



GENESEE COUNTY PLANNING BOARD ZONING REFERRALS NOTICE OF FINAL ACTION

GCDP Referral ID **T-01-LEROY-4-16**

Review Date **4/14/2016**

Municipality
Board Name
Applicant's Name
Referral Type
Variance(s)
Description:

LEROY, T.

PLANNING BOARD

Frederick Johnson

Site Plan Review

Site Plan Review for a new 20,000 sq. ft. (100 x 200 ft.) commercial office and warehouse.

Location
Zoning District

7921 East Main Rd. (NYS Rt. 5), LeRoy

Industrial (I-1) District

PLANNING BOARD DECISION

WITHDRAWN

EXPLANATION:

Withdrawn per the applicant/Town.

Director

April 14, 2016

Date

If the County Planning Board disapproved the proposal, or recommends modifications, the referring agency shall NOT act contrary to the recommendations except by a vote of a majority plus one of all the members and after the adoption of a resolution setting forth the reasons for such contrary action. Within 30 days after the final action the referring agency shall file a report of final action with the County Planning Board. An action taken form is provided for this purpose and may be obtained from the Genesee County Planning Department.

SEND OR DELIVER TO:

GENESEE COUNTY DEPARTMENT OF PLANNING
3837 West Main Street Road
Batavia, NY 14020-9404
Phone: (585) 815-7901

DEPARTMENT USE ONLY:
GCDP Referral # T-01-LEROY-4-16



*** GENESEE COUNTY *
PLANNING BOARD REFERRAL**

RECEIVED
Genesee County
Dept. of Planning
4/4/2016

Required According to:
GENERAL MUNICIPAL LAW ARTICLE 12B, SECTION 239 L, M, N
(Please answer ALL questions as fully as possible)

1. REFERRING BOARD(S) INFORMATION

2. APPLICANT INFORMATION

Board(s) LeRoy Planning Board
Address 48 Main Street
City, State, Zip LeRoy, NY, 14482
Phone (585) 768 - 6910 Ext. 223

Name Frederick Johnson
Address 7921 East Main Road
City, State, Zip LeRoy, NY, 14482
Phone (585) 704 - 4331 Ext. _____ Email jjconstruction@gmail.com

MUNICIPALITY: City Town Village of LeRoy

3. TYPE OF REFERRAL: (Check all applicable items)

- | | | |
|--|--|---|
| <input type="checkbox"/> Area Variance | <input type="checkbox"/> Zoning Map Change | <input type="checkbox"/> Subdivision Proposal |
| <input type="checkbox"/> Use Variance | <input type="checkbox"/> Zoning Text Amendments | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Special Use Permit | <input type="checkbox"/> Comprehensive Plan/Update | <input type="checkbox"/> Final |
| <input checked="" type="checkbox"/> Site Plan Review | <input type="checkbox"/> Other: _____ | |

4. LOCATION OF THE REAL PROPERTY PERTAINING TO THIS REFERRAL:

- A. Full Address 7921 East Main Road
- B. Nearest intersecting road Circular Hill Road
- C. Tax Map Parcel Number 25.-1-22.11
- D. Total area of the property 5.321 Acres Area of property to be disturbed 2000 Sq.ft.
- E. Present zoning district(s) I-1

5. REFERRAL CASE INFORMATION:

- A. Has this referral been previously reviewed by the Genesee County Planning Board?
 NO YES If yes, give date and action taken _____
- B. Special Use Permit and/or Variances refer to the following section(s) of the present zoning ordinance and/or law

- C. Please describe the nature of this request Would like to build a 100' x 200' building for storage of his equipment and offices.

