

TOWN OF YORKTOWN  
COUNTY OF WESTCHESTER

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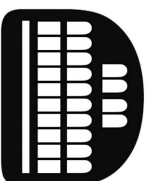
CROTON OVERLOOK CORPORATION,  
SCOPING SESSION

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Yorktown Town Hall  
Yorktown, New York  
February 15, 2011  
8:51 p.m.

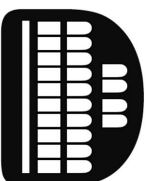
A P P E A R A N C E S :

JAMES L. MARTORANO, COUNCILMAN  
TERRENCE MURPHY, COUNCILMAN  
VISHNU PATEL, COUNCILMAN  
SUSAN SIEGEL, SUPERVISOR  
ALICE E. ROKER, TOWN CLERK  
SHARON ROBINSON, TOWN ENGINEER  
JEANNETTE KOSTER, TOWN ATTORNEY  
JOHN TEGEDER, TOWN PLANNING DIRECTOR



A P P E A R A N C E S:

ZARIN & STEINMETZ  
Attorneys for the Applicant  
81 Main Street, Suite 415  
White Plains, New York 10601  
BY: DAVID S. STEINMETZ, ESQ.



1 SUPERVISOR SIEGEL: We have a memo from  
2 the Advisory Committee on Open Space. Having  
3 some comments now, I see, are John -- John and  
4 Paul. Will you guys be speaking as  
5 individuals or for the committee?

6 UNIDENTIFIED SPEAKER: For the committee.

7 SUPERVISOR SIEGEL: Okay. So I won't  
8 read your -- your memo then.

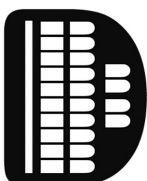
9 MR. MOSKOWITZ: For the committee.

10 SUPERVISOR SIEGEL: Okay. And then Jim  
11 has received an email from Councilman Bianco  
12 who would like his comments read into the  
13 record.

14 COUNCILMAN MARTORANO: Even though Nick's  
15 far away, he's never really that far. This is  
16 Nick's email to me to be read to the town on  
17 the scoping session.

18 As I will not be there this evening, be  
19 advised the following should be in the scoping  
20 document for the applicant to review.

21 One, the financial tax impact on Yorktown  
22 School District residents. While the  
23 applicant did a review which showed no impact  
24 due to age restrictions, the following should



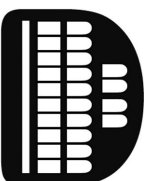
1 be referred to the Yorktown School District  
2 for their review:

3 The applicant should answer why our  
4 former town attorney agreed that the  
5 Capelli/Trump houses of 140 homes could have a  
6 certain percentage of non-55 requirements  
7 (indiscernible) 30 percent, why, and the  
8 financial tax implications, if any.

9 Two: Why Heritage Hills in Somers, New  
10 York, does not have any age restrictions any  
11 longer and the tax financial implications have  
12 now placed the Somers School District in -- in  
13 -- perilous -- perilous situation, why.

14 Finally, number three: What is the tax  
15 financial implications if the homes do not  
16 sell at the Croton Overlook and -- and the  
17 applicant needs to do away with age  
18 restrictions?

19 As you know, the Capelli project owes the  
20 town several millions of dollars in back  
21 taxes. What occurs if -- if they want to  
22 bargain the taxes for non-age restriction. My  
23 question is not about schoolchildren, but  
24 rather about the taxes needed to keep the

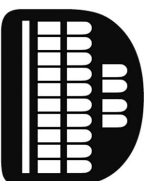


1 quality of education sound in these economic  
2 times. Thank you, Nicholas Bianco,  
3 Councilman.

4 SUPERVISOR SIEGEL: Thank you, Jim. Let  
5 me just quickly explain to -- to those  
6 watching what a scoping session is, and I'm  
7 sorry I was remiss for not doing it because  
8 we've been discussing it for so many weeks.

9 The town board determined that the Croton  
10 Overlook project, which is 70 units on  
11 approximately 65 acres off Route 100 directly  
12 across from Traveler's Rest. There is a  
13 potential for -- potential for adverse  
14 environmental impacts. And, therefore, under  
15 the State Environmental Quality Review Act,  
16 the applicant will be required to do an  
17 environmental impact study.

