

Planning Board Minutes September 12, 2016

A meeting of the Planning Board, Town of Yorktown, was held on September 12, 2016, 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
Anthony Tripodi
William Lascala

Also present were: Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Anna Georgiou, Planning Board Counsel; Bruce Barber, Town Environmental Consultant, and Councilman Greg Bernard, Town Board Liaison.

Correspondence: Fon asked that the Triglia letters be forwarded to the Town Engineer.

Minutes:

Upon a motion by Flynn, seconded by Tripodi, and voted in favor by Flynn, Tripodi, and LaScala, Fon abstained, the August 8, 2016 minutes were approved.

WORK SESSION

Lowe's Home Center former Costco Wholesale

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

Discussion Amended Site Plan

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed Lowe's with two restaurant buildings and a bank building on the former approved Costco Wholesale Club site.

Al Cappelini, project attorney, stated that since the approval of the Costco application, that deal fell through. Now the developer, Breslin Realty, has an amended site plan application that includes a Lowe's. A technical memorandum was submitted for the Board's review. The intent is to bring this project to the town at the beginning of next year.

Nick Panayotou, project engineer, gave a presentation on the project. Panayotou stated that in his view the reason for the 2010 – 2015 process was that there was project opposition and changes in the regulations. The long timeframe stressed the agreement with Costco. The technical memorandum outlines how Lowe's uses many of the same green technologies that Costco used. Breslin, as Yorktown Jaz, LLC, now owns all of the properties included in the application except the new piece owned by the NYSDOT, which they are in the process of acquiring this 3.38 acres.

- Lowe's Home Center – 120,663 sf with 25,448 sf garden center
- Two Restaurants – 7,600 sf and 4,500 sf
- Bank – 4,000 sf

All of the proposed uses are allowed in the C-3 zone. Lowe's parking ratio is lower than Costco; 3.1 parking spaces per square feet versus 4 parking spaces per square feet. The store is smaller. The building was moved about 100 feet to the north. The Lowe's building is proposed 3 feet lower than the Costco

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building. The landscaping is about the same. The revised plan provides the same level of stormwater management, however all on the 3.38 acres of property to be acquired from New York State.

The properties are now in the sewer district, as well as the neighboring properties. The project will still extend the sewer main up Old Crompond Road to the site. This amended project does have more flow than Costco, however the analysis had assumed the Crompond Terraces proposed development to be much greater than currently proposed. Both the water and gas lines will also be extended.

Phil Grealy, project traffic engineer, stated traffic generation during the peak hours would be lower for the Lowe's project than the Costco project. The proposed roadway improvements would remain the same.

Panayotou stated the site will generate approximately \$1.2 million in annual real estate taxes and create 380 full-time temporary construction jobs, 150 – 180 full and part-time permanent jobs at Lowe's, and 130 full-time jobs at the out-buildings.

In order to facilitate the division of the property around the proposed tenants, the applicant is requesting a lot line adjustment. This would be for tax purposes only. Each of the four proposed building would be on separate lots and then the rest of the property (the wetlands and stormwater areas) would be on a 5th lot.

Lowe's architect, Kevin Bulger from Petrillo Architecture, P.C., presented the architectural drawings for the Lowe's building. The main building is below the 35 ft required maximum height. Town Code allows for architectural features to be up to 50 ft height. There are two instances of this over the entrances. All the signs collectively are within the area allowed for the building. Flynn asked about the orientation of the building. The Lowe's building entrances will face south.

Frank Campione, from Create Architecture, presented the architectural drawings for the restaurant and bank buildings. Similar materials to Lowe's, however more details added. All three buildings look slightly different. The out parcel buildings are 7,600, 4,500, and 4,000 square feet. The architecture has been designed based on the tenants with leading possibility of gaining leases on the site in mind. If changes need to be made after approval, the applicant will have to come back to the Board. Flynn asked about the decision to have 3 separate buildings. Campione stated the tenants compete for visibility and elements like drive thrus, etc. These items are easier to accommodate when there are separate buildings.

