appendix A.

1.0 Introduction

The purpose of this report is to analyze stormwater runoff and determine if the proposed re-development will cause an increase in surface discharge to existing drainage practices. The proposed project involves the re-development of an existing DB Mart gas station to a new Hess Express with its associated utilities and parking areas. The project site is located at the intersection of County Route 69 and NYS Route 32 in the Town of New Windsor, Orange County New York.

2.0 Existing Site Conditions

The project site encompasses approximately \pm 0.69 acres and is generally bounded by County Route 69 to the south, a drainage easement to the north, private property to the west and NYS Route 32 to the east. The current land uses within the project site consists of an existing DB Mart gas station facility approximately 80% impervious with the remaining area open space. The topography of the immediate area is generally shallow conveying runoff in low lying areas before flowing offsite through the means of storm drainage systems and conveyance swales.

Based on a review of the USDA Soil Survey of Orange County, NY, the soils on the site consist primarily of Mardin gravely silt loam, MdB. Mardin soils are generally deep, moderately well drained, gently sloping soil formed in glacial till deposits derived from sandstone, shale, and slate. The Hydrologic Soil Group for this soil series is an HSG C. The USDA Natural Resource Conservation Service (NRCS) assigns each soil series to a hydrologic soil group. HSG C soils have a moderately slow infiltration rate when thoroughly wet and a moderately high runoff potential. A summary the soils on site can be found below in Table 1.

SOIL NAME	HSG	SCOPE	COMENT
Mardin, MdB	C	3-8%	Gravely silt loam

Table 1 Existing Soil Conditions

3.0 Proposed Site Conditions

The proposed construction includes the re-development of the existing parcel into a 3,514 sq. ft. Hess Express Gas Station with its associated utilities, parking and walkways. Presently the site is approximately 80% impervious with the remainder of the site being open space.

TABLE OF CONTENTS

1.0 Introduction	1
2.0 Existing Site Conditions	1
3.0 Proposed Site Conditions	1
4.0 Hydrologic Evaluation	2
4.1 Existing Hydrologic Conditions	2
4.2 Proposed Hydrologic Conditions	3
5.0 Conclusion	4

APPENDICIES

APPENDIX A – Existing Conditions

Preliminary Runoff Curve Numbers

Preliminary Time of Concentrations

Preliminary Peak Flow Calculations

APPENDIX B – Proposed Conditions

Preliminary Runoff Curve Numbers

Preliminary Time of Concentrations

Preliminary Peak Flow Calculations

APPENDIX C

Preliminary Drainage Plan

**PRELIMINARY
DRAINAGE REPORT**

FOR

HESS NEW WINDSOR

**TOWN OF NEW WINDSOR
ORANGE COUNTY, NEW YORK**

PREPARED FOR:

**AMERADA HESS CORPORATION
DB-MART #619**

MA PROJECT NUMBER: 204152.00

OCTOBER 2005

PREPARED BY:

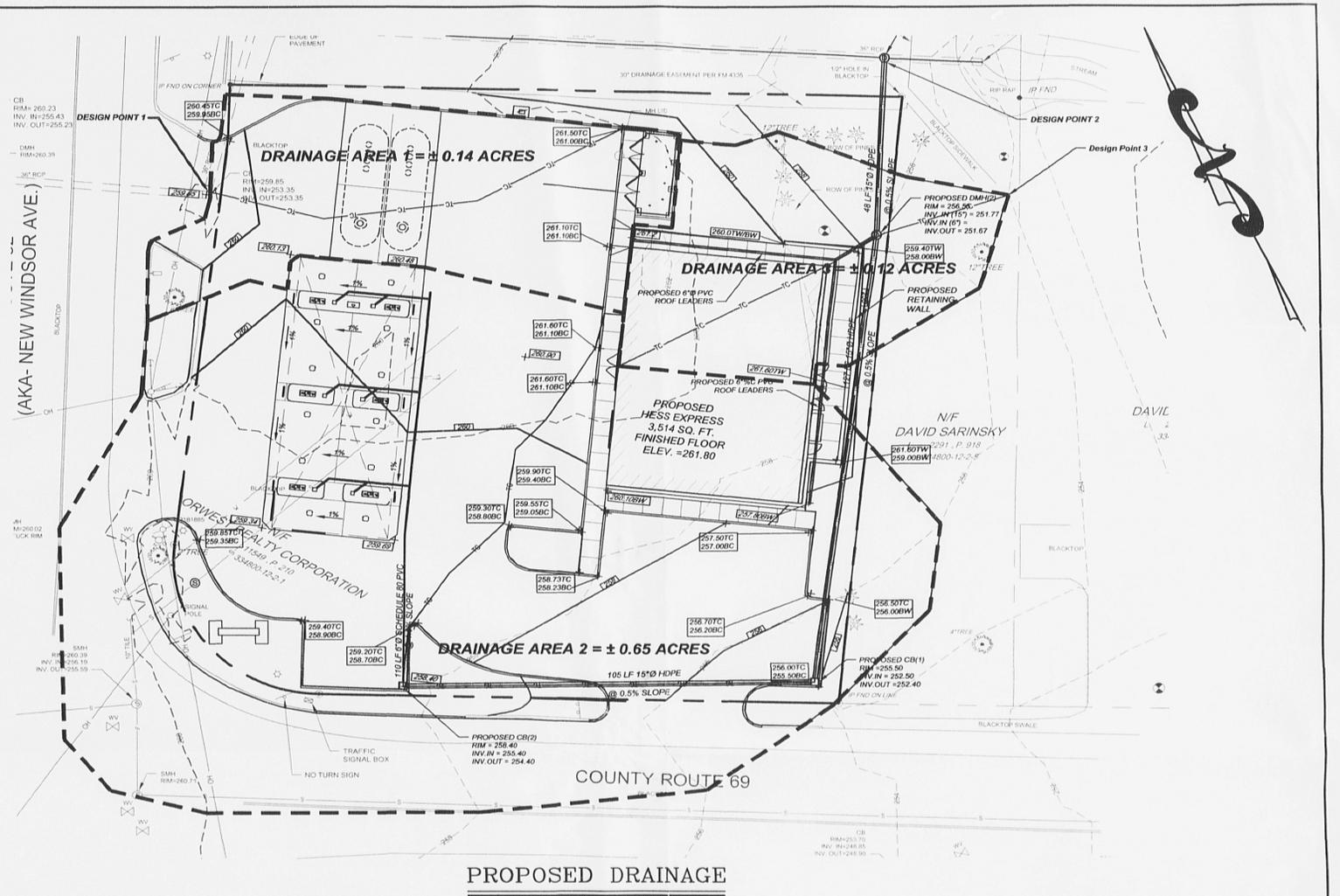
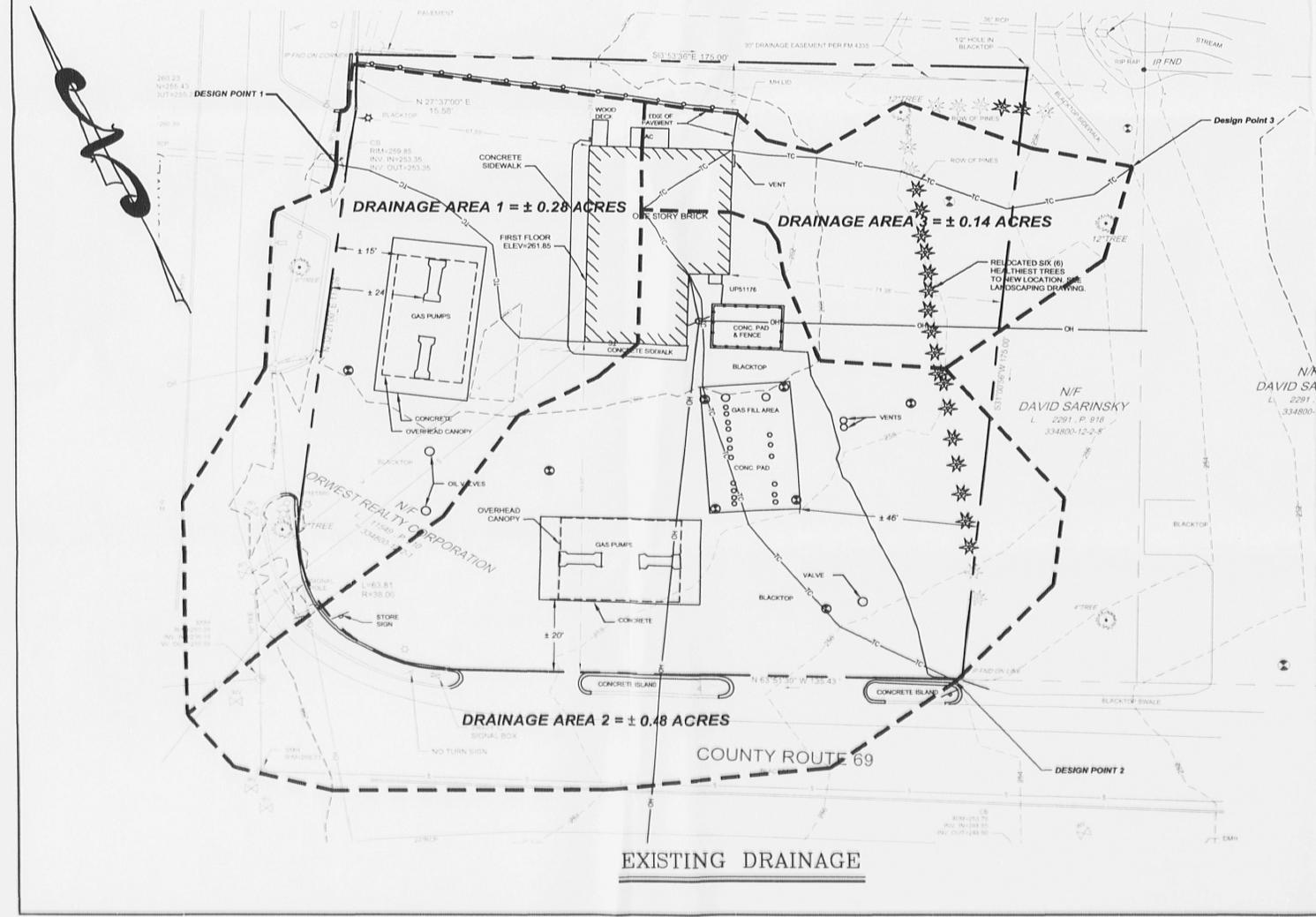
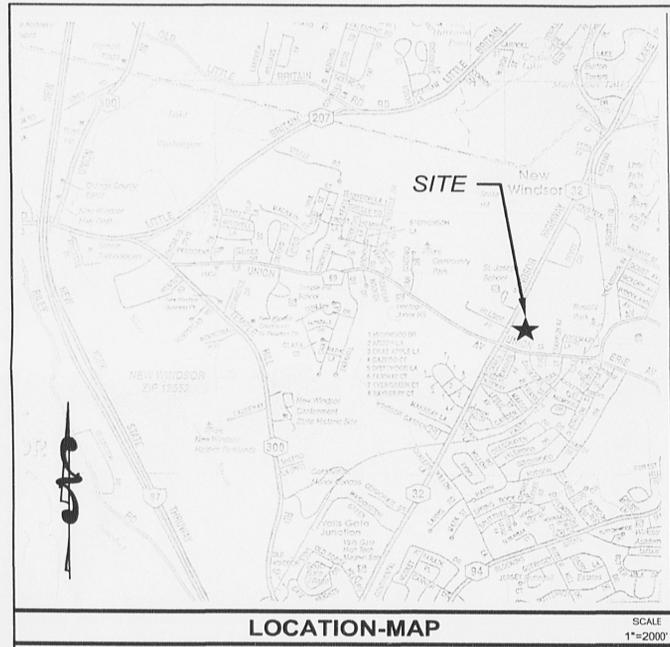


MORRIS ASSOCIATES, P.S., L.L.C.

ENGINEERING CONSULTANTS
9 Elks Lane, Poughkeepsie, New York 12601
Tel: (845) 454-3411 Fax: (845) 473-1962
E-Mail: morrisassociates@aol.com

TOWN OF NEW WINDSOR
PLANNING BOARD
APPROVED COPY

DATE: July 21, 2006



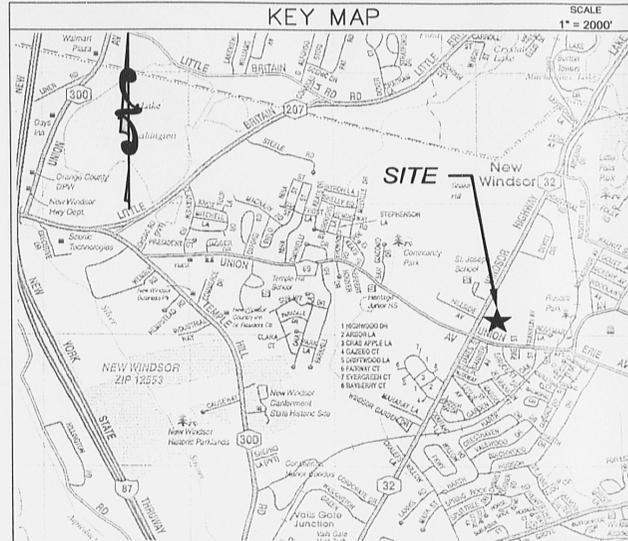
REV. No.	DESCRIPTION	DATE	BY
AMERADA HESS CORPORATION			
DB-MART #619			
TOWN OF NEW WINDSOR		ORANGE COUNTY, NY	
EXISTING & PROPOSED DRAINAGE CONDITIONS			
MORRIS ASSOCIATES, P.S., LLC			
ENGINEERING CONSULTANTS-LAND SURVEYORS			
<small>IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS, SPECIFICATIONS OR REPORTS IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.</small>		<small>Fairview Plaza, 160 Fairview Ave. Suite 205 Hudson, New York 12534 Phone No. (518) 828-2300 Fax No. (518) 828-3963</small>	
DATE	SCALE	DESIGNED BY	FILE No.
10/05/05	1" = 20'	DJD	204152.02
		DJD	
		PGS	
			DRAWING No.
			1 of 1

