THE REGULAR MEETING OF THE ZONING BOARD OF APPEALS OF THE VILLAGE OF MONTEBELLO WAS HELD ON THURSDAY, DECEMBER 19, 2O13 AT THE MONTEBELLO COMMUNITY CENTER. THE MEETING WAS CALLED TO ORDER AT 7:50 P.M. FOLLOWED BY THE PLEDGE OF ALLEGIANCE.

Present:	Rodney Gittens	Chairman
	Janet Gigante	Member
	Alice DiSanto	Member
	Stan Shipley	Member
	Jack Barbera	Member
	Scott Goldstein	Member
Others Present:	Warren Berbit	Village Attorney
	Gloria Scalisi	Planning & Zoning Clerk

Member DiSanto made a motion to approve the minutes of July 18, 2013, seconded by Member Gigante. Upon vote, the motion carried unanimously.

Executive Enterprises GP
9 Executive Boulevard
55.07-1-9
Public Hearing

> Application of Executive Enterprises GP, 9 Executive Boulevard, Montebello, New York, 10901 which was submitted to the Village of Montebello Zoning Board of Appeals for Area Variances; Front Yard column 5 [Required: 15Feet; Proposed: 13Feet]; Side Yard column 8 [Required: 30Feet; Proposed: 9Feet]; Rear Yard column 10 [Required: 30Feet; Proposed: 6Feet]; Maximum Height column 12 [Required: 35feet; Proposed: 45Feet] from requirement of the Bulk Table, Section 195-13, of the Zoning Code of the Village of Montebello to permit construction, maintenance, and use of two 48,000 square foot office buildings. The total acreage for the parcel is 5.59 acres. The property is located on the south side of Executive Boulevard, approximately 1,500 feet west of the intersection of North Airmont Road in the Village of Montebello, which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lot 9 in an LO Zone.

In attendance was the Applicant's attorney, Mr. Michael Klein, the Applicant's project manager, Mr. John Jovan and the Applicant's surveyor Mr. Glenn McCreedy.

Chairman Gittens entered into the record the 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 memorandum dated 12/9/13; NYS Thruway Authority letter of December 9, 2013, containing no objections; phasing plan; and, tentative landscaping plan (copy in file).

Mr. Klein discussed the timeline of the application.

Chairman Gittens made a motion to open the Public Hearing, seconded by Member Barbera. Upon vote, the motion carried unanimously.

No one wishing to comment, Chairman Gittens made a motion to close the Public Hearing, seconded by Member Gigante. Upon vote, the motion carried unanimously.

Member DiSanto made a motion to approve the Application of Executive Enterprises G.P., seconded by Member Gigante. Upon vote, the motion carried unanimously.

VILLAGE OF MONTEBELLO
ZONING BOARD OF APPEALS

IN RE: Executive Enterprises GP
CALENDAR CASE NO. 1160

Before the Board of Appeals of the Village of Montebello, at a public hearing held at Village Hall, Montebello, New York, on December 19, 2013, for variances from the provisions Article IV, Section 13, Use Group J, Columns 5,8,10,12; Front Yard (required 15'- proposed 13'); Side Yard (required 30'- proposed 9'); Rear Yard (required 30'-proposed 6'); Height (required 35'-proposed 45'); said variances having previously been granted on June 19, 2008, as filed July 9, 2008, such grant having expired as a consequence of approval of the underlying subdivision map having expired, an application to renew same having been made.

The premises which are the subject of this application are located at Executive Boulevard, on the south side, north of the Thruway and 1500 feet west of the intersection of North Airmont Road in the Village of Montebello, and which is known and designated on the Ramapo Tax Map as Section 55.07, Block 1, Lot 9, in a LO Zoning District.

The Board, upon motion duly made by Member DiSanto and seconded by Member Gigante resolved:

"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 memorandum dated 12/9/13; NYS Thruway Authority letter of December 9, 2013, containing no objections; phasing plan; and, tentative landscaping plan; 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 was previously granted by the Planning Board as Lead Agency on March 11, 2008, and the Planning Board continued its Public Hearing on the renewal application to await the results of consideration of the Zoning Board of Appeals of this application; and

WHEREAS, a public hearing was scheduled to be opened and was held on December 19, 2013, and testimony of the following persons was duly considered:

For the applicant:
Michael Klein, Esq.
John Jovan, Project Manager
Glenn McCreedy, Engineer

No one from the pubic spoke; and

WHEREAS, all the evidence and testimony was carefully considered and the Zoning Board of Appeals has made the following findings of fact:

The applicant is the owner of the subject premises. It is seeking renewal of site plan approval for two office buildings of approximately 96,000 total square feet from the Planning Board. The only change from the prior approval is approval of a pad and emergency generators abutting the Thruway, and alternate phasing options. These changes do not alter the variances. The Planning Board is in the process of reviewing that renewal application, and had previously issued a negative declaration under SEQRA, and continued its Public Hearing to allow this application for the associated renewal of variances to move forward.

