

**WHEREAS**, an application for Planning Board approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law was submitted by **Curry Properties, LLC**, for the modification and expansion of the existing Curry Hyundai/Subaru to Curry Toyota and for the demolition of the existing HSBC Bank Building and the former Midas Muffler Shop and the construction of an approximately 26,500 sq. ft. Curry Subaru/Hyundai dealership as shown on a drawing entitled "Site Plan, Curry Properties" latest revision dated September 29, 2010 and drawings entitled "Landscape Plan" and "Site Lighting Plan" latest revision dated April 7, 2010 all prepared by Joel Greenberg, R.A. and on a 3 page set of renderings entitled "Curry Toyota" dated May 21, 2010 and a 3 page set of renderings entitled "Curry Subaru/Curry Hyundai" also dated May 21, 2010 both prepared by Architectural Visions, PLLC and a 6 page set of drawings entitled "Stormwater Management Plan" prepared by HEC Hudson Engineering dated July 6, 2010, and

**WHEREAS**, the subject property of 5.305 acres, is located at 3025 East Main Street (Cortlandt Boulevard ) and is designated on the Town of Cortlandt Tax Maps as Section 24.09, Block 3, Lots 1 & 42, and

**WHEREAS**, as required by Article 8 of the New York State Environmental Conservation Law for the proposed Unlisted Action the applicant completed and submitted Part 1 of the Full Environmental Assessment Form signed by Joel Greenberg, R.A. dated February 17, 2010, and

**WHEREAS**, a Public Hearing was held pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law on said application at the Cortlandt Town Hall, 1 Heady Street, Cortlandt Manor, New York on July 7, 2010 adjourned to August 3, 2010 at 8:00 p.m., and

**WHEREAS**, the Public Hearing Notice for this application was published in the "Journal News" and in the "Gazette", and

**WHEREAS**, the subject Public Hearing Notice was mailed to adjacent and across the street property owners and the subject property was posted with a sign giving notice of the public hearing, and

**WHEREAS**, the applicant is seeking Site Development Plan Approval for modifications and

expansion of the existing Curry Hyundai/Subaru to Curry Toyota and for the demolition of the existing HSBC Bank Building and the former Midas Muffler Shop and the construction of an approximately 26,500 sq. ft. Curry Subaru/Hyundai dealership with 124 customer and employee parking spaces, 148 vehicle display spaces and 22 secure vehicle parking spaces for a total of 294 spaces, and

**WHEREAS**, the subject property is zoned HC, highway commercial which requires a minimum lot area of 20,000 square feet, and

**WHEREAS**, the building renderings were submitted to the Town's Architectural Advisory Council who recommended approval of the renderings as submitted, and

**WHEREAS**, the applicant submitted the required Stormwater Pollution Prevention Plan (SWPP) Drainage Analysis and the NYSDEC Notice of Intent (NOI) for review by the Town's Engineering Division and engineering consultant, and

**WHEREAS**, the Town's traffic consultant, Adler Consulting, reviewed the applicant's proposal and submitted a letter report dated September 23, 2010, and

**WHEREAS**, the Planning Board conducted a site inspection of the subject property, and

**WHEREAS**, the subject application was referred to the Town of Cortlandt Conservation Advisory Council (CAC), the Architectural Advisory Council, the Town Engineering Division, the Fire Advisory Board, the Westchester County Department of Planning, the Town of Yorktown and the City of Peekskill, and

**WHEREAS**, comments in response to referrals of the subject application were considered by the Planning Board as well as written and verbal comments made in response to the subject application at the public hearing, and

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Section 617.7 of the SEQRA Regulations, as stated in this Resolution and throughout the course of this application as contained in the minutes of the public hearing and other regular meetings of the Planning Board, the Planning Board considered the impacts which may be reasonably expected to result from the proposed action by comparing them against the applicable criteria in said section and finds that:

1. The proposed action will not result in a substantial adverse change to existing air quality, ground or surface water quality and quantity, traffic or noise levels; a substantial increase in solid waste production; nor generate a substantial increase in potential for erosion, flooding, leaching

or drainage problems.

