

ZB# 81-3

**Unico
(Newburgh Chapter)**

37-1-27

81-3 Unico-

Public Hearing:
July 13, 1981.

Needed: Special Permit
② Area Variances:
10 ft. front yard
17 ft. rear yard.

6/16/81 Notice sent to
Sentinel ✓

6/24/81 - OCPD to be
notified ✓

Special Permit /
Area .
Variances

General Receipt

4659

TOWN OF NEW WINDSOR

555 Union Avenue
New Windsor, N. Y. 12550

July 29, 19 81

Received of Newburgh Chapter of UNICO National \$ 50.00

Fifty and 00/100 DOLLARS

For Z.B.A.

DISTRIBUTION:

FUND	CODE	AMOUNT
\$ 50.00 check		

By Pauline G. Townsend/pt

Town Clerk
Title

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

1. The evidence shows that the applicant will encounter practical difficulty if the area variance requested is not granted.

2. The proposed variance will not result in substantial detriment to adjoining properties or change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor grants a 10 ft. front yard variance and a 1 ft. rear yard variance, plus special permit under Section 48-9, Table of Use Regs.-Col.B-3 in accordance with plans submitted at the public hearing.

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 applicant.

Dated: May 13, 1982.

Chairman

file

TOWN OF NEW WINDSOR

555 UNION AVENUE
NEW WINDSOR, NEW YORK
(914) 565-8550



August 4, 1981

1763 Peter Garrison
Commissioner of Planning
Orange County Planning Department
24 Main Street
Goshen, N. Y. 10924

RE: NEWBURGH CHAPTER OF UNICO - Application #81-3

Dear Mr. Garrison:

As you will recall, the Orange County Planning Department was asked for its comments on the above-referenced application which was made to this Board. Your response dated July 6, 1981 returned the matter for final local determination. Speaking in behalf of the Board, I must tell you that your response was disappointing.

It appears that the letter which you sent is exactly the same form letter which this Board has been receiving since any of the present Board members were appointed. There is nothing whatever in your response in this matter that indicates to us that anyone in your Department actually examined this application.

By reviewing the documents filed in your office in connection with this matter, you will recall that the proposed use is located on Route 9W in this Town. Route 9W is a high-speed, four-lane highway. Many of the buildings located on that highway, including the proposed use, are elevated from the highway and have steep driveways. This Board was deeply concerned with the effect of this elevation in the division of the highway on traffic and safety. We had hoped for some comment from your Department on this aspect of the application.

It was my understanding that all applications from New Windsor were now being referred directly to you. In view of this, the members of this Board had hoped to receive actual input into at least some of the decisions referred to your Department. To date, we have received only the same form letter which we have been receiving for years.

Page 2

August 4, 1981

Peter Garrison
Commissioner of Planning
Orange County Planning Department

On behalf of the Board, I ask that you see to it that the applications referred to your Department from this Board are reviewed and that appropriate comments are forwarded to us to help us make decisions which will affect not only the citizens of our Town, but also the members of the general public who use the roads and commercial establishments within our Town.

Very truly yours,

RICHARD FENWICK, Chairman
New Windsor Zoning Board of Appeals

RF:ASK:pd

TOWN OF NEW WINDSOR
ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

81-3
(Number)

(Date) _____

I. Applicant information:

- (a) Newburgh Chapter of UNICO, P.O. Box 2104, Newburgh, New York 12550
(Name, address and phone of Applicant)
- (b) _____
(Name, address and phone of purchaser or lessee)
- (c) _____
(Name, address and phone of attorney)
- (d) _____
(Name, address and phone of broker)

II. Application type:

- Use variance
- Area variance
- Sign variance
- Special permit

III. Property information:

- (a) R-4/NC Route 9W 37 1 27 2.6± Ac.
(Zone) (Address) (S.B. L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____

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(Name, address and phone of Applicant)
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(Zone) (Address) (S.B L) (Lot size)
- (b) What other zones lie within 500 ft.? NC
- (c) Is a pending sale or lease subject to ZBA approval of this application? No
- (d) When was property purchased by present owner? _____
- (e) Has property been subdivided previously? No When? _____
- (f) Has property been subject of variance or special permit previously? No When? _____
- (g) Has an order-to-remedy violation been issued against the property by the Zoning Inspector? No If so, when _____
- (h) Is there any outside storage at the property now or is any proposed? Describe in detail. _____

IV. Use variance:

(a) Use Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____, to allow

(Describe proposed use)

(b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.