LEGEND	
SYMBOL	DESCRIPTION
AIR	INSTALL AIR HEAD/TOWER (FURNISHED BY AMERADA HESS) ON 3'-0" W x 4'-0" L x 8" DEEP 3,000 P.S.I. CONCRETE BASE. SEE DETAIL.
AD	CAR WASH ACCESS DEVICE
B	STAINLESS STEEL INVERTED "U" BUMPER POSTS. SEE DETAIL.
B.C.	BOTTOM OF CURB.
B.M.	BENCH MARK.
BP	BITUMINOUS PAVING. SEE SPECIFICATIONS.
B.O.W.	BOTTOM OF WALL.
B.O.T.	BOTTOM OF TANKS.
CC	4000 P.S.I. CONCRETE CURBING (MIN. 6" ABOVE FINISHED GRADE UNLESS OTHERWISE NOTED) MEETING REQUIREMENTS OF ALL AUTHORITIES. PROVIDE EXPANSION JOINTS AT 20'-0" MAXIMUM. SEE DETAILS AND SPECIFICATION FOR AIR ENTRAINMENT, REINFORCEMENT, ETC.
CF	12" HIGH, 12 GAUGE STAINLESS STEEL CURB FASCIA.
C.O.	CLEANOUT
CL	LSI SCOTTSDALE CANOPY LIGHT (FURNISHED BY AMERADA HESS AND INSTALLED BY CONTRACTOR)
CMP	CORRUGATED, GALV. METAL PIPE, 24" DIAMETER UNLESS OTHERWISE NOTED.
CR	CURB RAMP MEETING REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.
D	DIESEL FUEL.
DPC	DEPRESSED CONCRETE CURBING MEETING REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
D4	PROVIDE 4" DIA. P.V.C. STORM DRAINS FROM CANOPY GUTTER FITTINGS AND/OR BUILDING ROOF TO STORM WATER SYSTEM AS INDICATED ON SITE PLAN.
D5	PROVIDE 5" DIAMETER P.V.C. STORM DRAINS AS INDICATED ON SITE PLAN.
D6	PROVIDE 6" DIAMETER P.V.C. STORM DRAINS AS INDICATED ON SITE PLAN.
DB	PROVIDE 8" DIAMETER P.V.C. STORM DRAINS AS INDICATED ON SITE PLAN.
E	PROVIDE NEW UNDERGROUND ELECTRIC SERVICE FROM UTILITY POLE DESIGNATED BY LOCAL UTILITY COMPANY TO BUILDING. ENCLOSE IN 4" PVC SCH 40 OR AS DIRECTED BY LOCAL REGULATION. SEE ELEC. DRAWING & SPECIFICATIONS.
EJ	FULL DEPTH EXPANSION JOINT. PROVIDE SEALER AND BACKER ROD AT ALL 6" THICK AND 8" THICK CONCRETE MATS. SEE SPECIFICATIONS.
EP	EDGE OF PAVEMENT.
FV	FURNISH AND INSTALL VINYL PANEL FENCE. SEE DETAIL. LIN. FT.; HEIGHT 6'-0".
FRG	FURNISH AND INSTALL GALVANIZED STEEL HIGHWAY GUARDRAIL FENCE. (PAINT WHITE) LIN. FT. HEIGHT 2'-0".
-G-	EXISTING NATURAL GAS LINE.
GM	GAS METER BY UTILITY COMPANY
GN	NEW NAT. GAS LINE FROM EXG. GAS MAIN TO GAS METER
1GT	INSTALL ONE 12,000 GALLON DIESEL UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANK (FURNISHED BY AMERADA HESS) SEE TANK INSTALLATION DWGS.
2GT	INSTALL (1) 20,000 GAL. TANK FOR REGULAR & (1) 20,000 GAL. COMPARTMENTALIZED FOR 8,000 GAL. PREMIUM AND 12,000 GAL. DIESEL (FURNISHED BY AMERADA HESS) SEE TANK INSTALLATION DWGS.
3GT	INSTALL THREE 10,000 GALLON (2) REGULAR, (1) PREMIUM UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANKS (FURNISHED BY AMERADA HESS) SEE TANK INSTALLATION DWGS.
4GT	INSTALL FOUR 10,000 GALLON (2) REGULAR, (1) PREMIUM, (1) DIESEL UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANKS (FURNISHED BY AMERADA HESS) SEE TANK INSTALLATION DWGS.
5GT	INSTALL FOUR 10,000 GALLON (2) REGULAR, (1) PREMIUM, (1) DIESEL AND ONE 8,000 GALLON KEROSENE UNDERGROUND DOUBLE WALL FIBERGLASS STORAGE TANKS (FURNISHED BY AMERADA HESS) SEE TANK INSTALLATION DWGS.
H	LAWN HYDRANT (FROST PROOF)
HDPE	HIGH DENSITY POLYETHYLENE PIPE. 18" DIAMETER UNLESS OTHERWISE NOTED
HPS	HANDICAP PARKING SIGN SUPPLIED AND INSTALLED BY CONTRACTOR. SEE DETAIL
HESS	CANOPY FACADE SIGNS
HP	HIGH POINT.
ID	INSTALL NEW FIXED IDENTIFICATION SIGN (FURNISHED BY AMERADA HESS) ON NEW CONCRETE FOUNDATION. OVERALL HEIGHT 22'-6", AREA 96 SQ.FT. SEE DETAIL
K	KEROSENE
L	LANDSCAPED AREA.
LP	LOW POINT.
MTE	MASONRY TRASH ENCLOSURE -SEE DETAIL
P	PREMIUM GASOLINE.
PL	PLUS GASOLINE
P.L.	PROPERTY LINE
PS	STEEL POST: 4" DIA.; CONC. FILLED; SET 3'-0" ABOVE GRADE, SET IN CONCRETE.
RC4	4" THICK 4000 P.S.I. CONCRETE REINFORCED WITH 1 LAYER OF 6x6-W2.0xW2.0 WELDED WIRE MESH SET 2" BELOW TOP. SEE SPECIFICATIONS FOR AIR ENTRAINMENT, ETC.
RC5	5" THICK 4000 P.S.I. CONCRETE REINFORCED WITH 1 LAYER OF 6x6-W2.0xW2.0 WELDED WIRE MESH SET 2-1/2" BELOW TOP. SEE SPECIFICATIONS FOR AIR ENTRAINMENT, ETC.
RC6	6" THICK 4000 P.S.I. CONCRETE REINFORCED WITH 1 LAYER OF 6x6-W2.9xW2.9 WELDED WIRE MESH SET 2-1/2" BELOW TOP. SEE SPECIFICATIONS FOR AIR ENTRAINMENT, ETC.
RCB	8" THICK 4000 P.S.I. CONCRETE REINFORCED WITH 1 LAYER OF 6x6-W4.0xW4.0 WELDED WIRE MESH SET 2-1/2" BELOW TOP. SEE TANK INSTALLATION DRAWINGS. SEE SPECIFICATIONS FOR AIR ENTRAINMENT, ETC.
R	REGULAR GASOLINE.
RB	REMOVE EXISTING BUILDING STRUCTURE AND ASSOCIATED WALKS W/NG WALLS, PLANTERS, UTILITIES, ETC.
RC	REMOVE EXISTING CONCRETE AND/OR TIMBER CURBS.
RCP	REINFORCED CONCRETE PIPE, 15" DIAMETER UNLESS OTHERWISE NOTED.
RD	REMOVE EXISTING DISPENSERS, PUMP ISLAND, PIPING, CONCRETE MAT, ETC.

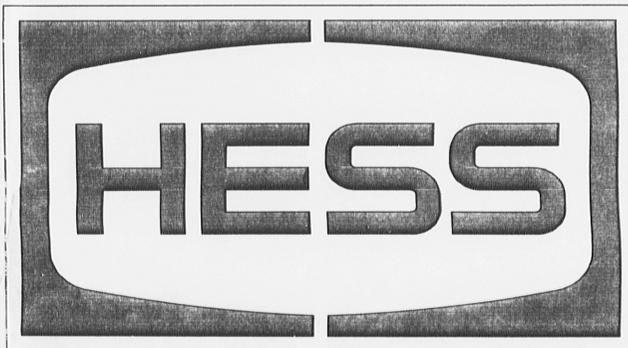
LEGEND	
SYMBOL	DESCRIPTION
RF	REMOVE EXISTING FENCE.
RT	REMOVE EXISTING UNDERGROUND GASOLINE & OIL STORAGE TANKS, PIPING, CONCRETE MAT, ETC.
RYL	REMOVE EXISTING LIGHT & BASE.
-S-	EXISTING STORM SEWER
SC	SUPPORT COLUMN FOR CANOPY
SD	SEEDED AREA: TOPSOIL, LIME, FERTILIZER, SEED AND MULCH
SP	SHOULDER PAVING: TO CONFORM TO REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.
-SS-	EXISTING SANITARY SEWER.
SW	CONCRETE SIDEWALK (MIN. 4" THICK) TO CONFORM TO REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION SEE SPECIFICATIONS FOR AIR ENTRAINMENT, ETC.
SOD	SODDED AREA: TOPSOIL, LIME, FERTILIZER AND SOD.
SPR	UNDERGROUND SPRINKLER SYSTEM. SEE SPECIFICATIONS
SPT	PROVIDE COMPLETE INDIVIDUAL SANITARY DISPOSAL SYSTEM (SEPTIC TANK AND DISPOSAL FIELD) TO CONFORM TO REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.
SSN	PROVIDE 4" P.V.C. SANITARY SEWER LINE FROM NEW BUILDING(S) TO EXISTING MAIN. (SCHEDULE 40)
SSP	PROVIDE 4" P.V.C. SANITARY SEWER LINE FROM NEW BUILDING(S) TO SEPTIC SYSTEM. (SCHEDULE 40)
-T-	EXISTING TELEPHONE LINE.
TC	TOP OF CURB.
TF	TOE FOOTING
TN	PROVIDE NEW UNDERGROUND P.V.C., SCHEDULE 40 TEL. CDT. FROM UTILITY POLE DESIGNATED BY TELEPHONE COMPANY AS INDICATED ON SITE PLAN. SEE ELEC. DWGS. & SPECIFICATIONS.
T.O.I.	TOP OF ISLAND
T.O.W.	TOP OF WALL.
TP	PUBLIC TELEPHONE PER TEL. CO. REQUIREMENTS. SEE DETAIL
TRN	TRANSFORMER PAD: 6'-0" x 6'-0" x 6" THICK, 4000 P.S.I. CONCRETE MAT REINFORCED WITH 1 LAYER OF 6x6-W2.9xW2.9 WELDED WIRE MESH SET 2-1/2" BELOW TOP, WITH TRANSFORMER
V	NEW VENTS (MINIMUM 12'-0" ABOVE FINISHED GRADE). SEE TANK INSTALLATION DRAWING.
VA	COIN OPERATED VACUUM (FURNISHED BY AMERADA HESS AND INSTALLED BY CONTRACTOR) ON 4'-0" x 4'-0" x 6" REINF. CONCRETE PAD (USE ONLY WITH CAR WASH BUILDING)
VTE	VINYL TRASH ENCLOSURE. SEE DETAIL
-W-	EXISTING WATER LINE.
W-3/4"	PROVIDE 3/4" PVC WATER LINE TO BUILDING.
W-1"	PROVIDE 1" PVC WATER SERVICE AND TAP FROM AVAILABLE MAIN.
W1-1/2"	PROVIDE 1-1/2" PVC WATER SERVICE.
WM	PROVIDE NEW WATER METER OF SAME SIZE AS WATER SERVICE TO BUILDING.
WS	WALL SIGN - *TCBY* - *RUMBLE* - *GOODFATHERS*
WW	PROVIDE AN INDIVIDUAL WATER SYSTEM (WELL, PUMP AND PRESSURE TANK) TO CONFORM TO REQUIREMENTS OF ALL AUTHORITIES HAVING JURISDICTION.
YL	INSTALL NEW YARDLIGHT & POLE (FURNISHED BY AMERADA HESS) ON NEW CONCRETE BASE. SEE DETAILS FOR POLE HEIGHTS & LAMP WATTAGE.
100.0	EXISTING SPOT ELEVATIONS.
100.0	PROPOSED SPOT ELEVATIONS.
- - -	EXISTING CONTOURS.
----	PROPOSED CONTOURS.
/////	SAWCUT IN EXISTING PAVEMENT AT JUNCTION OF NEW PAVEMENT AND EXISTING PAVEMENT.
=====	EXISTING TO BE REMOVED.
SC	SUPPORT COLUMN FOR CANOPY

SITE DATA	
TAX MAP SHEET 12	
LOT NO. 1	
BLOCK NO. 2	
LOT AREA = .694 AC.	
BUILDING AREA = 3,514 SQ.FT.	
OWNER/APPLICANT:	
AMERADA HESS CORPORATION	
1 HESS PLAZA	
WOODBURGH, NJ	
(732) 750-6000	
MODULAR BUILDING SUPPLIER:	
MADISON INDUSTRIES	
1035 IRIS DRIVE	
CONYERS GA 30094	
(770) 483-4401	
UTILITIES:	
C.H.G.E. CORP.	
610 LITTLE BRITAIN ROAD	
NEWBURGH, NY 12550	
(845) 563-4563	

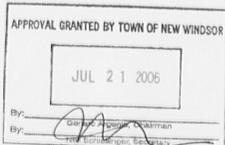
THIS SITE PLAN HAS BEEN PREPARED BASED ON INFORMATION CONTAINED IN A SURVEY PREPARED BY: JAMES A. BARTLES, L.S. LICENSE NO. 49640
DATED: SEPTEMBER 21, 2004



INDEX OF DRAWINGS	
TITLE SHEET	1 OF 11
EXISTING CONDITIONS & DEMOLITION PLAN	2 OF 11
PROPOSED SITE PLAN	3 OF 11
PROPOSED GRADING AND UTILITY PLAN	4 OF 11
PROPOSED SIGNAGE PLAN AND FRONT ELEVATION	5 OF 11
SITE DETAILS - 1	6 OF 11
SITE DETAILS - 2	7 OF 11
SITE DETAILS - 3	8 OF 11
SITE DETAILS - 4	9 OF 11
LANDSCAPING PLAN	10 OF 11
LIGHTING PLAN	11 OF 11