2. The proposed action will not result in the removal or destruction of large quantities of vegetation or fauna; will not substantially interfere with the movement of a resident or migratory fish or wildlife species; will not impact a significant habitat area; and will not result in any substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse effects to natural resources.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area.
4. The proposed action will not result in the creation of a material conflict with the adopted 2004 Town Comprehensive Master Plan and Town Zoning Ordinance.
5. The proposed action will not result in the impairment of a character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character.
6. The proposed action will not significantly impact the use of either the quantity or type of energy.
7. The proposed action will not create a hazard to human health.
8. The proposed action will not result in a substantial change in the use or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
9. The proposed action will not encourage or attract a substantially larger number of people to the subject property compared to the number of people who would come to such place absent the action.
10. The proposed action will not create a material demand for other actions which would result in one of the above consequences.
11. The proposed action will neither result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, nor when considered together result in a substantial adverse impact on the environment.
12. The proposed action will neither result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, nor when considered cumulatively, meet one or more of the criteria in this section,

(continued on page 4)

and the Planning Board considered possible long-term, short-term and cumulative impacts and found no significant effects which would result as a consequence of the proposed action.

**NOW THEREFORE BE IT FURTHER RESOLVED** that the Planning Board as lead agency in this matter finds that based on Part I of the Full Environmental Assessment Form (EAF) prepared by Joel Greenberg, R.A. dated February 17, 2010 and Part II of the Full EAF prepared by the Planning Division dated October 5, 2010 and based on the subject site development plan and the record of this application and for reasons stated in this resolution including the analysis of the criteria stated in 617.7(c)(i)-(xii), the proposed project will have no significant, adverse environmental impact upon the environment and therefore the Planning Board adopts said Part II of the Full EAF and a Negative Declaration and that no Draft Environmental Impact Statement is required with regard to this matter, and

**FURTHER BE IT RESOLVED** that the application of Curry Properties, LLC, for approval of a Site Development Plan pursuant to Chapter 307 (Zoning) of the Town of Cortlandt Code and pursuant to Chapter 274-a of the New York State Town Law for the modification and expansion of the existing Curry Hyundai/Subaru to Curry Toyota and for the demolition of the existing HSBC Bank Building and the former Midas Muffler Shop and the construction of an approximately 26,500 sq. ft. Curry Subaru/Hyundai dealership as shown on a drawing entitled "Site Plan, Curry Properties" latest revision dated September 29, 2010 and drawings entitled "Landscape Plan" and "Site Lighting Plan" latest revision dated April 7, 2010 all prepared by Joel Greenberg, R.A. and on a 3 page set of renderings entitled "Curry Toyota" dated May 21, 2010 and a 3 page set of renderings entitled "Curry Subaru/Curry Hyundai" also dated May 21, 2010 both prepared by Architectural Visions, PLLC and on a 6 page set of drawings entitled "Stormwater Management Plan" prepared by HEC Hudson Engineering dated July 6, 2010 is **APPROVED** subject to the conditions listed below and that the Chairman of the Planning Board be authorized to endorse approval on said Site Development Plan upon compliance by the applicant with such conditions as listed below, and

**FURTHER BE IT RESOLVED** that approval of said Site Development Plan shall be valid for a period of twelve (12) months from the date of this Resolution to satisfy all conditions of approval that are required to obtain the signature of the Planning Board Chairperson on the Site Development Plan. If there is no substantial change in the condition of the site and/or its

environs, the conditional Site Development Plan Approval may be extended by the Planning Board for one (1) additional period of one (1) year, **upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension, and**

**FURTHER BE IT RESOLVED** that the approved site plan with the Planning Board Chairperson's signature shall be valid for a period of twelve (12) months from the date of signing for the applicant to obtain a Building Permit and/or complete any permitted work that does not require a building permit. If there is no substantial change in the condition of the site and/or its environs, the Site Development Plan Approval with the Chairman's signature may be extended **by the Planning Board for one (1) additional period of one (1) year, upon timely application by this applicant and a written explanation of the reasons for the delay which require the granting of a time extension.**

