

Planning Board Minutes October 19, 2015

A meeting of the Planning Board, Town of Yorktown, was held on October 19, 2015, at the Yorktown Community & Cultural Center, 1974 Commerce Street, Yorktown Heights, NY 10598. The Chair, Richard 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; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel; and Lisa Hochman, Special Counsel to the Planning Board for the Costco application.

Minutes: October 5, 2015

Upon motion by John Flynn, seconded by John Savoca, and with all those present voting aye, the Board approved the October 5, 2015 minutes with changes as shown on the chair's copy.

Capitalize Clean Air Act on page 4 of 5
Traveling east from route 202 page 4 of 5
To install "a" refrigeration system
Page 5 of 5 "document"

WORK SESSION

Advice of Counsel

The Planning Board entered into a confidential session to receive advice of counsel.

Upon motion by John Flynn, seconded by John Savoca, and with all those present voting aye, the Board voted to go into a confidential session.

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Envirogreen Associates

SBL: 15.16-1-30&31

Discussion Site Plan

Location: 1833, 1851, 1867, 1875 East Main Street

Contact: Site Design Consultants

Description: Proposed redevelopment of a portion of the referenced property by removing one of the existing buildings and parking area, and constructing a new 10,000 to 12,000 sf retail center with associated parking and through road connecting to adjoining properties.

Al Capellini, project attorney, Joseph Riina, project engineer, and the Mitch Cirpriani representing the applicant were present. Fon asked Capellini to answer in writing whether he thought there was a conflict of interest by him representing Mallon for his site plan approval and the neighboring Envirogreen for its current site plan application.

Fon stated the Board had questions about the easement issue. The Comprehensive Plan clearly recommends connecting properties. At this time there's no legal basis to require the connections. The

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Board requests the easements from Envirogreen be offered. Capellini stated that there is a note on the plan to this effect.

Tegeder stated that staff did meet with the applicant. The parking lot connections look more like a thoroughfare and that was never the intention. The suggestion at the meeting was to improve how this works. We also talked about the western most curb cut and that it could possibly be moved further to the east to align with the parking aisle. This entrance operates poorly.

Riina presented Alternate B layout which shows the two proposed buildings in opposite places. Left western curb cut, removed the parking spaces at this location, and fixed the geometry of the turn. There would be a loading area behind the middle building. Riina thought moving this curb cut further to the east would make the two curb cuts too close.

The Board discussed the front access at the Village Traditions site. The access is too close to the intersection. The connection was to allow cars to make a left turn at the traffic light.

Tegeder asked if the L shaped building had to be the exact size and shape that it has been shown on all the layouts. Riina stated the size of the building was set by the property owner's desire for the size of the spaces inside.

Flynn asked about the applicant's reaction to the Conservation Board's memo dated October 8, 2015. The Board is against the wetland encroachment. Flynn drove down the road tonight and thought there were many buildings much closer to the street along the strip. The Board had liked Alternative Plan A that had the landscaping plazas in the front, however this plan does not do anything towards eliminating the straight route through the rear of the site.

The Board agreed that they prefer a plan with the curb cuts closer together aligning with the parking aisles. The Board asked if the some of the space could be moved to a second story on one of the buildings. The Board preferred the plaza space in the front to create more of a hamlet area, but the connection in the rear still needs to be worked on.

Hanover Corner Inc.

SBL: 37.18-2-78

Discussion Site Plan

Location: 1803 Commerce Street

Contact: Site Design Consultants

Description: The property owner is proposing on-site parking to accommodate the existing two-story building

Al Capellini, project attorney, Joseph Riina, project engineer, and the applicant, Michael Dubovsky, were present. Staff met with the applicant on the site along with the Highway Superintendent and the Public Safety Officer. A crosswalk anywhere around the site frontage is not desirable. We talked about not connecting the sidewalk, but cutting back the hill on the west side to accommodate the site distance and grade the area for a sidewalk. One tree would be removed for site distance. We also talked about how to address the grading in the corner. Riina did show turning radii for a garbage truck to access the trash enclosure. The trash enclosure was turned. The truck would have to make one, maybe two, extra maneuvers to turn around and leave the site.

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Flynn asked where the trash enclosure is for the adjacent site. Dubovsky stated that the adjacent site does not have a trash enclosure. They use trash cans. Flynn asked if there was any opportunity to share a trash enclosure.

Tegeder stated the hill has to be removed for sight distance. A crosswalk should not be provided solely because the sidewalk ends. A crosswalk would be best located near the Meadows Farm. At least if the sidewalk area is graded a pedestrian can continue to walk towards the existing sidewalk in front of 334 Underhill most months of the year.

The Board scheduled a Public Hearing for the project at the November 9th meeting.

Spirelli Electric

SBL: 16.01-1-44

Discussion Approved Site Plan

Location: 990 East Main Street

Contact: MAP Architecture

Description: Modification to approved site plan.

Michael Piccirillo, project architect, was present. Piccirillo presented photos that were taken of the site today. The parking lot was not constructed exactly according to the plan. Plantings were not installed. A dumpster enclosure was added in the front. Rivera asked about a covered structure she had seen to the right of the building. Piccirillo was not sure what the structure was or if it was still on the site. Savoca asked if a redlined drawing can be shown so the Board can see what needs to be discussed.

