

TOWN OF YORKTOWN PLANNING DEPARTMENT

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MEMORANDUM

To: Planning Board
From: Planning Department
Engineering Department
Environmental Consultant
Date: May 18, 2012
Subject: Costco Wholesale Club
DEIS Review for Completeness
Tax Ids: 26.18-1-17, 18, 19 & 26.19-1-1

Town staff including the Planning Department, Town Engineer, Building Inspector, and Environmental Consultant have met weekly to review and discuss the submitted DEIS. Pursuant to SEQRA Section §617.0(a)(3), the purpose of this review is to determine whether to accept the DEIS as adequate with respect to its scope and content for the purpose of commencing public review. Based on our initial review as of the date of this memo, we do not feel the document is complete. The Planning Board may also want to incorporate their own comments on the DEIS and edit this document before issuing a final determination on this action.

The following are the remaining items from the original memo from staff dated January 20, 2012. Please note that numbered items were left with the same number as the original memo therefore if a comment was satisfied, it was eliminated from the list, leaving only the remaining comments that still need to be addressed. Comments based on new information submitted in the April 2012 document were added to the list as bullets.

Involved and Interested Agencies

- Town Engineer should be an Interested Agency.
- DEP and DEC references should be consolidated.
- 7. Add Hazardous Material and Solid Waste Remediation approval to WCDOH, NYCDEP, and NYSDEC.
- 8. Add review of wetland and watercourses, Sewage Disposal Permit and Air Quality Permits to NYSDEC.
- 9. Under NYCDEP, add approval for the Public Sewer Extension, Public Water Main Extension, and add a permit for work within a jurisdictional watercourse.

Executive Summary

9. Page I-12, Section I.4C. Soils, Topography, Slopes and Geology: There is no discussion of impacts or mitigation discussed in Section III.C.
10. Page I-11: Indicate geology, slope categories on site and % disturbance of each, character and nature of Udorthernt soils, areas of fill. Clearly indicate limitations and provide technical information to support proposed building location. Indicate if soils will support an on-site wastewater treatment system.
12. Page I-15 Provide a separate appendix which contains all correspondence with/from regulatory agencies with respect to notification of the existing hazardous waste conditions.
19. Page I-24, Section I.4H.(2) Sanitary Sewer: Is Costco donating funds for maintenance of the Hunterbrook pump station?
24. Page I-35: Parking: Provide table with data of the actual number of approved parking stalls/building size at other similar Costco's.
25. Page I-38, Section I.4M. Air Quality, the section should reference to what standard air quality is being measured. The report in Appendix F should be mentioned.
30. Page I-47: Split the Town and County taxes the way they are separated in the next paragraph which lists the anticipated taxes generated by the project. Add sewer taxes to the Town and County that will be generated by the project. This section requires additional information relative to impacts to local businesses. Provide actual data.

Description of Proposed Action

5. Exhibit II-3 Existing Land Use, the property lines are inconsistent with the Town tax map.
 - Page II-8, in the last paragraph, the previous C-2 and IN zoning mentioned was only for a brief time after the 2005 Comprehensive Plan was approved and then over turned. Otherwise all parcels have been C-3 for many years.
7. Exhibit II-4: Label location of tire service center and gas facility.
13. Page II-16: Provide documentation (comparative analysis) regarding parking requirements. Provide the approved number of parking stalls and building sizes of area Costco stores.
19. Page II-26: Indicate how the wetland water budget will be altered.