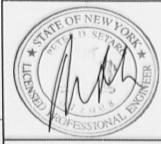
STATION #32579



GENERAL NOTES

- UNDERGROUND STRUCTURES AND UTILITIES ARE SHOWN FROM FIELD LOCATION WHERE POSSIBLE. OTHER STRUCTURES AND UTILITIES ARE SHOWN FROM RECORD DATA. THE EXACT LOCATIONS OF UNDERGROUND STRUCTURES AND UTILITIES MAY VARY FROM THAT SHOWN AND OTHERS MAY EXIST. CONTRACTOR SHALL CONTACT UFPO (1-800-962-7962) TO LOCATE UTILITIES PRIOR TO EXCAVATION.
- THE CONTRACTOR IS RESPONSIBLE FOR FIELD LAYOUT OF ALL IMPROVEMENTS. VERTICAL DATUM INFORMATION WILL BE FURNISHED BY THE PROJECT ENGINEER.
- THE CONTRACTOR SHALL PROTECT ALL PROPERTY LINE MONUMENTATION. ANY MONUMENTATION DISTURBED OR DESTROYED SHALL BE REPLACED AT THE CONTRACTOR'S EXPENSE BY A NEW YORK STATE LICENSED LAND SURVEYOR.
- ALL EXCAVATION AND ANY REQUIRED SHEETING, SHORING OR BRACING SHALL BE CONDUCTED IN FULL CONFORMANCE WITH THE LATEST REVISIONS OF THE NEW YORK STATE INDUSTRIAL CODE RULE 23 AND OSHA REGULATIONS FOR CONSTRUCTION. SHEETING SHALL BE DESIGNED AND SEALED BY A NEW YORK STATE LICENSED PROFESSIONAL ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION SITE SAFETY.
- THE CONTRACTOR SHALL PROVIDE BARRICADES TO PREVENT UNAUTHORIZED ENTRY TO CONSTRUCTION AREAS AND TO PROTECT EXISTING AND NEW FACILITIES FROM DAMAGE FROM CONSTRUCTION OPERATIONS OR VANDALISM.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL CONSTRUCTION METHODOLOGY UNLESS OTHERWISE REQUIRED BY THESE PLANS AND SPECIFICATIONS.
- ALL EXCAVATIONS SHALL BE BACKFILLED TO FINISHED GRADE OR ADEQUATELY BARRICADED AT THE END OF EACH WORK DAY.
- THE EXISTING BUILDING ON SITE IS CURRENTLY SERVICED BY CENTRAL WATER AND SEWER SYSTEMS.
- THE CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROLS AS REQUIRED TO PREVENT SOIL EROSION AND SEDIMENTATION. MINIMUM EROSION CONTROL REQUIREMENTS ARE SHOWN ON THESE PLANS. ADDITIONAL EROSION CONTROL MEASURES SHALL BE INSTALLED AS REQUIRED, AT NO ADDITIONAL COST TO THE OWNER.
- WATER AND SEWER CONNECTIONS WILL BE COORDINATED WITH THE TOWN OF NEW WINDSOR WATER AND SEWER DEPARTMENTS.
- CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN AND INSTALLATION OF UNDERGROUND SPRINKLER SYSTEM FOR IRRIGATION.

TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK

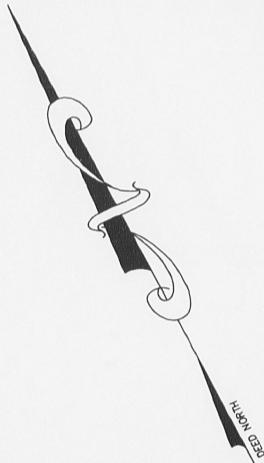


REV. No.	DESCRIPTION	DATE	BY
2	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
1	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE

AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

TITLE SHEET			
DATE	SCALE	DESIGNED BY	FILE NO.
4/27/05	NONE	JJE	204152.02
		CHECKED BY	DRAWING No.
		PDS	1 of 11

MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS/LAND SURVEYORS
9 EAS Lane, Fairview Plaza, 160 Fairview Ave. Suite 205
Poughkeepsie, New York 12601 Hudson, New York 12534
Phone No. (845) 454-3411 Phone No. (518) 628-2330
Fax No. (845) 473-1962 Fax No. (518) 828-3963



AREA = 0.694 AC.

N/F
LEONARD SARINSKY
L 5272, P. 348
334800-12-2-3

N/F
DAVID SARINSKY
L 5379, P. 061
334800-12-2-2

N/F
DAVID SARINSKY
L 2291, P. 018
334800-12-2-5

GENERAL NOTES

1. PROPERTY BOUNDARY AND TOPOGRAPHIC INFORMATION FOR HESS GAS STATION TAKEN FROM SURVEY BY JAMES BARTLES L.S. NO. 49640 DATED ON OR BEFORE SEPTEMBER 21, 2004. CONTOUR INTERVAL IS 2 FOOT AND IS BASED ON APPROXIMATE USGS DATUM.
2. LOCATION OF EXISTING SITE UTILITIES ARE BASED ON INFORMATION PROVIDED BY OWNER FOR ILLUSTRATIVE PURPOSES ONLY. OWNER AND ENGINEER SHALL NOT BE RESPONSIBLE FOR THE ACCURACY OF THE UTILITIES SHOWN. CONTRACTOR SHALL BE RESPONSIBLE FOR EMPLOYING THE SERVICES OF A FIRM SPECIALIZING IN LOCATING AND MARKING UNDERGROUND UTILITIES TO VERIFY AND MARK ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
3. CONTRACTOR SHALL CONTACT UFPO (1-800-962-7962) PRIOR TO COMMENCING CONSTRUCTION SO THAT ANY EXISTING UNDERGROUND UTILITIES CAN BE LOCATED.
4. THE PLANS SHOW SOME KNOWN SUBSURFACE STRUCTURES, ABOVE GROUND STRUCTURES AND/OR UTILITIES BELIEVED TO EXIST IN THE WORKING AREA. EXACT LOCATIONS OF WHICH MAY VARY FROM THE LOCATIONS INDICATED. IN PARTICULAR, THE CONTRACTOR IS WARNED THAT THE EXACT OR EVEN APPROXIMATE LOCATIONS OF SUCH PIPELINES, SUBSURFACE STRUCTURES AND/OR UTILITIES IN THE AREA MAY BE SHOWN OR MAY NOT BE SHOWN, AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO PROCEED WITH GREAT CARE IN EXECUTING ANY WORK.
5. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY CONDITIONS THAT VARY FROM THOSE SHOWN ON THE PLANS. THE CONTRACTOR'S WORK SHALL NOT VARY FROM THE PLANS WITHOUT THE EXPRESSED APPROVAL OF THE ENGINEER.
6. DEMOLITION AND RESTORATION WORK WITHIN NYS DOT AND COUNTY RIGHTS-OF-WAY ARE SUBJECT TO THE RESPECTIVE AGENCY'S REQUIREMENTS.

LEGEND

- EXISTING TRAFFIC CONTROL BOX
- EXISTING MONITORING WELL
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE ANCHOR
- EXISTING DOUBLE POLE SIGN
- EXISTING LIGHT POST
- EXISTING SINGLE POLE SIGN
- EXISTING CATCH BASIN
- EXISTING DRAINAGE MANHOLE
- EXISTING HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING WATER VALVE
- EXISTING MAILBOX
- EXISTING PROPERTY LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SANITARY SEWER
- EXISTING OVER HEAD UTILITY LINE
- EXISTING DRAINAGE LINE

NOTE:

ALL OBJECTS BOLD & BLACK ARE TO BE REMOVED

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

JUL 21 2006

3	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
2	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
1	PER STAFF COMMENTS	05/18/05	RH
REV. No.	DESCRIPTION	DATE	BY

AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

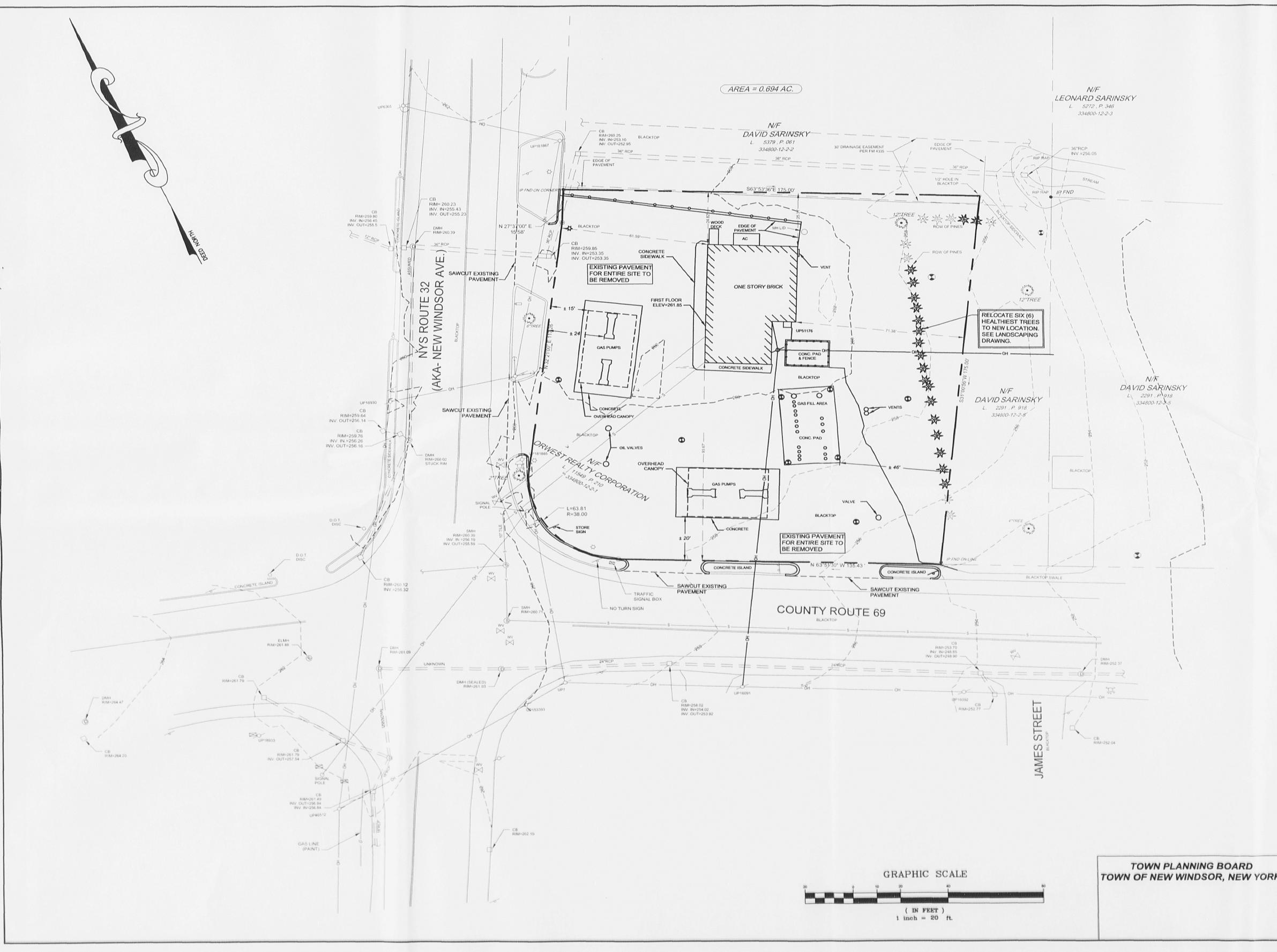
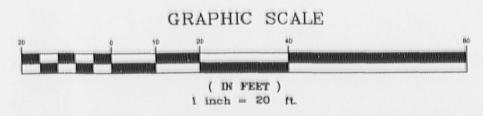
EXISTING CONDITIONS & DEMOLITION PLAN



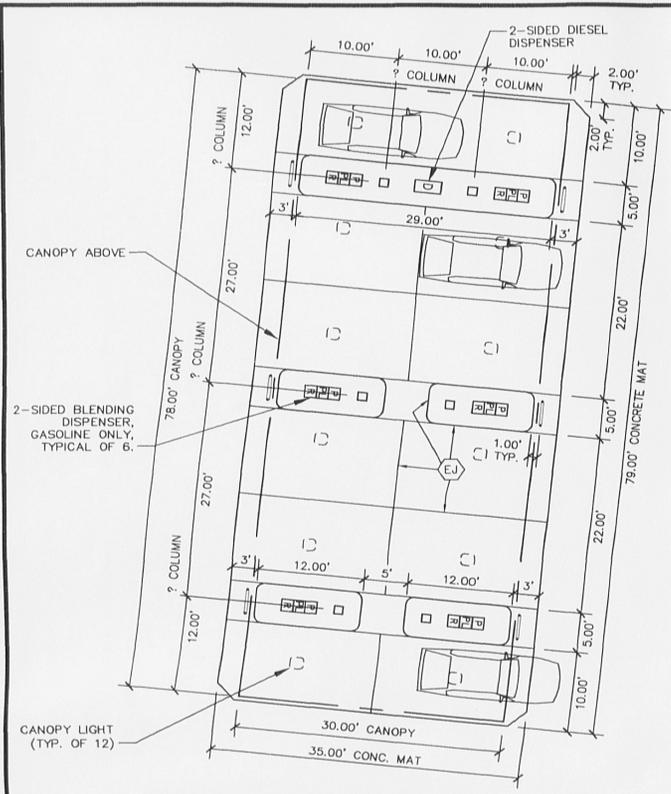
MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 Elks Lane, Fairview Plaza, 160 Fairview Ave. Suite 205
Hudson, New York 12534
Phone No. (845) 434-3411
Fax No. (845) 473-1962

