

Draft: Thursday, June 8, 2017 — 10:37 AM

RESOLUTION OF APPROVAL
SITE PLAN
FOR
MALIK | STERN [COMMERCIAL OFFICE BUILDING]
PROJECT # 2015-13

Nature of Application

Malik | Stern [Commercial Office Building] has applied for approval of a Site Plan permitting the use of the property identified herein for construction and operation of a commercial office building..

Property Involved

The property affected by this resolution is shown on the Tax Maps of the Town of Monroe as parcel(s) 2-1-9.

Zoning District

The property affected by this resolution is located in the HI zoning district of the Town of Monroe.

Plans

The Site Plan and Special Permit materials considered consist of the following:

1. Completed application packet and environmental assessment form.

2. Plans prepared for Malik | Stern [Commercial Office Building] as follows:

<u>Author</u>	<u>Title</u>	<u>Last Revision Date</u>
_____	_____	_____
_____	_____	_____

History

Date of Application

The application was filed with the Planning Board in November of 2015.

Public Hearing

A public hearing on this application was convened on June 13, 2017 and closed on the same date.

SEQRA

Type of Action:

This matter constitutes a Type II action under the State Environmental Quality Review Act inasmuch as the project embraces construction or expansion of a nonresidential structure or facility involving less than 4,000 square feet of gross floor area [6 NYCRR §617.5(c)(7)]. As such, this project is not subject to review under the State Environmental Quality Review Act.

GML 239 Referral

239-m

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has reported that this matter is one for local determination, there being no significant inter-municipal or countywide considerations found to exist.

OR [no report - timed out]

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has not provided a report of its findings and the time for it to provide such a report has now expired.

Modifications Incorporated

This application has been referred to the Orange County Planning Department for review and report. The Planning Department recommendations for modifications have all been incorporated into the plans.

Supermajority Report

This application has been referred to the Orange County Planning Department for review and report. The Planning Department has recommended approval subject to adherence to certain comments contained within its report; those comments being 2, 3 (a through e) and 4. The Planning Board has reviewed that report and recommendation and makes the following determination in regard thereto:

- The recommendations contained with comment 2 have been fully incorporated into this approval.
- The recommendations contained with comments 3-a, 3-b and 3-e have been fully incorporated into this approval.
- The recommendations contained with comments 3-c, 3-d and 3-e [relating to the relocation of certain roadways, buildings and other structures], have been fully incorporated into this approval to the maximum extent possible. However, these recommendations have not been fully complied with.
- The recommendations contained with comment 4 have been fully incorporated into this approval.

GML 239-nn

This application has been referred to the Village of Kiryas Joel pursuant to the requirements of Section 239-nn of the General Municipal Law.

The village has not responded to the referral.

GML 239-f

This application has been referred to the Orange County Department of Public Works for review and report. That department has reported that

_____.

Findings

The Planning Board has determined that approval of the Site Plan and Special Permit will substantially serve the public convenience, safety and welfare; will not be detrimental to the neighborhood or the residents thereof; and will not otherwise be detrimental to the public convenience or welfare, subject to compliance in full with conditions hereinafter imposed pursuant to Section 57-16 (D).

Public Improvements

The following improvements have been identified as necessary public improvements. Given the complexity and magnitude of this application, these improvements shall be completed according to the schedule set forth in a Public Improvement Security Agreement [See §_____]:

- _____
- _____

OR

The following improvements have been identified as necessary public improvements. Given the modest scale of this application and the nature of the public improvements required to be completed, the Planning Board has determined that entry into a Public Improvement Security Agreement will not be required of this applicant:

- _____

➤ _____

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 Chairwoman (or her designee) is authorized to sign the plans upon satisfaction of those conditions below noted to be conditions precedent to such signing.

Specific Conditions

1. The plans shall not be signed until receipt of a letter from the Planning Board Engineer certifying that the deficiencies in the plans noted in his memo of [_____ (Date of Memo)] have been remedied to his satisfaction.

2. _____

3. _____

4. This approval is subject to review and approval of the roadway connection by the Orange County Department of Public Works in substantially the same location and configuration as shown on the plans. Should such an approval not be obtained, the applicant must return to the planning board for further review.