Land Use, Zoning and Public Policy

2. Page III.A-7: In the second paragraph it states, "Immediately to the west of the site is single-family housing on minimum ½-acre parcels." This sentence should continue to say "however, ½ of those parcels are greater than the ½ acre minimum and range from 1 acre to 9 acres in size."
3. Page III.A-7: The significance of FDR State park should be included: FDR State Park encompasses 960 acres and provides many recreational opportunities all year round such as freshwater fishing and boating in Mohansic Lake and Crom Pond, a 3,500 capacity swimming pool, picnic areas, sports fields, trails, disc golf as well as ice skating, ice fishing, and cross country skiing to name a few. What are the parameters of the CEA critical here?
4. Page III.A-7: Percentages of land use do not resolve to 100%.
6. As shown in Exhibit III.A-4, town park lands are located in the northwestern part of the study area. These park lands are not noted at all in the discussion. Mention the entire Town Park and its significance, similar to FDR above, not just that it takes up 3% of the study area.
7. Exhibit III.A-4: Indicates several parcels with incorrect land uses. Only the one parcel listed in the initial memo was revised.
 - Exhibit III.A-5: Note the R1-40 zoning color along Deer Street and Quarry Drive area as the color difference is difficult to see on the exhibit.

11. Page III.A-12: Percentages of zones within the study area come to no conclusion.
18. Page III.A-22, Table III.A.2 Zoning Compliance: Remove “25% Reduction” from the table. This is not part of the bulk requirements for the zone. It is a determination the Planning Board may make under special circumstances and should not be listed in this table.

Section III.B Visual Character

14. Exhibits III.B-34, 35 & 36a should be labeled Old Crompond Road.
 - Throughout the chapter, the correct spelling of Stony Street should be used.
 - Most existing condition photos were not taken with full leaf off.
 - It is unclear why two photos can't be fit on a page with no other text.
 - Page III.B-6, Photo Index Map: Instead of circles, Vs should be used to show the direction in which the photos were taken.
 - Page III.B-6, Photo Index Map: The photos should go in order in one direction around the site and not bounce back and forth up and down Old Crompond Road, for example.
 - Page III.B-6, Photo Index Map: There were 4 photos taken along Route 202 in front of the site, not 3 as shown on this map. Photo 18 should be a new circle further west on Route 202. Photo 20 (bottom photo) was taken at the existing #18 position. Photo 20 (top photo) was taken at the existing #20 position. Photo 19 is correct.
 - Page III.B-11: It is confusing to have Exhibit III.B-9 under the Stony Street bullet item. This bullet should be moved to the top of the next page.
 - Pursuant to meeting with applicant on May 16, 2012, the view from Stony Street should be presented as a site section instead of a photo.
 - Page III.B-28, Photo Index Map for Balloon Study: Instead of circles, Vs should be used to show the direction in which the photos were taken. Page III.B-40, Exhibit III.B-35a seems to be taken from the Auto Body looking more to the north than east and not towards the project site.
 - Page III.B-28, Photo Index Map for Balloon Study: The photos should go in order in one direction around the site and not bounce back and forth up and down Old Crompond Road, for example.
 - Page III.B-28, Photo Index Map for Balloon Study: Photo 37 should be located further north on Stony Street; in the same location where Photo 10 was taken on the Photo Index shown on Page III.B-6.
 - Page III.B-29, Exhibit III.B-25: Description should indicate if existing vegetation shown in the photo will be removed or will remain.
 - Page III.B-30, Exhibit III.B-26: The description states two balloons are visible, however the yellow balloon at the southeast corner of the building would be visible if the camera was turned a bit to the left. Describe where this third balloon is outside the photo.
 - Page III.B-34, Exhibit III.B-30 & Page III.B-36, Exhibit III.B-32: These photos were taken from inside the site; standing on the subject site. Photos along Route 202 should have been taken at the same locations as the existing conditions photos.
 - 3D Simulations: Add a view and a transparent view from Route 202 directly into the site (between View 4 and View 5).
 - View 4 should include a transparent view.

Section III.C Soils, Topography, Slopes, and Geology

2. Page III C-15-18: Provide greater detail on Udorthent and Urban Land soils. How can their make-up and properties be assessed as most of the proposed improvements are to be constructed in these soils. What type of limitations given site history can be anticipated? Reference information found in the geotechnical report. What are the limitations of these soils that have been determined from field investigation?

