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January 24, 2021

Tom LaPerch, Chairman and  
Members of the Planning Board  
Town of Southeast  
Town Hall  
1360 Route 22  
Brewster, New York 10509

Re: Route 22 Master Plan and Zoning Update

Dear Chairman LaPerch and Members of the Planning Board:

As you will recall from my correspondence of September 28, 2020, my appearance before your Board on such date and my correspondence of January 11, 2021, I am counsel to Route 22 Lia Realty, LLC, owner of property located at 1400 Route 22 in the Town of Southeast. Said property is most likely known to the members of the Board as the former Dill's site and consists of approximately 4.8 acres. The site is presently zoned OP-1.

From such correspondence and my appearance before your Board, I have made known to you my client's desire to utilize such property for a motor vehicle dealership. In my correspondence of September 28, 2020, I provided a significant amount of information regarding my client's background as an experienced motor vehicle dealer, owning thirteen (13) motor vehicle dealerships with locations in northern and southern Westchester, Nassau and Suffolk Counties and Palm Beach County Florida, among others. I further pointed out my client's belief that this site is uniquely suited for the operation of a motor vehicle dealership given its location, size and frontage. I further expressed my client's hope that the Board would agree that a properly planned and developed motor vehicle dealership can provide a multitude of benefits including convenience for residents, jobs, a significant tax ratable and significant sales tax revenue for the County and derivatively for the Town of Southeast.

In such letter I further made clear that my client understood that the Town has a legitimate interest in seeking to facilitate quality development in connection with the establishment of a motor vehicle dealership as opposed to the outdated concept of a "car sales

lot”, referring in this regard to the concept of a sea of cars in front of a minimal (and often run down) building. I expressed my client’s vision of a motor vehicle dealership facility utilizing a very high-quality architecturally designed building or buildings for sales and service with appropriate landscaped vehicle display areas in the front with the vast majority of vehicle storage in the rear of the building. To ensure that what my client hoped would be the shared vision of my client and the Town could reach fruition, my client suggested that the Town consider adoption of regulations which would allow for the establishment of a motor vehicle dealership<sup>1</sup> as part of its recommendations for the Master Plan Update for the Route 22 corridor subject to certain specified conditions. My suggested conditions included the following:

1. A minimum lot size of 4 acres. As you may recall, my letter included a significant amount of information regarding motor vehicle dealership locations in the Town of Southeast, the Town of Bedford and Village of Mount Kisco which revealed an average lot size of 3.44 acres for quality dealerships. We therefore believe that a minimum lot size of 4 acres is most appropriate;
2. A minimum building size of 5000 SF for sales facilities and 7500 SF for combined sales and service facilities to ensure that dealership facilities will be appropriately sized and to avoid the outdated concept of “car sales lots” as referred to therein; and
3. Buffers predicated on Planning Board discretion as opposed to a formulaic approach so as to allow the Planning Board to be involved in the design of the dealership facilities;
4. Outdoor vehicle display areas design predicated on Planning Board discretion; and
5. Frontage on a state road.

At present, the December 24, 2020 Route 22 Master Plan Report, when referencing recommendations for that portion of Route 22 from the end of I 684 to Clock Tower Commons (which includes my client’s property) correctly notes as follows:

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<sup>1</sup> As referenced in my correspondence, the Town Code presently allows motor vehicle dealerships as a special permit use subject to a multitude of conditions including a 15 acre minimum lot size but said permit is only available in the SR 6 zoning district. Many of such existing special permit conditions are design related. For this reason, and as set forth in more detail below, I am suggesting that to the extent that the Board might authorize/recommend motor vehicle dealerships in the zoning district in which my client’s property is located (post implementation of the Route 22 Master Plan recommendations), consideration be given to designating this use as a conditional use. At the end of the day however, so long as the Board is willing to authorize the use as either a special permit use or conditional use, my client would be grateful regardless of the type of designation.

