

## Planning Board Minutes September 3, 2015

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A meeting of the Planning Board, Town of Yorktown, was held on September 3, 2015, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598.

The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn  
John Savoca  
John Kincart  
Darlene Rivera

Also present were: John Tegeder, Director of Planning; Tom D'Agostino, Assistant Planner; and Lisa Hochman, special counsel to the Planning Board for the Costco application.

Fon opened the meeting by making an opening statement regarding the purpose of the meeting being a Public Hearing for the Costco site plan.

Upon a motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board opened the Public Hearing.

Al Capellini, attorney to the applicant, stated the Board has been through a vetted SEQRA process Public Info Hearing, Scoping Hearing, a DEIS Hearing already. Tonight is the fourth hearing for this application in front of this Board. The Town Board had a hearing for the gas station special permit and subsequently a held a Public Hearing on expansion of the sewer district. Capellini introduced members of the applicant's team also in attendance at the meeting who were: Alan Pilch of Evan's Associates, Phil Greely of Maser Consulting, Mark Chertok SEQRA counsel from Sive, Paget, and Riesel, Nick Panayotou and Tom Holmes from TRC Engineers, and Robert Rosenberg from Breslin Realty.

Panayotou, project engineer, displayed the current site plan which he noted has evolved from the DEIS, FEIS, and now during the site plan review process. Panayotou explained the SEQR process and gave an overview of the major changes that have been made to the plan as a result of this review:

1. Installation of a retaining wall along the western perimeter of the project site. The wall substituted for an embankment that had brought disturbance 30 ft closer to the wetland. The natural wooded area was preferable to a wooded embankment.
2. Carried the turning lane back from the main entryway further back towards the Costco building to provide a greater queueing at the exit.
3. The internal traffic circulation in the parking lot was revised to better accommodate site distance.
4. Modified the secondary entrance to provide better traffic flow into and out of the parking lot. This used to be straight entry leading directly to the building entrance. This created too many traffic conflicts. The changed entrance removes these conflicts.
5. Landscape Plan – A large concern of this Board and others, was the landscape screening. The comments were to provide better, taller landscaping along the Taconic State Parkway and along the frontage of the property. This was provided. Also, additional trees were

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- added within the parking lot to provide shade and to be more aesthetically pleasing. Tree wells with trees that can survive this environment were designed within the parking lot.
6. Lighting Plan – The Costco standard is a 40 ft lighting height. The Town standard is 16 ft. The site plans provided 16 ft and 25 ft plans. The applicant feels 25 ft is best because it requires fewer poles and the increase in height from 16 to 25 ft does not change what you can see from various views of the site. Panayotou stated ABACA was okay with the 25 ft high poles for the site, except they requested the poles be at 16 ft high down the main entry and along the road frontage.
  7. The sidewalk at the main entrance was relocated to enter the site at the secondary entrance. The original sidewalk location allowed very little space to provide enough landscaping at the entrance. Without the sidewalk, landscaping has been added along the entire main entry. Relocating the sidewalk to the secondary entrance does not change the distance from the street to the Costco entrance and it is almost completely level, whereas the original main entrance sidewalk had quite a steep grade. The bus stop will be along the frontage closer to the secondary site entrance.
  8. Stormwater Management – The FEIS Site Plan proposed one large infiltration chamber. NYC DEP classified this chamber as a trench, which they have a 5 acre limit on the amount of drainage that is allowed to go into a trench. The plan now shows three infiltration chambers, each taking no more 5 acres of drainage each. This spreads the area of infiltration over a greater distance.
  9. Viewshed – The applicant analyzed the view from the highest point in FDR Park and determined you could not see the proposed Costco building from this point. Whether there are leaves on the trees or not, you cannot see the building.  
The applicant also analyzed a site section taken from the southwest corner of the site to show the site line goes into the proposed berm and above the building. The berm would not necessarily screen the parking area so landscaping was added to this corner to screen the parking.

Fon opened the floor to comments from the public.

### Ann & Josephine Kutter – Old Crompond Road

Here to speak on behalf of the neighbors. The Costco and Breslin team has worked with us on lighting and landscaping issues as it pertains to Old Crompond Road and the homes closest to the development. There was concern about the retaining wall and lighting into windows into Rose's home. She is pleased with the development and working with TRC. Kutter was also pleased with the relocation of the sidewalk to the secondary entrance and the improved landscaping.