5. Pages III C-8 through C-12: The tables provide no information for Ub, Uf or Uc soils. Proposed limits of disturbance/improvements indicating geology and shallow bedrock areas and proposed areas of 6,700 yd³ of rock removal.
10. Page III. C-19 top of page: Provide blasting plan. Provide information regarding the location of rock crushing. C-15-16: Mitigation plan is too general and does not provide details of mitigation during each phase of construction. What is the mitigation for the removal of the hazardous materials and also to address the soil limitations?
12. Page III.C-19 & 26: Mitigation plan is too general and does not provide details of mitigation during each phase of construction. What is the mitigation for the removal of the hazardous materials and also to address the soil limitations?

Section III.D Hazardous Materials

2. Page III.D-4: The letter to the applicant requesting more regulatory status information is to be obtained.
3. Page III.D-3 & D-4: Indicate if all the recommended investigations were completed for PCB's and Arsenic. If applicable, provide summary of all violations, spills, spill #'s and closure #'s in tabular format. Provide details of NYSDEC, WCDOH and NYCDEP notice and remediation requirements and indicate if regulatory agencies have been contacted regarding reportable hazardous waste on site. Provide map indicating locations of all soil tests and ground water tests. Indicate reports that have been submitted to NYSDEC.
 - Page III.D-5, Table III.D-2: Note 1 does not apply to PCBs.
8. Page III.D-17 through D-20: Provide in tabular form the areas that require clean-up, what clean-up will be conducted and difference classifications of clean up criteria.
13. Page III.D-9, Spills/Staining: Where is the discharge location for the observed floor drain? For the VOCs at lawn mower facility, provide notification/reports to and from regulatory agencies.
17. Page III.D-12: 1st full paragraph: Has a regulatory authority confirmed the metals are the result of naturally occurring conditions? How will construction impact adjoining residents?
 - Page III.D-13: Confirm Arsenic is not in Table III.D-6 because none of the samples contained Arsenic. If yes, this note could be added similar to the note on magnesium.
20. Page III.D-17: Naturally Occurring Metals-provide written documentation from regulatory agency that remediation is not required. It is unclear how the metals are indicated as naturally occurring when the majority of the site soils are anthropogenic (fill) in nature (Udorthent and Urban Land and consists of unidentified soil sources such as fill, etc). What is the history of the land use, where did fill come from? Provide details of suppression methods. Indicate how regional background levels may be used as a standard where more local information may provide more adequate information.
27. Page III.D-27: How will sodium chloride be managed to prevent introduction into the wetlands?

Section III.E Flora and Fauna

4. Page III.E-23: Indicate if recommended tree removal schedule (10/1-03/31) is consistent with the construction phasing plan.
6. Page III.E-25: Provide field logs.
7. Indicate impact to vernal pool and wetland species due to proposed modifications in the water budget/hydroperiod and pollutant loading (e.g. thermal) due to discharge from stormwater basin.
8. Page III.E-26: Indicate if tree mitigation is required pursuant to the Town of Yorktown Town Code. Specifically indicate and map the tree mitigation if required.