V. Area variance:

(a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk, Columns 6 and 8

<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Min. Lot Area <u>one acre</u>	<u>2.6 Ac</u>	<u>0</u>
Min. Lot Width <u>200'</u>	<u>780'+</u>	<u>0'</u>
Reqd. Front Yard <u>75'</u>	<u>65'</u>	<u>10'</u>
Reqd. Side Yards <u>35' / 100'</u>	<u>225' / 420'+</u>	<u>0' / 0'</u>
Reqd. Rear Yard <u>50'</u>	<u>33'</u>	<u>17'</u>
Reqd. Street Frontage* <u>50'</u>	<u>50'</u>	<u>0</u>
Max. Bldg. Hgt. <u>2-1/2 sty/35'</u>	<u>18'+</u>	<u>0</u>
Min. Floor Area* <u>N/A</u>	<u>7450+</u>	<u>0</u>
Development Coverage* <u>10 %</u>	<u>7 %</u>	<u>0 %</u>
Floor Area Ratio**		

* Residential District

(Describe proposed use)

- (b) The legal standard for a "USE" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.



V. Area variance:

- (a) Area variance requested from New Windsor Zoning Local Law, Section 48-12, Table Bulk, Columns 6 and 8

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Min. Lot Area <u>one acre</u>	<u>2.6 Ac</u>	<u>0</u>
Min. Lot Width <u>200'</u>	<u>780'+</u>	<u>0'</u>
Reqd. Front Yard <u>75'</u>	<u>65'</u>	<u>10'</u>
Reqd. Side Yards <u>35' / 100'</u>	<u>225' / 420'+</u>	<u>0' / 0'</u>
Reqd. Rear Yard <u>50'</u>	<u>33'</u>	<u>17'</u>
Reqd. Street Frontage* <u>50'</u>	<u>50'</u>	<u>0</u>
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Development Coverage* <u>10 %</u>	<u>7 %</u>	<u>0 %</u>
Floor Area Ratio**		

* Residential districts only

** Non-residential districts only

(b) The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also set forth any efforts you have made to alleviate the difficulty other than this application.

Due to topography of site and need for parking, the front and rear yard requirements cannot be met without reducing the size of the building. Building size has been determined by the proposed use as a meeting hall.



VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

rear yard requirements cannot be met without reducing the size of the building. Building size has been determined by the proposed use as a meeting hall.

VI. Sign Variance:

(a) Variance requested from New Windsor Zoning Local Law, Section _____, Table _____, Column _____.

	<u>Requirements</u>	<u>Proposed or Available</u>	<u>Variance Request</u>
Sign 1	_____	_____	_____
Sign 2	_____	_____	_____
Sign 3	_____	_____	_____
Sign 4	_____	_____	_____
Sign 5	_____	_____	_____
Total	_____ sq.ft.	_____ sq.ft.	_____ sq.ft.

(b) Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.

(c) What is total area in square feet of all signs on premises including signs on windows, face of building, and free-standing signs?

VII. Special Permit:

(a) Special permit requested under New Windsor Zoning Local Law, Section 48.9, Table Use, Column B-3.

(b) Describe in detail the use and structures proposed for the special permit.

The Newburgh Chapter of UNICO wishes to construct a building to
be used as a meeting hall, for social functions and, in the future,
as an activities center for senior members and children of members,

VIII. Additional comments:

(a) Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting; paving, fencing, screening, sign limitations, utilities, drainage.)

Although located in a Residential Zone, the property is immediately
adjacent to (and a small part is in) a Neighborhood Commercial Zone.
Access will be provided through the NC Zone from Route 9W not through
residential ares. The site will be landscaped and the parking areas
and drives will be paved. Storm drainage will be discharged to Route 9W.

IX. Attachments required:

- Copy of letter of referral from Building and Zoning Inspector.
- Copy of contract of sale, lease or franchise agreement.
- Copy of tax map showing adjacent properties
- Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- Copy(ies) of sign(s) with dimensions.
- Check in amount of \$ _____ payable to Town of New Windsor.

- (b) Describe in detail the use and structures proposed for the special permit.