DATE	SCALE	DRAWN BY	CHECKED BY	FILE No.	DRAWING No.
4/27/05	1" = 20'	CAM	PDS	204152.02	2 of 11

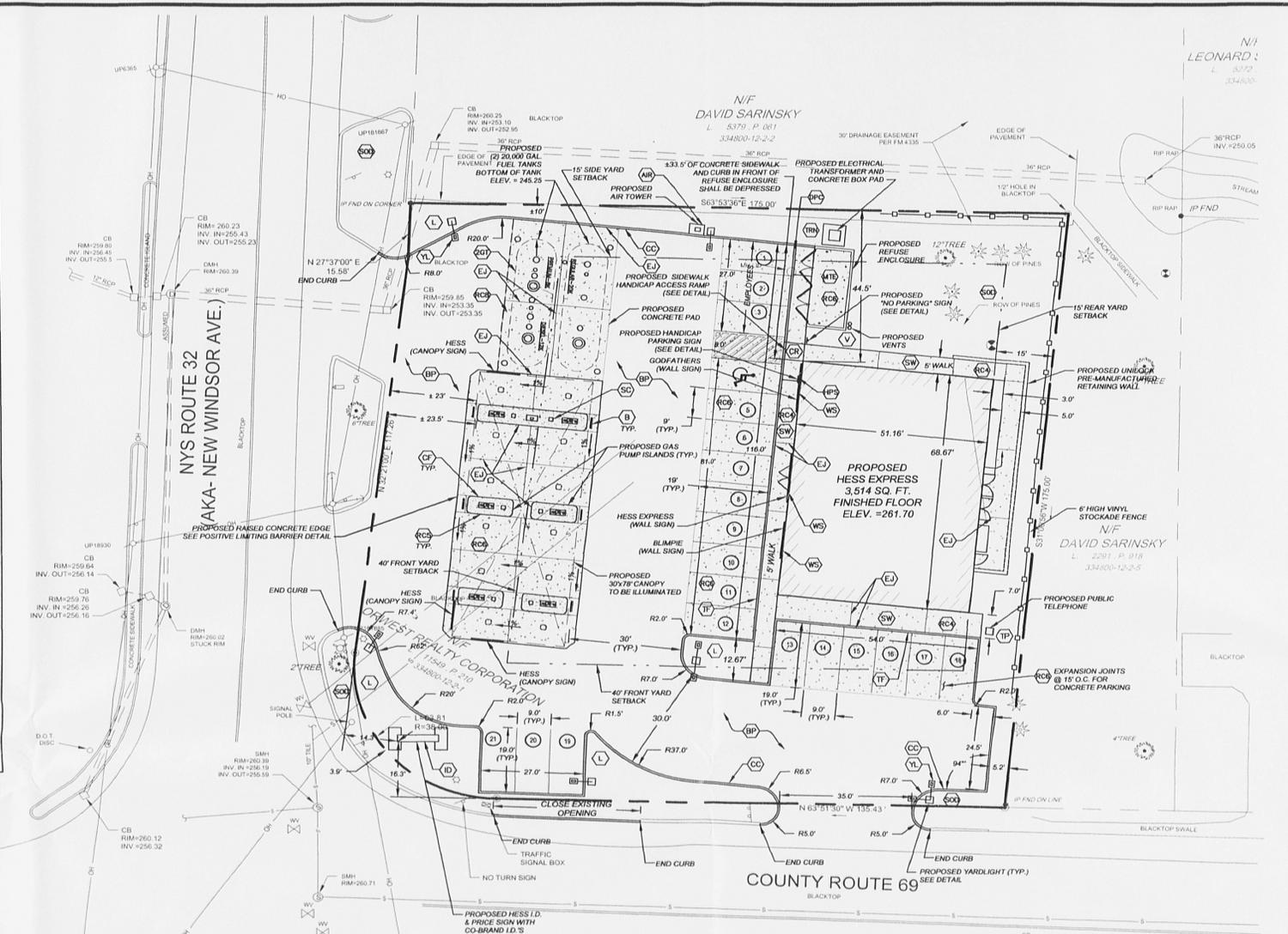
TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK



H:\SARINSKY\2004\11\27\11549\11549-12-2-1\11549-12-2-1.dwg, Existing Conditions Plan, 11/27/04, 11:00 AM, 11/27/04, 11:00 AM, 11/27/04, 11:00 AM



30' x 78' CANOPY LAYOUT DETAIL
SCALE: 1" = 10'



ZONING DATA CHART - TOWN OF NEW WINDSOR

ZONE-NEIGHBORHOOD COMMERCIAL	REQUIRED / ALLOWED	EXISTING USE	PROPOSED
LOT AREA	MIN 15,000 SF	30,247 S.F.	30,247 S.F.
LOT WIDTH	MIN 125'	±172'	±172'
STREET FRONTAGE		±332'	±332'
FRONT YARD SETBACK	MIN 40'	±20' (CANOPY) RTE. 69 ±15' (CANOPY) RTE. 32*	±23' CANOPY* RTE. 32
SIDE YARD SETBACK	MIN 15'	24.82' (BLDG.)	± 44.5' NW CORNER BUILDING
TOTAL SIDE YARD SETBACK	MIN 30'	24.82' (BLDG.)	± 45'
REAR YARD SETBACK	MIN 15'	71.38' (BLDG.)	15'
BUILDING HEIGHT	MAX 23'		±22'-8"
DEVELOPMENTAL COVERAGE	MAX 85%	69%	79%
GASOLINE PUMP SETBACK (SHOULDER)	MIN 20' (STREET LINE)	±24'	±23.5'
GASOLINE STORAGE TANKS (UNDERGROUND)	MIN 5' ANY PL (OTHER THAN STREET LINE)	±46'	±10'
VENTS	MIN 35' ANY PL	±37'	MIN 35' ANY PL
F.A.R. (FLOOR / AREA RATIO)	0.5	0.119	0.203

* VARIANCES GRANTED BY TOWN OF NEW WINDSOR ZBA IN CASE No. 98-55 AND CASE No. 75-21(a)

TABLE OF SIGNS

SIGN	TYPE	LOCATION	SIZE
HESS ID & PRICE	FREESTANDING	SOUTHWEST CORNER OF SITE	192 S.F. ±
HESS	CANOPY (FLUSH MOUNT)	(B) FRONT FACE OF CANOPY	24 S.F. ±
HESS	CANOPY (FLUSH MOUNT)	(C) SOUTH FACE OF CANOPY	24 S.F. ±
HESS	FACADE (FLUSH MOUNT)	(D) NORTH FACE OF CANOPY	24 S.F. ±
HESS EXPRESS	FACADE (FLUSH MOUNT)	(E) FRONT OF BUILDING	55 S.F. ±
CO BRAND	FACADE (FLUSH MOUNT)	(F) FASCIA OF BUILDING	16 S.F. ±
CO BRAND	FACADE (FLUSH MOUNT)	(G) FASCIA OF BUILDING	16 S.F. ±

TABLE OF SIGN VARIANCES

ARTICLE	TYPE	NUMBER ALLOWED	NUMBER PROPOSED	S.F. ALLOWED	S.F. PROPOSED	VARIANCE
VIII, SEC. 300-45 (1)	FREE STANDING	2	1	GRANTED BY PREVIOUS VARIANCES ± 192 S.F.	192 S.F.	*
VIII, SEC. 300-45 (2)	FACADE	1 PER EACH BUSINESS	3	25 S.F. (2.5' HEIGHT X 10' WIDTH)	1 @ 55 S.F. 2 @ 16 S.F. EACH	**

* VARIANCES GRANTED BY TOWN OF NEW WINDSOR ZBA IN CASE No. 98-55
** VARIANCE GRANTED BY TOWN OF NEW WINDSOR ZBA, 8-22-05, VARIANCE REQUEST NO. 05-36

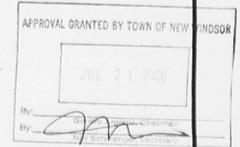
OFFSET STREET PARKING

USE	PARKING REQUIRED	PARKING PROVIDED	VARIANCE
EXISTING RETAIL (1,928 S.F.) (CONVENIENCE STORE WITH GASOLINE SALES)	(1,928 S.F. / 150 S.F.) 13 SPACES	14 SPACES	NONE
PROPOSED RETAIL (3,514 S.F.) (CONVENIENCE STORE WITH GASOLINE SALES)	(3,514 S.F. / 150 S.F.) 24 SPACES	21 SPACES	YES 3 SPACES**

** VARIANCES GRANTED BY TOWN OF NEW WINDSOR ZBA, 8-22-05, VARIANCE REQUEST NO. 05-36

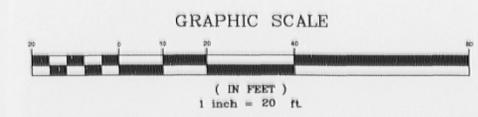
REQUIRED PARKING SPACE DIMENSIONS
MIN. WIDTH = 9'
MIN. LENGTH = 19'
MIN. AISLE WIDTH = 25'
FOR 90° PARKING

- GENERAL NOTES:**
- SPECIAL PERMIT GRANTED BY PLANNING BOARD IN CASE No. 75-21(a)
 - SITE PLAN APPROVAL GRANTED BY PLANNING BOARD ON 1/27/99 IN CASE No. 98-36.
 - CERTIFICATE OF OCCUPANCY #110-1999, DATED 11/15/99
 - VARIANCES WERE PREVIOUSLY GRANTED FOR THE EXISTING USE BY THE ZONING BOARD OF APPEALS IN CASE No. 75-21(a) AND No. 98-55.



LEGEND

- EXISTING TRAFFIC CONTROL BOX
- EXISTING MONITORING WELL
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE ANCHOR
- EXISTING DOUBLE POLE SIGN
- EXISTING LIGHT POST
- EXISTING SINGLE POLE SIGN
- EXISTING CATCH BASIN
- EXISTING DRAINAGE MANHOLE
- EXISTING HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING WATER VALVE
- EXISTING MAILBOX
- EXISTING PROPERTY LINE
- EXISTING MAJOR CONTOUR
- EXISTING MINOR CONTOUR
- EXISTING SANITARY SEWER
- EXISTING OVER HEAD UTILITY LINE
- EXISTING DRAINAGE LINE
- PROPOSED PARKING NUMBERING
- PROPOSED SINGLE POLE SIGN
- PROPOSED HANDICAP PAVEMENT MARKING
- PROPOSED CONCRETE



APPLICANT:

AMERADA HESS CORPORATION
1 HESS PLAZA, WB-PL
WOODBIDGE, NJ 07095-0961

**TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK**



REV. No.	DESCRIPTION	DATE	BY
8	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
7	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
6	PER REVIEW COMMENTS DATED 10-26-05	12/7/05	JJE
5	NOTE ON VARIANCES GRANTED 8-22-05	8/29/05	KES
4	RELOCATED BUILDING, PUMPS, WALKS & DRIVES	8/05/05	JJE
3	REVISED SIGN TABLES	6/15/05	CAM
2	PER STAFF COMMENTS	5/18/05	KES
1	ADDED BUILDING DIMENSIONS, REVISED TABLES	4/21/05	KES

AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR
ORANGE COUNTY, NY

PROPOSED SITE PLAN

MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
Fairview Plaza, 160 Fairview Ave., Suite 205
Hudson, New York 12534
Phone No. (518) 828-2300
Fax No. (518) 828-3963

DATE	SCALE	DRAWN BY	CHECKED BY	FILE NO.	DRAWING No.
4/27/05	1" = 20'	JJE	CAM/JJE	204152.02	3 of 11



BUILDING FRONT ELEVATION WITH SIGNAGE

SCALE: 1/4" = 1'-0"

Godfather's Pizza

CO-BRANDS & WALL SIGN

SIGN FACE = 16 SQUARE FEET

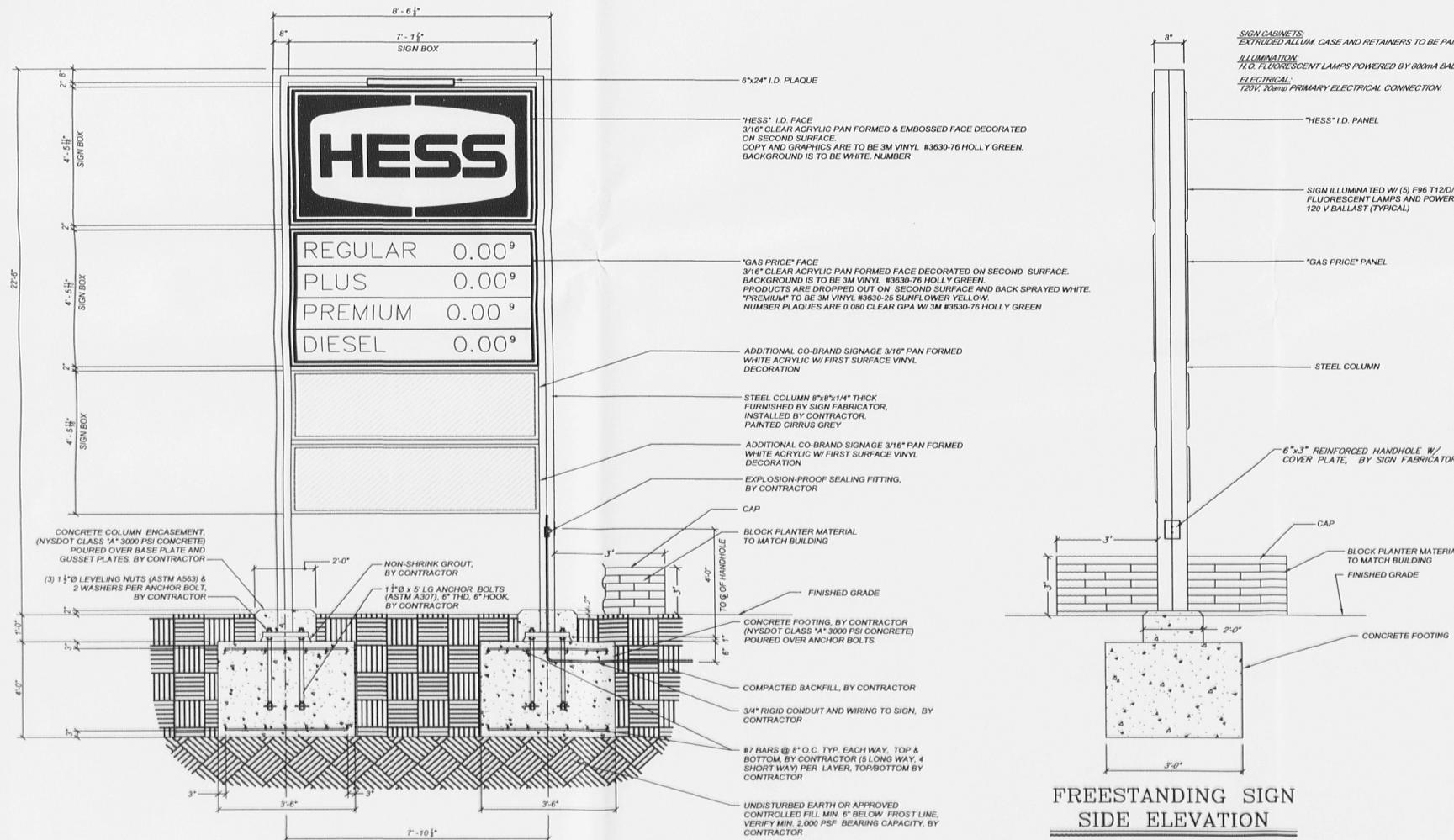
N.T.S.

