

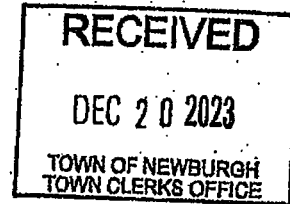
RESOLUTION OF CONDITIONAL FINAL

SITE PLAN APPROVAL

FOR

FABULOUS EVENTS

PROJECT # 2022-23



Nature of Application

Fabulous Events, Inc. (the "Applicant") is the applicant for the development of real property located along NYS Route 32 in the Town of Newburgh, Orange County, New York (Tax Map Parcels Section 34, Block 2, Lots 25.2, 54, 74, 76, and 77) (the "Property" or "Site"). The Property is located in the Town's Business (B) zoning district. The proposed project consists of a 56,000 square foot building to be utilized as an office, showroom, repair area, staging and storage areas facility on a 5.24 +/- acre combined parcel of property (the "Project"). The Project is permitted within the B Zoning District with Planning Board approval.

The Applicant applied for site plan and architectural review board approval for the Project.

Plans & Materials

The materials considered consist of the following:

1. Site plan application forms and related documents; and
2. Plans prepared for the Project as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Lanc & Tully Engineering &	Existing Conditions	September 28, 2023

Surveying, P.C.		
Lanc & Tully Engineering & Surveying, P.C.	Lot Consolidation Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Site Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Grading & Utility Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	NYS DOT Entrance Plan & Details	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Sewage Disposal System Design & Details	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Erosion & Sediment Control Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Erosion & Sediment Control Details	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Tree Removal Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Landscape Plan	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Landscape Plan 2	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Landscape Plan 3	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Landscaping and Lighting Details	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Construction Details 1	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Construction Details 2	September 28, 2023
Lanc & Tully Engineering & Surveying, P.C.	Construction Details 3	September 28, 2023

History

Public Hearing

The discretionary public hearing on this application was waived by the Planning Board on September 21, 2023 due to the primarily commercial development in the area of the Project, in accordance with Town of Newburgh Zoning Law § 185-57(K).

SEQRA

The Planning Board of the Town of Newburgh, serving as SEQRA Lead Agency, determined that the Proposed Action is an Unlisted Action under SEQRA. The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, including the clearing and grading of the site, and concluded that the proposed action will not create any significant adverse environmental impacts and an environmental impact statement will not be prepared. The Planning Board adopted a Negative Declaration on September 21, 2023.

GML 239 Referral

The application for site plan approval met the requirements for referral to the Orange County Planning Department for its review and recommendations pursuant to New York General Municipal Law §§ 239-l, m and n. The Orange County Planning Department provided its comments to the Planning Board. The Orange County Planning Department recommended a local determination regarding the Project.

Findings

The Planning Board determined that the application meets the requirements of Town of Newburgh Town Code, including Chapter 185 (Zoning), including the elements of Section 185-57 (H) and Article X (Architectural Review Board) of the Town of Newburgh Zoning Law, and hereby makes the following findings:

1. The Planning Board has taken into consideration the public health, safety and general welfare and the comfort and convenience of the public in general and of the residents of the immediate neighborhood in particular and may attach reasonable conditions and safeguards as a condition to its approval.

2. That all proposed structures, equipment or material shall be readily accessible for fire and police protection.

3. That the proposed use shall be 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 classifications of such properties.

4. 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 conducted in connection therewith, its layout on the site and its relation to access streets shall be 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 or incongruous with said residential district or conflict with the normal traffic of the neighborhood.

b. The location and height of buildings, the location, materials and height of any walls and fences and the types and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve the proposed site plan and authorizes the chairman to sign the site plan upon satisfaction of the conditions noted below.

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 coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage, and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.

3. The Applicant shall obtain conceptual approval and authorization from the NYSDOT for access and utilities prior to the signing of the Site Plan. The Applicant shall obtain the Highway Work Permit for such work prior to the issuance of any building permit for the Project.

Stormwater

4. The Applicant shall obtain coverage under the NYSDEC General Permit for Stormwater Discharges for Construction Activities in effect at the time that the Applicant obtains such coverage (the "SPDES General Permit"), and proof of coverage shall be provided to the Planning Board prior to the release of the signed plan.
5. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon the Town Board's approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.
6. Prior to the signing of plans the Applicant shall deliver a performance security to the Town Clerk, pursuant to Section 157-10 (B) of the Code of Ordinances of the Town of Newburgh, in order to guarantee to the town that the Applicant will faithfully cause to be constructed and completed the required public stormwater improvements shown on the plans. The performance security shall be in an amount set by the Town Board and shall be satisfactory to the Town Board and Town Attorney as to form, sufficiency, manner of execution and surety. A period of three (3) years shall be set forth in the document of surety within which required improvements must be completed. An inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be paid to the Town prior to signing of the plans. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall also be submitted and deposited in an escrow account to cover the cost of the Town's periodic inspection of the erosion control measures to be implemented by the Applicant.