The Newburgh Chapter of UNICO wishes to construct a building to
be used as a meeting hall, for social functions and, in the future,
as an activities center for senior members and children of members,

VIII. Additional comments:

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- ___ Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot.
- ___ Copy(ies) of sign(s) with dimensions.
- ___ Check in amount of \$ _____ payable to Town of New Windsor.
- Photos of existing premises which show all present signs and landscaping.
- All photos must be 8" x 10" or be mounted on 8 1/2" x 11" paper.
- ___ Other

X. AFFIDAVIT

Date _____

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 are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

Ruth J. Eaton

(Applicant)

Sworn to before me this
5th day of June, 1981.
Ruth J. Eaton

RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1982
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

STATE OF NEW YORK)
) SS.:
COUNTY OF ORANGE)

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Peter M. Olympia
(Applicant)

Sworn to before me this
5th day of June, 1981.
Ruth J. Eaton

RUTH J. EATON
Notary Public, State of New York
Qualified in Orange County
Commission Expires March 30, 1982
Reg. No. 4673512

XI. ZBA Action:

- (a) Public Hearing date _____
- (b) Variance is _____
Special Permit is _____
- (c) Conditions and safeguards: _____

A FORMAL DECISION WILL FOLLOW
WHICH WILL BE ADOPTED BY
RESOLUTION OF ZONING BOARD OF APPEALS.



COUNTY OF ORANGE

LOUIS HEIMBACH, County Executive

Department of Planning

124 MAIN STREET (1887 Building)

GOSHEN, NEW YORK 10924

TEL. (914) 294-5151

Peter Garrison, Commissioner

Richard S. DeTurk, Deputy Commissioner

July 6, 1981

Mr. Richard Fenwick, Chairman
Town of New Windsor Z B A
555 Union Avenue
New Windsor, New York 12550

Re: Newburgh Chapter of UNICO
Special Permit/Variance
Our File No. NWT-10-81M

Dear Mr. Fenwick:

We have reviewed the above application in accordance with the provisions of Section 239, l and m, Article 12-B of the General Municipal Law of the State of New York.

We have no objections to the special permit and variance requests, and hereby return the matter for final local determination.

Very truly yours,

Peter Garrison
Commissioner of Planning

Reviewed by Joel Shaw
Senior Planner

PG:rtt
Enclosure

RECEIVED
ATTORNEY'S OFFICE
TOWN OF NEW WINDSOR

JUL 7 1981

BY: Patricia Delio

7/13/81 - Newburgh Chapter UNICO - Public Hearing

Name:

Address:

Walter D. Fisher - Community Church of the Nazarene

Florence M. Slater - 23 Nee Ave

Albert Flona - 305 Hudson St Cor. - on Hud. N.Y. 12520



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

June 18, 1981

McGoey, Hauser & Grevas
Elias D. Grevas, L.S.
45 Quassaick Ave.
New Windsor, N.Y.

Re: 37-1-27

Dear Mr. Grevas:

According to my records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$25.00. Please remit same to the Town Cler, Town of New Windsor.

Very truly yours,

PAULA SARVIS
ASSESSOR
Town of New Windsor



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor

Paula King

555 Union Avenue

New Windsor, New York 12550

(914) 565-8808

25 on list

Dori Assn. Inc. ✓
PO Box 4097
New Windsor, N.Y. 12550

Petro Richard P & Marie
24 Stori Road
Newburgh, N.Y. 12550 ✓

Bonura Mary E. ✓
87 Rte. 9W South
Newburgh, N.Y. 12550

The First National Bank
of Highland
54 Milton Ave.
Highland, N.Y. 12528

Plona Albert S & Margaret P ✓
305 Hudson Street
Cornwall on Hudson, N.Y. 12520

Bonura Mary E
Sarvis Lane
Newburgh, N.Y. 12550

BCA Bowling Newburgh Inc. ✓
Att: John Sillcox ✓
PO Box 74
Garden City N.Y. 11530

9W Tennis Club Inc. ✓
Rte 9W By-Pass ✓
New Windsor, N.Y. 12550

Olympia Peter M ✓
16 Russell Road ✓
Newburgh, N.Y. 12550

Shorter Ralph S & Ruth M ✓
44-52 Rte. 9W ✓
New Windsor, N.Y. 12550

Clarke Charlotte ✓
110 Caesars Lane
New Windsor, N.Y. 12550

Lee Ilung & Hanki Sim
c/o Windsor Motel ✓
114-124 Route 9W
New Windsor, N.Y. 12550