6. ENCLOSURES – Please enclose copy(s) of all appropriate items in regard to this referral

- | | | |
|---|--|--|
| <input type="checkbox"/> Local application | <input type="checkbox"/> Zoning text/map amendments | <input type="checkbox"/> New or updated comprehensive plan |
| <input checked="" type="checkbox"/> Site plan | <input checked="" type="checkbox"/> Location map or tax maps | <input type="checkbox"/> Photos |
| <input type="checkbox"/> Subdivision plot plans | <input type="checkbox"/> Elevation drawings | <input type="checkbox"/> Other: _____ |
| <input checked="" type="checkbox"/> SEQR forms | <input type="checkbox"/> Agricultural data statement | |

7. CONTACT INFORMATION of the person representing the community in filling out this form (required information)

Name Jeff Steinbrenner Title CEO / ZEO Phone (585) 768 - 6910 Ext. 223
Address, City, State, Zip 48 Main Street, LeRoy, NY, 14482 Email code@leroyny.org

617.20
Appendix B
Short Environmental Assessment Form

Instructions for Completing

Part 1 - Project Information. The applicant or project sponsor is responsible for the completion of Part 1. Responses become part of the application for approval or funding, are subject to public review, and may be subject to further verification. Complete Part 1 based on information currently available. If additional research or investigation would be needed to fully respond to any item, please answer as thoroughly as possible based on current information.

Complete all items in Part 1. You may also provide any additional information which you believe will be needed by or useful to the lead agency; attach additional pages as necessary to supplement any item.

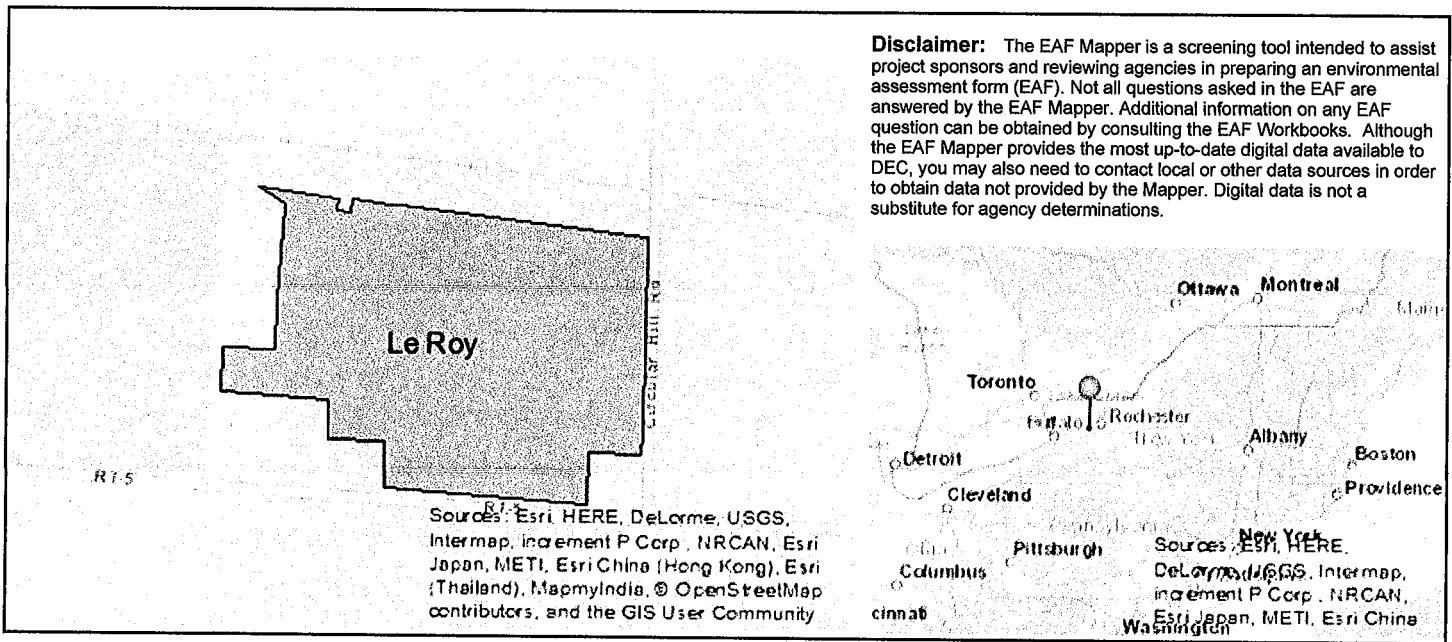
Part 1 - Project and Sponsor Information			
Name of Action or Project: <i>New Shop for Johnson & Johnson Construction, LLC</i>			
Project Location (describe, and attach a location map): <i>Land Separation & Build 100'x200'x20' Building for office shop</i>			
Brief Description of Proposed Action: <i>7921 East Main Rd. LeRoy NY SBL. 25.-1-22.11</i>			
Land Separation of 5.312 acres from SBL 25.-1-22.11 It would Be the South East Corner of the Property. Then Build a Clear span Steel Frame Building for Storage & offices.			
Name of Applicant or Sponsor: <i>Frederick F. Johnson</i>		Telephone: <i>585-704-4331</i>	
		E-Mail: <i>jjconstruction@gmail.com</i>	
Address: <i>9310 Asbury Rd.</i>			
City/PO: <i>LeRoy</i>		State: <i>NY</i>	Zip Code: <i>14482</i>
1. Does the proposed action only involve the legislative adoption of a plan, local law, ordinance, administrative rule, or regulation? If Yes, attach a narrative description of the intent of the proposed action and the environmental resources that may be affected in the municipality and proceed to Part 2. If no, continue to question 2.			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
2. Does the proposed action require a permit, approval or funding from any other governmental Agency? If Yes, list agency(s) name and permit or approval:			NO <input type="checkbox"/> YES <input checked="" type="checkbox"/>
3.a. Total acreage of the site of the proposed action?		<i>.5</i> acres	
b. Total acreage to be physically disturbed?		<i>1.0</i> acres	
c. Total acreage (project site and any contiguous properties) owned or controlled by the applicant or project sponsor?		<i>5.312</i> acres	
4. Check all land uses that occur on, adjoining and near the proposed action.			
<input type="checkbox"/> Urban <input type="checkbox"/> Rural (non-agriculture) <input checked="" type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input checked="" type="checkbox"/> Residential (suburban) <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agriculture <input type="checkbox"/> Aquatic <input type="checkbox"/> Other (specify): _____ <input type="checkbox"/> Parkland			

