

Planning Board Meeting December 15, 2014

A meeting of the Planning Board, Town of Yorktown, was held on December 15, 2014, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Rich Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn
John Savoca
Darlene Rivera
John Kincart

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; Lisa Hochman of the Ryan Law Group, attorney to the Planning Board for Costco, and Bruce Barber of Cornerstone Associates, the Town's Wetland Inspector.

SPECIAL SESSION

Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board opened the special meeting to review and consider the Costco Wholesale Club Findings Statement.

Fon stated that the Board has been reviewing the draft findings statement for the Costco project for several meetings. At the last meeting the Board received a new draft copy of the findings statement and did not have time to review it, therefore this special meeting was scheduled.

Tegeder distributed a memo from Greg Kravtsov dated 12/09/2014 and to be distributed to the Board at tonight's meeting.

One of the issues the Board discussed at the December 8, 2014 meeting were comments received from the Watershed Inspector General (WIG) dated October 31, 2014, in which the WIG requested the Board not adopt a Findings Statement at this time. Fon stated that since that meeting, Tegeder received an email response from the WIG today. Fon read the email from Philip Bein dated December 15, 2014 into the record:

Dear Mr. Tegeder and Mr. Bogin:

The WIG Office has reviewed the December 5, 2014 response by TRC on behalf of the sponsor of this project and our consultant has had further conversations with TRC's subcontract on the matter. I am please[d] to report that all of the WIG's concerns have been satisfactorily addressed. We do not object to the Planning Board's issuance of SEQRA findings at this time. However, as the sponsor and WIG have agreed, the sponsor will submit a revised SWPPP to the WIG Office for its review at the same time it make its stormwater permit application to NYCDEP.

Mr. Bogin has informed me that the sponsor agrees that such submittal and review should be made part of the Planning Board's findings.

The Board members commenced review of the draft findings statement, as well as a memo from the Planning Department dated December 12, 2014 with 13 attached changed pages, and made the following comments (page numbers reference the Board's December 8th draft):

- Page 1 Add “members only” in front of Costco store as well as fueling facility.
Pages 2, 4, 5 Punctuation errors were corrected.
- Page 5 Flynn questioned whether the language on the top of page 5 where the word modifications was changed in this draft to be “refinements” limited the Board in how they could enhance the project during the site plan review process. Hochman stated that she did not feel the word refinements was limiting. Only new adverse impacts that weren’t previously discussed in the SEQRA process would create an issue.
- Page 5 In the 2nd paragraph under Section A, indicate which buildings are currently boarded up; the former fence and motel.
- Page 6 In the last sentence on this page it states the site will generate additional property taxes. Flynn suggests it state the site “has the potential to generate additional taxes.” If other stores go out of business, then will not general “additional.” Add the words “for this site” to clarify.
- Page 7 Edit first paragraph to read, “200 feet east of the aforementioned intersection. Natural gas will be extended...”

Add bike shoulder language “and a paved shoulder that will accommodate a bike lane” to the listed improvements in the second paragraph.
- Page 9 Punctuation errors were corrected.
- Page 13 To be consistent with other pages, use parenthesis when stating C-3 (Commercial) throughout the document.
- Page 13 Flynn requested clarity on footnote 2. Flynn felt there was significance between 24% and 30% open space because on a site this size, the difference was over 1 acre. ABACA comments reflect this opinion as well. Tegeder stated there is nothing codified for a required percent of open space. It was a recommendation from the Comprehensive Plan. There is no hard requirement of 30% open space. Fon asked if the Board would be restricted from adding more open space in the plan during site plan review. Hochman stated the Board needs to decide whether the proposed preservation of open space is a significant loss of open space that requires mitigation.

The Applicant’s engineer Nick Panayotou explained to the Board how they had reached the 24% number. This percentage includes only the areas that remain undisturbed, not the other areas within the site plan that will be disturbed and then made green with landscaping. If these areas were included, the plan would have over 30% open space once completed.

The Board decided to edit the footnote to reflect Panayotou’s statement by deleting the first and last sentences and adding “and the project meets or exceeds these recommendations” to the end of the 2nd remaining sentence.

