

## Planning Board Meeting November 8, 2010

A regular meeting of the Planning Board, Town of Yorktown, was held on November 8, 2010, the Yorktown Town Hall, 363 Underhill Ave, Yorktown Heights, NY 10598. The Chair, David Klaus, opened the meeting at 7:35 P.M. with the following members present:

John Flynn  
John Savoca  
Darlene Rivera  
Richard Fon  
John Kincart/ Planning Board Alternate

Also, present were: John Tegeder, Director of Planning, Robyn Steinberg, Town Planner, Karen Wagner, attorney to the Planning Board, Anna Georgio, Town's attorney for special projects, and Kevin Ryan and Lisa Hochman, Town attorneys for Costco Warehouse.

Discussion	No discussion took place at this time
Correspondence	No discussion took place at this time
Follow-up Correspondence	No discussion took place at this time
Liaison Reports	No discussion took place at this time
Courtesy of the Floor	No one from the public came forward

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the minutes of Oct. 18, 2010.**

### Work Session

#### Mongero Properties, LLC

#### Request One-Year Time Extension

**SBL: 37.14-1-44**

*Location:* Saw Mill River Road

*Contact:* Al Capellini

*Description:* Approved 3,848 SF bank by Res #09-28 dated November 9, 2009.

Project attorney Al Capellini was present. Capellini requested a one year time extension. Capellini stated the project is coming to a close with the resolution of the encroachment agreement. The portion to Acme Realty has been paved and the applicant will have the required \$70,000 shortly.

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved a one-year time extension.**

#### Marricco

#### Adjourned Public Informational Hearing/ Public Hearing

**SBL: 5.20-1-9**

*Location:* 3880 Indian Hill Road

*Contact:* Architectural Visions, PLLC

*Description:* Proposed 2-lot subdivision on 9.31 acres in the R1-160 zone.

Joel Greenberg, project architect was present. Greenberg stated at the last meeting it was explained this proposal is to construct one house on a one lot of the new two-lot subdivision. When the new house is complete, the existing house will be demolished. Klaus opened the meeting to the public, however, no one from the public came forward. Klaus asked if all site improvements will be or have been completed. Greenberg stated all required improvements will be completed.

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board closed the public informational hearing and the public hearing.**

**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board declared lead agency under SEQRA.**

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**Upon motion by Rivera, seconded by Savoca, and with all those present voting aye, the Board issued a negative declaration.**

Klaus explained the resolution will require the applicant to obtain an erosion permit. Klaus requested the resolution include the time frame for the demolition of the old house within 90-days of the completion of the new house.

**Upon motion by Savoca, seconded by Rivera, and with all those present voting aye, the Board approved the resolution for the construction of a new house on one lot of the two-lot subdivision.**

### Adrian Auto Body

### Public Hearing

**SBL: 26.18-1-24**

*Location:* 3330 Old Crompond Road

*Contact:* Ralph G. Mastromonacco, PE, PC

*Description:* The project is to add a single story and a partial two-story addition to the auto body shop and excavate a portion of the hillside to add additional queuing and parking areas to the site.

Ralph Mastromonacco, project engineer, was present with applicant Joseph Adrian. Mastromonacco stated the property is in a C-3 zone, and is approximately 1.36+/- acres. There is a submitted stormwater plan. The applicant is currently addressing comments made by NYS DEC. Currently, 17-trees are being taken down, and replaced with grass and wildflowers, as recommended by the Conservation Board. The arborist stated of these 17-trees, most of the useful life is done. The proposal also calls for a portion of the hill to be taken down. If rock is not found, the applicant will replace 8-trees. Klaus asked about the eastern entrance sight distance. Mastromonacco felt the issue is not sight distance as much as it is speeders. Klaus reminded the applicant that the Board had suggested no left turns. Kincart asked if the proposed Crompond Crossing site plan would affect this site. Klaus stated not necessarily. Adrian stated he and his family personally widened the road. Klaus opened the meeting to the public.