5. This approval is subject to and conditioned upon delivery of written approval by the Orange County Department of Health [well to septic separation approval]. _____

6. All conditions attached to a grant of variance issued by the Town of Monroe Zoning Board of Appeals on _____ (copy attached hereto) are made a part of this approval and this approval is subject to the same as if

Commented [MHD1]: Limitation on use of attic and basement to go here.

Commented [MHD2]: Non-functional attic dormers?

Commented [MHD3]: This approval may have been granted already.

those conditions were set forth herein at length.

Commented [MHD4]: The decision will need to be attached.

7. _____

8. This approval relies upon a drainage study or other evaluations by the Planning Board based upon the structure size(s) shown on the plans. No building permit for a structure larger than as shown on the plans will be issued unless a new drainage study, satisfactory to the planning board engineer, has been submitted and approved.

Public Improvements

9. The Applicant shall execute a Public Improvement Security Agreement in a form acceptable to the Town Board of the Town of Monroe, said Agreement to be prepared by the Town Attorney at the Applicant's expense. The agreement shall ensure completion and maintenance of all public improvements identified above.

10. The Applicant shall furnish performance bonds and maintenance guaranties pursuant to the terms of the Public Improvement Security Agreement, the amounts of same to be determined in accordance with and upon consultation with the Town of Monroe Engineer.

11. The Applicant shall complete all improvements required by the terms of the Public Improvement Security Agreement, and in compliance with the development application proceedings and all testimony and evidence submitted by and on behalf of the Applicant. The applicant shall further comply with all requirements of the Town of Monroe Code and other requirements that may be imposed by the Town of Monroe Engineer.

OR

12. This approval shall be subject to the applicant posting, with the Town Clerk, a performance, maintenance and restoration security in an amount to be fixed by the Town Board (upon recommendation of the Town Engineer) in order to secure completion of the public improvements depicted on the plans, satisfactory to the Town Board, Town Engineer and Town Attorney as to form, sufficiency, manner of execution and surety.

Outdoor Fixtures & Amenities

13. This site plan approval allows construction of only that which is shown on the plans identified above. No outdoor amenities or accessory structures or outdoor fixtures—including but not limited to exterior walls, mechanical units, dumpsters, etc.—may be constructed, placed or erected except as shown on the approved site plan without approval of the building inspector or the Planning Board. Architectural drawings shall carry a certification that what is shown thereon is fully consistent with the approved site plan.

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 Monroe Building Department within one hundred eighty days of the date of this approval.

This approval is further conditioned upon the applicant delivering (prior to signing of the plat) proof, in writing, that all fees—engineering, planning, legal and otherwise—in regard to this project have been fully paid.

A fully completed Entity Disclosure Statement signed and either sworn to or affirmed by the applicant referenced above is on file with this board. In the event the right to develop this project is sold, assigned or otherwise transferred, whether by transfer of the property or transfer of the management or operation (or both) of the entity owning the right to develop to another entity, the transferring entity shall notify the town in writing and any such succeeding entity must fully comply with this notification requirement before any work or other activity on the project shall be permitted to proceed, continue, or be completed.

A FAILURE to comply with any such condition in a timely manner shall result, without further action, in a lapsing of this approval.

_____ offered the foregoing resolution and moved its adoption. _____ seconded its adoption. The resolution was duly put to a vote on roll call vote as follows:

	Aye	Nay	Abstain	Absent
Chairwoman Audra Schwartz				
Member Gary Abrignani				
Member Anthony Vaccaro				
Member Jerome O'Connell				
Member Richard Troiano				
Member Lisa McQuade				
Member Mary Bingham				

Dated: _____

AUDRA SCHWARTZ, CHAIRWOMAN
TOWN OF MONROE PLANNING BOARD

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

I, Mary Ellen Beams, Clerk of the Town of Monroe, do hereby certify that the within Resolution is a true and exact copy of a Resolution issued by the Town of Monroe Planning Board, said resolution resulting from a vote having been taken by the Planning Board at a meeting of said board held on _____ . This resolution was filed in the Office of the Town Clerk on _____ .

MARY ELLEN BEAMS, CLERK
TOWN OF MONROE

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TMPB: Malic Stern: 2015.13