Edit all mentions of FDR Park from “adjacent” to “in close proximity.” Flynn expressed concern that there are potential impacts to FDR Park. The combination of visual and noise impacts due to traffic on the parkway will be significant. There is a peak traffic time on Saturdays which is when the use of the park should also be at its peak. The Board discussed the visual impact of the existing abandoned buildings, which Flynn stated again is the Town’s fault for not enforcing that the property owner to clean up the property. Fon felt the landscaping can help a lot for view and noise. Hochman stated the findings were written to state the visual impacts will be mitigated to the greatest extent practicable.

The Applicant’s engineer, Nick Panayotou, stated that they did perform the noise analysis as included in the DEIS. A change of greater than 6 dba is considered significant. The DEIS analysis showed that the additional traffic would add less than 1 dba to the existing noise level. Also, because of the traffic improvements that will be installed, the traffic will flow better and therefore should decrease noise. Visually, you can only see the site from the knoll more than 1/2 mile away, which is why the visual impact on the park should be considered insignificant. Tegeder asked Panayotou if you can you see the existing buildings during in leaf off conditions. Panayotou confirmed that yes you can and reminded the Board that the existing motel building is set 7-8 foot higher than the proposed Costco will be located.

Flynn still felt that the findings state too strongly that we need to build a Costco to get rid of the abandoned buildings and he did not agree that this was true.

Hochman stated that the Board must decide whether the effect on the park is significant or insignificant. The point about whether the abandoned buildings is over emphasized is not as great a concern. Tegeder suggested any reference to the existing view be eliminated. Kincart said he did not agree because people did point out many times the view of the site and the Board should therefore address it.

The Applicant’s traffic engineer, Phil Grealy, stated that increase in sound is a logarithmic formula and that any change that is less than 3 decibels cannot be heard by the human ear. Therefore even if the highest car volume is used, the existing traffic volume would have to double for a 3 decibel increase to occur. Fon asked Grealy if newer cars create less noise. Grealy stated yes. Both tire noise and pavements designs continue to get quieter. Tegeder asked Grealy if he knew the volume of cars on the Taconic State Parkway currently. Grealy stated there are over 3,000 vehicles/hour on the TSP and it can be up to 4,000/hour during the peak. Fon asked Grealy if the State has looked at noise barriers for this section of the TSP. Grealy stated that they did look at the use of barriers at the request of several residents on Mohansic Avenue, however the noise level did not meet Federal standards. The area near Route 132 where barrier walls were installed was found to exceed federal noise standards during both the daytime and evening hours. Flynn asked if the 6am opening time

of the fueling facility would add significant traffic northbound on the TSP which normally there aren't as many cars heading northbound. Grealy stated that the majority of the traffic is still headed southbound. Over the years there has been an increase of traffic headed north.

Kincart, Savoca, Rivera, and Fon agreed to leave language in the visual section regarding the abandoned buildings and the impact of views from FDR Park as drafted.

- Page 16 Flynn questioned, what can be accomplished with screening. The findings state that the impact will not be significant with the proposed landscaping. He asked if this meant the Board could not add more landscaping during the site plan review process. Hochman stated she did not think the statement would limit the Board from any particular landscaping options during the site plan review.
- Page 17 All punctuation will be removed from all bulleted items within the document.
- Page 21 Add the word "of" in the first sentence of the first full paragraph.
- Page 22 In item g the Board added only deicing agents allowed by NYCDEP will be used.
- Page 23 In item xi, the Board added the clarification that "All fueling facility employees" will receive instruction on the safety procedures for the fueling facility.
- Page 24 Add bullet item xxiii. stating "Trained personnel will be at the fueling facility in compliance with all state and federal regulations.
- Page 26 Grammatical errors corrected.
- Page 29 Under 7. Stormwater, add the word "the" to the italicized sentence.
- Page 30 Add the word "various" before agencies in the first sentence of the first full paragraph.
- Page 31 Chris Hanzlik of TRC Engineering confirmed there were two analyses completed by the Applicant; one from Wetland A and one from the site as a whole.
- Page 33 Add bullet item i stating the Watershed Inspector General will receive a copy of the SWPPP submitted to the NYC DEP.
- Page 35 Clarify that "Natural" gas service will be provided by Con Ed.
- Page 37 Spelling error corrected.

