

RESOLUTION OF APPROVAL

SITE PLAN

ARB

FOR

BC&N CARPET ONE

Nature of Application

BC&N Carpet One has applied for approval of a Site Plan permitting the use of the property identified herein for a carpet - flooring showroom with accessory office and warehouse space.

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Newburgh as parcel(s) 60-3-14.2.

Zoning District

The property affected by this resolution is located in the B zoning district of the Town of Newburgh.

Plans

The Site Plan materials considered consist of the following:

1. Completed application form and Environmental Assessment Form.

2. Plans prepared for BC&N Carpet One as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
Vincent J. Doce Associates	Site Plan – Lands of BC&N Carpet One	April 20, 2005
Vincent J. Doce Associates	Utility, Grading & Drainage Plan – For BC&N Carpet One	April 22, 2005
Vincent J. Doce Associates	Detail Sheet for BC&N Carpet One	April 22, 2005
Vincent J. Doce Associates	Detail Sheet for BC&N Carpet One	February 16, 2005

History

Date of Application

The application was filed with the Planning Board on April 5, 2004.

Public Hearing

A public hearing on this application has been waived.

SEQRA

Type of Action:

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

Lead Agency:

The Town of Newburgh Planning Board is the lead agency in regard to this action. The Planning Board's status as lead agency was established on May 6, 2004.

Declaration of Significance:

A negative declaration was issued on April 21, 2005.

GML 239 Referral

This application is not required to be referred to the Orange County Planning Department for review.

Findings

The Planning Board has determined that approval of the Site Plan 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 in full with conditions hereinafter imposed pursuant to Section 185-57 (H).

ARB Findings

The Planning Board has further determined, in its capacity as Architectural Review Board, that the renderings submitted and approved on May 5, 2005 are architecturally appropriate and blend into the existing character of the neighborhood. Said renderings are hereby approved. A copy of said renderings, signed by the Chair simultaneously with this resolution are on file in the Building Inspector's office. No building permit nor certificate of occupancy shall be issued except for structures consistent with these renderings.

Resolution of Approval

NOW, THEREFORE, THE PLANNING BOARD RESOLVES to approve this Site Plan as said proposal is depicted on the plans identified above and upon the conditions outlined below, and the Chairperson (or his designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. Proof that an easement agreement sufficient to allow the proposed shared access exists of record must be submitted. The Planning Board Attorney must approve the form of that agreement before the plans are signed.
2. This approval is subject to review and approval of the Route 52 driveway utilization by the New York State Department of Transportation in substantially the same location and configuration as shown on the plans. Should the New York State Department of Transportation require changes in either the location or configuration from what is shown on the plans, the applicant must return to the planning board for further review.
3. 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 the total recommended amount of \$19,121.00 in order to secure timely completion and appropriate maintenance of the landscaping improvements depicted on the plans (together with an escrow deposit to cover the cost of inspection of such improvements), 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. Karen Arent, the Town's Landscape Architect, is hereby authorized to periodically inspect the site in order to insure compliance with this condition. The applicant shall be

required to deposit with the Town of Newburgh, in addition to the amount of the landscape bond, the required landscaping inspection fees and escrow before the plans are signed or any building permits are issued.

4. 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.

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 Garling Associates. The plans shall not be signed until Garling Associates 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 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.

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.

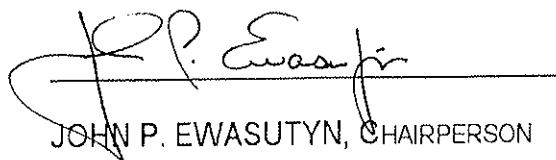
SUBDIVISION & SITE PLAN

In Favor 6 Against 0 Abstain 0 Absent 1

ARB

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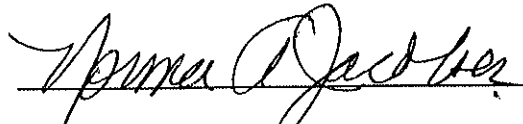
Dated: May 5, 2005



JOHN P. EWASUTYN, CHAIRPERSON
TOWN OF NEWBURGH PLANNING BOARD

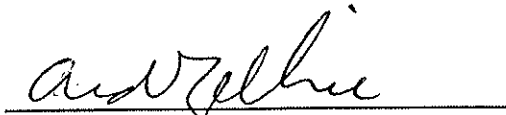
STATE OF NEW YORK)
)ss:
COUNTY OF ORANGE)

I, NORMA JACOBSEN, Secretary to the Planning Board of the Town of Newburgh, do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Planning Board at a meeting of said Board held on May 5, 2005.



NORMA JACOBSEN, SECRETARY
TOWN OF NEWBURGH PLANNING BOARD

I, ANDREW J. ZARUTSKIE, Clerk of the Town of Newburgh, do hereby certify that the foregoing Resolution was filed in the Office of the Town Clerk on JUNE 14, 2005.



ANDREW J. ZARUTSKIE, CLERK
TOWN OF NEWBURGH