5. Is the proposed action, a. A permitted use under the zoning regulations?	NO	YES	N/A
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Consistent with the adopted comprehensive plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Is the proposed action consistent with the predominant character of the existing built or natural landscape?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Is the site of the proposed action located in, or does it adjoin, a state listed Critical Environmental Area? If Yes, identify: _____	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
8. a. Will the proposed action result in a substantial increase in traffic above present levels?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Are public transportation service(s) available at or near the site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
c. Are any pedestrian accommodations or bicycle routes available on or near site of the proposed action?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
9. Does the proposed action meet or exceed the state energy code requirements? If the proposed action will exceed requirements, describe design features and technologies: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
10. Will the proposed action connect to an existing public/private water supply? If No, describe method for providing potable water: _____	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Will the proposed action connect to existing wastewater utilities? If No, describe method for providing wastewater treatment: <u>Septic & Leach Field</u>	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
12. a. Does the site contain a structure that is listed on either the State or National Register of Historic Places?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Is the proposed action located in an archeological sensitive area?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
13. a. Does any portion of the site of the proposed action, or lands adjoining the proposed action, contain wetlands or other waterbodies regulated by a federal, state or local agency?	NO	YES	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
b. Would the proposed action physically alter, or encroach into, any existing wetland or waterbody? If Yes, identify the wetland or waterbody and extent of alterations in square feet or acres: _____	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
14. Identify the typical habitat types that occur on, or are likely to be found on the project site. Check all that apply: <input type="checkbox"/> Shoreline <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Agricultural/grasslands <input type="checkbox"/> Early mid-successional <input type="checkbox"/> Wetland <input type="checkbox"/> Urban <input type="checkbox"/> Suburban			
15. Does the site of the proposed action contain any species of animal, or associated habitats, listed by the State or Federal government as threatened or endangered?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
16. Is the project site located in the 100 year flood plain?	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
17. Will the proposed action create storm water discharge, either from point or non-point sources? If Yes, a. Will storm water discharges flow to adjacent properties? <input type="checkbox"/> NO <input type="checkbox"/> YES	NO	YES	
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
b. Will storm water discharges be directed to established conveyance systems (runoff and storm drains)? If Yes, briefly describe: <input type="checkbox"/> NO <input type="checkbox"/> YES			