18 The scoping session is to identify the  
19 specific topics that we feel -- that people  
20 feel should be included in the study. The  
21 applicant has already submitted considerable  
22 massive information on various environmental  
23 impacts, and this will -- anything additional  
24 will be a supplement to what has already been



1 submitted.

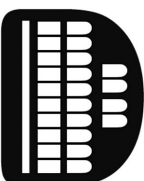
2 So this is the opportunity for everyone  
3 to submit their comments. The town board will  
4 then review all of those comments. And at the  
5 April 5th town board meeting, we will adopt a  
6 scoping document which will be the definitive  
7 document outlining exactly what issues and  
8 what questions the applicant will have to  
9 address as they prepare this document.

10 So the first speaker that we have is Paul  
11 Moskowitz.

12 MR. STEINMETZ: Madam Supervisor, if I  
13 may. Just on behalf of the applicant, very  
14 briefly, before Mr. Moskowitz.

15 David Steinmetz from the law firm of  
16 Zarin & Steinmetz representing Croton Overlook  
17 Corporation in connection with the project.  
18 I'll be very brief.

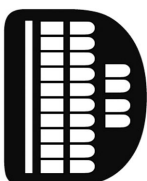
19 Special counsel to the town asked me to  
20 address some specific issues before you opened  
21 the session, so I -- I wanted to make sure  
22 that that was made part of the record. As you  
23 said, Madam Supervisor, it's a 65-acre parcel  
24 of land located on Route 100, south of Route



1 100, at or about the intersection with Route  
2 134. The proposal before the town is for a  
3 rezoning from what you recently rezoned into  
4 R-160 or four-acre residential to the RSP-1 to  
5 allow for an active adult community for 70  
6 residential units located on the property, of  
7 which about 45 acres would be preserved  
8 permanently as open space.

9 The town board has declared itself lead  
10 agency, pursuant to the New York State  
11 Environmental Quality Review Act. We have  
12 before you a proposed rezoning petition, as  
13 well as a conceptual site plan. Your board  
14 issued a positive declaration pursuant to the  
15 SEQRA process last week. And you identified a  
16 number of, as the supervisor mentioned,  
17 potential environmental issues that needs to  
18 be examined.

19 At that time, we had in front of you a  
20 draft scoping document which was made  
21 available to the town, and is available  
22 publicly on the town's Web site. In light of  
23 the issues that you're board raised last week  
24 at the scoping -- at the pos dec issuance, we



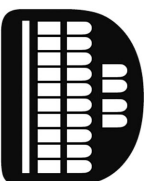
1 modified the proposed scope. In the back of  
2 the room this evening there are numerous  
3 copies of the revised scope. I provided  
4 copies to Alice and Mr. Tegeder in advance of  
5 tonight. Each of you now have that. And  
6 special counsel asked me, very briefly, to  
7 make sure you knew what we added.

8 Because of what the town board did last  
9 week, we went through the document and we  
10 inserted issues that now have to be studied by  
11 my client and our development team. The  
12 document is now a 15-page document that  
13 includes the following: Visual resources,  
14 aesthetics. You'll recall we felt that in the  
15 materials we had given you, we didn't need to  
16 do more; you felt that we should keep it in  
17 the Draft Environmental Impact Statement.  
18 That's now in the scope. That's on page 5,  
19 Section B.

20 Flipping forward, Section F, cultural  
21 resources, historic --

22 COUNCILMAN MARTORANO: 8.

23 MR. STEINMETZ: Page 8. Historic and  
24 archeological. Again, you'll recall we did



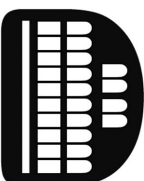


1 and archeological analysis. We submitted it  
2 to the board. My client's intended it wasn't  
3 necessary to continue it in the EIS, you felt  
4 differently. It's now in the proposed scope  
5 on page 8.

6 Similarly, on page 11, despite the fact  
7 that our project engineer had submitted a  
8 several hundred page storm water analysis, you  
9 felt that that still needed to be in the EIS.  
10 It's now in there as Section J on page 11.