Phil Grealy, traffic engineer from Maser Consulting, was present. Grealy stated he looked at the difference in traffic generation between the approved plan and the proposed plan. the proposed plan has lower traffic generation in the afternoon hour and on Saturdays. Grealy analyzed the AM peak hour because Costco only had the fueling station open before 10 am. Lowe's opens at 6 am. The improvements that were designed to accommodate the peak flows generated by Costco – road widening, added west bound lane all the way back to Strange Boulevard, etc. would all still be proposed. The difference in traffic generation between the Costco and the Lowe's project varies from 5-15% less traffic generation. Grealy also analyzed the changes in traffic counts since the Costco project was reviewed and approved. For example, in the Costco report, the potential reassignment of trips as a result of the DOT improvements were analyzed. Now that those improvements are complete, the new traffic counts taken document that these changes and projections did occur. Internally, the site still has the same driveway configurations to Route 202. Tripodi asked about left hand turns into the project in the morning. Grealy stated there is a separate left turn lane to enter the project as well as the expansion of the left turn lanes under the Taconic to serve both the north and south on ramps. This will fix current queing problems. Fon asked where the applicant was in the process with the NYS DOT. Grealy stated the plans for Costco were fully designed and reviewed by the DOT. The applicant was in a position to submit final plans for approval, but waited

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because of the change in tenant. Panayotou stated he anticipated filing revised plans with the NYS DOT in mid-October. Tripodi asked if the parking turnover rate was also quicker for the Lowe's. Grealy stated that based on other Lowe's facilities, there is more turnover and the Lowe's requires less parking. Panayotou stated the peak traffic generation and parking day for Lowe's is Memorial Day. The applicant determined 486 parking spaces are required based on parking demand for the Lowe's plus the three other buildings. 512 parking spaces are provided on the site plan. The 3.1 parking space ratio is the Lowe's target ratio. Their actual parking ratio on similar sites is less. Supervisor Grace stated that the parking regulations were changed by Town Board several years ago because tenants do not need as much parking as the ordinance required.

Fon asked Panayotou to clarify the change in the sewer impacts of the new development. Panayotou stated that the Crompond Terraces development was originally assumed to be 140 residential units. Now that project contains less units. This will compensate for the increase in sewer flows from the proposed project.

Panayotou stated there was less rock removal because the new location of building is further north on the property. This means more fill will have to be imported because more structural fill is needed. The proposed parking is all on one elevation. Fon asked if the large retaining wall had been eliminated. Panayotou stated there are still walls, however they are lower and shorter at the front of site and taller only in the cut area at the rear of the site.

Fon asked about site lighting in the southwest corner of site as this had been an issue in the Costco site plan. Panayotou stated the applicant is in the process of finalizing the lighting plan. There will again be a combination of 16 foot and 25 foot light pole heights. The lower lights located at the perimeter and entrances to the site. The applicant will take the same care at the southwest corner as approved in the Costco plan.

Fon asked if the same landscaping was proposed along the Taconic off-ramp. Panayotou stated the landscaping was very similar to the Costco project. It is moved around the new site plan. Some landscaped areas in front of the buildings where the slopes are now gentler will be enhanced.

Panayotou stated there would be no change in the impacts of air, noise, and hazardous materials. Less solid waste will be generated.

Flynn asked if the Lowe's would have a propane filling facility. Bulger stated that Lowe's only has an exchange program for tanks only, not a filling facility.

Tripodi asked why the taxes generated changed from \$900,000 - \$1.2M. Vincent Ferrandino, from Ferrandino and Associates, stated the numbers are based upon the assessment value for the proposed project from Town Assessor. Approximately \$132,000 would go to the town, \$800,000 to the school district, \$110,000 to the County, and \$125,000 to special districts. There will be slightly less sales tax to the County because there will be no fueling station. Ferrandino completed a retail market analysis for Lowe's. Unlike the previous Costco project, which had two retail categories that were over subscribed in the affected market area (Food at Home and Transportation & Auto), all merchandise categories for the Lowe's project are under-supplied in the area, with approximately \$1 billion in annual total sales leakage. Lowe's will capture this leakage. The Home Depot in Cortlandt was included in this analysis. Ferrandino updated the commercial character assessment, which concluded no anchor, sub or partial anchor stores would be affected by the proposed Lowe's. There will be no impact on the schools because no new children will be generated. Again, there is no request for tax abatement.

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Panayotou stated the first step the applicant would like to take is to know from the Planning Board whether the technical memo is enough analysis of the new project and that SEQR does not need to be reopened. Mark Chertok, project environmental counsel, stated there are no new significant adverse impacts with the amended project. The technical memo goes through every issue identified in the EIS. There are some impacts, but none are significant. The applicant is looking for a resolution stating no supplemental required and that the original SEQR record can be relied upon for the review of the modification to the project. Fon questioned whether the addition of the property to the north had an affect on this conclusion. Chertok stated there are clearly new impacts from the amended project, but no new significant impacts.

