

C-2

**PLANNING BOARD RESOLUTION PB2019/85  
NOVEMBER 26, 2019**

**SPECIAL EXCEPTION USE RESOLUTION APPROVAL FOR  
3 WESTCHESTER PARK DRIVE – NEW MULTI-FAMILY BUILDINGS  
AND RETAIL / RETAIL SERVICE / RESTAURANT USES  
FOR PROPERTY LOCATED AT  
3 WESTCHSTER PARK DRIVE, KNOWN & DESIGNATED  
AS BLOCK 631, LOT 18**

**WHEREAS**, MCP II 3 Westchester LLC, c/o Marcus Partners Inc. (hereinafter referred to as “The Applicant”) has submitted a Special Exception Use application for property located at 3 Westchester Park Drive, more specifically known and designated as Block 631 Lot 18; and

**WHEREAS**, the project involves the construction of two multi-family residential buildings containing a total of 450 dwelling units with associated parking, amenities and landscape features and related site improvements, together with retail/retail service/restaurant uses in each of the buildings.

**WHEREAS**, the subject site is located within the SB-O Zoning District; and

**WHEREAS**, the proposed project at the subject site is considered a Special Exception Use in the SB-O Zoning District; and

**WHEREAS**, the proposed project has been classified as an Unlisted Action.

**WHEREAS**, the Planning Board serving as Lead Agency for the SEQR Review of the action has determined that the proposed action minimizes or avoids adverse environmental effects to the maximum extent practicable. This determination is set forth in Planning Board SEQR Findings Statement dated November 26, 2019; and

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the provision of Section 235-14E, the Planning Board finds that the proposal:

1. Will not prevent or substantially impair either the reasonable and orderly use or the reasonable and orderly development of other properties in the neighborhood. The proposal is not inconsistent with the Master Plan.
2. The disadvantages to the neighborhood from the location of such uses at the property are outweighed by the advantage to be gained by either the neighborhood or the Town by authorizing this Special Exception Use Permit.

3. To the extent that the Town has authority to address applicable issues, the health, safety, welfare, comfort, convenience, and order of the Town will not be adversely affected by the uses.
4. Such uses will be in harmony with, and promote the general purpose and intent of the Special Exception Use provisions established in the Zoning Ordinance.

**BE IT FURTHER RESOLVED**, that the proposed project complies with Special Exception Use General Considerations established in Section 235-16 of the Zoning Ordinance as follows:

1. The improvements proposed by the Applicant are located on the grounds of an existing Office Park. As such, the site represents a particularly suitable location for such uses within the community.
2. The plot area is sufficient, appropriate and adequate for the proposed uses. The proposed project complies with the applicable lot area and setback requirements.
3. The proposed project is not located near a place of public assembly.
4. Access will continue to be provided from Westchester Park Drive.
5. New curb cut locations have been approved by the Town.
6. Emergency access has been adequately addressed.
7. No special setbacks are necessary.
10. The provision of public recreational areas is not required on this site, which is an Office Park.
11. The proposed improvements will have no impact on the site's existing stormwater management system as proposed to be updated. No impacts are anticipated.
12. The project will not result in any increase that cannot be accommodated in the site's demand on municipal services.
13. The project will not generate excessive amounts of dirt, refuse or any other type of environmental pollution, including vibration, noise, electrical discharges, odors, smoke or irritants.
14. The hours of operation of this facility will not require regulation.
15. No special conditions and safeguards apply to this use.

**BE IT FURTHER RESOLVED**, that this resolution shall have an effective date of November 26, 2019.

On the motion of Planning Board Member Nonie Reich, seconded by Planning Board Member Joseph Stout, it was adopted by the following vote:

**AYES:** Thomas Heaslip, Nonie Reich, Marshall Donat, Joseph Stout, Chip Marrano and Ethan Levinson

**NAYS:** None

**ABSTAINED:** None

**ABSENT:** Jeffrey Spano



Thomas Heaslip, Chairman

*The resolution was thereupon duly adopted.*