Ann Kutter, 3302 Old Crompond Road, Ms Kutter stated she represents herself and many of her neighbors.

**Upon motion by Savoca, seconded by Flynn, and with all those present voting aye, the Board closed the public hearing, leaving 10 days for written comment.**

### Crompond Crossing

### Public Informational Hearing

**SBL: 26.18-1-7**

*Location:* Crompond Road

*Contact:* Neil DeLuca

*Description:* Proposed 7,700 SF commercial site plan, 26 unit multifamily residential site plan, and a 29 lot subdivision.

Present were Al Capellini, project attorney, Neil DeLuca, applicant, Tim Holmes, project engineer, John Sullivan, project architect and Carl Ackerman, Sullivan associate. Capellini stated this is a non-judiciary public informational hearing. The purpose of which is to inform the public and get them involved. The site is 8-acres currently zoned C-3, planned to be rezoned to C-2 (1/3) and residential (2/3). The current proposal is for RSP zoning, with fee simple ownership. The commercial portion will be two restaurants, IHop and Pizza Hut. The architecture of the commercial structures keeps the village atmosphere started with the adjacent Chase Bank. Sullivan stated this proposal involves an 8-acre parcel with an anticipated zone change, no variances, as it meets the mixed use zone with 2.5 acres commercial, and 5.75 residential. The rear residential portion will contain 26 townhouses. Each townhouse will contain 1350sf, a rear yard, but no garage, however there will be 58 onsite parking spaces. Sullivan explained the applicant took an approach of a pedestrian friendly streetscape. All of the units face fronts, fee simple, with a Home Owners Association. Maintenance is a HOA chore, as well as snow removal. There are 4 and 6 unit buildings with diversity, creating nonrepetitive streetscapes. Materials are maintenance free and as natural as possible. Holmes stated

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this will have all the parking necessary, we will connect to gravity sewer and the water line will follow the sewer line. Stormwater will be throughout the wetlands. These wetland are currently disturbed areas in both the residential and commercial area. This proposal is very much at grade, and the site fits well with this project. The commercial buildings are pulled forward, fronting on Crompond Road, with parking in the rear. Pedestrian friendly sidewalks link to walks across the street, and to the rear of the site. The applicant has retail customers to locate to Yorktown. Capellini stated the R3 zone will enable this site to be acceptable to workforce housing. Klaus the sewer connection is in the Peekskill sewer district, how would other properties avail themselves. Holmes stated the existing sewer is in front of the property, the applicant will not be extending the line. DeLuca stated the housing will it be marketable to, newly married couples, who grew up here, went away to college, and now cannot afford the taxes. Equally, we have older couples who want to downsize now that the children have grown and moved out. Eligibility is based on HUD income, 80% of the area median income of \$83,000. The applicants ability to get a mortgage is reviewed by Westchester Cty. DeLuca emphasised that people have to qualify for the mortgage. Klaus opened the meeting to the public.

Anne Kutter, 3302 Old Compond Road and Co-Chair of the Conservation Board. The Conservation Board requested a biodiversity study and tree survey. The Conservation Board also wanted pervious versus impervious analysis to ensure there is no increase in impervious surface. The Conservation Board would like the the applicant to create a conservation easement for land adjacent to the Hunter Brook. As the Conservation Board want to make the Town more bike friendly, therefore we ask the applicant to review NYS DOT study for sidewalks. Additional, Kutter stated no one can see the stop sign on Old Crompond Rd. Capellini stated the applicant is studing the idea of restricting turns.