Fon asked asked staff if the outside agencies would prefer the amended project. Barber stated that the NYC DEP would probably be more comfortable with the amended plan because there is less technology involved and more standard practices used that are more easily maintained. The tree removal can be mitigated. Fon asked if the applicant had reached out to outside agencies yet. Panayotou stated the applicant has met with the DOT and would be scheduling a meeting with DEP in the next week or so.

Georgiou suggested that if it is determined by the Planning Board that there are no new significant adverse impacts associated with changes to this project under SEQRA (therefore no supplemental EIS is required) and that no new findings are necessary, the basis for that determination should be well-documented by the Planning Board with its own analysis based on the SEQRA record and it would be appropriate for this analysis as well as the Board's resolution to be circulated to involved agencies.

Fon asked about the Lowe's green practices and energy conservation that Panayotou said would be similar to Costco. Charles Sturdevant, from Lowe's stated that all lights inside and out are LED and the entire rear of Lowe's pavement area is going to be white concrete.

Fon asked what the Lowe's anticipated schedule was. Panayotou stated the goal is to have the store open in 2018. Demolition of the existing building and environmental remediation will be completed up front. Barber stated the remediation should consider whether a SPDES permit is required. Panayotou stated the stormwater pollution prevention plan was designed to allow approval for remediation ahead of site plan approval. The Board will review the Lowe's technical memo at the work session on September 26th.

Featherbed (Colangelo)

SBL: 35.16-1-4

Discussion Subdivision

Location: 1805 Jacob Road

Contact: Site Design Consultants

Description: Proposed to subdivide the subject property into 6 residential lots with single family homes. This parcel is in both an R1-40 and R1-160 Zones. Applicant is requesting to use Town Code Section §300-22 Flexibility.

Al Capellini, project attorney; Joseph Riina, project engineer; and John Colangelo, the applicant, were present. Riina stated the applicant completed a tree survey and a comparative analysis for the flexibility approach. Fon stated the Board received a memo from the Conservation Board endorsing the flexibility plan. Riina stated reduction in all impacts for flexibility plan. The component not shown on the plan is some type of farm use on the remainder of the property. Public trail to connect to the Hunterbrook trail system is still a part of the plan. Parking would be located on the front lot. Riina stated the only farmer

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currently interested in farming on the property is the neighboring farm, Hemlock Hill, located in the Town of Cortlandt. Riina stated the applicant would like to get to the Town Board to request flexibility. Both the conventional and flexibility plans will be sewerred. Flynn asked why the Board needs to be concerned with the potential farming of the larger lot. Tegeder stated that the Board does not, however should be aware of the potential impacts of the full picture to the extent it will effect the subdivision. Tegeder stated that the Board should be able to support the number of lots shown on the conventional plan when referring the application to the Town Board. Tegeder asked if 6 lots is the maximum amount of lots the property can support. Riina stated that the conventional plan is the maximum number of lots that can be supported by the town code. Fon stated the applicant first must confirm the property is in the sewer district. Barber requested slopes over 20% and rock outcroppings over 2,000 square feet in area be shown on the plans. Riina stated showing those environmental features is only required when using the clustering formula. Barber stated he thought these areas still need to be shown on the plan even if not using the formula.

Riina stated the front part of the parcel is in the one acre zone. The applicant is requesting this line be moved further back. Tegeder stated the Board needs to show in the record that the proposed homes can be built where shown on the conventional plan. Tripodi asked how flexibility benefits the property owner. Capellini stated the development will cost less since there will be no public road, less infrastructure, and smaller lots. Tegeder stated the applicant also preserves the rest of the land to farm. Georgiou clarified for the Board that based on this application the applicant would not be precluded from further subdividing the remaining large farm lot in the future. Riina will stake the center of the homes and schedule a site visit with staff. The applicant must also revise EAF to reflect 6 lots are proposed.

Stephen Brophy

SBL: 35.08-1-17

Discussion Site Plan

Location: 3787 Crompond Road

Contact: Site Design Consultants

Description: Proposed to convert existing building into a restaurant with a patio for outdoor seating and parking to accommodate 20 cars.