11 On page 13, same thing with regard to  
12 utilities, sewer, Section M. Originally, it  
13 was not in the proposed scope because it had  
14 been -- these issues had been addressed by  
15 DOH, DEC and DEP.

16 And lastly, traffic, Section O on page  
17 14. Again, at your request, we've put all of  
18 these issues in there. And I just want to  
19 make sure that the public is as clear as the  
20 town board, tonight is a public scoping  
21 session. It's not a public hearing; it's a  
22 public participatory process on this document  
23 under SEQRA. We're anxious to hear any  
24 comments that the public has on the scope.

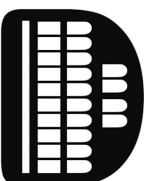


1 This is not -- they'll be many opportunities  
2 to comment on the project in general. They'll  
3 be public hearings both in connection with the  
4 rezoning once we get to that, and public  
5 hearings in connection with the site plan and  
6 the subdivision.

7 So tonight, as the supervisor indicated,  
8 we're trying to get this document finalized,  
9 revised appropriately, and we look forward to  
10 hearing the comments from the public. We  
11 appreciate the comments from the town board.  
12 And my client, who could not be here tonight,  
13 made sure that we are having a stenographic  
14 transcript taken so that all of these comments  
15 are taken into account, not only by the board,  
16 but by our development team, because really  
17 what tonight is, is a finalizing the outline,  
18 or the table of contents for the Draft  
19 Environmental Impact Statement.

20 We'll be back later this spring, early  
21 summer working with your board and with the  
22 public in a participatory process on the  
23 environmental impact statement.

24 What she's taking down right now are all



1 those comments so that we sure make that  
2 Mr. Tegeder and I end up with an appropriate  
3 scoping document.

4 SUPERVISOR SIEGEL: Okay. Thank you.

5 MR. TEGEDER: David, would you let  
6 everyone know that the original scoping  
7 document --

8 MR. STEINMETZ: That's right. John did  
9 ask me -- a couple of quick things.

10 One: The original scope that can be  
11 compared with the one I was just discussing is  
12 also in the back of the room, as is a document  
13 that my client prepared with a list of the  
14 benefits associated with the Croton Overlook  
15 project. There's also a Web site that's  
16 identified, [www.crotonoverlook.com](http://www.crotonoverlook.com), with all  
17 of the documents from the public process  
18 available online. And John, the public  
19 written comment period is open until?

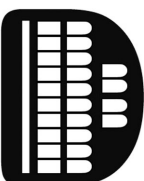
20 MS. KOSTER: March 8th.

21 MR. TEGEDER: March 8th.

22 MR. STEINMETZ: Thank you. March 8th.

23 Did I hit your points?

24 MR. TEGEDER: Yes, thank you very much.



1 MR. STEINMETZ: Good.

2 MS. SIEGEL: And the revised -- the  
3 revised scoping -- draft scoping document will  
4 be on the town Web site, which is  
5 yorktownny.org, tomorrow. It will be on there  
6 tomorrow. And again, the public comment  
7 period after tonight remains open through  
8 March 8th. And then between March 8th and  
9 April 5th, the town board will then decide all  
10 of these comments and put them together.

11 MR. STEINMETZ: Thank you for letting me  
12 make those opening comments.

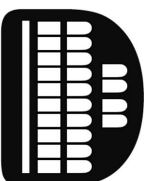
13 SUPERVISOR SIEGEL: Okay. Paul. Please  
14 try to limit your comments to three minutes  
15 and then you can come back (indiscernible.)

16 MR. MOSKOWITZ: You didn't say that to  
17 Mr. Steinmetz. He spoke for five minutes.

18 SUPERVISOR SIEGEL: Yeah. Well, I think  
19 he's the applicant, so he's entitled to some  
20 additional -- and he gave background  
21 information --

22 MR. MOSKOWITZ: I would -- I would think  
23 that the citizens of the Town of Yorktown --

24 SUPERVISOR SIEGEL: Well, as I said,

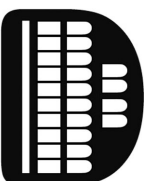


1 after we get through with five you could come  
2 back -- three, then you can come back.