Bill Primavers Hickory St and ABACA member. ABACA was very impressed with the concept. The parking in the rear is excellent for large parking lots. Flynn wanted to discuss the possibility of one entrance and exit from the entire site plus an emergency entrance drive.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the public informational hearing.**

**Costco Wholesale  
SBL: 26.18-1-19**

*Location:* 3200 Crompond Road

*Contact:* Al Capellini

*Description:* Application to construct a 151,092 SF Costco Wholesale Club retail store and club member available filling station

**Public Informational Hearing**

**Public Hearing on Draft DEIS Scope of Work**

Present were Al Capellini, project attorney, Phil Greeley, traffic engineer, Eric Brand, Costco representative, Tom Holmes project engineer, and Beth Evans, wetland consultant. Capellini stated this proposal involves the four properties that made up the London Motel. The majority of the site is disturbed, except for the northwest corner, which contains undisturbed wetlands. It is intended to preserve the wetlands. Kings Gate Fence, Zinos Nursery and two dwellings, make up the four properties the retailer purchased. This combined site is 18.75 acres, with the motel site being in the sewer district. The applicant will have to petitioned the County for sewerage. The present zoning is C-3 and will remain.

Holmes stated the site is located in the northwest quadrant on the east side Taconic Parkway. The existing site is half disturbed, 54% of the site has previously been disturbed. The Taconic Parkway sits approximately 40 feet above the site, and the low area contains a 1.2 acre wetland. The primary access is Route 202 and Mohansic Ave. The proposed parking area is on two sides, and centered around the front entrance. The project also calls for a fueling facility, and a secondary access with a right in and a right out turn. The truck loading facility is on the north side of the site. The parking is approximately 610 spaces for a 161,000sf building. Upon completion approximately 8 acres will remain vegetated. With regard to runoff, drainage

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will be conveyed to a storm water management facility on the northern portion of the site. Water will be detained and held to match the current rate. The discharge will use at the same location, There is existing water, electric and cable on the site. Gas and sewer will have to be extended to the site. The applicant will be extending the existing sewer east along Old Crompond Road, which will require approvals from the Town and the County. Klaus asked where the gas line originated. Holmes stated this was currently undetermined, but might be from Route 202.

Greeley stated this project will generate new traffic to the area. The applicant is aware of current traffic conditions. NYS DOT stated that improvements to the Bear Mountain Parkway and Pine Grove Ct are in the plan is to improve Route 202 with turning lanes. This will make left turns very difficult. DOT is discussing an acceleration lane and an additional westward lane just past Strang Blvd. A project like Costco will have traffic all day. In terms of time frame, the applicant will coordinate with NYS DOT time frame. The applicant is aware that Stony Street is very dangerous. The proposal calls for having in place interchange improvements and extending from Xtriangle to Lexington Ave in Cortlandt. This proposal aims to solve the traffic problems that exist today. Flynn stated when this Board reviewed BJ's we hoped to channel traffic going to BJ's, but that did not happen. Greeley replied that the bottleneck and the lack of safety at the Stony St intersection, coupled with the lack of signage did not allow for improvements. Flynn asked for the number of peak trips. Greeley stated there is an average of 300 entering and 300 exiting on Saturday and more likely 400 on holiday weekends. Klaus stated you had mention the traffic light off the Taconic Parkway. This is open a very long time, if the NYS DOT change that it will improve the entire stretch of Route 202.

Evans explained that the main wetland on the site flows into the Hunterbrook and from there to the Croton Reservoir. The applicant has been in touch with Natural Heritage, and NYS DEC and found that there is no direct wetland impact associated with the project. This proposal will ensure the hydrology of the site does not change. Flynn stated currently, 54% of the percent of the site, 10.12 acres, has not been disturbed. However, your proposal indicates only 8 acres will be left undisturbed. Klaus stated the water discharges into Sherry Brook, is this all runoff or majority.

Klaus asked about truck traffic. Brand stated trucks enter between 4:00am to 10:00am. Hours of operation are from 10:00am-8:00pm and weekdays, Sat 9:00am-6:00pm and Sun 10:00am-6:00pm. The gas station hours are 6:00am -8:00pm or 9:00pm. The gas station is non-cash, credit card only.

Costco Warehouse will employ 200-300 half part and half full. Part time employees qualify for benefits and have a starting salary of \$11/per hour. Flynn asked if there was a recreation area, and was told there is a break room. Similar stores offer members parking for motor homes. Brand stated Costco does not have this policy. Klaus opened the meeting to the public.