The subject is located in the LO zoning district, and is part of an integrated series of buildings with cross parking easements. The variances are consistent with the balance of the project, and do not impinge upon same. The previous change to two, smaller buildings, creates more of an open campus appearance and effect, and the applicant indicates such necessary due to the market such that the building may be phased, thus creating an open space between the buildings filled by a turn around and proposed fountain or sculpture and grassy space which tend to push the buildings, and associated parking more toward the perimeter.

In addition to the balance of the integrated office park, the buildings are bounded on the south by the New York State Thruway, and on the west by property owned by the Archdiocese of New York in the LO-C zoning district. An existing detention pond and open space fills the space between the property to the west and the western most building.

Given the foregoing location and placement of the proposed buildings, the variances are de minimis in impact as previously determined; and

WHEREAS, this Board has examined the written documentation and considered the testimony of the witnesses with respect to the applicant's request for a variance, and, pursuant to the requirements of section 7-712-b (3) of the Village Law, has made the following determinations, consistent with its determination upon the expired application:

1." whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the area variance":

The neighborhood is a planned laboratory office area which is already developed in an integrated way consistent with the proposed development of the subject site. On the south is the Thruway which will not be impacted, and the LO-C district to

the west is buffered by a detention basin and open space. The variance will not produce undesirable change.

2." whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than an area variance":

The dimensional variances are needed because of the angled property lines, and are not representative of a need all along the lines except the easterly line with a large buffer and parking area further to the east. Eliminating the need would chop off the lay-out, and force the buildings closer together. The height is consistent with the other buildings, and lowering the buildings would result in more development coverage, which at the proposed height is 48% vs. the permitted 65%.

3."whether the requested area variance is substantial":

The variances are not substantial given the overall layout of the project, and its proximity to similar buildings and the New York State Thruway.

(4) "whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district":

As already noted, the subject is being developed consistent with the rest of the project and will not detract from or adversely impact environmental conditions in the vicinity.

(5) "whether the alleged difficulty was self-created":

The applicant desires to complete the overall project consistent with the buildings in the vicinity and the Village's zoning for the overall site. This desire, plus present market conditions and the desirability of creating a more open look by splitting the building into two buildings created the difficulty.

NOW, THEREFORE, BE IT RESOLVED, that the application of Executive GP for variances from the provisions Article IV, Section 13, Use Group J, Columns 5,8,10,12; Front Yard (required 15'-proposed 13'); Side yard (required 30'- proposed 9'), Rear Yard (required 30'- proposed 6'); Height (required 35'- proposed 45') submitted herein, is hereby approved subject to the following conditions:

1. As before, the Board leaves for the determination of the Planning Board the issue of allowing additional height for the roof top stair and elevator bulkheads, except that it recommends that the total square feet not exceed 250 and height not exceed 9 ft. (exclusive of mechanicals and HVAC)

Also as before, the Zoning Board of Appeals considers the relief granted hereby to be final, and it should not in the future entertain an application for additional dimensional relief, the instant application due to the expiration of the previous approval.

Upon final approval of a site plan by the Planning Board, which shall be given notice of this determination, the Building Inspector is directed to issue a Building Permit and Certificate of Occupancy to the applicant upon compliance with the terms and conditions of this Resolution and with all other applicable laws, rules, regulations, and conditions set further by the Planning Board.

MEMBERS PRESENT:	**YEA OR NAY**
Rodney Gittens, Chairman	Aye
Alice DiSanto	Aye
Janet Gigante	Aye
Stan Shipley	Aye
Jack Barbera	Aye
Scott Goldstein	Aye

The Chairman declared the resolution approved and the application approved.

Member Gigante made a motion to adjourn the meeting, seconded by Member Barbera. Upon vote, the motion carried unanimously. The meeting adjourned at 8:15 p.m.