Section III.F Wetlands, Groundwater, and Surface Water Resources

1. Page III.F-1: Does not address Cornerstone Associates memo dated August 6, 2010. Discuss NYCDEP jurisdictional watercourse. Indicate how determination was made that there are no NYSDEC wetlands on the site. Indicate that the Town of Yorktown Wetland Code uses the 1989 ACOE Federal Manual. Provide a table which indicates regulated and prohibited activities within Town of Yorktown jurisdictional wetland and wetland buffer areas.
 - Page III.F-5: Sun Loams are not listed in the soils chapter.
5. Page III.F-5: The top paragraph indicates wetland has limited capacity for flood water storage. Indicate how a determination was made that the vernal pool is unproductive. Indicate if there is an ecological link to other vernal pools nearby or is this an isolated pool. Provide a map of indicated vernal pools.
6. Provide map which indicates line of debris in wetland buffer. Quantify disturbance in square feet of wetland buffer area. Describe the debris or reference section of the DEIS that does.
8. Page III.F-11: ACOE request is pending.
9. The applicant is considering only direct impacts (e.g. physical disturbance) to the wetlands and has not considered impacts due to changes in the hydroperiod/water budget as a satisfactory water budget analysis (including evapotranspiration changes-e.g. tree loss, impervious surface changes, stormwater storage etc.) has not been completed.
10. Page III.F-17-18: Indicate distance of limit of disturbance to most closely located wetland areas (wetland A and B). Provide analysis to support contention that there will be no impacts to the vernal pool when the hydrology will be changed.
11. Page III.F-19: Clearly indicate if stormwater plan increase stormwater off rates/volume/pollutants to the wetlands?
13. Page III.F-21: Does not discuss changes in hydroperiod or loss of buffer.
14. Page III.F-25: Does not discuss thermal impacts to on-site wetlands. Indicate if proposed plan is (or is not) a prohibited action as indicated in the Town of Yorktown Town Code (wetland chapter).
15. Actual water budget not provided (e.g. pre and post construction input-output calculations). Provide site specific soil logs/map and indicate why alternative stormwater design(s) is not feasible. Analysis of stormwater effects to wetland A (including vernal pool) not provided. Indicate how the use of wetlands to attenuate pollutants including the temperature of stormwater run off from the site is not a prohibited action under the Town of Yorktown Town Code (178-9C).
17. Page III.F-28: Inadequate discussion of impacts to onsite wetlands and Crompond Wetlands (offsite and not owned by the applicant) due to increase in water quality volume and time of concentration.
18. Page III.F-31: Impacts due to change in hydroperiod not considered or mitigated. Applicant has not discussed functions of wetland buffer areas to be lost/impacted and therefore proposed buffer mitigation area is not conclusive.
19. Page III.F-33: Mitigation due to surface and ground water changes not developed. Should reference Hazardous Material section regarding ground and surface water contamination and proposed mitigation.

Section III.G Stormwater Management

4. Page III.G-14-23, Exhibit III.G-4: A design point where the proposed micropool discharges to Wetland A and a design point where Wetland A discharges off-site are required (pre and post-construction) in order to fully analyze impacts to Wetland A. Include in the analysis Tc, volume, and water quality (including thermal) calculations. Provide proposed basin sizing calculations and proposed size (volume) of basin. Provide site specific soil information in the area of the proposed basin.
5. Page III.G-14-23: Clearly describe the function of Wetland A as a stormwater management practice.
6. Page III.G-14-23: It is indicated that all openings discharge to an 18" outlet pipe that discharges to Wetland A. There are no stormwater quantity or quality calculations provided to this discharge point

which appears to be the sole discharge point of the proposed stormwater drainage system. Indicate how the proposed discharge to Wetland A comports Section 178-9C of the Town of Yorktown Town Code (Freshwater Wetlands).

7. Page III.G-14-23: Provide data on hydrological and pollutant (including thermal) loading changes to Wetland A (vernal pool, watercourse, wetlands and associated buffer) and clearly indicate impacts to the function of these wetland components. Provide written correspondence from regulatory authorities (NYCDEP and ACOE) regarding the feasibility of the proposed stormwater system. Specifically indicate how proposed stormwater system will impact wetland B and associated buffer. Provide plan sheet and summary to support analysis of claim that diversion of 4.2 acres of runoff “more than compensates for the increased impervious area resulting from the roadway widening of Route 202/35.
8. Page III.G-28-29: Define: “direct impacts” as related to the wetlands and intermittent stream and the proposed development. Indicate if impacts to wetland and wetland buffer functions due to the proposed stormwater system have been considered/analyzed. Provide analysis of the wetland buffer functions and how the proposed “replanting” will mitigate these functions. Indicate if tree canopy and grades will be changed in impacted areas.
10. Provide written correspondence ACOE regarding regulatory jurisdiction of wetlands and watercourses.