Blimpie SUBS & SALADS

CO-BRANDS & WALL SIGN

SIGN FACE = 16 SQUARE FEET

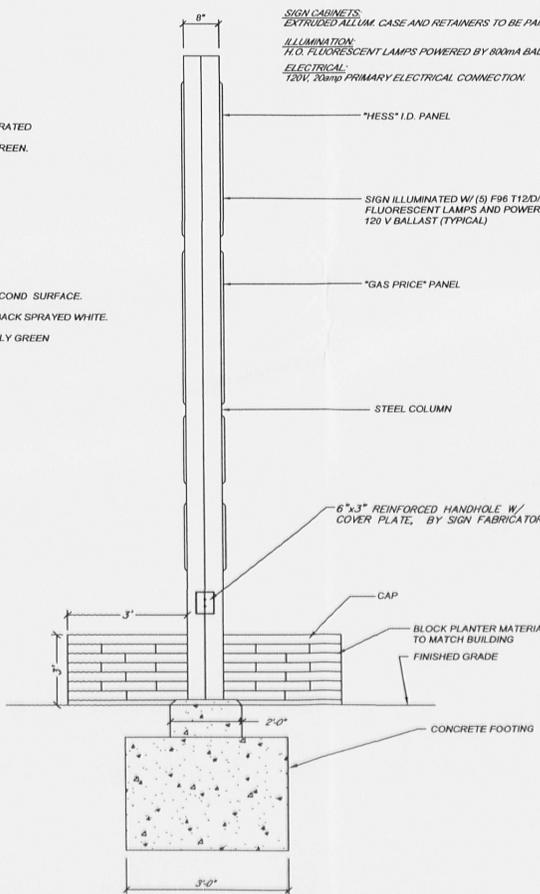
N.T.S.



FREESTANDING SIGN FRONT ELEVATION/SECTION

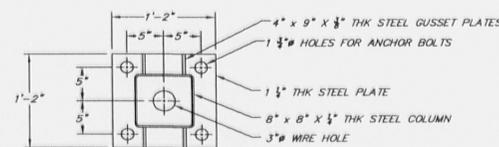
N.T.S.

- NOTES:
1. REINFORCEMENT TO CONFORM TO ASTM A-615 GRADE 60.
 2. SIGN MANUFACTURER TO APPROVE SHOP DRAWING FOR FOUNDATION DESIGN.



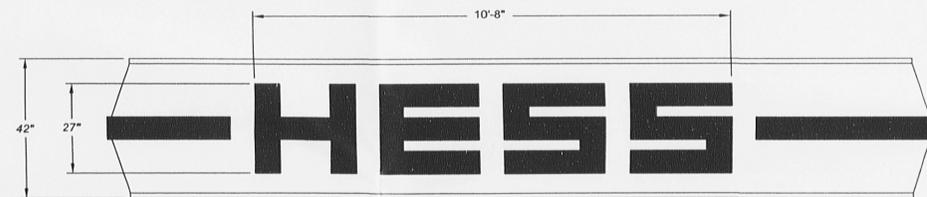
FREESTANDING SIGN SIDE ELEVATION

N.T.S.



BASE PLATE DETAIL

N.T.S.



HESS CANOPY FASCIA SIGN

HESS LETTERS = 24 SQUARE FEET

N.T.S.



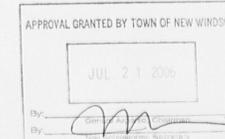
HESS EXPRESS FACADE SIGN

SIGN FACE = 55 SQUARE FEET*

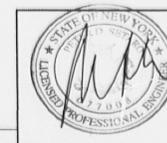
SIGN ONLY = 32 SQ.FT. ±

* VARIANCE GRANTED BY THE TOWN OF NEW WINDSOR ZBA ON 8-22-05, VARIANCE REQUEST NO. 05-36

N.T.S.



TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK



3	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
2	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
1	REDUCED HEIGHT OF FREE STANDING SIGN TO 20'-4"	4/21/05	KES
REV No.	DESCRIPTION	DATE	BY

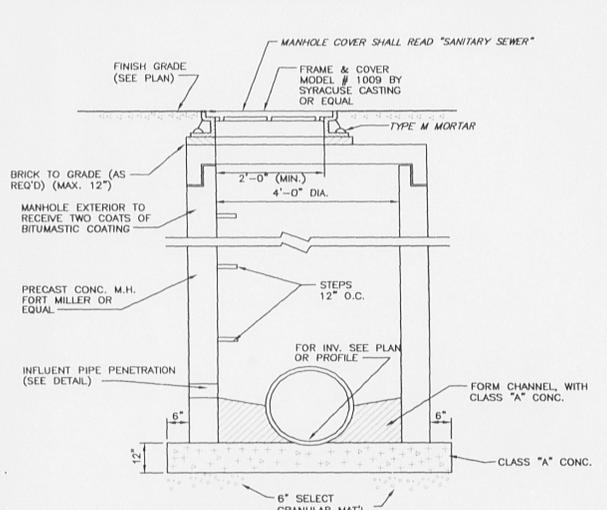
AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

PROPOSED SIGNAGE PLAN AND FRONT ELEVATION

MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 Elk Lane, Poughkeepsie, New York 12601
Phone No. (845) 454-3411 Fax No. (845) 473-1962
Fairview Plaza, 160 Fairview Ave. Suite 205 Hudson, New York 12534
Phone No. (518) 828-2300 Fax No. (518) 828-3963

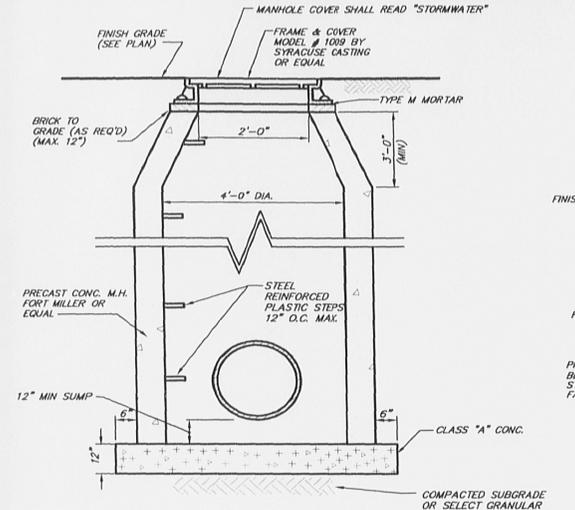
DATE	SCALE	DESIGNED BY	FILE No.	DRAWING No.
4/18/05	AS NOTED	JRM KES PDS	204152.02	5 of 11

IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS, SPECIFICATIONS OR REPORTS IN ANY WAY, UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.



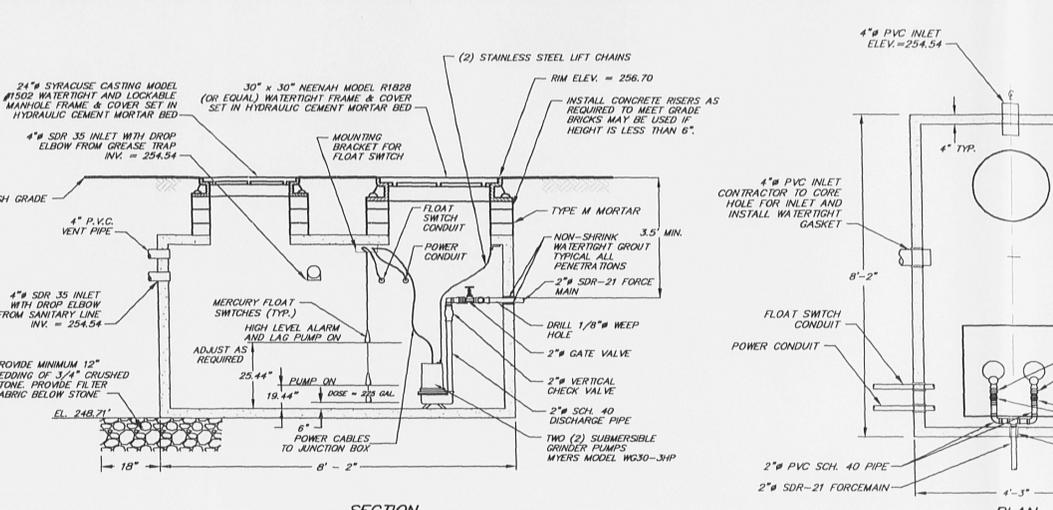
SANITARY MANHOLE DETAIL

N.T.S.



TYPICAL STORM MANHOLE DETAIL

N.T.S.

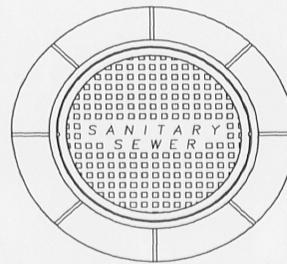


1000 GALLON DUPLEX PUMP CHAMBER DETAIL

N.T.S.

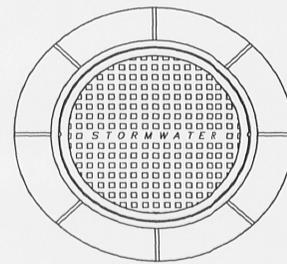
- PUMP STATION SPECIFICATIONS**
- PUMP SYSTEM**
 - PUMPS... -MYERS SUBMERSIBLE GRINDER MODEL #WG30-3HP. -IMPELLER SIZE OF 4-1/2\"
 - DISCHARGE PIPING... -DISCHARGE PIPING WITHIN THE TANK SHALL BE SCH. 40 P.V.C.
 - ELECTRICAL COMPONENTS... -PUMPS TO BE OPERATED BY A DUPLEX CONTROL PANEL CAPABLE OF PUMP ALTERNATION AND LEAD/LAG OPERATION. -THE MYERS CONC-30-23-DW CONTROL PANEL SHALL BE EQUIPPED WITH AUDIO AND VISUAL ALARM. -PROVIDE ENOUGH POWER CABLE AND SIGNAL WIRE WITH PUMP AND FLOATS TO CONNECT TO JUNCTION BOX. -ALL INSTALLATIONS SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION.
 - PIPING**
 - GRAVITY PIPE SHALL BE 4\" SDR 35 PIPE.
 - FORCE MAIN SHALL BE 2\" SDR 21.
 - TESTING REQUIREMENTS... FORCE MAIN SHALL BE SUBJECTED TO A 2 HOUR HYDROSTATIC PRESSURE TEST OF 1.5 X THE WORKING PRESSURE OF THE LINE.
 - SEE APPROVED ENGINEER'S REPORT FOR DETAILED SPECIFICATIONS ON PUMP CHAMBER, PUMP CONTROLS AND ACCESSORIES.
 - PROVIDE SHOP DRAWING OF TANK TO DESIGN ENGINEER FOR APPROVAL PRIOR TO FABRICATION. SHOP DRAWINGS SHALL INCLUDE NYSPE CERTIFICATION FOR HS-20 LOADING.
 - ALL PIPE PENETRATIONS TO BE WATERTIGHT. CONTRACTOR SHALL DEMONSTRATE THAT THE SEPTIC TANK IS WATER TIGHT AND TEST SHALL BE WITNESSED FOR 24 HOURS BY DESIGN ENGINEER OR A DCOOH REPRESENTATIVE.

NOTE:
ALL MANHOLE TO PIPE CONNECTIONS SHALL BE MADE WITH FLEX MANHOLE CONNECTORS LOCK-JOINT TYPE



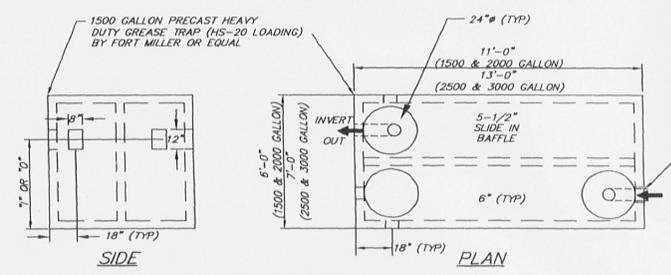
TYPICAL SANITARY MANHOLE COVER DETAIL

N.T.S.



TYPICAL STORM MANHOLE COVER DETAIL

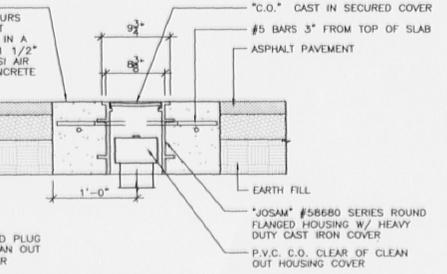
N.T.S.



1500 TO 3000 GALLON HEAVY DUTY GREASE TRAP

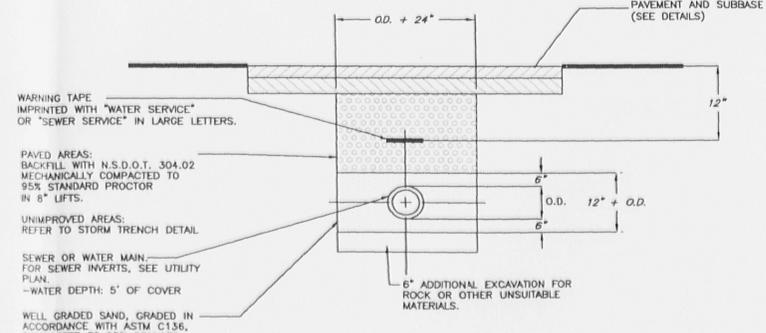
N.T.S.

SIZE GALLONS	LIQUID LEVEL 2'	INLET HEIGHT 1'	OUTLET HEIGHT 1'	INTEGRAL TOP HEIGHT 10'	INTEGRAL BASE HEIGHT INSIDE	OVERALL HEIGHT		INTEGRAL TOP (LBS)	INTEGRAL BASE (LBS)	BAFFLE (LBS)
						INSIDE	OUTSIDE			
1500	4'-6"	5'-6"	5'-3"	2'-0"	3'-6"	5'-6"	6'-8"	11,400	13,400	3600
2000	5'-0"	7'-0"	6'-9"	3'-6"	3'-6"	7'-0"	8'-2"	15,000	17,400	4900
2500	5'-2"	6'-2"	5'-11"	2'-10"	3'-4"	6'-2"	7'-4"	12,200	16,400	3200
3000	6'-2"	7'-2"	6'-11"	3'-10"	3'-4"	7'-2"	8'-4"	20,000	16,400	4900



CLEAN OUT DETAIL

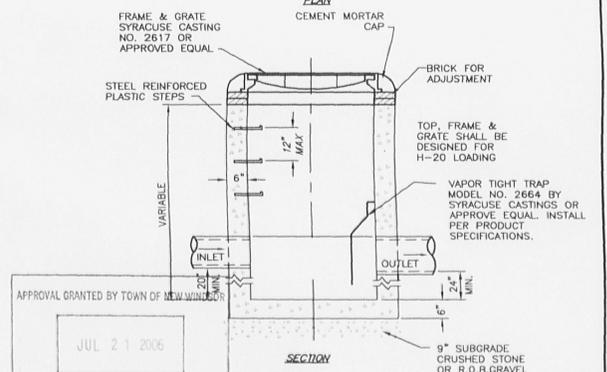
N.T.S.



TYPICAL WATER / SEWER LINE TRENCH DETAIL

N.T.S.