3 MR. MOSKOWITZ: I would think that the  
4 citizens of the Town of Yorktown should have  
5 as much right to speak as the applicant.

6 My name is Paul Moskowitz, and I'm here  
7 to address issues raised by Yorktown Energy  
8 Advisory Committee and request inclusions  
9 within the scope -- the scoping environmental  
10 document.

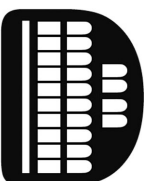
11 By way of background, I have a document  
12 which I will give to the town board. This is  
13 from the New York State DEC, and it's  
14 entitled, "Assessing Energy Use and Greenhouse  
15 Gas Emissions in Environmental Impact  
16 Statements." And this is a 15-page document  
17 which I'll begin to read -- actually, I'll  
18 just read one sentence, the purpose -- the  
19 purpose and background. And this is available  
20 on the New York State Web site, and as I said,  
21 it's called Assessing Energy Use and  
22 Greenhouse Gas -- Gas Emissions. Global  
23 climate change is one of the most important  
24 environmental challenges of our time. There's



1 scientific consensus that human activities  
2 increasing the concentration of GHG, that's  
3 greenhouse gases, in the atmosphere, and that  
4 this in turn is leading to serious climate  
5 change. These climate changes will continue  
6 to affect the environmental and natural  
7 resources of the State of New York.

8 So, therefore, the Yorktown Energy  
9 Advisory Committee, which is, as its name  
10 implies, concerned with energy, has  
11 suggestions for inclusions within the scoping  
12 document for this project. And I'll just  
13 summarize the main points.

14 Calculate the carbon footprint in terms  
15 of tons or pounds of carbon dioxide emissions  
16 of the completed buildings. This calculation  
17 should include the effects of heating,  
18 cooling, lighting, and fuel for personal and  
19 commercial -- excuse me, for personal and  
20 commercial vehicles making trips to and from  
21 the site. Calculate the cost of construction  
22 in terms of tons or pounds of carbon dioxide  
23 emission for the construction of the site,  
24 including fuel for vehicles and construction



1 equipment and emissions resulting from the  
2 removal of trees from the site.

3 In terms of mitigation measures: Discuss  
4 energy saving and green technology  
5 incorporated into the building design and  
6 operation, analyzed increased public  
7 transportation options, and outline the  
8 standards of the L-E-E-D, LEED certification  
9 system and explain the standard for which the  
10 proposed development would qualify.

11 This language is the same as language  
12 included within the scoping document for  
13 Costco, and I'm including page 17 of the  
14 Costco scoping final. It's entitled, "Costco  
15 DEIS Final Scope of Work." It's dated  
16 December 13, 2010, from the Town of Yorktown.  
17 And I am including that page as reference, but  
18 the language is, in fact, identical to the  
19 Costco scoping document.

20 So I have our memo from the Yorktown  
21 Energy Advisory Committee, a copy of the  
22 Costco scoping page, and also, a copy of the  
23 memo from the DEC on including greenhouse gas  
24 emissions and energy considerations in the



1 environmental impact statements.

2 COUNCILMAN MARTORANO: Right on time.

3 SUPERVISOR SIEGEL: Mr. Kelner [ph.].

4 COUNCILMAN MARTORANO: Nice to see you.

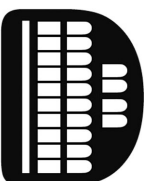
5 MR. KELNER: How are you?

6 COUNCILMAN MARTORANO: Always a pleasure.

7 MR. KELNER: All right. I'm Bill Kelner.

8 I -- I'm speaking on -- as an individual on  
9 this, and I just wanted to -- I'm actually  
10 going to reference the same document that Paul  
11 referenced. The state DEC has on its Web  
12 site, Assessing Energy Use and Greenhouse Gas  
13 Emissions in Environmental Impact Statements.  
14 The summary of -- of that document states that  
15 this document provides instructions to DEC  
16 staff for reviewing an environmental impact  
17 statement pursuant to State Environmental  
18 Quality Review Act when the EIS includes a  
19 discussion of energy use or greenhouse gas  
20 emissions.