Marasco Albert A & Evelyn ✓
37 Bloomingrove Tpke. ✓
New Windsor, N.Y. 12550

Chiovin Peter & LeeC ✓
41 Bloomingrove Tpke. ✓
New Windsor, N.Y. 12550

Brangaccio John & Victoria
Sunshine Mobile Village
150 Warbler Dr. Rt. 19
Fort Meyers, Fla. 33908

Church of the Nazarene of Newburgh
59 Bloomingrove Tpke. ✓
New Windsor, N.Y. 12550

Greene Charles B & Rosemarie ✓
61 Bloomingrove Tpke. ✓
New Windsor, N.Y. 12550

Krawcyk Stella & Frances E ✓
15 Nee Ave. ✓
New Windsor, N.Y. 12550

Pinckney Frank L & Joyce W ✓
19 Nee Ave. ✓
New Windsor, N.Y. 12550

Slater Florence May ✓
23 Nee Ave. ✓
New Windsor, N.Y. 12550



1763

OFFICE OF THE ASSESSOR

TOWN OF NEW WINDSOR

Sole Assessor
Paula King
555 Union Avenue
New Windsor, New York 12550
(914) 565-8808

Hankin Marilyn & Tirschwell Barbara
D/B/A New Windsor Assoc. ✓
20 Whitehall Road
Poughkeepsie, N.Y. 12603

Artusa Eugene ✓
P.O. Box 2547
Newburgh, N.Y. 12550

Valicenti Anthony & Audrey ✓
108 9W South
New Windsor, N.Y. 12550

Toyota of Newburgh Inc.
Route 9W
Highland Falls, N.Y. 10928

Gaillard Everett G. ✓
170 Maple Ave.
White Plains, N.Y. 10601

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD
FROM: ZONING BOARD OF APPEALS
SUBJECT: PUBLIC HEARINGS BEFORE ZBA - July 13, 1981
DATE: June 24, 1981

Kindly be advised that there are three (3) public hearings scheduled before the ZBA on July 13, 1981 as follows:

- Application of NEWBURGH CHAPTER OF UNICO; ✓
- Application of WILLIAM and BARBARA SHIELDS;
- Application of MARY JO and PAUL BILZOR.

I have attached hereto copies of the pertinent applications and public hearing notices in connection therewith.

Pat

/pd

Attachments

cc: Howard Collett, Bldg./Zoning Inspector

PUBLIC NOTICE OF HEARING BEFORE
ZONING BOARD OF APPEALS
TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-33A of the Zoning Ordinance on the following proposition:

Appeal No. 3

Request of Newburgh Chapter of UNICO

for a VARIANCE and SPECIAL PERMIT of the regulations of the Zoning Ordinance to permit Construction of a meeting hall and parking lot

being a VARIANCE and SPECIAL PERMIT of Section 48-12, Columns 6 and 8 of the Bulk Table