### Rosemarie Panio – Morningside Drive

Thank you all for all the hard work. She wanted to remind the Board that we have two supermarkets going out. One of our duties is to provide goods and services to the public. Panio also commented that for the better, the revised site plan looks like a completely different plan then when it came in several years ago.

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### Babette Ballinger – Ridge Street

Ballinger inquired about the size of the proposed parking spaces and if they were adjusted from the original code? She was also concerned if enough was done to take into consideration patrons will be parents coming with children, the carts, and that the interior of the site would be safe.

### Eric DiBartolo – Chamber of Commerce

DiBartolo stated he was impressed with changes of site plan. The response for emergency vehicles getting in and out will be faster with the improvements. He also noted the landscaping in the parking lot has been planned to not interfere with site distance, the berms are terrific, two tiers of trees and the types of trees were all considered. The Chamber of Commerce is in support of this project. The little changes made to the plan work much better.

### Patty Peckham – Baptist Church Rd

Peckham inquired about a note on the plan for the site line from 202 which states it would take 9 years for the trees to grow and block the site line. Can we get bigger trees or different type of trees or do we have to wait? Peckham also stated she thought the gas pump is outdated. The applicant is trying to fit too many pumps in on a small site and the configuration tends to trap customers behind front pumps until other customers leave. This can cause accidents or queuing. In addition, the tanks and fill compartments are close to the building for fire safety and overspill problem.

### Tony Grasso

Grasso thanked the Board for the time that they have spent on this project. Grasso is the liaison between the Chamber and both the Town Board and Planning Board. His background is in golf course maintenance. Grasso liked the retaining wall, the tree wells, and thought the height of the trees will only take a few years with proper care. Views from FDR and 202 were done well. Grasso has no problems with the site plan and lighting plan and is in favor of the landscape plan and control of the water leaving the site.

Fon thanked all the other Town Boards, Committees, staff, and the Town's consultants that have spent time reviewing this application.

Panayotou answered the questions raised. The parking spaces are generally 10 x 18.5. The Town standard is 8.5 ft x 18.5 ft therefore the size exceeds the town standard. Specifically, the site plan shows approximately 60% of the parking spaces are 10 ft wide and approximately 40% of the parking spaces are 9 ft wide. The spaces are the narrower size as you get further from the building, however all the spaces exceed the town standard.

The number of parking spaces is 610 and it has been that number throughout the process.

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Regarding the gas pump configuration, Costco added a fueling station to their store in Brookfield recently and used the same pump configuration. There is plenty of room linearly and width wise to move around vehicles in front of you. There have been no issues with this configuration. Capellini added that the fueling station is part of special permit that was approved by the Town Board and that encompasses this area as a mini site plan.

In regards to fueling station spills, the tanks are underground far enough away from the building to be safe. The Building Inspector has determined the proposed location is okay. The entire gas station area, including the area where fueling trucks will be located are completed isolated with respect to runoff. There are spill prevention and stormwater controls in place to prevent a spill from entering the rest of the site's stormwater system.

Fon stated there are several approval agencies after the Planning Board's site plan approval including the NYC DEP, NYS DEC, Westchester County Board of Legislators, NYS DOT, and the Town Building Department.

Flynn asked Panayotou where the project is with the Conservation Board. The Board received a memo from Conservation Board dated September 3, 2015, which states the project is a good opportunity to use green technology, including solar power, and minimal was presented. More green technology should be used.

Capellini stated the Conservation Board does not favor the Costco application and this colors their comments. It is their mission to preserve the wetlands and promote greener projects so they will continue to request this. Costco will have a plethora of sky lights, which will inject conservation of energy into the building that usually is not seen in a project this large.

Panayotou stated the Conservation Board mentioned they would prefer a green roof for aesthetics as well as for stormwater. Costco does not want a green roof, but has accomplished the requirements for stormwater in other ways so the end result is the same. The site is designed to store up to a 3 inch storm, which is significant and will accomplish the same stormwater goal. In addition, the applicant will obtain a use and occupancy permit to add landscaping in the Taconic State Parkway right-of-way to soften the aesthetics of the site.

**Upon a motion by John Flynn, seconded by John Savoca, and with all those present voting aye, the Planning Board closed the Public Hearing.** Fon asked the Board if there was a motion to accept written comments for 11 days, or until Monday, September 14, 2015.

**Upon a motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board voted to leave a written comment period open of 11 days, or until September 14, 2015.**

Fon stated that at their Work Session on September 21<sup>st</sup>, the Board will discuss the comments from tonight's hearing and the site plan.

**Upon a motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board voted to close the meeting at 7:53 pm.**