Joseph Riina, project engineer; Stephen Brophy, the applicant; and Michael Piccirillo, project architect; were present. Riina stated this application is set for a Public Hearing at the Board's next meeting. The applicant is here to give the Board an update on the lighting plan. The security pole lighting in front of the building will be removed. Residential style lighting (up to 100 watts) will be added to the building. Photometric information is not available for residential fixtures. The flood light in the rear will remain. It is about 18 – 20 feet high. Fon asked to extend the planters in front of the two first parking spaces to deter patrons from using the 2nd curb cut to exit.

Pied Piper Preschool

SBL: 37.14-2-8

ZBA Referral

Location: 2090 Crompond Road

Contact: MAP Architecture

Description: The applicant seeks to modify an existing special use permit for a daycare center and expand its existing facility from 3,618 square feet to 17,335 square feet with an increase in enrollment from 66 children to 110 children. An area variance is also required for building coverage of 10,057 square feet proposed where 7,404 square feet is allowed in the zone.

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Michael Piccirillo, project architect and Kathy Dineen-Carey, the applicant, were present. Piccirillo reviewed the proposed site plan. The building is proposed over already impervious surface. The new second floor will extend over the playarea. Town staff comments regarding adjusting the stairway at the rear corner of the building will be addressed. A variance is required for lot coverage. The applicant is proposing 33% where 25% is allowed in the zone. Piccirillo showed the elevations of the building. Renderings from each direction on Route 202 will be provided. Tegeder stated that previously there was a resolution of approval for a site plan for the original building. Tegeder stated he would recommend the Board continue their review and update this plan with an amended site plan. Flynn stated he was concerned the applicant is only requesting 40 additional children, yet the building seems to be able to hold many more children. Dineen-Carey stated that the building could potentially hold 146 students. She indicated that she performed her own traffic study based on her current operation. The second floor will be for a special education preschool. These students are bused. She summarized her study and submitted it to the Board. Left turns are made when entering the site, however only right turns are allowed to exit the site.

Councilman Bernard asked what the impact of construction will be on the current operation. Dineen-Carey stated New York State allows construction for the rear addition while the school is open, but the preschool will be closed when the second floor is constructed. Georgiou indicated that the modified special permit/variance application and the amended site plan are subject to SEQRA and the EAF should be reviewed by the Planning Board and Planning Department. It was the consensus of the Board that amended site plan review by the Planning Board is necessary since the Planning Board previously approved the site plan for the day care center and that a recommendation to that effect should be included in the Board's memo to the ZBA. Prior approvals by the Planning Board and ZBA pertaining to the day care center should be obtained and reviewed to confirm those approvals and any conditions.

RPG Properties

SBL: 15.15-1-22

Discussion Site Plan

Location: 3574 Lexington Avenue

Contact: Phil Sanders

Description: Proposed multi-family development consisting of eight residential townhouse style units, served by 22 parking spaces as well as a approximately 12,000 sf recreation/park area.

Al Capellini, project attorney; Phil Sanders and Gerry Walsh, the applicants, were present. Capellini requested a Public Informational Hearing for next month since the Board has already seen this proposed plan during the rezoning process. Tegeder stated this would be fine if the Board was okay with the proposed plan. Fon asked why the utilities could not be under the parking lot. Sanders stated it was only for repairs and not wanting to shut down the entire parking lot to make repairs. Fon thought the likelihood new lines would be in need of repairs would be minimal. Fon stated moving the utilities out of the backyards would allow more landscaping. Fon questioned the location of the dumpster at the front of the site. Sanders stated the location was chosen in order to be more sensitive to the neighboring properties. Councilman Bernard stated that the location does go against the Town Board's policy just adopted, however because of the sensitivity to the neighbors, the front location was accepted for this plan. Flynn asked if the park area had to be as large as shown. He suggested adding some landscaping midway through the parking lot to break it up and shifting the parking back. Sanders was amenable provided no parking spaces are lost. Fon requested the applicant submit a landscape plan. Tegeder asked how the applicant will address stormwater. Sanders stated either a pond or underground stormwater structures will

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be proposed. Tegeder requested this be shown on the plan for the hearing. The trash enclosure should be hidden as much as possible. The Board scheduled a Public Informational Hearing for the October 17th meeting. The Planning Board will refer the application to the Zoning Board during the process if variances are required.

Upon a motion by LaScala, seconded by Tripodi, and with all those present voting aye, the Board voted to close the meeting at 9:45 pm.