Piccirillo mentioned the Taconic Veterinary project approved site plan. The 8 foot fence around the rear of the building should have been 7 feet tall. The Board was fine with this minor modification. ABACA requested a timber guard rail fence instead of the 4 foot white vinyl fence along the eastern property line. The Board was fine with this as well.

Costco Wholesale

SBL: 26.18-1-17,18,19 & 26.19-1-1

Discussion Site Plan

Location: 3200 Crompond Road

Contact: TRC Engineers, Inc.

Description: Application to construct a 151,092 sf Costco Wholesale Club store and member only gasoline filling station.

Planning Board Special Counsel Lisa Hochman representing the Planning Board for this application. Nick Panayotou, project engineer, Al Capellini, project attorney, Alan Pilch of Evan's Associates, Bob Rosenberg of Breslin Realty, and Michael Bogin, counsel from Sive, Paget & Riesel.

Panayotou showed the elevation that has been produced in response to the ABACA. Costco responded to Flynn's questions from last meeting; Costco will install the glycol system, but does not want to install solar panels on the building's roof. New York State does not provide enough incentives to make it work.

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Flynn responded to TRC's memo regarding solar not being reliable enough in the Northeast. There is a store in Hazlet, New Jersey where solar panels were installed, therefore climate isn't reason enough. On the point that NYS doesn't provide enough incentives, that is not true anymore. New York's programs have been revamped. The maximum incentive in NYS is 50% of the total installation cost of the system. Also the Federal government has another 30% incentives to install solar systems. Therefore neither reason given in the response memo is valid. Panayotou said he would take the information back to Costco. Kincart asked if the building was designed to support solar panels should Costco decide to install them in the future. Panayotou was not aware if the proposed building was designed to support solar panels. Rosenburg stated that Costco isn't going to install solar panels. Fon stated that the issue is that the memo submitted to the Board states reasons for not installing solar panels, climate and state incentives, which Flynn has pointed out are not completely true. Flynn stated he thought the issue was between if Costco is not doing solar at all or Costco won't install solar panels in Yorktown. Hochman stated the Board wants to know the rationale for not doing solar in Yorktown. Please clarify the memo stating why Costco will not install solar at this location.

The Lighting Plan now accommodates the corner without the one light pole. The angle of the two adjacent light fixtures were adjusted to make up for the missing pole. A revised lighting plan will be submitted.

Fon stated it would be helpful for the applicant to summarize the discussion and revisions to the plan based on the discussions that have occurred after the Finding Statement. Hochman clarified that the starting point for this summary should be the Findings Statement and not before. Panayotou agreed that a technical memorandum will be submitted.

The Board discussed the draft resolution. Flynn stated that in the EIS it was stated that the Costco would be visible from FDR Park. The applicant had performed an analysis that there was no view from the highest point in FDR Park only. Flynn would like to require that if after construction the building can be seen, that additional screening can be required either in the park or on the site. Panayotou agreed that the additional analysis was done from the highest point, but the topography of the park was also reviewed in relation to the elevation of the Taconic State Parkway. Bogin stated that from a SEQR perspective, the test is not whether there is any view, it's whether there is a significant impact caused by that view. Staff will incorporate something in the resolution to be discussed.

Fon, asked if prior to certificate of occupancy means temporary certificate of occupancy or final certificate of occupancy. Kincart read off the items which mostly included traffic and roadway improvements. Tegeder stated that the Building Inspector is required to have authorization from the Town Board to issue a temporary certificate of occupancy, which can be renewed.

Pilch is working on the tree removal analysis to help the Board make its determination about the appropriate mitigation for tree removal.

The Board will have a draft resolution with tracked changes showing any changes from the draft the Board has tonight, to review at the November 9th meeting.

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Yorktown Downtown Revitalization Project

Tegeder presented an overview of the highway garage relocation project to the Planning Board. Flynn asked about additional truck traffic over the North County Trailway. Is there any plan to somehow separate this traffic? There are no detailed plans however the trucks go in and out of the site today as a result of current highway operations on the site. Fon asked how the sizes of the proposed buildings were arrived at. Tegeder stated the buildings were sized after discussion with the former highway superintendent and current parks superintendent about their needs. Fon asked if the garage included a repair shop. Yes. Can the garage house all the current vehicles? Yes. Are there extra bays for additional vehicles in the future? No. Fon stated that there is only one shot at this and the building should accommodate as much as the town can afford. Flynn asked if anyone in the Greenwood Street neighborhood has made any comments on this plan. Tegeder stated he had not heard from anyone on Greenwood Street regarding the proposal. Tegeder agreed there would be a lot more truck traffic on the street. The Planning Department has not heard any feedback from the neighborhood. Flynn asked if there has been a market feasibility study on whether the highway garage site can be sold for \$1.5M. Is it a realistic assessment? Tegeder stated the estimate was provided by the Town Assessor. There has not been a market analysis or appraisal performed on the site. The Comprehensive Plan does talk about removing the highway garage from the downtown area and providing something better. The Planning Board would like to make a site visit to the current highway garage.

Upon a motion by John Kincart, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 10:00 pm.