

RESOLUTION OF APPROVAL
FOR
WARRINER PLUMBING & HEATING
SITE PLAN & SPECIAL USE PERMIT

PLANNING BOARD PROJECT No. 2021-11

Nature of Application

Warriner Plumbing & Heating (the "Applicant") proposes the construction of a 55,600 square foot building with a mix of warehouse and office use (the "Project"). A similar project was previously reviewed and approved (NWPB#09-17) with a filed approval granted on 20 July 2015. That approval has since expired and the Applicant is seeking re-approval of the previously approved plans. This Application was reviewed at the September 22, 2021, November 15, 2021, January 26, 2022, June 8, 2022 and June 28, 2023 Planning Board meetings. The Application requires site plan amendment and special use permit approval.

Property Involved

The property consists of 3.70 +/- acres of land and is comprised of one (1) tax map parcel located at 150 Wembly Road, identified on the tax map as section 4, block 3, and lot 17.12 (SBL 4-3-17.12) in the Town of New Windsor.

Zoning District

The properties affected by this resolution is located in the PI zoning district of the Town of New Windsor.

Plans

The Site Plan materials being considered consist of the following:

1. Completed application forms and Environmental Assessment Form.
2. Plans prepared by Atzl, Nasher & Zigler, P.C., dated November 15, 2012, and consisting of the following sheets:

<i><u>Author</u></i>	<i><u>Title</u></i>	<i><u>Last Revision Date</u></i>
Atzl, Nasher & Zigler, P.C.	Site Plan	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Existing Condition	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Grading Plan	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Erosion Control Plan	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Details	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Lighting Plan	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Drainage Profile and Detail	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Drainage Profile and Detail	June 16, 2022
Atzl, Nasher & Zigler, P.C.	Planting Plan	March 18, 2014

History

Public Hearing

The Planning Board held the mandatory public hearing on this application on January 26, 2022.

SEQRA

Type of Action:

This matter constitutes an unlisted action under the State Environmental Quality Review Act.

Determination of Significance:

The Planning Board adopted a SEQRA negative declaration on the prior application for this Project on July 9, 2014. The Board reaffirmed its prior negative declaration for the Project at its June 8, 2023 meeting.

GML 239 Referral

This application was referred to the Orange County Planning Department for review pursuant to GML §§ 239-l, m or n. The Orange County Planning Department responded with a recommendation for local determination.

Findings

The Planning Board determined that the application meets the requirements of Town of New Windsor Town Code Chapter 300 (Zoning), including the elements of Section 300-86 (B) and 300-87(A) as follows:

In approving this use, the issuing Board has taken into consideration the public health, safety and welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and hereby prescribes the conditions and safeguards set forth below so that the result of its action shall, to the maximum extent possible, further the expressed intent of this chapter and the accomplishment of the following objectives in particular:

1. That all proposed structures, equipment or material will be readily accessible for fire and police protection.
2. That the proposed use is of such location, size and character that, in general, it will be in harmony with the appropriate and orderly development of the district in which it is proposed to be situated and will not be detrimental to the orderly development of adjacent properties in accordance with the zoning classification of such properties.
3. That, in addition to the above, in the case of any use located in or directly adjacent to a residential district:

- a. The location and size of such use, the nature and intensity of operations involved in or in connection therewith, its site layout and its relation to access streets are such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection therewith will not be hazardous or inconvenient to nor conflict with the normal traffic of the neighborhood.
- b. The location and height of buildings, the location, nature and height of walls and fences and the nature and extent of landscaping on the site will be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the proposed site plan and special use permit as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or her designee) is authorized to sign the site plan upon satisfaction of those conditions below noted.

Special Conditions

Plan Revisions

1. The Applicant shall revise the plans to address any and all outstanding comments from the Planning Board and its consultants, if required.

Outside Agency Approvals

2. The Applicant shall obtain all outside agency approvals required for the Project, including but not limited to all permits and approvals identified in the EAF for the Project.

Sewer Connection

3. The Applicant avers that it has the right to connect a sanitary sewer lateral to a private sewer lift station located on an adjacent private parcel. The Applicant shall provide the written consent from the owner of the private sewer lift station for that connection.
4. The Applicant shall demonstrate to satisfaction of the Town Engineer that the existing private sewer lift station on the adjacent parcel is sufficient to

accept the additional wastewater generated by the Project.

5. The Applicant shall obtain all other permits and approvals necessary for the connection of the sanitary sewer lateral to the private lift station, if required.

Outdoor Fixtures & Amenities

6. This site plan approval allows construction of only that which is shown on the plans identified above. No amenities or accessory structures or outdoor fixtures—including but not limited to walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.
7. The applicant shall submit a Public Improvement Bond Estimate for key site improvements to the Engineer for the Planning Board for review, and subsequent approval to the Town Board, in accordance with Chapter 137 of the New Windsor Town Code

Narrative as Limit of Use

8. This approval is for the construction of a 55,600 square foot building with a mix of warehouse and office use. This site plan approval shall serve as the outer limit of all of the activities that can be carried out on the site without amended approval being sought and granted. In the event that other uses, including but not limited to any retail sales, are proposed in the future then the Applicant shall be required, pursuant to Section 300-86, to return to the planning board for amended site plan approval.

General Conditions

This approval is conditioned upon the applicant submitting all necessary copies of the plans to be signed, including mylars when required, to the Town of New Windsor Building Department within one hundred eighty days of the date of this approval. A full set of the plans to be signed shall simultaneously be submitted to MHE. The plat shall not be signed until MHE has reported to the Chair that all conditions of this resolution required to be satisfied before the plat can be signed have, in fact, been satisfied.

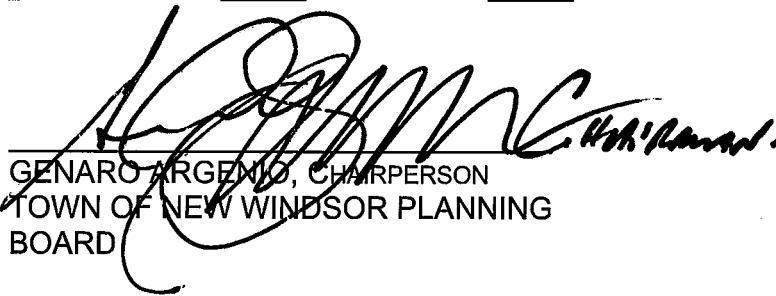
This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid. The plat shall not be signed until proof, satisfactory to the Chair, has been presented showing that all such fees have been paid and escrow deposits made.

The applicant shall submit proof of satisfaction of the foregoing conditions and submit a plan for signature within 360 days of the date of this resolution pursuant to the Town of New Windsor Zoning Law § 300-86(F). This approval will expire on June 23, 2024; further extensions may be granted upon prior written application to the Planning Board and for good cause shown

A FAILURE to comply with the general conditions immediately above in a timely manner shall result, without further action, in a lapsing of this approval.

In Favor 5 Against Abstain Absent

Dated: June 28, 2023


GENARO ARGENTO, CHAIRPERSON
TOWN OF NEW WINDSOR PLANNING
BOARD

Patricia Clarino
I, ~~KELLY ALLEGRA~~, Clerk of the Town of New Windsor, do hereby certify
that the foregoing Resolution was filed in the Office of the Town Clerk on
January 25th, 2024.

Patricia Clarino
~~KELLY ALLEGRA~~, CLERK Patricia Clarino
TOWN OF NEW WINDSOR