

**TOWN OF SOUTHEAST
PLANNING BOARD / ARCHITECTURAL REVIEW BOARD
SPECIAL PERMIT REFERRAL**

INTRODUCED BY: *Rush*

DATE: November 22, 2021

SECONDED BY: *Pangis*

WHEREAS, STATELINE RETAIL CENTER / BREWSTER SUBARU located at 3685, 3711 & 3751 Danbury Road, in the Town of Southeast, has applied for a Special Permit from the Town Board of the Town of Southeast to construct a Motor Vehicle Dealership for Brewster Subaru in the SR-6 Zoning District, on property designated as Tax Map IDs 68.-2-48.1, 48.2 & 48.3; and,

WHEREAS, the Planning Board/Architectural Review Board, as Lead Agency under the State Environmental Quality Review Act (SEQRA) conducted a thorough review of the proposed project and potential environmental impacts and adopted a Negative Declaration on the Proposed Project on November 22, 2021; and

WHEREAS, the Town Board has requested a report from the Planning Board/Architectural Review Board on the said proposal; and,

WHEREAS, the Planning Board/Architectural Review Board has reviewed the above request for a Special Use Permit for this particular project and finds that it is substantially in conformance with Article X of Chapter 138 of the Zoning Code of the Town of Southeast except as noted in the table below; and,

Motor Vehicle Dealership – Brewster Subaru	
§138-63.9:	CONFORMS (Yes/No):
B.(1) The minimum lot size shall be 4.0 acres.	<i>Yes.</i>
B.(2) A minimum fifty-foot-wide landscaped buffer shall be provided in the front, rear, and side yards. Vehicle parking and storage shall be prohibited within the fifty-foot buffer.	<i>No. 17-feet is provided in the rear and side yards.</i>
B.(3) A minimum of 10% of the parking lot and vehicle storage area shall be landscaped. The fifty-foot-wide buffer shall not contribute towards this requirement. Bioswales and rain gardens within landscaped islands may be counted towards this requirement.	<i>Yes.</i>
C. No exterior public address systems shall be permitted.	<i>Yes.</i>
D. No exterior display of banners, pennants, ribbons, dancing tube signs, or similar temporary advertising materials shall be permitted.	<i>Yes.</i>
E. Employee parking shall be designated and provided on site. Parking areas designated for employees shall not be used for vehicle storage, repair or finishing work, display or customer parking.	<i>Yes.</i>
F. Customer parking shall be designated and provided on site. Parking areas designated for customers shall not be used for	<i>Yes.</i>

vehicle storage, repair or finishing work, display or employee parking.	
G. All employee parking and on-site motor vehicle storage shall be located in the rear of the building and shall be screened from adjacent properties and public rights-of-way.	Yes.
H. Outdoor vehicle display areas shall be designated on the site plan. Vehicle display areas should be landscaped, and should not be part of the customer parking area. Metal vehicle display ramps or similar movable vehicle display devices are prohibited. Vehicle display areas are not permitted within the fifty-foot buffer.	Yes.
I. Off-site new motor vehicle storage shall be permitted subject to the following conditions.	NA. No off-site storage proposed.
J. The hours of loading and unloading of vehicles shall be determined by the Town Board. All loading and unloading shall occur on the subject site and not in or on the public right-of-way	Yes. Sufficient space for loading is available onsite. Approved hours should be indicated on the site plan.
K. Vehicles to be repaired or serviced shall not be parked or stored on any street or public right-of-way.	Yes.

WHEREAS, where the proposed project does not comply with the special permit criteria noted above, the Planning Board recommends that the Town Board refer the application to the Zoning Board of Appeals for area variances pursuant to § 138-52.B of the Zoning Code; and

NOW, THEREFORE, BE IT RESOLVED, that the Planning Board/Architectural Review Board recommends that the Town Board of the Town of Southeast grant the Special Permit for a Motor Vehicle Dealership; and

BE IT FURTHER RESOLVED, that a copy of this resolution be circulated to the Town Board of the Town of Southeast.

UPON ROLL CALL VOTE:

T. LaPerch, Chairman	<u>recused</u>	D. Rush, Vice Chairman	<u>yes</u>
E. Cyprus, Boardmember	<u>absent</u>	M. Hecht, Boardmember	<u>yes</u>
J. King, Boardmember	<u>absent</u>	L. Eckardt, Boardmember	<u>yes</u>
G. Pangis, Boardmember	<u>yes</u>		

The resolution was passed by a vote of 4 to 0, with 2 absent. & 1 recused.

D. Rush
D. Rush, Acting Chairman / and
Planning Board/
Architectural Review Board