RESOLUTION (1) DECLARING THE INTENTION OF THE TOWN BOARD OF THE TOWN OF GREENBURGH TO BE LEAD AGENCY FOR A ZONING TEXT PETITION BY DELBELLO DONNELLAN WISE & WIEDERKEHR, ON BEHALF OF 90 FAIRVIEW REALTY LLC TO ALLOW MOTOR VEHICLE SALES USES AND MOTOR VEHICLE SALES LOTS AS A PRINCIPAL USE IN THE PD-NONRESIDENTIAL PLANNED DEVELOPMENT DISTRICT; AND (2) REFERRING THE PETITION TO THE PLANNING BOARD FOR REVIEW AND RECOMMENDATION IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 285-64 OF THE TOWN’S ZONING ORDINANCE

WHEREAS, on June 30, 2017, the Town Board of the Town of Greenburgh (the “Town Board”) received a petition (the “Petition”) from Mark P. Weingarten, Esq. (“DelBello Donnellan Wise & Wiederkehr”), on behalf of 90 Fairview Realty LLC (“Petitioners”), for amendments to the Zoning Ordinance of the Town of Greenburgh; and

WHEREAS, Motor Vehicle Sales Uses and Motor Vehicle Sales Lots are not presently permitted in the PD-Nonresidential Planned Development District; and

WHEREAS, contained in the Petition, the Petitioner is seeking amendments to the Town Zoning Ordinance to allow Motor Vehicle Sales Uses and Motor Vehicle Sales Lots in the PD-Nonresidential Planned Development District as a permitted use; and

WHEREAS, at the time the Petition was filed, the applicant seeks to renovate an existing building at 90 Fairview Park Drive, P.O. Elmsford, within the PD District (the “Project”) and make related site improvements to facilitate a Tesla, Inc. vehicle sales and service center; and

WHEREAS, the Petition contains a Full Environmental Assessment Form prepared by Robert B. Peake, AICP; and

WHEREAS, pursuant to Section 617.6(a)(1) of the regulations of the State Environmental Quality Review Act (“SEQRA”), as soon as an agency receives an application for funding or approval of an action, it must, among other things, make a preliminary classification of the action under SEQRA; and

WHEREAS, under SEQRA, the actions directly and indirectly proposed by the Petitioner are preliminarily classified as “Type 1”; and

WHEREAS, pursuant to Section 617.6(b)(3) of the SEQRA regulations, when an agency proposes to fund or approve a Type 1 action, it must, as soon as possible, transmit Part 1 of the EAF and a copy of any application it has received to all potentially involved agencies and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date the EAF and application is transmitted to them; and

WHEREAS, Section 285-64 of the Zoning Ordinance requires that the Town Board refer the proposed amendment to the Planning Board for a report and recommendation before a public hearing is held on the amendment by the Town Board;

Adopted 07/26/2017
NOW, THEREFORE, BE IT RESOLVED, the Town Board of the Town of Greenburgh hereby:

1. determines that the actions proposed directly and indirectly by DelBello Donnellan Wise & Wiederkehr, on behalf of 90 Fairview Realty LLC, preliminarily constitute a “Type I” action for purposes of review under SEQRA; and

2. declares its intent to act as Lead Agency in connection with all processing, procedures, determinations and findings to be made or conducted with respect to the Proposed Project under Section 8-0101, et. seq., of the New York State Environmental Conservation Law (“ECL”) and the regulations promulgated by the New York State Department of Environmental Conservation there under, which appear at 6 N.Y.C.R.R. Part 617 (the “SEQRA Regulations”); and

3. authorizes and directs the circulation of the Petition and EAF to all potentially involved agencies together with a notice indicating the Town Board’s intention to be Lead Agency, and advising the agencies that unless written objection to such designation is received by the Town Board within 30 days after the date that the Petition and EAF are transmitted to them, the Town Board will become Lead Agency for review of the Petition and all related actions under SEQRA; and

4. refers the Petition to the Planning Board for the Planning Board’s report and recommendation in accordance with the requirements of Section 285-64 of the Zoning Ordinance of the Town of Greenburgh.

Adopted 07/26/2017