Billy Kellner, 1701 Hunterbrook Rd. It is very important to assess energy issues when reviewing the EIS, especially greenhouse gas emissions.

The section under mitigation is so important to provide access to public transportation. Keller suggested a detour the No. 15 bus, and alternate routes from Peekskill White Plains and Peekskill to Yorktown. At Balwin Place and Cortlandt Town Center buses enter the site. Having adequate public transportation will reduce negative impacts, and provide for a more diverse workforce and client base.

Ann Kutter, 3302 Old Crompond Road. Kutter questioned the cutting of trees and how will the applicant buffer the view. Kutter also questioned the western water flow. Kutter asked about the amount of mulch on the Zino Nursery property as it blocks and clogs drains. Kutter stated the gas line was a positive addition for the neighborhood. Removal of the two small houses was also positive. Kutter suggested looking at any benefits of making Old Crompond Road a cul-de-sac. Kutter stated there is a house across the street from the site, how will they be affected by trucks, lights, noise.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the**

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### public informational hearing.

The Board discussed the DEIS Scoping document. The Board explained Scope and the DEIS to the public. The Scope is the list of concerns the Board wants the applicant to address. Tegeder stated FDR Park is a Critical Environmental Area and the applicant should analyse the changes with regard to this.

Paul Moscovitz, Chair of the Energy Advisory Committee (EAC), The EAC would like the applicant to include carbon footprint, cost of construction, energy green methods used, Energy Star or LEED, bicycles incentive, and any compliance with NYS DEC policy assessing energy. Moscovitz submitted a letter.

Klaus stated the applicant has worked with the Planning Department and modified the Scope to reflect the changes requested by the Planning Board and Planning Department.

Janice Taylor, 3764 Elenor Dr. Ms. Taylor described the difficulty living with Cortlandt Town Center traffic, including truck traffic, noise and air pollution. This will change the quality of life for people, as it will be like living on a truck route.

Bill Primavera Hickory St and ABACA member. The Taconic Parkway is a scenic highway and must be reviewed in that light. Siting the building in a more westerly spot can help with the Taconic view.

Patti Peckham, Baptist Church Road. The applicant will be bringing 39/tom per month of solid waste to Charles Point. At what point will that exceed the maximum capacity of the facility. Additionally, what is the water use and does the town have the capacity to service this warehouse.

Jenny Sunshine, Hunterbrook Rd What effect on the economy will having two warehouse type stores in the same location. In a bad economy will one vacate.

Klaus stated there are many locations with both BJ's and Costco in close proximity to each other. The applicant will have to include this in the study.

Olivia Buehl, 1450 Old Logging Road, Community jobs will be lost, where is that in the EAF. What if other stores fail, employees may not be local people, but others busing in from the Bronx. What percentage will be local. Is \$11/hour for part time, full time, or both.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the Board closed the public hearing on Draft Scope of Work for the DEIS.**

the applicant may return to the Planning Board meeting on Nov 22, 2010 if material is ready.

### WORK SESSION

#### **Fusco Minor Subdivision**

**SBL: 16.14-1-10**

*Location:* 3477 Stony Street

*Contact:* Daniel Ciarcia, PE

*Description:* Proposed 2-lot subdivision on 2.720 acres in the R1-20 zone.

#### **Discussion Subdivision**

Dan Ciarcia, project engineer was present with the applicants. Ciarcia stated this project has had a public informational hearing. Ciarcia stated the current submission is the most viable plan, and includes the revision of Oct. 25, 2010. This submittal shows the 14% profile for clarity. The grade rises abruptly when you leave the road. There is 2600ft at 10% and 1100ft at 12 610 at 14%. This same scenario holds true for the existing Ivy Rd, as this is characteristic of the neighborhood. The applicant has widened the road, and provided hard pack shoulders on each side of the road. The proposal may include the creation of isolated infiltration systems. Ciarcia stated providing all gravel it is not as effective as isolated individual infiltration systems, and storing it in the stone voids. Klaus stated you will need an agreement from this Board to the Town Board. Kutter asked if this goes back to the Conservation Board. Tegeder stated this should be referred by the Town Board, and should include the Conservation Board. The Planning Board will send a letter to the Town Board asking for approval for a driveway variance.