18. Does the proposed action include construction or other activities that result in the impoundment of water or other liquids (e.g. retention pond, waste lagoon, dam)? If Yes, explain purpose and size: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
19. Has the site of the proposed action or an adjoining property been the location of an active or closed solid waste management facility? If Yes, describe: _____ _____	NO	YES
	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Has the site of the proposed action or an adjoining property been the subject of remediation (ongoing or completed) for hazardous waste? If Yes, describe: _____ _____	NO	YES
	<input type="checkbox"/>	<input checked="" type="checkbox"/>
I AFFIRM THAT THE INFORMATION PROVIDED ABOVE IS TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE		
Applicant/sponsor name: <u>Frederick F Johnson</u>		Date: <u>4/1/16</u>
Signature: <u>Frederick F Johnson</u>		

Part 2 - Impact Assessment. The Lead Agency is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the reviewer. When answering the questions the reviewer should be guided by the concept "Have my responses been reasonable considering the scale and context of the proposed action?"

	No, or small impact may occur	Moderate to large impact may occur
1. Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?	<input type="checkbox"/>	<input type="checkbox"/>
2. Will the proposed action result in a change in the use or intensity of use of land?	<input type="checkbox"/>	<input type="checkbox"/>
3. Will the proposed action impair the character or quality of the existing community?	<input type="checkbox"/>	<input type="checkbox"/>
4. Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?	<input type="checkbox"/>	<input type="checkbox"/>
5. Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?	<input type="checkbox"/>	<input type="checkbox"/>
6. Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?	<input type="checkbox"/>	<input type="checkbox"/>
7. Will the proposed action impact existing: a. public / private water supplies? b. public / private wastewater treatment utilities?	<input type="checkbox"/> <input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
8. Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?	<input type="checkbox"/>	<input type="checkbox"/>
9. Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?	<input type="checkbox"/>	<input type="checkbox"/>



Part 1 / Question 7 [Critical Environmental Area]	No
Part 1 / Question 12a [National Register of Historic Places]	No
Part 1 / Question 12b [Archeological Sites]	Yes
Part 1 / Question 13a [Wetlands or Other Regulated Waterbodies]	Yes - Digital mapping information on local and federal wetlands and waterbodies is known to be incomplete. Refer to EAF Workbook.
Part 1 / Question 15 [Threatened or Endangered Animal]	No
Part 1 / Question 16 [100 Year Flood Plain]	Digital mapping data are not available or are incomplete. Refer to EAF Workbook.
Part 1 / Question 20 [Remediation Site]	Yes



**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: LeRoy Machine Company

Site Code: 819002

Program: State Superfund Program

Classification: N *

EPA ID Number:

Location

DEC Region: 8

Address: 7921 East Main Street

City:Leroy Zip: 14482

County:Genesee

Latitude: 42.98120241

Longitude: -77.95834674

Site Type:

Estimated Size: 1 Acres

Site Owner(s) and Operator(s)

Current Owner Name: LEROY MACHINE

Current Owner(s) Address: 7921 EAST MAIN ST.
LEROY,NY, 14482

Current Owner Name: Leroy Machine Co., Inc.

Current Owner(s) Address: 7921 East Main Street
Leroy,NY, 14482

Owner(s) during disposal: LEROY MACHINE

Current On-Site Operator: LEROY MACHINE

Stated Operator(s) Address: 7021 EAST MAIN ST.
LEROY,NY 14482

Current On-Site Operator: LeRoy Machine Co., Inc.

Stated Operator(s) Address: 7021 East Main Street
LeRoy,NY 14482

Site Description

Lat. 42 58'54"N Long. 77 57' 30" W Flat topography: Rural residential area; nearest dwelling 900 feet Nearest Waterbody: Mud Creek; approx. 2500 feet away LeRoy Machine Company has an inactive landfill which was closed in 1979. An inspection was done at the facility back on August 23, 1983. LeRoy Machine is currently selling their metal filings to a recycler, reprocessing the coolant on-site, and storing the waste oil in an under-ground tank which is pumped out by a recycler periodically. A Phase I Investigation has been completed. A final Phase II Investigation for this site was submitted in the fall of 1989 to the DEC. Contaminants have been found in groundwater in the vicinity of this site. There has been no evidence of hazardous waste disposal at this facility.