- Page 38 Change all mentions of “FEIS Traffic Impact Statement” to “Revised Traffic Impact Statement.”
- Page 41 Grammatical and spelling errors corrected.
- Page 43 Item e: The Board decided to add a footnote suggested by Flynn to bullet item e as follows:
- The FEIS assessed Costco’s traffic impacts in terms of trip generation, capacity of local roadway networks, and delays at intersections. However, recent planning literature has emphasized the relationship between low density land uses and public health.
- Item g: Flynn asked why bullet item g was needed. Grealy stated that the Nanuet Costco location does allow non-members to purchase gas so that is why this item is included here. The Board decided to also add, “Diesel fuel will not be sold at the site.”
- Page 44 Item k was deleted because it was a repeat of item i.
- Page 45-49 Grammatical and punctuation errors were corrected.
- Page 50 Flynn was concerned that the last paragraph on the page regarding rock crushing and fill was vague. It was unclear whether materials would be removed or imported so how can the traffic impact be calculated. Panayotou stated the goal was to balance the site. The elevation of the project was designed to accomplish this. It is possible that we may have to import fill to be placed under the building if the onsite rock is not sufficient. The applicant estimated that if needed, approximately 250 trucks would be generated over a 6 month period therefore the number of trucks per day would be minimal or not significant. Unsuitable material will have to be removed. Since the exact insignificance of the impact is therefore unknown, the Board decided to add “The developer has stated that it is” not anticipated to result in any significant traffic impacts.
- Page 52 Change two instances of police “intervention” to police “involvement.”
- Page 55 Delete bullet item c regarding preference to local workers. This may conflict with equal opportunity employment laws. Additional grammatical errors corrected.
- Page 58 In Alternative A, add “a former gas station” after King Gates & Fences.
- Page 60 In Alternative C, Flynn questioned whether to use the term “not practical at the site” instead of “not feasible at the site”. The Board decided that the Applicant did state this alternative was not feasible and did not edit the section.
- Page 65 In Alternative F, Flynn questioned if the Board had to list all possible project improvements here to be able to consider them during the site

review phase since it seems that Appendix B was removed from this draft. Hochman stated the standalone list that was Appendix B was incorporated into the document as the bulleted lists at the end of each section. Flynn suggested 5 additional bullet items he suggested be included. The Board agreed to add these items to the findings and Fon read the items into the record:

Add to 9. Use & Conservation of Energy:

- The Planning Board will consider the installation of a charging station for electric cars at the site.

Add to 11. Traffic:

- The Planning Board will consider the creation of a Costco sponsored bus loop from the project site to the Staples Plaza with stops at proposed commercial development along Crompond Road.
- The planning Board will consider a requirement to construct an extension of the North County Trailway to FDR Park, providing a bicycle and pedestrian access to the park from many parts of the County.

Add to 18. Historical and Archeological Resources:

- The Planning Board will consider the relocation of the mid-1800's farm house to Town or State parkland and the restoration of same.
- The Planning Board will consider a program to remove invasive species along the FDR Park/Taconic State Parkway corridor.

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In Section G. Conclusions, Flynn was concerned that the first bullet states the proposed action is the action that avoids or minimizes adverse environmental impacts to the maximum extent practicable, yet most of the alternatives state the impacts are similar. Hochman stated the Board was choosing the Proposed Action in light of the alternatives. The alternatives should not seem preferable to the proposed action. The Board discussed why certain impacts were similar to the Proposed Action. The Applicant's Attorney Michael Bogin stated SEQRA findings require the Planning Board to certify the action is "one that avoids or minimizes impacts" not "the only one" that does this. Hochman also stated that if for some reason Costco leaves, the Planning Board can still revisit the alternatives listed in this document for the site. The Board is only considering the alternatives in respect to this Proposed Action.

Kincart questioned if commas should be added to the last bullet, however Hochman preferred to stick with the language of the SEQRA law. This paragraph will be edited to exactly match the SEQRA law.

Appendix C

Hochman requested the Watershed Inspector General's response by email submitted today be added to Appendix C.

The Planning Board reviewed the draft resolution to adopt the Findings Statement. Hochman added to the Now therefore be it resolved clause on page 2, “as revised pursuant to the 12/15/14 special meeting” thereby incorporating all the edits the Board made to the document tonight.

Fon took a moment to thank his fellow volunteer board members, the professionals, the public, and staff for working so hard on this project.

Upon motion by Flynn, seconded by Savoca, and unanimously voted in favor by Fon, Flynn, Savoca, Rivera, and Kincart, the Board adopted the resolution adopting the Findings Statement for the Costco Wholesale Club.

Al Capellini, attorney for the Applicant, thanked the Board for the time spent on this project.

Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 9:20 pm.