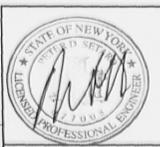
- NOTES:**
- GREASE TRAP TO BE WATERTIGHT, CONSTRUCTED OF DURABLE MATERIAL AND NOT SUBJECT TO EXCESSIVE CORROSION DECAY, FROST DAMAGE OR CRACKING TOP TO SUPPORT AT LEAST 300 P.S.F.
 - DIMENSIONS AND CONFIGURATION MAY VARY DEPENDING UPON MANUFACTURER. TO PROVIDE CAPACITY AS INDICATED.
 - CONCRETE STRENGTH - 4000 PSI AT 28 DAYS 4. ALL PIPE PENETRATIONS TO BE WATERTIGHT.
 - PROVIDE SHOP DRAWING OF TANK TO DESIGN ENGINEER FOR APPROVAL PRIOR TO FABRICATION. SHOP DRAWING SHALL INCLUDE CERTIFICATION FOR HS-20 LOADING
 - 5-1/2" SIDE IN BAFFLE REQUIRED



TYPICAL BASIN DETAIL

N.T.S.

**TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK**



IT IS A VIOLATION OF NEW YORK STATE EDUCATION LAW FOR ANY PERSON TO ALTER THESE PLANS, SPECIFICATIONS OR REPORTS IN ANY WAY UNLESS ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

REV No.	DESCRIPTION	DATE	BY
8	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
7	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
6	PER REVIEW COMMENTS DATED 10-26-05	12/7/05	JJE
5	NOTE ON VARIANCES GRANTED 8-22-05	8/29/05	KEB
4	RELOCATED BUILDING, PUMPS, WALKS & DRIVES	8/05/05	JJE
3	REVISED SIGN TABLES	6/15/05	CAM
2	PER STAFF COMMENTS	5/18/05	KEB
1	ADDED BUILDING DIMENSIONS, REVISED TABLES	4/21/05	KEB

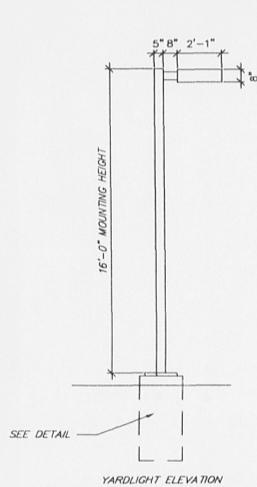
AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

SITE DETAILS - 2

MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 BLS LANE Poughkeepsie, New York 12601
Phone No. (845) 454-3411 Fax No. (845) 473-1562
FARMVIEW PLAZA 160 FARMVIEW AVE. SUITE 205 HUDSON, NEW YORK 12534
Phone No. (518) 828-2300 Fax No. (518) 828-3933

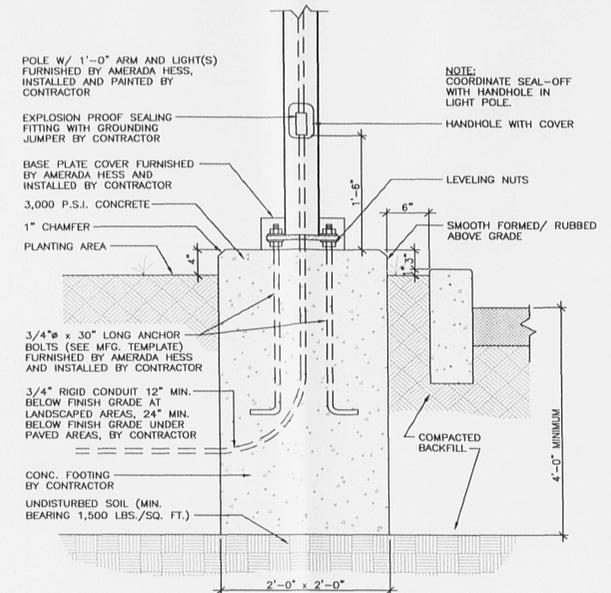
DATE	SCALE	DESIGNED BY	FILE No.
4/27/05	N.T.S.	REI CAM/JJE PDS	204152.02

DRAWING No. 7 of 11

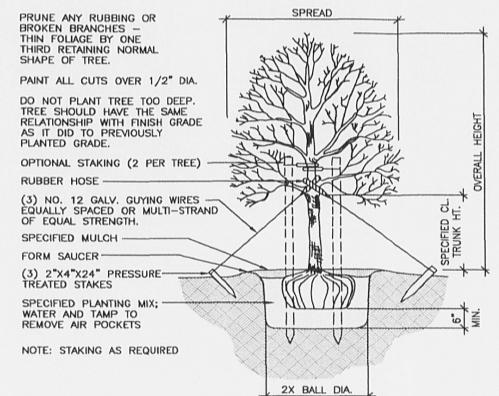


LSI LIGHTING SYSTEMS
CITATION SERIES-400W
MODEL: CTM-FT-400-SM-F-HSS OR
CTM-FT-400-SM-F-D180 WHITE
LAMP: 400 W METAL HALIDE LENS:
CLEAR FLAT TEMPERED GLASS

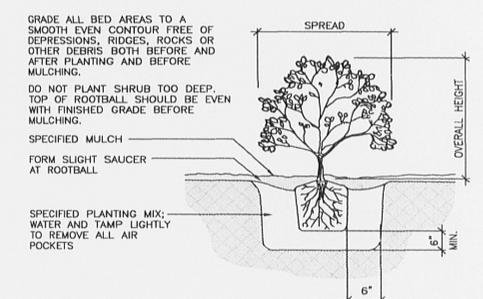
YARDLIGHT DETAIL
N.T.S.



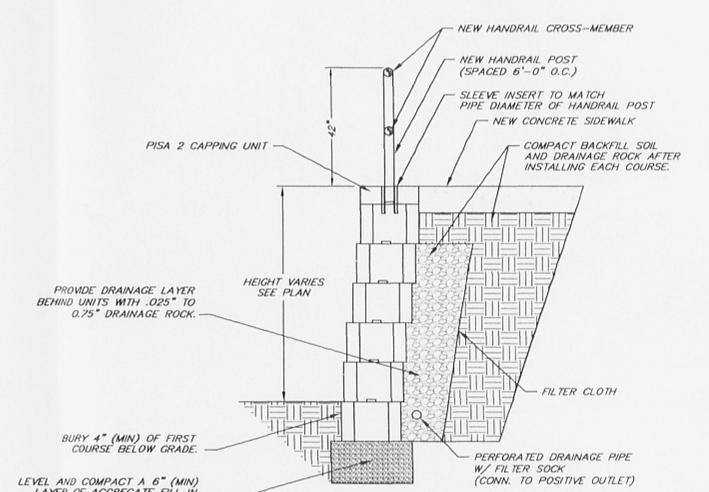
LIGHT POLE BASE DETAIL
N.T.S.



TREE PLANTING DETAIL
N.T.S.

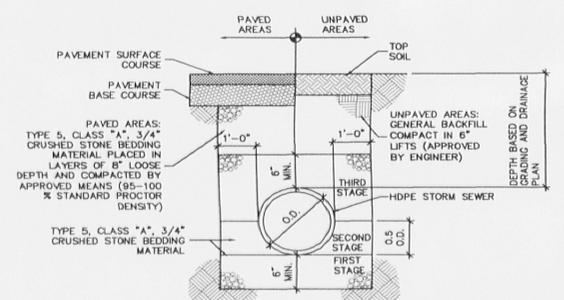


SHRUB PLANTING DETAIL
N.T.S.



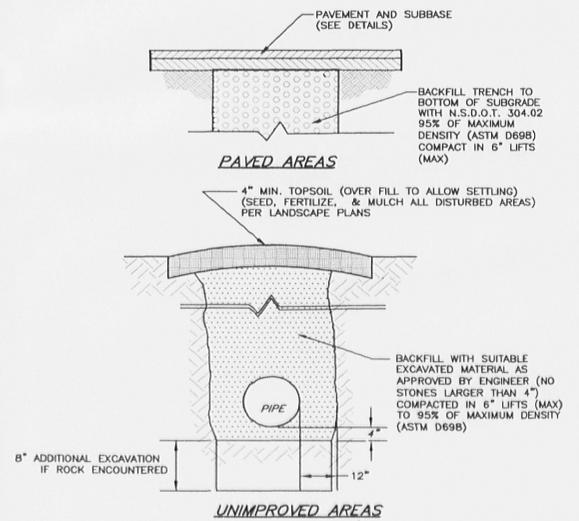
RETAINING WALL W/ HANDRAIL DETAIL
N.T.S.

- NOTES:
1. WALL TO BE CONSTRUCTED OF PISA 2 BLOCK AS MANUFACTURED BY UNILOCK OR APPROVED EQUAL.
 2. INSTALL PER MANUFACTURER'S RECOMMENDATION & SPECIFICATIONS.
 3. MAXIMUM HEIGHT OF RETAINING WALL SHALL NOT EXCEED 48". LARGER WALLS MAY BE CONSTRUCTED ONLY WITH ENGINEER'S APPROVAL.
 4. COLOR TO BE COORDINATED WITH CLIENT.



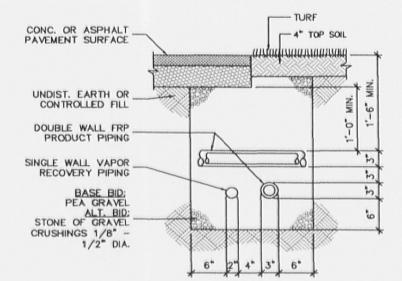
- NOTES:
1. THE FIRST STAGE IS TO PLACE A COMPACTED LAYER, (95-100% STANDARD PROCTOR DENSITY) OF TYPE 5, CLASS "A", 3/4" CRUSHED STONE BEDDING MATERIAL FOR THE PIPE TO LAY ON. THE FIRST STAGE CAN BE COMPACTED IN ONE LIFT.
 2. THE SECOND STAGE IS TO PLACE A COMPACTED LAYER, (95-100% STANDARD PROCTOR DENSITY) OF TYPE 5, CLASS "A", 3/4" CRUSHED STONE BEDDING MATERIAL PLACED IN LAYERS OF 8" LOOSE DEPTH AND COMPACTED BY APPROVED MEANS (95-100% STANDARD PROCTOR DENSITY).
 3. THE THIRD STAGE IS TO PLACE A LAYER OF TYPE 5, CLASS "A", 3/4" CRUSHED STONE TO THE SPECIFIED HEIGHT ABOVE THE PIPE. THE THIRD STAGE SHALL BE HAND PLACED AND TAMPED.

TYPICAL PIPE TRENCH DETAIL
N.T.S.

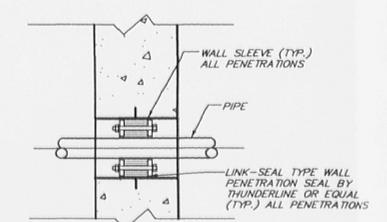


NOTE: EXCAVATING OVER 5' REQUIRES SHEETING/SHORING OR OVER EXCAVATION OF TRENCH SIDE WALLS PER OSHA.

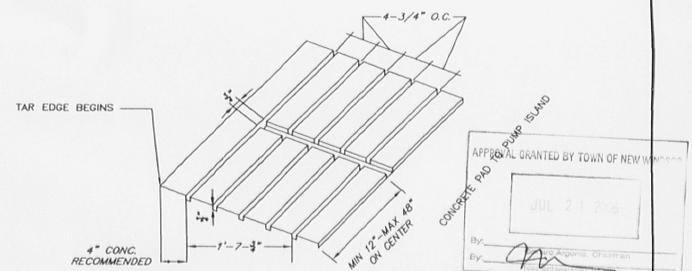
STORM DRAINAGE TRENCH DETAIL
N.T.S.



PRODUCT PIPING DETAIL
N.T.S.



PENETRATION DETAIL FOR WALL PIPE SLEEVE
N.T.S.



NOTE: THE POSITIVE LIMITING BARRIER TO BE 5 CONTINUOUS SQUARE OR V GROOVES 3/4" x 3/4" ON 4-3/4" CENTERS WITH CROSS INTERCONNECTING GROOVES, EQUALLY SPACED ON MIN. 12" MAX #0" CENTERS. THE BARRIER SHALL BE LOCATED PARALLEL W/ THE LONGITUDINAL AXIS OF THE CONCRETE SLAB AND SHALL EXTEND TO THE PUMP ISLAND. GROOVES MAY BE SAWCUT OR SCORED INTO CONCRETE MAT. GROOVES MUST BE KEPT CLEAN AT ALL TIMES.

POSITIVE LIMITING BARRIER DETAIL
N.T.S.

REV No	DESCRIPTION	DATE	BY
8	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
7	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
6	PER REVIEW COMMENTS DATED 10-26-05	12/7/05	JJE
5	NOTE ON VARIANCES GRANTED 8-22-05	6/29/05	KES
4	RELOCATED BUILDING, PUMPS, VALVES & DRIVES	8/05/05	JJE
3	REVISED SIGN TABLES	6/15/05	CAM
2	PER STAFF COMMENTS	5/18/05	KES
1	ADDED BUILDING DIMENSIONS, REVISED TABLES	4/21/05	KES



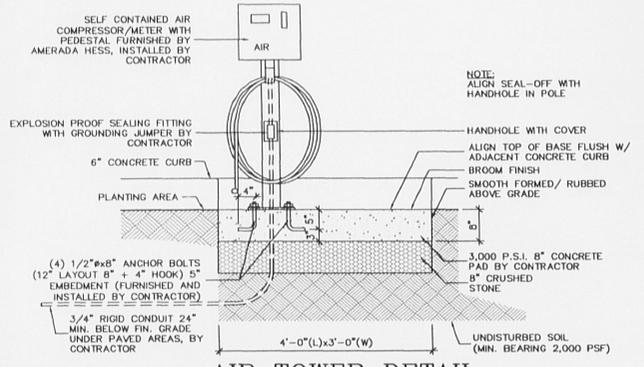
AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

SITE DETAILS - 3

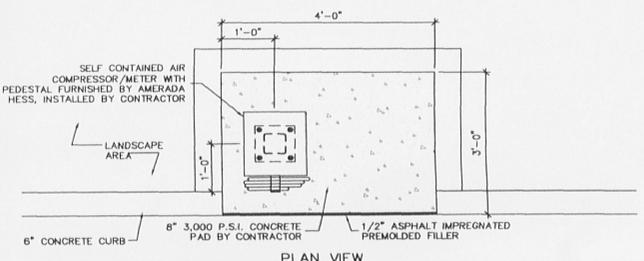
MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 Elm Lane, Fairview Plaza, 160 Fairview Ave. Suite 205
Poughkeepsie, New York 12601 Hudson, New York 12534
Phone No. (845) 454-3411 Phone No. (518) 828-2300
Fax No. (845) 473-1962 Fax No. (518) 828-3963

TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK

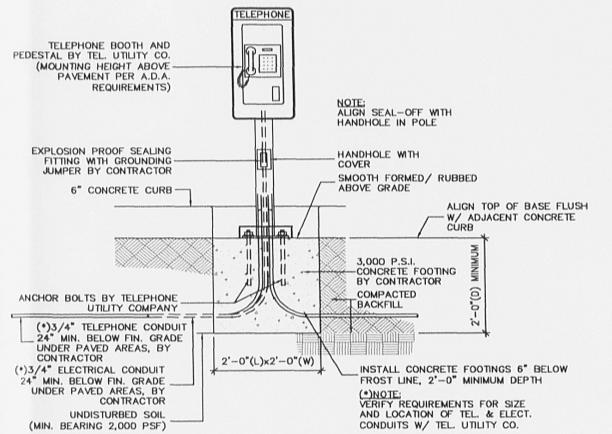
DATE	SCALE	DESIGNED BY	FILE No	DRAWING No
4/27/05	N.T.S.	CAM/JJE	204152.02	8 of 11



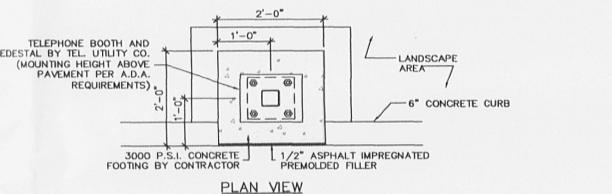
AIR TOWER DETAIL
N.T.S.