Contaminants of Concern (Including Materials Disposed)

Type of Waste Quantity of Waste

solvents	UNKNOWN
STEEL SLAG	33 CUBIC YARDS

Site Environmental Assessment

Groundwater is contaminated in the vicinity of this site, however, no evidence of hazardous waste disposal is associated with this facility.

* **Class N Sites:** "DEC offers this information with the caution that the amount of information provided for Class N sites is highly variable, not necessarily based on any DEC investigation, sometimes of unknown origin, and sometimes is many years old. Due to the preliminary nature of this information, significant conclusions or decisions should not be based solely upon this summary."

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**Department of
Environmental
Conservation**

Environmental Site Remediation Database Search Details

Site Record

Administrative Information

Site Name: Lehigh Valley Railroad Derailment

Site Code: 819014

Program: State Superfund Program

Classification: 02

EPA ID Number:

Location

DEC Region: 8

Address: Gulf Road and Lehigh Valley Railroad Crossing

City: LeRoy Zip: 14482

County: Genesee

Latitude: 42.99226538

Longitude: -77.93303124

Site Type: DUMP

Estimated Size: 1.5 Acres

Site Owner(s) and Operator(s)

Current Owner Name: General Crushed Stone

Current Owner(s) Address: 1609 Sullivan Trail
Easton, PA, 18042

Current Owner Name: Lehigh Valley RR Co./o Penn Central

Current Owner(s) Address: 1 East 4th Street
Cincinnati, OH, 45202

Current Owner Name: Nicholas Swann

Current Owner(s) Address: 228 South Plymouth
Rochester, NY, 14608

Current Owner Name: Northwoods Sportsman Association

Current Owner(s) Address: 8402 Gulf Road
LeRoy, NY, 14482

Current Owner Name: Town of LeRoy

Current Owner(s) Address: Town Hall, 3 West Main Street
LeRoy, NY, 14482

Current Owner Name: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current Owner(s) Address: 8402 GULF ROAD
LEROY, NY, 14482

Current Owner Name: Northwoods Sportsman Association

Current Owner(s) Address: 8402 GULF ROAD
LEROY,NY, 14482

Current Owner Name: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current Owner(s) Address: TOWN HALL, 3 WEST MAIN ST.
LEROY,NY, 14482

Current Owner Name: General Crushed Stone

Current Owner(s) Address: 1609 SULLIVAN TRAIL
EASTON,PA, 18042

Current Owner Name: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current Owner(s) Address: 1609 SULLIVAN TRAIL
EASTON,PA, 18042

Current Owner Name: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current Owner(s) Address: 228 S. PLYMOUTH
ROCHESTER,NY, 14608

Current Owner Name: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current Owner(s) Address: 1 EAST 4TH ST.
CINCINNATI,OH, 45202

Owner(s) during disposal: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Current On-Site Operator: LEHIGH VALLEY R.R. (PRESENTLY CONRAI

Stated Operator(s) Address: 360 DINGEN STREET
BUFFALO,NY 14206

Current On-Site Operator: Lehigh Valley Railroad

Stated Operator(s) Address: 360 Dingens Street
Buffalo,NY 14206

Hazardous Waste Disposal Period

From: 12/6/70 **To:** 12/6/70

Site Description

The Lehigh Valley Railroad Derailment site is the location of a 1970 train derailment and chemical spill (approximately 30,000 gallons of trichloroethene) which occurred east of the Village of LeRoy, along Gulf Road. The area is flat and encompasses the property of the former Knickerbocker Hotel, Gulf Road, the former Lehigh Valley main line railroad bed and several adjoining parcels of land. The site is in a rural setting characterized by mixed industrial, residential and recreational land use types. Large stone quarries (both active and inactive) are located immediately adjacent to the site. Mud Creek, a frequently dry stream bed which carries substantial water flow during flood events, is located approximately 600 feet to the east of the site. Mud Creek has formed a narrow gorge extending roughly one mile northeast from the site to Oatka Creek. Oatka Creek is a New York State designated trout stream. The spill site, at the surface, is approximately 1.5 acres in area and is characterized by soil contaminated with trichloroethene (TCE). Beneath the soil surface in the bedrock, the spill site covers approximately 10 acres and is believed to be characterized by pure, undissolved TCE in the