21 Other state and local agencies, and  
22 that's you in this case, may choose to use  
23 relevant parts of this guide when serving as  
24 SEQRA lead agency for a project subject to an

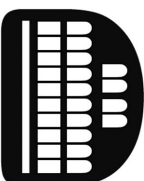




1 EIS that includes a discussion of energy use  
2 or greenhouse gas emissions. And in this  
3 document, in the section under mitigation, the  
4 first point listed in the section and site  
5 selection and design measures under mitigation  
6 is the following, and that is: Provide access  
7 to public transportation. So, in my opinion,  
8 the draft scoping document for the Croton  
9 Overlook project has not adequately considered  
10 public transportation access to the site.

11 Public transportation access is important  
12 among other reasons, because it can serve to  
13 lower greenhouse gas emissions associated with  
14 the project by reducing the number of  
15 automobile trips. With the elimination last  
16 year of the number 12 bus that ran between  
17 Yorktown Heights, Mount Kisco and points  
18 south, the neighborhood surrounding the  
19 proposed Croton Overlook project lost an  
20 important public transportation link.

21 While it is commendable that the  
22 developers plan a variety of green  
23 construction and energy-saving features, the  
24 remote location and lack of public



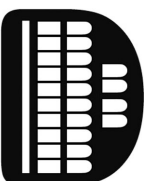
1 transportation access to the site renders the  
2 project anything but green.

3 In the era when energy was cheap and  
4 abundant, these first residential developments  
5 made economic sense. This era is coming to a  
6 close. It's highly probably that in the  
7 coming years there will be additional oil  
8 price shocks as bad or worse than that of  
9 2008.

10 Additionally, there will likely be  
11 periods when availability of gasoline will be  
12 problematic. Residential development with  
13 good public transportation access will  
14 mitigate some of the effects of these oil  
15 price and supply shocks. Hand-in-hand with  
16 access to public transportation is convenient  
17 access to shopping and other services.

18 Yorktown is in need of additional housing  
19 for older adults. The comprehensive plan  
20 contemplates walkable pedestrian friendly  
21 hamlets where important services are readily  
22 accessible. These are the parts of Yorktown  
23 where adult housing should be sited.

24 The DEIS for Croton Overlook should



1 consider alternative sites convenient to  
2 amenities and with better public  
3 transportation access. Thank you.

4 SUPERVISOR SIEGEL: Boy, everybody has  
5 timed their writing. John Setengrino [ph.].

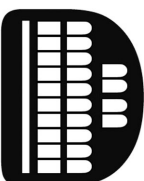
6 MR. SETENGRINO: I have copies of our  
7 comments. Alice, if you would please.

8 MS. ROKER: Yes. Thank you.

9 MR. SETENGRINO: As the co-chair of the  
10 advisory committee on open space, I must say  
11 that we did not have a chance to review the  
12 scoping document in detail. So, therefore,  
13 our comments are going to be based upon some  
14 general knowledge that we have of the project.

15 At our last meeting on February 10th, our  
16 committee reviewed the stated project and we  
17 came up with the following comments and  
18 observations.

19 Number one: The committee's concern  
20 including the gateway into Yorktown. The  
21 committee does not believe this to be an  
22 appropriate gateway project, and it lacks  
23 thought and does not suit the area. One of  
24 our main concerns is when people drive into



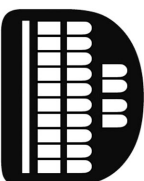
1           Yorktown, we would like them to see open space  
2           and vistas. As they drive along Route 100, we  
3           feel that that view will be tarnished with the  
4           -- with the amount of housing.

5           Number two: A view shed analysis should  
6           be required as this site is visible from  
7           Turkey Mountain, Hilltop Hanover, and the bike  
8           path and Route 118.

9           Again, looking down from a high vantage  
10          point on that Croton River Valley, we feel  
11          that there would be an obliteration of the  
12          trees and the scenic views.

13          Number three: Due to the close proximity  
14          on the size of the reservoir, a detailed plan  
15          should be -- a detailed plan should be in  
16          place to handle the failure or potential  
17          failure of the wastewater treatment and water  
18          systems. The plan should take into account  
19          the cumulative effect of wastewater failure  
20          from this site and the adjacent Random Farms.