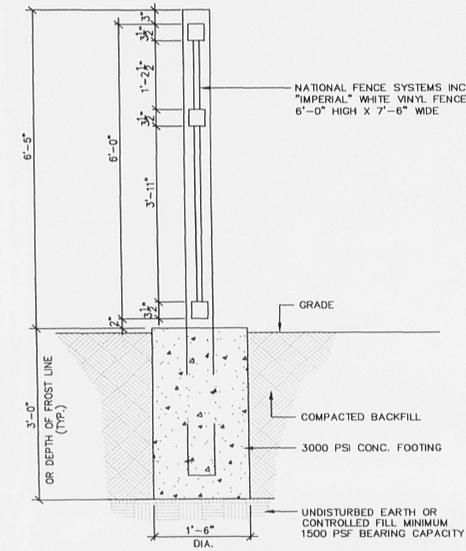
AIR TOWER PAD
N.T.S.



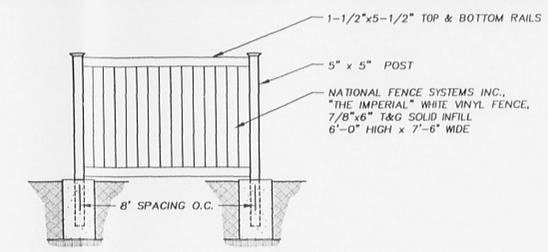
TELEPHONE BOOTH DETAIL
N.T.S.



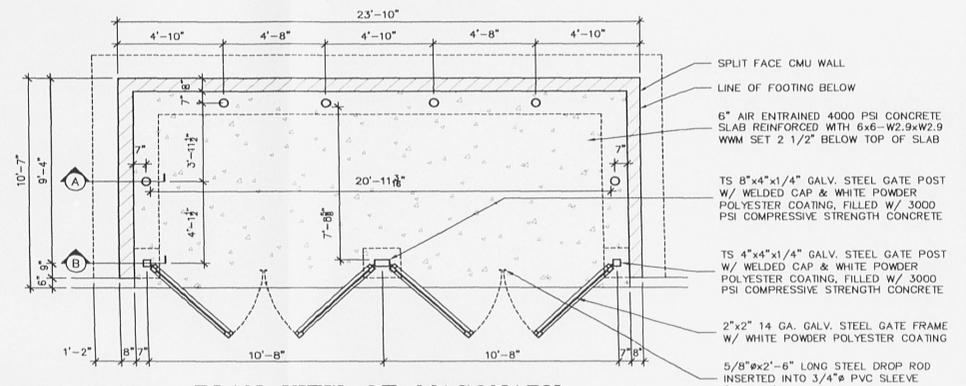
TELEPHONE BOOTH PAD
N.T.S.



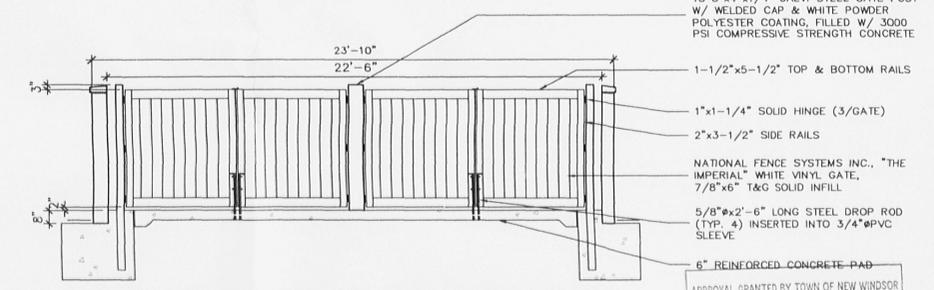
VINYL FENCE POST DETAIL
N.T.S.



STOCKADE FENCE DETAIL
SCALE: 1/4" = 1'-0"

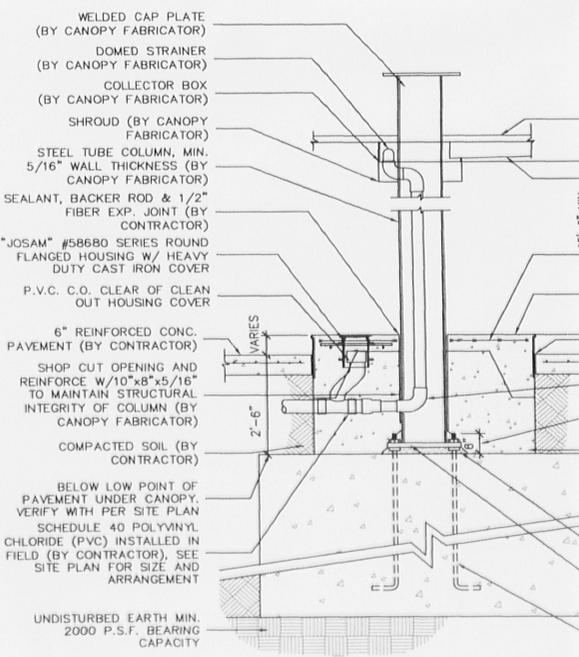


PLAN VIEW OF MASONRY TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"



FRONT ELEVATION OF MASONRY TRASH ENCLOSURE
SCALE: 1/4" = 1'-0"

- GENERAL NOTES:**
- FOR PAINTING REQUIREMENTS SEE MASTER SPECIFICATIONS.
 - CONTRACTOR SHALL SUPPLY AND INSTALL ALL MATERIALS UNLESS OTHERWISE NOTED.
 - WELDING SHALL CONFORM TO THE AMERICAN WELDING SOCIETY SPECIFICATION D1.0., LATEST EDITION, AND WELDER SHALL BE CERTIFIED IN ACCORDANCE WITH SAID CODE.
 - ALL STEEL FABRICATION AND ERECTION SHALL BE IN ACCORDANCE WITH CURRENT A.I.S.C. SPECIFICATIONS.
 - ALL WELDS AND SHARP EDGES SHALL BE GROUND SMOOTH. RADIUS ALL PROTRUDING CORNERS.
 - ALL SQUARE AND RECTANGULAR TUBING ASTM-36.
 - ALL FOUNDATION CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3000 PSI AT 28 DAYS AND A MAXIMUM AGGREGATE SIZE OF 3/4".
 - FOR ACTUAL TRASH ENCLOSURE LOCATION SEE SITE PLAN AND INSTALL AS DIRECTED BY AMERADA HESS REPRESENTATIVE.



SECTION OF CANOPY COLUMN AT INTERNAL DRAIN
SCALE: 1/2" = 1'-0"



SECTION OF CANOPY COLUMN AT ELECTRICAL CONDUIT
SCALE: 1/2" = 1'-0"

2	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
1	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
REV. No.	DESCRIPTION	DATE	BY

AMERADA HESS CORPORATION STATION #32579
173 WINDSOR HIGHWAY
TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
TOWN OF NEW WINDSOR ORANGE COUNTY, NY

SITE DETAILS - 4



MORRIS ASSOCIATES, P.S., LLC
ENGINEERING CONSULTANTS-LAND SURVEYORS
9 Elk Lane, Fairview Plaza, 160 Fairview Ave., Suite 205
Poughkeepsie, New York 12601 Hudson, New York 12534
Phone No. (845) 454-3411 Phone No. (518) 528-2300
Fax No. (845) 473-1962 Fax No. (518) 828-3963

TOWN PLANNING BOARD
TOWN OF NEW WINDSOR, NEW YORK

DATE	SCALE	DESIGNED BY	FILE No.
4/27/05	AS NOTED	JJE	204152.02
		DRAWN BY	DATE
		JJE	9 of 11

LEGEND

- EXISTING TRAFFIC CONTROL BOX
- EXISTING MONITORING WELL
- EXISTING UTILITY POLE
- EXISTING UTILITY POLE ANCHOR
- EXISTING DOUBLE POLE SIGN
- EXISTING LIGHT POST
- EXISTING SINGLE POLE SIGN
- EXISTING CATCH BASIN
- EXISTING DRAINAGE MANHOLE
- EXISTING HYDRANT
- EXISTING SEWER MANHOLE
- EXISTING WATER VALVE
- EXISTING MAILBOX
- EXISTING PROPERTY LINE
- EXISTING SANITARY SEWER
- EXISTING OVER HEAD UTILITY LINE
- EXISTING DRAINAGE LINE
- PROPOSED SINGLE POLE SIGN
- PROPOSED HANDICAP PAVEMENT MARKING
- PROPOSED YARDLIGHT
- PROPOSED CONCRETE

LANDSCAPE NOTES:

- GENERAL:**
- THE LANDSCAPE CONTRACTOR SHALL CAREFULLY CORRELATE CONSTRUCTION ACTIVITIES WITH THAT OF THE EARTHWORK CONTRACTOR AND OTHER SITE DEVELOPMENT.
 - THE CONTRACTOR SHALL VERIFY DRAWING DIMENSIONS WITH ACTUAL FIELD CONDITIONS AND INSPECT RELATED WORK AND ADJACENT SURFACES. THE CONTRACTOR SHALL VERIFY THE ACCURACY OF ALL FINISH GRADES WITHIN THE WORK AREA. THE CONTRACTOR SHALL REPORT TO THE LANDSCAPE ARCHITECT AND OWNER ALL CONDITIONS WHICH PREVENT PROPER EXECUTION OF THIS WORK.
 - THE EXACT LOCATION OF ALL EXISTING UTILITIES, STRUCTURES AND UNDERGROUND UTILITIES, WHICH MAY NOT BE INDICATED ON THE DRAWINGS, SHALL BE DETERMINED BY THE CONTRACTOR. THE CONTRACTOR SHALL PROTECT EXISTING STRUCTURES AND UTILITY SERVICES AND IS RESPONSIBLE FOR THEIR REPLACEMENT IF DAMAGED.
 - THE CONTRACTOR SHALL KEEP THE PREMISES FREE FROM RUBBISH AND ALL DEBRIS AT ALL TIMES AND SHALL ARRANGE MATERIAL STORAGE SO AS NOT TO INTERFERE WITH THE OPERATION OF THE PROJECT. ALL UNUSED MATERIALS, RUBBISH AND DEBRIS SHALL BE REMOVED FROM THE SITE. ALL LANDSCAPED AREAS MULCHED UNLESS OTHERWISE NOTED.
 - ALL VEGETATION SHOWN ON THIS PLAN SHALL BE MAINTAINED IN A HEALTHY AND VIGOROUS GROWING CONDITION THROUGHOUT THE DURATION OF THE PROPOSED USE. ALL VEGETATION NOT SO MAINTAINED SHALL BE REPLACED WITH NEW VEGETATION AT THE BEGINNING OF THE NEXT GROWING SEASON.
 - ALL AREAS OF SITE NOT OCCUPIED BY BUILDINGS OR PAVEMENT AND NOT SPECIFIED AS BEING PLANTED WITH TREES, SHRUBS OR GROUND COVER SHALL BE SEEDED.
 - NO TREES OR SHRUBS SHALL BE PLANTED ON EXISTING OR PROPOSED UTILITY LINES.
 - GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR DESIGN AND INSTALLATION OF UNDERGROUND SPRINKLER SYSTEM FOR IRRIGATION.

WARRANTY:

ALL PLANT MATERIAL (LAWNS, TREES, SHRUBS, ETC.) AND PLANTING SUPPLIES (EDGING, BARK MULCH, ETC.) SHALL BE WARRANTED FOR A PERIOD OF NOT LESS THAN ONE YEAR FROM THE DATE OF COMPLETION OF THE LANDSCAPING INSTALLATION. ALL REPLACEMENT STOCK SHALL BE SUBJECT TO THE SAME WARRANTY REQUIREMENTS AS THE ORIGINAL STOCK. ANY DAMAGE DUE TO REPLACEMENT OPERATIONS SHALL BE REPAIRED BY THE LANDSCAPE CONTRACTOR. AT THE END OF THE WARRANTY PERIOD, INSPECTIONS SHALL BE MADE JOINTLY BY LANDSCAPE ARCHITECT, OWNER, TENANT AND LANDSCAPE CONTRACTOR. ALL PLANT AND LAWN AREAS NOT IN A HEALTHY GROWING CONDITION SHALL BE REMOVED AND REPLACED WITH PLANTS AND TURF COVER OF A LIKE KIND AND SIZE BEFORE THE CLOSE OF THE NEXT PLANTING SEASON.

PLANT STOCK:

PLANT MATERIAL SHALL BE FIRST QUALITY STOCK AND SHALL CONFORM TO THE CODE OF STANDARDS SET FORTH IN THE CURRENT EDITION OF THE %AMERICAN STANDARDS FOR NURSERY STOCK %AU SPONSORED BY THE AMERICAN ASSOCIATION FOR NURSERYMEN, INC. (AAN).