Section III.H Utilities

1. Page III.H-1: Comments from the Water Superintendent to be included.
4. Page III.H-12: The Peekskill flow rate stated is 6.7 mgd. The applicant should explain if this is an annual or monthly average and include peak flow data.
5. Page III.H-13: Applicant states that 11 out of 12 parcels desire to be included in the proposed sewer district extension. The applicant should obtain written documentation from the parcel owner of the one parcel (26.18-1-20) that does not want to be included in the district.

Section III.I Use and Conservation of Energy – Green Technology

1. III.I-1: Include analysis as per NYSDEC Guide for Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements. Provide additional data of energy usage from references other than “data for similar facilities provided by Costco”.
2. III.I-3: Definitively indicate if project heating/cooling energy source will be gas or electric.

Section III.J Solid Waste

No remaining comments for this section.

Section III.K Traffic and Transportation

Refer to the Jacobs letter for comments on this section.

Section III.L Parking

- Mass Transit must be mentioned however, offering that an additional Bee-Line Bus Stop is being explored is not mitigation.

- More text should be dedicated to the connecting of bikeways around and passed the site, not just that a bike rack will be provided. Bicycle and pedestrian traffic will be safer through the corridor as a result of the site improvements.
- Mitigation information might also be relevant to the energy and/or transportation sections.
- Revise or eliminate the last sentence on Page III.L-12.

Section III.M Air Quality

No remaining comments for this section.

Section III.N Noise

4. Page III.N-12, Exhibit III.N-2: Map and contours not viewable; copy too dark.
5. Page III.N-14, Exhibit III.N-3: Map not viewable; copy too dark to see locations.

Section III.O Building Demolition and Construction

There is no treatment or quantitative analysis of the import/export of fill. Construction management plan should be provided in this document, and made part of the approved documents.

Section III.P Community Facilities and Services

The Police Dept letter did indicate there would be a need for additional services as a result of Costco. The salary used for an additional police officer can be left at the entry level, but also note that a typical patrol officer is paid approximately \$88,170 base salary, plus approximately \$6,000 overtime and approximately 30% for benefits, or \$26,451.

Section III.Q Fiscal and Socioeconomic Impacts

- Throughout this section revise the construction period to be 14 months.
- Include town and County sewer taxes generated by the project.
- Cannot say there is no need for additional services.
- Submit the photos for the Commercial Character Assessment in Appendix K.

Section III.R Cultural, Historical, and Archeological Resources

No remaining comments for this section.

Alternatives

3. IV-3: B: Indicate briefly the soil limitation(s). Indicate why it can be used a fill under the parking area, but not under the building. Indicate how this relates to hazardous waste conditions.
4. IV-4: C Indicate if a reduction in the building footprint is possible in order to prevent the need for a parking deck. Provide a range of sizes (square feet) of area Costco buildings. May be better to separate this alternative into two exhibits; including one where the proposed building is reduced to a size where the required parking would fit on the site and the wetlands are avoided.
5. IV-4: D: Indicate how the proposed use comports with the village-like development as indicated in the comprehensive plan as compared to this alternative.
6. IV-4: E: Indicate how the proposed use comports with the comprehensive plan as compared to this alternative. Indicate if greater benefits such as tax revenues are generated by the proposed use.
- Hotel alternative should just be a hotel, not a hotel mixed use development. Was there a market study completed for the hotel use?

Growth Inducement

Include the positive and negative impacts of a possible 250 additional units, not only to the sewer system but also to traffic, water usage, etc.

cc: Sharon Robinson, Town Engineer
John Winter, Building Inspector
Bruce Barber, Town Environmental Consultant
Kevin Ryan & Lisa Hochman, Ryan Law Group, LLC

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