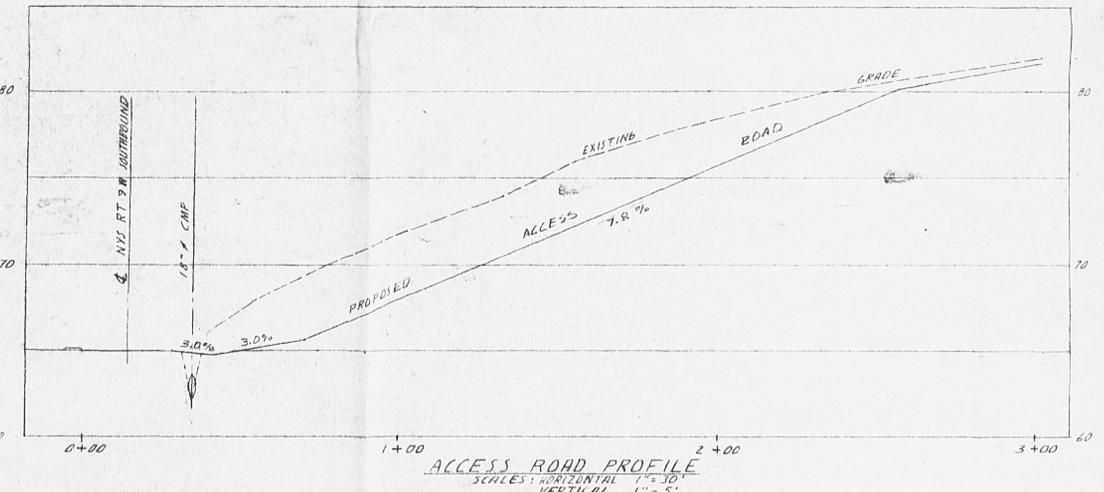
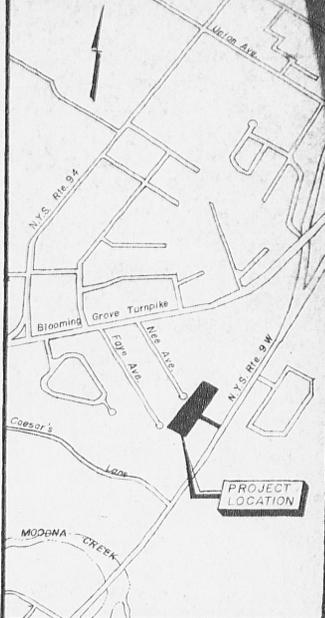
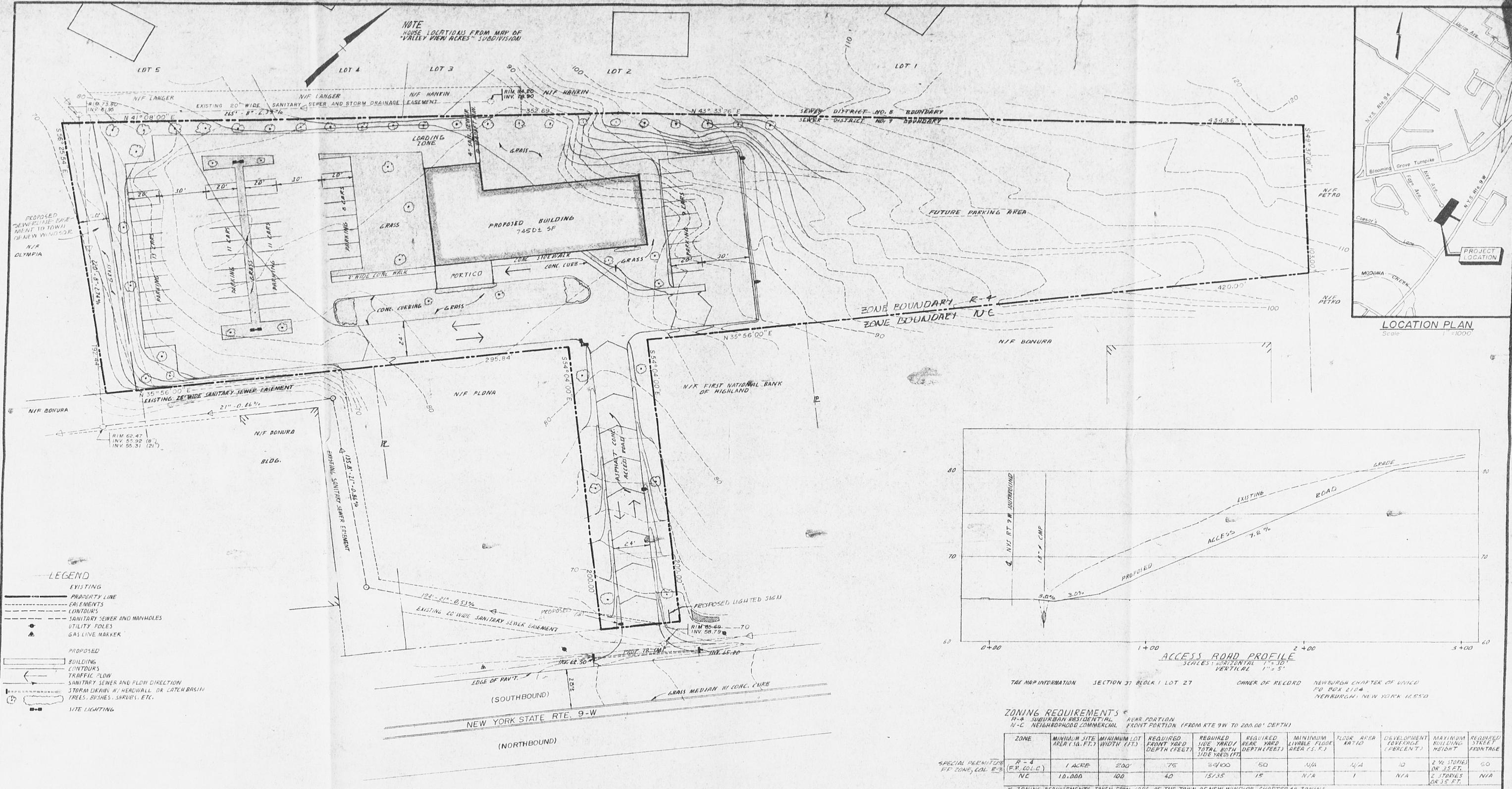
for property situated as follows:

