

RESOLUTION PB-01 OF 2014
RE-APPROVAL OF A SITE PLAN ENTITLED
“EXECUTIVE ENTERPRISES G.P.”

WHEREAS, on or about January 11, 2011, as based upon Planning Board approval of a revised site plan on that date entitled: Executive Enterprise G.P., for the parcel located on the south side of Executive Boulevard and being known as 55.07-1-9 on the Tax Map of the Town of Ramapo, said plan was signed and filed, commencing the eighteen month clock within which work must begin; and

WHEREAS, since said approval expired, and there is no provision in the Village Code or the New York State Village Law by which such can be extended, the owner, Executive Enterprises G.P., filed for re-approval on October 13, 2013 in an application dated October 4, 2013; and

WHEREAS, the matter was considered by CDRC on October 29, 2013 and November 26, 2013 and by the Planning Board on November 12, 2013 at which meeting it was determined that a Public Hearing should be held by the Planning Board, and that by virtue of Section 195.108(F), the previously approved variances had expired also necessitating a re-hearing by the Zoning Board of Appeals; and

WHEREAS, said Applicant seeks re-approval of the set of plans approved as afore-disclosed, and asserts that no changes have occurred in the vicinity of the project to warrant a fresh look at any aspect of same, including the review under SEQRA, except that the site plan is amended to add two emergency generators on pads, and to permit more phasing options; and

WHEREAS, a public hearing was scheduled and was held on December 10, 2013, after determination of due notice, and continued to the January 14, 2014 awaiting a Zoning Board of Appeals action and was continued to February 11, 2014 primarily to resolve a height discrepancy which in the interim necessitated further consideration by the CDRC on January 28, 2014 ; and

WHEREAS, the applicant was represented by Michael Klein, Esq. and the following documents were placed into the record and duly considered:

Application; Narrative Summary dated November 25, 2013; site plan drawings dated 5/16/07 with a latest revision date of 10/17/13; Building Inspector's memorandum dated December 19, 2013; Village Engineer's memoranda dated 12/9/13 and 2/10/14; NYS Thruway Authority letter of December 9, 2013, containing no objections; GML 239 Review of the Rockland County Planning Department dated November 27, 2013; phasing plan; photo-geometrics of building façade; and, tentative landscaping plan; Elevations drawing #A-201, Roof Plan #A-105 and Roof and Penthouse details #A-106 dated April 29, 2008 with a latest revision date of April 9, 2013; Warshauer-Mellusi-Warshauer Architect's letters dated January 16 and 31, 2014; scaled façade drawings Elevations #A-201 and Building and Atrium Sections #A-301 dated April 29, 2008 with a latest revision date of April 9, 2013; Village Planner's memorandum dated February 11, 2014; and:

WHEREAS, testimony of the following persons was duly considered at the Public Hearings:

For the applicant:

Michael Klein, Esq.
David Klein, Esq.
John Jovan, Project Manager
Glenn McCreedy, Engineer
Vincent J. Mellusi, Architect; and

For the Public:

Amy Rapoport, 5 Kings Gate Road, Montebello, New York 10901; and

WHEREAS, the Village Engineer, Martin Spence, has reviewed said application, and in his reports dated December 9, 2013 and February 10, 2014 listed all plans received, indicated that such appear consistent with the prior approval and the Planning Board's further comments and conditions; and

WHEREAS, the Village Planner, Robert Geneslaw, has reviewed said application, and in his report dated February 11, 2014 listed all plans received, indicated that such appear consistent with the prior approval and the Planning Board's further comments and conditions; and

WHEREAS, the proposed action is an unlisted action under the regulations promulgated pursuant to the New York State Environmental Quality Review Act, and a negative declaration previously granted by the Planning Board as Lead Agency on March 11, 2008, and the Planning Board continued its Public Hearing on the re-approval application to await the results of consideration of the Zoning Board of Appeals of this application; and

WHEREAS, the parcels most directly affected by the Application are those also on Executive Boulevard, which are directly or indirectly owned by the Applicant; and

WHEREAS, the Board freely discussed the matter in public after hearing from the Applicant and from the Village Planner, Village Engineer and Village Attorney; and

WHEREAS, the Planning Board has duly considered the discussion and views expressed therein, the Application, itself, and the reaction of the Village Planner and Village Engineer and deliberated in public; and

WHEREAS, the Planning Board request for photo-geometrics and sound generation information has been met; and

WHEREAS, the resolution of the Zoning Board of Appeals dated December 19, 2013 approved the variances, and has been included in the record.

THEREFORE, BE IT RESOLVED, as follows:

1. That there appears to be no change in condition that has occurred warranting a fresh review of environmental conditions under SEQRA, and the Planning Board so finds as per the recommendation of the Villager Planner, after being assured that the sound generated by the emergency generators will not be problematic at times of emergency, and that separate fuel tanks are not involved.

2. That the site plan be and hereby is approved, and the Chairman may sign same for the Planning Board according to the usual protocol and procedures, but subject to the following conditions and corrections:

- a) A master sign plan will need a separate application to the Planning Board for approval.
- b) Map Note 36 shall reflect the change, necessitated by a change in the State Building Code regarding stairways and elevator sizes, to read "area shall not exceed 300SF".

MOTION: Member Thomas Ternquist

SECOND: Member Michael Iatropoulos

MEMBERS PRESENT:

Anthony Caridi, Chairman
Michael Iatropoulos, Member
Thomas Ternquist, Member
Donald Wanamaker, Member

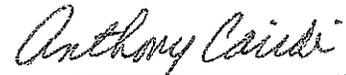
YEA or NAY

Aye
Aye
Aye
Aye

MEMBERS ABSENT:

Jane Burke, Vice Chairman
Steven Beldock, Member

Upon vote, the Resolution carried unanimously by those present, 4-0.



Anthony Caridi, Chairman

Dated: 3/11/14

FILED

MAR 11 2014

VILLAGE OF MONTEBELLO