**RBC Industries, Inc.**

**ZBA Referral #66/10**

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### SBL: 15.12-1-12

*Location:* 1700 Route 6

*Contact:* Ralph Ciuffetelli

*Description:* Special Use Permit to permit an eating establishment pursuant to Section §300-68 of the Town Code.

Louise Spizzirro, project attorney was present with applicant Ralph Ciuffetelli. Spizzirro stated this is an application for a special use permit for an eating establishment. Klaus requested an interior sketch, and proposed hours of operation. Klaus explained the Planning Board needs a conceptual plan. Spizzirro felt this was putting the cart before the horse, as the applicant needs to establish the parking count. Klaus stated the interior sketch and hours will be an indication of how much use the eating establishment will have. Klaus asked how parking, stormwater, and lighting will be handled. Additionally, as site plan is required, and the lighting plan should be part of this. Klaus stated a narrative regarding the size of the area to be used as an eating establishment, how parking will be handled, anticipated number of customers, and staff and hours of operation should be submitted. Wagner stated the complete application contains the site plan and parking plan. Tegeder asked if the ZBA will make a determination for you about the dwelling. Spizzirro stated the applicant is concerned that there may be an issue with this as a dwelling unit. Klaus stated there are site issues that need to be addressed. Georgio stated there is a threshold issue, and asked when the structure was built. Spizzirro stated there was a consensus from ZBA that the applicant should go forward. Klaus asked what specifically does the ZBA want this Board to consider. Klaus stated this Board needs to address preliminary site plan issues. Tegeder wanted the ZBA to state what information they are looking for from the Planning Board.

### Croton Overlook

### Town Board Referral

#### SBL: 70.15-1-2

*Location:* Dell Avenue

*Contact:* Zarin & Steinmetz

*Description:* Currently zoned R1-80 petitioner requests a RSP-1 zoning.

Present were David Steinmetz, project attorney, Kim Calendrillo, applicant, Larry Pagi, project engineer, and Jodi Cross, Steinmetz Associate. Steinmetz stated our goal is to gain clarity, to the end this is a rezoning, site plan, subdivision and SEQRA review. This proposal is for a 68 acres active adult community, with 45 undisturbed acres located along Route 100 and Dell Ave. There is a buffering ridge line which lends itself to the rezoning, which would take the site from R1-80 to RSP1. The site would have its own sanitary system, and public water. As discussed a \$650,00 contribution would be made to the town. There is wetland preservation, passive recreation, and private nature trails. Steinmetz wanted to review the timeline of the project

Chronology- The project kicked off with the Town Board at a meeting held in April 2010. Steinmetz stated the Comprehensive Plan would have rezoned the site to R1-160 (Residential 4acre)

April 20, 2010 - Spoke to the Board about my client and to consider an RSP type of zone. We attended a pre-submission meeting on April 20, and spoke informally about the project, in an effort to nail down the right zoning district.

May 13, 2010 Spoke with Anna Georgio, your counsel, who recommended RSP1.

June 10, 2010 A zoning petition was filed.

June 15, 2010 The Comprehensive Plan findings and were adopted. The Town Board could easily have reject this project. That night the issues of my client were included in the Town Board discussion. Mostly the location of the RSP zone outside of the hamlet. I believe the Supervisor and Town Board knew that a rezoning application had been filed.

June 28, we were before the Planning Board. We came away with a request on the sanitary system.

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August 2010 Town Board declared lead agency for rezoning.