bedrock. This site is a responsible party funded, EPA lead NPL site. At the end of September 2006 EPA executed an Order with the RP for the performance of the design and construction of the source area (operable Unit #2 (OU#2))remediation and the Supplemental Investigation of the downgradient groundwater plume (OU#3). A VI evaluation was initiated in April 2008; additional samples were collected in February 2009, 9 vapor mitigation systems were installed by the RP in February/March 2010, and the VI evaluation is ongoing. Groundwater sampling was conducted during 2008 as a part of the OU#3 RI. The OU#2 RD Work Plan was approved by the EPA in December 2009. (updated 4/10)

Contaminants of Concern (Including Materials Disposed)

Type of Waste	Quantity of Waste
CYANIDE	(MATERIAL RECOVERED)
TRICHLOROETHYLENE (TCE)	30,000 GALLONS

Site Environmental Assessment

The primary contaminant of concern at the site is TCE. Exceedances of standards, criteria, and guidance (SCGs) include TCE in the subsurface soil/ bedrock as well as in the groundwater; there were a limited number of exceedances in surface water and stream sediments near the site. Groundwater contamination at the Lehigh Valley site is far more widespread than what is commonly found at most other inactive hazardous waste sites in New York State. This is due to a combination of the large volume of spilled material (roughly 30,000 gallons) and the geologic setting of the site. Contaminated groundwater has migrated away from the site and formed a plume of contamination which reaches at least as far as Spring Street in the Village of Caledonia, three and a half miles to the east. The site is now a responsible party funded NPL, EPA-lead site.

Site Health Assessment

Thirty-eight drinking water wells were contaminated with trichloroethene above the NYSDOH drinking water standard. All thirty-eight wells were provided with a carbon treatment system to remove contamination until 2003 when public water was provided to these and "threatened" wells. To assist in evaluating the exposure which may have occurred at the site, a health survey questionnaire was sent to residential locations where water samples had been collected. The results of this survey did not find any statistically significant differences between those exposed to contaminated drinking water and the unexposed group. Long-term groundwater monitoring is necessary to ensure that additional private wells do not become contaminated. In addition, the NYSDOH, NYSDEC, and the US Environmental Protection Agency will oversee additional

investigations by the responsible parties to investigate the potential for soil vapor intrusion into structures in the area. Also, contaminated soils at the spill site will be remediated to eliminate possible direct contact exposures.

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REPUTED OWNER
**INDUSTRIAL SOLUTIONS
 GROUP LLC**
 L-851, P-289

Leach Field

VACANT
 5.321±Ac.

New Shop
 100' x 200' x 20'

REPUTED OWNER
**DUZMOR
 PAINTING INC.**
 L-667, P-13
 FORMERLY
 L-298, P-245

PERRY ROAD (66.0' WIDE)
 (CIRCULAR HILL ROAD)

LEROY-CALEDONIA HIGHWAY (EAST MAIN ROAD) (MAIN STREET) (NIAGARA ROAD) (99.0' WIDE)

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NOTE: THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE AND IS SUBJECT TO ANY STATE OF FACTS THAT MAY BE REVEALED BY AN EXAMINATION OF SUCH.

NOTE: UNAUTHORIZED ALTERATION OR ADDITION TO THIS SURVEY IS A VIOLATION OF SECTION 7206, PROVISION 2 OF THE NEW YORK STATE EDUCATION LAW.

McINTOSH & McINTOSH, P.C.
 CONSULTING ENGINEERS, LAND SURVEYORS, PLANNERS
 429 PINE STREET, LOCKPORT, NEW YORK 14094
 PHONE 433-2535 PHONE 625-8360

SURVEY OF PART OF LOT-22, TWP.-1, R.-2, PHELPS & GORHAM PURCHASE
 LOCATION TOWN OF LEROY, GENESEE COUNTY, NEW YORK

JOB No. **B-2438-C** SCALE: **1" = 60'** DATE: **FEBRUARY 11, 2016**

DRAWN	MAS
COLOR	GLV
DESC.	
CADFILE	B2438C.DWG

T-01-LEROY-4-16



03/31/2013

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