

# RESOLUTION OF SITE PLAN APPROVAL

FOR

## HILLSIDE LAND DEVELOPMENT

*PROJECT # 2022-27*

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### **Nature of Application**

Hillside Land Development, Inc. (the “Applicant”) proposes a 26,000 square foot warehouse and related site improvements on property located at 24 Jeanne Drive (the “Project”). The Project requires site plan approval.

### **Property Involved**

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcels 34-2-66 and is located at 24 Jeanne Drive (the “Property”).

### **Zoning District**

The Property affected by this resolution is located in the IB zoning district of the Town of Newburgh.

### **Plans**

The Site Plan materials considered consist of the following:

1. Completed application forms.
2. Plans prepared for Hillside Land Development, Inc. as follows:

<i>Author</i>	<i>Title</i>	<i>Last Revision Date</i>
Fellenzer Engineering, LLP	Title Sheet	May 30, 2023

Fellenzer Engineering, LLP	General Notes Sheet	May 30, 2023
Fellenzer Engineering, LLP	Existing Conditions	May 30, 2023
Fellenzer Engineering, LLP	Site Plan	May 30, 2023
Fellenzer Engineering, LLP	Pre-Development Stormwater Basins	May 30, 2023
Fellenzer Engineering, LLP	Stormwater Plan	May 30, 2023
Fellenzer Engineering, LLP	Landscaping Plan & Erosion & Sediment Control Plan	May 30, 2023
Fellenzer Engineering, LLP	Details	May 30, 2023
Fellenzer Engineering, LLP	Details	May 30, 2023
Fellenzer Engineering, LLP	Details	May 30, 2023

## **History**

### ***Public Hearing***

The discretionary public hearing on this application was waived by the Planning Board on June 15, 2023.

### ***SEQRA***

#### ***Type of Action:***

This matter constitutes a Unlisted Action under the State Environmental Quality Review Act (“SEQRA”).

#### ***Lead Agency:***

The Town of Newburgh Planning Board is the lead agency conducting a coordinated review in regard to this action.

#### ***Declaration of Significance:***

The Planning Board of the Town of Newburgh, serving as SEQRA Lead Agency in a coordinated review, determined that the Proposed Action is a Unlisted Action under SEQRA. The Planning Board, acting as lead agency, conducted a detailed environmental review of the proposed action, 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 June 15, 2023.

### **GML 239 Referral**

This application was not required to be referred to the Orange County Planning Department for review and report pursuant to New York General Municipal Law §§ 239 l, m, and n.

### **Findings**

The Planning Board has determined that, in accordance with Town of Newburgh Zoning Law § 185-57(C), approval of the site plan is warranted. will substantially serve the public convenience, safety and welfare; and will not otherwise be unduly detrimental to the public health, safety, comfort convenience or welfare, subject to compliance with conditions hereinafter imposed pursuant to Section 185-57 (H) and Article XVII of the Town of Newburgh Zoning Law.

### **Resolution of Approval**

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to grant site plan and architectural review board approval as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairman (or his designee) is authorized to sign the plan upon satisfaction of those conditions below noted to be conditions precedent to such signing.

## **Special Conditions**

### **Outside Agency Approvals**

1. 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 and as outlined herein.
2. The Applicant shall secure the variances required for the signage from the Town of Newburgh Zoning Board of Appeals.

### **Stormwater**

3. 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.
4. The Applicant shall prepare and submit a Stormwater Facilities Maintenance Agreement to the Town Attorney and the Town Engineer for their review, and upon Town Board approval, shall execute and record the agreement with Orange County Clerk's Office, and provide proof of such recording.
5. Prior to the signing of plans or issuance of a building permit, 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 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.

### **Landscape Security & Inspection Fee**

6. 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 or any building permits are issued.

#### Architectural Review Board

7. 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 ensure 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 ensure compliance with the approved architectural renderings.

#### Outdoor Fixtures & Amenities

8. 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.

#### SEQRA Mitigation Measures

9. Each and every mitigation measure identified in the 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.

#### Narrative as Limit of Use

10. This approval is for the construction and operation of a new 26,000 square

foot warehouse with related amenities as shown on the site plan. 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 then the Applicant shall be required, pursuant to Section 185-57 (B), to return to the Planning Board for amended site plan approval.

Engineering Compliance Required

11. The final site plan submission must address all of the outstanding issues raised in the various memos (both past and future) of the Town Engineer and the Town's Traffic Consultant.

Tree Preservation and Protection Law Compliance Required

12. The Applicant shall comply with all requirements of Chapter 172 of the Town Code of the Town of Newburgh (Tree Preservation and Protection). The Tree Protection Plan must be updated to identify the trees as protected and/or significant. 75% of the protected trees are allowed to be removed. Significant trees must be addressed per the Tree Preservation and Protection Law.

**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 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 plans shall not be signed until MHE has reported to the Chair that all conditions of this resolution required to be satisfied before the site plans can be signed have, in fact, been satisfied.

Any request for an extension of this Resolution of Approval provided herein must be submitted in writing no later than the deadline date for submission for the Planning Board meeting preceding the date of expiration of this approval so that the request can be considered by the Planning Board prior to the expiration of the

approval.

ANY 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   6   Against        Abstain        Absent   1  

Dated: June 15, 2023

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JOHN P. EWASUTYN, CHAIRPERSON  
TOWN OF NEWBURGH PLANNING BOARD

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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 \_\_\_\_\_.

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LISA M. VANCE-AYERS, CLERK  
TOWN OF NEWBURGH