“However, the Town desires new commercial development in the vicinity of Milltown Road, and the current OP-1 zoning designation has inhibited that development. As such, the Route 22 Master Plan recommends extending the SR22 Zoning Designation south to capture all of the properties currently zoned OP-1.”

Earlier in the report, it is indicated that there is a desire to accompany this zoning map change with modifications to the SR22 regulations which would increase the maximum allowable building size and also encourage flexibility in the design regulations. These suggestions make a great deal of sense. There is also the suggestion to add new conditional uses within the SR22 zoning district including General Business, Theater/Performing Arts, Research Labs, Animal Hospitals/Veterinary Practice and Doggie Day Care. Again, these suggestions also make a great deal of sense.

As previously referenced in my correspondence and in my prior appearance before your Board, we would desire that your Board add motor vehicle dealerships as another conditional use applicable in the SR22 zoning district as extended. As indicated in footnote 1, many of the existing special permit conditions for motor vehicle dealerships are design related (and could be viewed as related to the mandate for a 15 acre minimum lot size) whereas the SR22 regulations encourage flexibility of design and vest the Planning Board with significant discretion in the design of the site plan under consideration so as to encourage flexibility of design and quality of the resultant development. We suggest, therefore, that the Planning Board consider classifying motor vehicle dealerships in the SR22 zoning district as a permitted conditional use and that the conditions referenced above be considered as appropriate conditions, it being understood that many of the existing special permit regulations would be unnecessary or inapplicable in view of the ability of the Planning Board to exercise its discretion<sup>2</sup>. It should also be noted in this regard however that some of the suggestions for conditions as referenced above (design specific suggestions) will be obviated by the SR22 regulations which provide flexibility of design predicated on Planning Board discretion as part of the site plan approval process. We believe that application of the SR22 regulations to our suggested conditional use will result in the ability to produce a very well designed and appealing motor vehicle dealership facility on sites of an appropriate size.

I understand, of course, that traffic and access concerns would need to be addressed and I have specifically discussed this issue with the Town’s Planning Consultant. Subject, of course, to the Planning Board’s desire to consider this use for the SR22 Zoning District, she has suggested

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<sup>2</sup> Of course, to the extent that certain of the existing special permit conditions are deemed appropriate for inclusion as a condition to the establishment of a motor vehicle dealership in the SR22 Zoning District, they could be incorporated as conditions.

that the Board impose another condition on the motor vehicle dealership use which would read as follows:

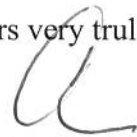
“Motor vehicle dealerships on Route 22 shall have access to a fully signalized intersection. A new traffic signal may be installed if a traffic signal warrant study determines that a traffic signal is warranted and the New York State Department of Transportation grants approvals for the traffic signal. Unless signalized, entrances on Route 22 shall be right-turn in and right-turn out only with signage and striping to restrict left-turn access. Access to the signalized intersection can be provided via access easements across adjacent properties or through driveway exits onto County or Town roads that have a signalized intersection with Route 22.”

My client understands the perceived need for such a condition and would understand if the Planning Board desires to impose such a condition as part of its recommendations to the Town Board.

I would ask that this letter be incorporated as part of the Planning Board’s record in connection with the Route 22 Master Plan Update and recommendations for proposed zoning changes. I note that the Route 22 Master Plan is included as a discussion item for your meeting of January 25, 2021. I will be attending a public hearing in the Town of Bedford at 7:00 PM but I fully expect to be available to participate in your meeting should your Board desire to hear further with respect to my request. In the very unlikely event that I am not able to attend your meeting, I would ask that your Board review the content of all of my correspondence and hopefully consider including, as part of your recommendations to the Town Board, that motor vehicle dealerships be permitted in the SR22 zoning district subject to the conditions previously discussed.

I thank you for your attention to this matter and look forward to your consideration of my client’s request. If any member of the Board has any questions regarding the foregoing, please do not hesitate to contact me.

Yours very truly,



Charles V. Martabano

cc: Ashley Ley AICP  
Route 22 Lia Realty, LLC