Westside of Route 9W, north of Caesar's Lane, to the rear of the Nip & Nibble Lounge, Town of New Windsor, New York.

SAID HEARING will take place on the 13th day of July, 1981, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 8 o'clock P. M.

RICHARD FENWICK
Chairman

NOTE
HOUSE LOCATIONS FROM MAP OF
"VALLEY VIEW ACKES" SUBDIVISION



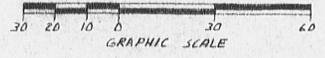
TAX MAP INFORMATION SECTION 37 BLOCK 1 LOT 27 OWNER OF RECORD NEWBURGH CHAPTER OF UNICO PO BOX 2104 NEWBURGH, NEW YORK 12550

ZONING REQUIREMENTS *
R-4 SUBURBAN RESIDENTIAL REAR PORTION
N-C NEIGHBORHOOD COMMERCIAL FRONT PORTION (FROM RTE 9W TO 200.00' DEPTH)

ZONE	MINIMUM SITE AREA (SQ. FT.)	MINIMUM LOT WIDTH (FT.)	REQUIRED FRONT YARD DEPTH (FEET)	REQUIRED SIDE YARD/REAR YARD DEPTH (FEET)	REQUIRED REAR YARD DEPTH (FEET)	MINIMUM LIVABLE FLOOR AREA (S.F.)	FLOOR AREA RATIO	DEVELOPMENT COVERAGE (PERCENT)	MAXIMUM BUILDING HEIGHT	REQUIRED STREET FRONTAGE
R-4 (P.C.O.L.C.)	1 ACRE	200'	75'	50/100	50'	N/A	1/4	10	2 1/2 STORIES OR 35 FT.	50'
NE	10,000	100'	40'	15/35	15'	N/A	1	N/A	2 STORIES OR 35 FT.	N/A

* ZONING REQUIREMENTS TAKEN FROM CODE OF THE TOWN OF NEW WINDSOR CHAPTER 48 ZONING TABLE OF BULK REGULATIONS, PART I, RESIDENTIAL DISTRICTS AND PART II NONRESIDENTIAL DISTRICTS, DATED 7-25-75.

- LEGEND
- EXISTING
 - PROPERTY LINE
 - EASEMENTS
 - CONTOURS
 - SANITARY SEWER AND MANHOLES
 - UTILITY POLES
 - GAS LINE MARKER
 - PROPOSED
 - BUILDING
 - CONTOURS
 - TRAFFIC FLOW
 - SANITARY SEWER AND FLOW DIRECTION
 - STORM DRAIN, W/ HEADWALL OR CATCH BASIN
 - TREES, BUSHES, SHRUBS, ETC.
 - SITE LIGHTING



McGOEY, HAUSER & GREVAS
CONSULTING ENGINEERS
45 QUASSACK AVE. (Rte. 9W) NEW WINDSOR, NEW YORK
9 HIGH STREET PORT JERVIS, NEW YORK

PETER M. OLYMPIA
ITALIAN CULTURAL CENTER
HOME OF UNICO
TOWN OF NEW WINDSOR ORANGE COUNTY NEW YORK

Revision	Date	Description	Drawn	Checked
1	4 JUN 81	ADDED GENERATING ELECTRICAL LIGHTED SIGN ELEV.		
2	13 JULY 81	ADD HOE LOC. LOT #1, NOTE		

PRELIMINARY
SITE DEVELOPMENT
PLAN

Sheet
S-1
01