Sept 27 2010, Presentation before the Planning Board. We had been before the DEC and had a productive meeting. I emailed Sharon as she was not needed as the issues with NYS DEC, NYC DEP, Westchester County DOH were beyond the towns scope. Sharon was not annoyed. We felt we needed to get you all the information at one place.

Nov 8, 2010 Expanded EAF prepared in order to give the the Planning Board additional information.

We understand that the Planning Board is not the lead agency, you are not here to make any decision, but we know that you will make a recommendations. We will come back to the Planning Board after the rezoning.

We need to know what this board needs for a 300-86 rezoning recommendation. When you do SEQRA during a rezoning you are looking at the potential negative effect on the rezoning. We have the comparative analysis, at the urging of Town Staff, for alternatives R1-80, and R1-160. Under the R1-160 15 homes could be buildt and R1-80 20 homes could be built.

Flynn asked if the applicant was comparing the impacts of the developments that included cut and fill. Flynn felt it would be easier to site 20 single family homes then 70 Town houses across the ridge line. Flynn asked for the methodology of the numbers submitted. Paghi stated the idea is to maximize the units, as they all use the same road system the cut and fill would be the same. Flynn stated his concern that this was not an honest analysis, as the houses are not properly sited. Paghi disagreed as the applicant developed the best road system, including the reconfiguration of Dell Ave. Fon stated at the prior meeting the Board requested a grading plan. Looking at the green area in front, does not let the reviewer see that the entire is area is disturbed. Fon stated there is a 64 foot change in elevation, similar to a three story elevation, with bedrock and blasting. Fon stated with the extensive amount of grading, there is nothing left from Dell Ave forward. Fon was greatly concerned with the clear-cut and blasting with a 64 foot elevation. Klaus stated the Board requested a cluster analysis, and we were told it did not work. The Board wants to see the analysis and decide if it works or not. Steinmetz had we been asked in June or Sept about cut and fill. Steinmetz was disappointed that there was not a joint meeting with the Planning Board and the Town Board.

Klaus stated when looking at the disturbed area, there is 2 acres of addition disturbance, and a greater increase in impervious due to the greater number of units. Additionally, the deed restricted open space is not for use by citizens. Klaus stated 70 units is building out the site. Steinmetz replied that currently we could do 12/per acres. Klaus stated when looking at the amount of disturbance it is significantly larger and concentrated in one area. Paghi stated the centralized disposal system has many benefits from a control outlook. Klaus stated if the system fails, it is potentially huge. If 15 individual systems fail it is not as bad.

Paghi explained the discharging effluent has already been treated. Fon requested a cross sections of the existing site and proposed improvments, including the building structure. Flynn stated according to 300-206 You have included some of the Town's goals on adult community. Show us how this meets goals of the Comprehensive Plan. Steinmetz stated letters are in the binders as to the consistency to the Comprehensive Plan. Steinmetz stated it is our position that the Town can go forward without a positive declaration. The applicant has shared a lot of technical information. The project is going back to the Town Board, but we want to make sure you have what you need. The applicant must develop a sound record. Pagi stated we have explored the alternatives much more then you would know. Steinmetz stated with regard to circulation and traffic, CME traffic engineer has submitted discussion and no traffic analysis is required at Route 100 as the magnitude is too small. Tegeder one of the questions is that this is a highly trafficked road, will the entrance become a problem or a safety issue. When people have to wait too long they take risks. The project may not overwhelm Route 100, but you have to do a traffic study to know that. Fon asked if the the intersection be improvement, and Paghi replied it would not. Calendrillo stated Dell Ave will be improved to Route 100.

Klaus state that there probably should have be some improvements to Route 100. Georgio stated the SEQRA involved agencies can put in recommendations to the Lead Agency. Flynn requested the applicant recalculate

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the tax benefit to the town. Tegeder requested an update viewshed, including the Kitchawan Preserve which is a Critical Environmental Area, be submitted. The applicant may return on Nov 22 if the information is available.

**Upon motion by Flynn, seconded by Savoca, and with all those present voting aye, the meeting was adjourned at 11:21pm**