Water

7. The Applicant shall obtain approval from the Orange County Department of Health for the water main extension, if required.
8. The Applicant shall obtain approval from the Town of Newburgh Water Department for potable water and fire flow connections.
9. The Applicant shall obtain approval from Town Engineer's office and Code and Building Departments regarding the design of fire protection systems.
10. An inspection fee for the required water main extension, if required, in an amount in accordance with Section 179 of the Code of Ordinances of the Town of Newburgh shall be paid to the Town prior to signing of the plans.

11. The Applicant shall submit a complete set of fire protection/water storage/fire pump design drawings to the Town of Newburgh representatives for their review and approval.

Landscape Security & Inspection Fee

12. Pursuant to 185-57 (L), together with 163-9 (B) [incorporated therein by reference], as well as 185-50 (D), this approval shall be subject to the applicant posting, with the Town Clerk, a performance security, in an amount recommended by the Town's Landscape Architect in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety. The bond shall recite that all improvements secured thereby shall be completed within three year(s) of this approval and maintained for a period of two years thereafter. The Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. A separate inspection fee in an amount in accordance with Section 104-2 (A)(8) shall be submitted and deposited in an escrow account to cover the cost of the Town's Landscape Architect services. The Applicant shall be required to pay the required landscaping security and inspection fee to the town before the plans are signed.

Tree Preservation and Protection Law Compliance Required

13. The Applicant shall comply with all requirements of Chapter 172 of the Town Code of the Town of Newburgh (Tree Preservation and Protection).

Architectural Review Board Approval

14. The Applicant shall submit architectural and signage drawings to the Planning Board for their review and approval.
15. No building permit shall be issued authorizing construction of structures inconsistent with the architectural renderings submitted to, and approved by, the Architectural Review Board as part of this approval, nor shall any certificate of occupancy be issued for any structures constructed except in conformance with such renderings. Karen Arent, the Town's Landscape Architect, shall review the building plans when submitted to the Building Department in order to insure compliance with the approved architectural renderings. Karen Arent, the Town's Landscape Architect, shall also inspect the work before a certificate of occupancy is issued to insure compliance with the approved architectural renderings.

Outdoor Fixtures & Amenities

16. 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.

17. No signage for the building or any separate standalone monument or pylon sign has been approved at this time.

Lot Consolidation

18. The Applicant shall file the lot consolidation plan with the Orange County Clerk's Office.

SEQRA Mitigation Measures

19. Each and every mitigation measure identified in the SEQRA Negative Declaration previously adopted for this Project shall be undertaken by the Applicant, and are conditions of this approval as though set forth fully herein, including the limitation on the timing of tree clearing to avoid impacts to any protected bat species.

Narrative as Limit of Use

20. This approval is for the construction and operation of one 56,000 square feet building to be utilized as an office, showroom, repair area, staging and storage areas facility on a 5.24 +/- acre combined parcel of property, together with related amenities as shown on the Site Plan and the scope and contour of the proposal is described on the site plans enumerated above. Warehouses uses are not allowed in the B zoning district, and this Project is not approved for use as a warehouse as a primary use of the site. 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 are proposed in the future then the Applicant shall be required, pursuant to Section 185-57 (B), 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 Newburgh Building Department. A full set of the plans to be signed shall simultaneously be submitted to the Planning Board Engineer. The plans shall not be signed until the Planning Board Engineer has reported to the Chair that all conditions of this resolution required to be satisfied before the plans can be signed have, in fact, been satisfied.

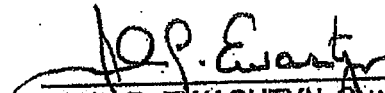
This approval is further conditioned upon the Applicant delivering (prior to signing of the plans) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this Project have been fully paid. The Applicant shall also be required to deliver proof that all required Public Improvement, Erosion Control and Landscaping inspection fees and escrow have been deposited with the Town. The plans shall not be signed until proof, satisfactory to the Chair, has been presented showing that all fees have been paid and all escrow deposits made.

Approval of this site plan shall, pursuant to Section 185-58 (e) of the Zoning Ordinance, be valid for two years from the date this resolution is filed in the office of the Town Clerk, after which time this approval shall be null and void unless a building permit has been issued. If no building permit has been issued within that time, the plan must be resubmitted to the Planning Board for approval. If there is not substantial change in the condition of the site, and/or its environs and/or the zoning requirements, site plan approval may be extended by the Planning Board for one year.

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

In Favor 7 Against Abstain Absent

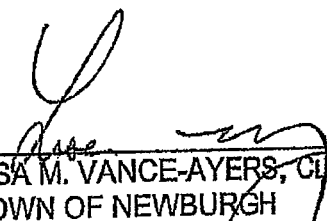
Dated: October 5, 2023



JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

I, LISA M. VANCE-AYERS, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on

12/20/2023



LISA M. VANCE-AYERS, CLERK
TOWN OF NEWBURGH