SPECIES AND VARIETY AS SPECIFIED ON THE DRAWINGS AND DELIVERED TO THE SITE SHALL BE CERTIFIED TRUE TO THEIR GENUS, SPECIES AND VARIETY AND AS DEFINED WITHIN THE CURRENT OF INTERNATIONAL CODE OF NOMENCLATURE FOR CULTIVATED PLANTS, ISSUED EDITION BY THE INTERNATIONAL UNION OF BIOLOGICAL SCIENCES. SUBSTITUTIONS ARE NOT PERMITTED WITHOUT TENANT'S LANDSCAPE ARCHITECT'S WRITTEN APPROVAL.

PLANTING STOCK SHALL BE WELL BRANCHED AND WELL FORMED, SOUND, VIGOROUS, HEALTHY, FREE FROM DISEASE, SUN-SCALD, WINDBURN, ABRASION, AND HARMFUL INSECTS OR INSECT EGGS, AND SHALL HAVE HEALTHY, NORMAL UNBROKEN ROOT SYSTEMS. DECIDUOUS TREES AND SHRUBS SHALL BE SYMMETRICAL DEVELOPED, OF UNIFORM HABIT OF GROWTH, WITH STRAIGHT TRUNKS OR STEMS, AND FREE FROM OBJECTABLE DEFICIENCIES. EVERGREEN TREES AND SHRUBS SHALL HAVE WELL DEVELOPED SYMMETRICAL TOPS WITH TYPICAL SPREAD OF BRANCHES FOR EACH PARTICULAR SPECIES OR VARIETY. ONLY VINES AND GROUND COVER PLANTS WELL ESTABLISHED SHALL BE USED. PLANTS BUDDING INTO LEAF OR HAVING SOFT GROWTH SHALL BE SPRAYED WITH AN ANTI-DESICCANT AT THE NURSERY BEFORE DIGGING.

STOCK SIZES: ALL STOCK MEASUREMENTS - CALIPER, HEIGHT BRANCHING LEVEL, NUMBER OF CANES, BALL SIZES SHALL BE IN STRICT ACCORDANCE WITH THE LATEST EDITION OF THE %AMERICAN STANDARD FOR NURSERY STOCK.

MINIMUM ACCEPTABLE SIZES ARE:

FLOWERING TREES: 2" CALIPER
 HEDGING MATERIAL: 2'-6" HEIGHT
 UPRIGHT CONIFERS: 6'-7" (OR AS SPECIFIED ON DRAWINGS)
 ALL SHRUBS: HEIGHT AND SPREAD REQUIREMENTS VARIES WITH SPECIES. MINIMUM 5 GALLON CONTAINER AND 24" SPREAD
 GROUND COVER PLANTS: SHALL BE 2 YEAR - NUMBER 1 STOCK AS DEFINED IN THE AMERICAN STANDARD FOR NURSERY STOCK. MINIMUM 4" POTS

ALL STOCK SHALL BE BALLED AND BURLAPPED OR CONTAINER GROWN STOCK. (BARE ROOT STOCK OF ANY KIND IS UNACCEPTABLE)

SEED:

SHREDDED BARK MULCH, MEDIUM SIZE, FROM HARDWOOD TREES. NO PIECES OVER TWO INCHES (2" IN GREATEST DIMENSION). FREE FROM SAWDUST, STONES, DEBRIS, AND DELETERIOUS MATERIALS. STANDARD OF QUALITY SHALL BE AS MANUFACTURED BY HYDE PARK PRODUCTS CO., OF NEW ROCHELLE, NEW YORK.

PROVIDE THE FOLLOWING SEED MIXTURE:

AMOUNT BY WEIGHT	SPECIES OR VARIETY	PURITY	PERCENTAGE GERMINATION
55%	KENTUCKY BLUEGRASS	95%	80%
25%	RED GRASS	97%	85%
20%	PERENNIAL RYE	98%	90%
100%			

MULCHES FOR PLANTINGS:

SHREDDED BARK MULCH, MEDIUM SIZE, FROM HARDWOOD TREES. NO PIECES OVER TWO INCHES (2" IN GREATEST DIMENSION). FREE FROM SAWDUST, STONES, DEBRIS, AND DELETERIOUS MATERIALS. STANDARD OF QUALITY SHALL BE AS MANUFACTURED BY HYDE PARK PRODUCTS CO., OF NEW ROCHELLE, NEW YORK.

EDGING:

EDGING SHALL BE MINIMUM 4" ALUMINUM EDGING AS SUPPLIED BY: CURV-RITE ALUMINUM EDGING, GRAND RAPIDS, MICHIGAN (616) 878-3845, AND/OR PERMALOC CLEANLINE ALUMINUM LANDSCAPE EDGING, ST. HOLLAND, MICHIGAN (800) 356-9660.

EDGING TO BE PLACED AROUND TEMPORARY SEEDED AREAS WHEREVER CURBING IS UNAVAILABLE TO PREVENT TOPSOIL EROSION.

REV. No.	DESCRIPTION	DATE	BY
3	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
2	ADDED ADDITIONAL INFORMATION PER HESS STANDARDS	2/15/06	JJE
1	PER REVIEW COMMENTS DATED 10-26-05	12/7/05	JJE

APPROVAL GRANTED BY TOWN OF NEW WINDSOR

JUL 21 2006

By:

AMERADA HESS CORPORATION STATION #32579

173 WINDSOR HIGHWAY

TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210

TOWN OF NEW WINDSOR ORANGE COUNTY, NY

LANDSCAPING PLAN

MORRIS ASSOCIATES P.S., LLC

ENGINEERING CONSULTANTS-LAND SURVEYORS

9 Elk Lane
 Poughkeepsie, New York 12601
 Phone No. (845) 434-3411
 Fax No. (845) 475-1922

1 Fairview Plaza, 160 Fairview Ave., Suite 205
 Hudson, New York 12534
 Phone No. (518) 828-2300
 Fax No. (518) 828-3963

DATE	SCALE	DESIGNED BY	FILE No.	DRAWING No.
9/28/05	1" = 20'	JJE	204152.02	10 of 11

PLANTING SCHEDULE

KEY	BOTANICAL NAME	COMMON NAME	QTY.	SIZE	REMARKS
BS	BUXUS SEMPERVIRENS	COMMON BOXWOOD	19	18" - 24" HT.	3 GALLON
BT	BERBERIS THUNBERGI CRIMSON PYGMY	PYGMY BARBERRY	26	18" - 21" HT.	3 GALLON
CC	CERCIS CANADENSIS	AMERICAN REDBUD	2	8' - 10' HT.	B & B
JC	JUNIPERUS CHINENSIS BLUE POINT	BLUE POINT JUNIPER	19	24" - 30" HT.	3 GALLON
JD	JUNIPERUS DAURICA EXPANSA	PARSONS JUNIPER	123	18" - 24" SPD.	3 GALLON
MF	MALUS FLORIBUNDA "INDIAN SUMMER"	INDIAN SUMMER CRABAPPLE	3	8' - 10' HT.	B & B
SB	SPIREA BUMALDA "GOLD FLAME"	GOLD FLAME WATERER SPIREA	42	15" - 18"	3 GALLON



TOWN PLANNING BOARD

TOWN OF NEW WINDSOR, NEW YORK

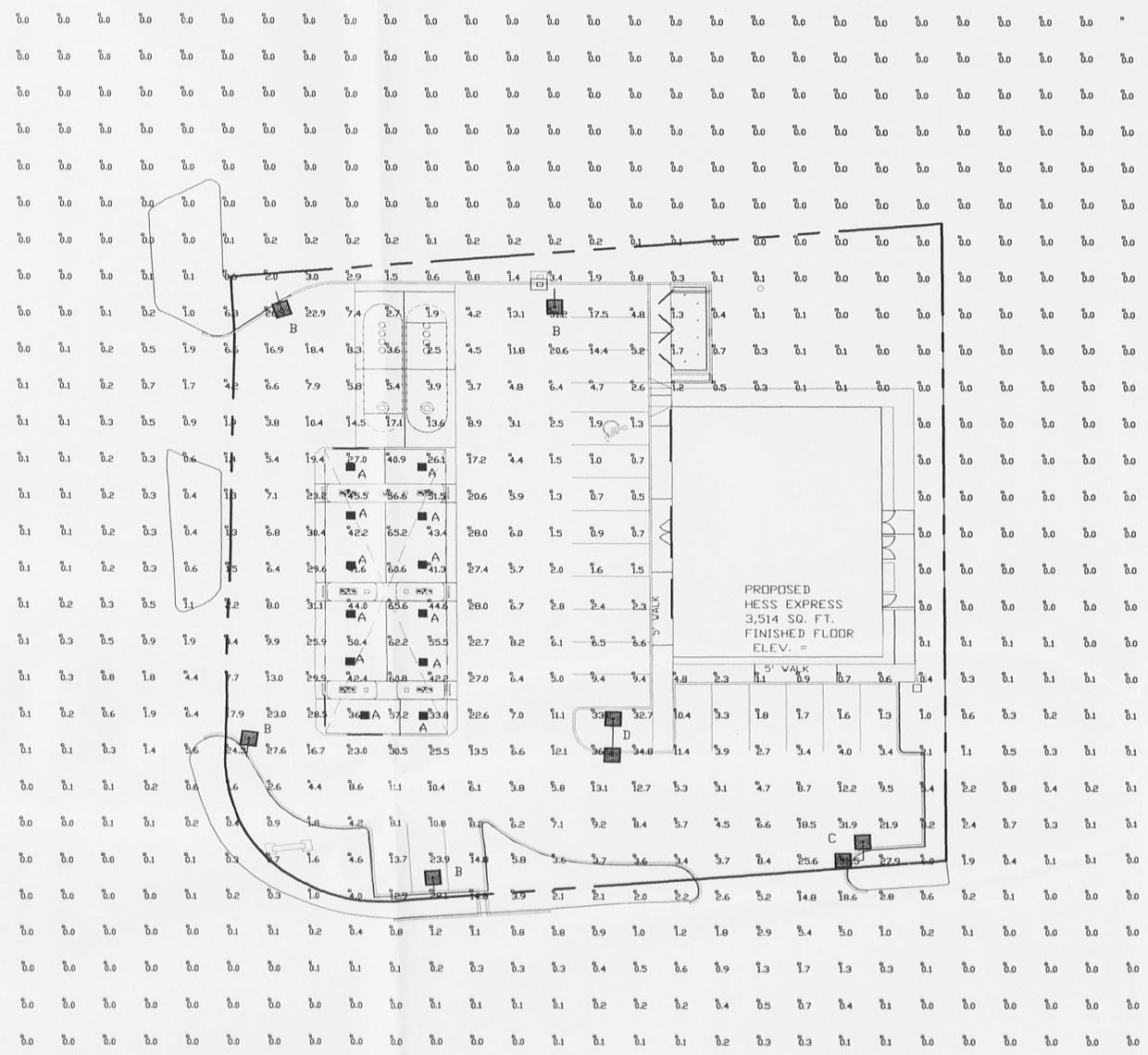
NEW WINDSOR TOWN CODE ARTICLE 300-15C:

DEVELOPED AREA SHALL BE LANDSCAPED ACCORDING TO THE FOLLOWING GENERAL STANDARD:

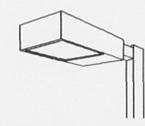
ONE DECIDUOUS OR EVERGREEN TREE PER 5,000 SQUARE FEET OF AREA AND ONE LOW-PLANTING SPECIES PER 10 LINEAR FEET OF PARCEL PERIMETER.

AREA/PERIMETER	STANDARD	REQUIRED	PROVIDED
30,247 S. F.	1 PER 5,000 S. F.	7	11
680 L.F.	1 PER 10 L.F.	68	106

H:\New Windsor\204152\204152.dwg, Plot Date: 9/28/05, Plot Time: 10:00:00 AM, Plot User: JJE, Plot Device: HP DesignJet 540



FLAT LENS
ENCORE



CITATION

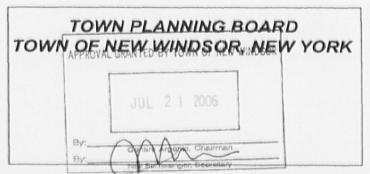
Statistical Area Summary					
Label	Avg	Max	Min	Avg/Min	Max/Min
CANOPY	47.37	65.6	26.1	1.81	2.51
INSIDE CURB	10.75	53.5	0.5	21.50	107.00

MAINTAINED FOOTCANDLE VALUES AT GRADE,
USING A .72 MAINTENANCE FACTOR.

Luminaire Schedule							
Symbol	Qty	Label	Arrangement	Lumens	LLF	Description	Total Watts
■	12	A	SINGLE	32000	0.720	ECTA-S-320-PSMV-F *	370
■	4	B	SINGLE	40000	0.720	CTM-F-400-SMH-F-HSS 16' POLE SINGLE **	458
■	1	C	2 @ 90 DEGREES	40000	0.720	CTM-F-400-SMH-F-HSS 16' POLE D90	916
■	1	D	D180	40000	0.720	CTM-F-400-SMH-F 16' POLE D180	916

* ECTA - ENCORE TOP ACCESS, S - SYMMETRICAL, 320 - WATTAGE, PSMV - PULSE START METAL HALIDE, F - CLEAR FLAT TEMPERED GLASS
 ** CTM - MEDIUM, FT - FORWARD THROW, 400 - WATTAGE, F - FLAT CLEAR TEMPERED GLASS, HSS - HOUSE SIDE SHIELD

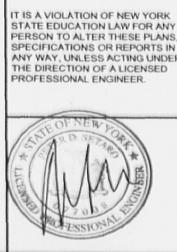
Rev.	Date	By
Revisions		
LIGHTING PROPOSAL FOR		
JOB_NAME		
LOCATION		
SCALE	LO-LO#	
DATE		
BY: NAME	SHEET# OF TS#	



1	REVISED PER TOWN ENGINEER COMMENTS	6/30/06	JJE
REV. No.	DESCRIPTION	DATE	BY

AMERADA HESS CORPORATION STATION #32579
 173 WINDSOR HIGHWAY
 TAX I.D. 334800-12-2-1 LIBER 11549, PAGE 210
 TOWN OF NEW WINDSOR ORANGE COUNTY, NY

LIGHTING PLAN



MORRIS ASSOCIATES, P.S., LLC
 ENGINEERING CONSULTANTS-LAND SURVEYORS
 9 Elk Lane, Foxglove Lane, New York 12601
 Phone No. (845) 454-3411 Fax No. (518) 828-2300
 Fairview Plaza, 160 Fairview Ave., Suite 205
 Hudson, New York 12534
 Phone No. (518) 828-2300 Fax No. (518) 828-3963

DATE	SCALE	DRAWN BY	FILE No.	DRAWING No.
4/27/05	NONE	KES	204152.02	11 of 11