**CONDITIONS AND MODIFICATIONS:**

- 1. Obtain the required signature from the Director of Technical Services and the Director of Environmental Services on a mylar of the subject drawing and submit four prints and the mylar of said drawing to the Planning Office following the Chairman's signature on the site plan mylar.**
- 2. Add the most recent signature block to the subject drawing.**
- 3. Obtain the signature of the Receiver of Taxes on an appropriate form indicating that taxes on the subject property have been paid.**
- 4. The applicant is advised that the conditions of this approval must be satisfied and the site plan drawing signed by the Planning Board Chairman and any required permits obtained prior to beginning any related work on the subject property.**
- 5. Payment of a 5% inspection construction monitoring fee to the town based on the on-site construction costs including grading, roads, soil and erosion controls, utilities, site clearing, tree removal, planting and all other improvements pursuant to Resolution 114-00 of the Cortlandt Town Board.**
- 6. Posting of a Ten thousand dollar (\$10,000) combined soil erosion security and maintenance security pursuant to Section 307-73.1 of the Town Code. Said security shall be in the form of a Irrevocable Standby Letter of Credit as required by Town Board**

(continued on page 6)

Resolution No. 257-90 or a cash deposit pursuant to the terms of the Cash Deposit Form as approved by Town Board Resolution No. 190-04. Said security to be in effect for a period of not less than two years from the date thereof. Said security shall be extended as required by the Town if all improvements are not completed within 2 years from the date thereof. Prior to the release of the signed Site Development Plan by the Planning Division said Letter of Credit or cash deposit shall be submitted to and approved by the Town Department of Law which will then be forwarded to the Town Clerk and a copy to the Planning Division.

7. Note on the Site Plan that a building permit shall be obtained within one (1) year of the Planning Board Chairman's signature on the subject Site Plan.

8. Revise the subject site plan to show a refuse area that includes separate containers for solid waste, paper and co-mingled. Add a note to the subject Site Plan that states "The applicant agrees that the current volume of total refuse collection will NOT increase. Any increase must be handled by private carters".

9. Submit a report detailing all of the proposed "green initiatives" for the buildings and site for review, comment and approval by the Director of Technical Services.

10. Obtain the required variances from the Zoning Board of Appeals with respect to the required 50' landscaped buffer strip along the property line abutting the residentially zoned parcels.

11. The applicant shall address comments in the February 9, 2010 Fire Advisory Board memo.

12. Note on the subject site plan the subject property will be included in a future sewer district and the applicant and all future property owners shall not object to being included in said district.

13. The applicant shall contribute \$75,000 towards the engineering design of the Cortlandt Boulevard project prior to the Chairperson signing the Site Development Plan. Any future construction of improvements (landscaping, sidewalks) along the applicant's frontage will be paid for by the Route 6/Cortlandt Boulevard transportation grant.

14. Note on the subject site plan the hours of delivery for vehicles to site shall not occur

(continued on page 7)

between the hours of 4:00 pm - 7:00 pm on weekdays and 11:00 am to 3:00 pm on weekends.

15. Revise the subject site plan to show the dimensions of all the parking spaces and aisle widths.

16. Note on the subject site plan that the eastern most access to the site on Route 6 shall be a right in/right out only.

17. As per the recommendation of the Town's traffic consultant in his September 23, 2010 report the applicant shall re-stripe Westbrook Drive in the vicinity of the Kohl's Driveway to provide opposing left turn lanes to the satisfaction of the Director of Environmental Services and the Director of Technical Services.

18. The applicant shall revise the subject site plan to eliminate the parking of any vehicles in grassed areas outside the parking area.

19. The applicant shall revise the subject site plan to modify the access around the Subaru/Hyundai building to the satisfaction of the Director of Technical Services.

20. The applicant shall address any comments on the Stormwater Pollution Prevention Plan (SWPPP) provided by the Town's outside consultant to the satisfaction of the Director of Technical Services.

Adopted: October 5, 2010  
Cortlandt Manor, New York

Filed in the Office of the Town Clerk  
and Planning Board this 6<sup>th</sup> day  
of October, 2010.

  
\_\_\_\_\_  
Chris Kehoe  
Clerk to the Planning Board