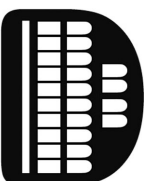
21          Most people may not realize, but we are  
22          under the -- we're under the knowledge that  
23          Random Farms sewerage system is totally out of  
24          compliance and in complete failure. And it



1 borders on the property of the Croton  
2 Overlook, but that's something for another  
3 town to worry about, but being that it's so  
4 close, we're concerned that it's going to  
5 mitigate into the property.

6 Number four: The committee finds the  
7 current application lacks the benefits to all  
8 residents with regard to recreational space.  
9 The private open space afforded to the  
10 Overlook project residents does not balance  
11 the recreational needs for town residents.  
12 The site provides Croton Overlook residents  
13 with private trails and easy access to the  
14 bike path, the Kitchiwan Teatown Trail and  
15 Bald Mountain. We're under the impression  
16 that their trails would not be available to  
17 the public. It would be a closed environment,  
18 but then again, they could use our trails.

19 And lastly, the applicant should address  
20 the possibility of a zoning change in the  
21 future that allows school-age children to be  
22 residents of Croton Overlook and what effect  
23 it would have on the schools. And Councilman  
24 Bianco echoed that in his memo, Jim, that you



1 read. We have concern about this and some of  
2 the projects in town. When they don't sell  
3 they don't -- they're half built out, they go  
4 in for a change that allows any age to go in  
5 there and thus burdening the school tax -- the  
6 school system and raising our overall taxes.

7 So again, those are the comments from our  
8 committee. Thank you for your time. And  
9 again, on time.

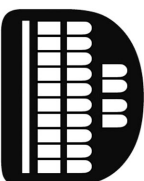
10 MS. ROKER: You did good.

11 SUPERVISOR SIEGEL: Ken Belfer.

12 MR. BELFER: Ken Belfer, 1770 Amazon  
13 Road, Mohegan Lake, and also the chair of the  
14 Yorktown Community Housing Board. And I will  
15 try to beat the clock by a little more than a  
16 second or two.

17 SUPERVISOR SIEGEL: Good.

18 MR. BELFER: In thinking about this  
19 proposed development, I had -- I had to think  
20 about recent senior housing development that's  
21 occurred within the town, and I thought about  
22 Windward Oaks, affordable senior housing. And  
23 the fact that from day one or before day one  
24 it had a waiting list, a long waiting list. I



1 thought about Trump Park Residences and that  
2 we know long after day one, it's sitting  
3 mostly empty and not complete.

4 COUNCILMAN MARTORANO: Right.

5 MR. BELFER: And I thought about the  
6 Field Home as a kind of a continuum of care  
7 retirement community. And it may have gotten  
8 a slow start on some of those individual  
9 high-end units, but nevertheless, it seems to  
10 be very successful and in demand.

11 One of the things that I think should be  
12 studied as a part of the scoping document is  
13 the impact on affordability of housing in the  
14 town, and particularly, for senior citizens.

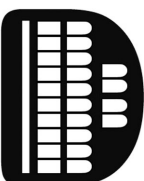
15 A second thing that I think should that  
16 be included in the -- in the existing Item H,  
17 community facilities, we refer to police and  
18 fire, and I think we should refer to senior  
19 citizen facilities and services.

20 That's all of my comments. Thank you.

21 MS. SIEGEL: And you're not Ron. Where's  
22 Ron?

23 COUNCILMAN MARTORANO: Ron.

24 SUPERVISOR SIEGEL: Ron (indiscernible),



1 here? Ron, you're next. You're not speaking?

2 MS. ROKER: He was here.

3 COUNCILMAN MARTORANO: John.

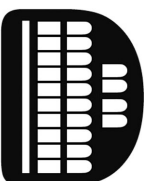
4 SUPERVISOR SIEGEL: Okay. John, you go  
5 ahead. I think Ron left, but he can talk  
6 later.

7 COUNCILMAN MARTORANO: How are you, John?

8 JOHN: So far so good. You may not think  
9 so in about two minutes. This is for the  
10 whole gang and CCs at the bottom.

11 MS. ROKER: Okay.

12 JOHN: Let me begin by wasting some of my  
13 three minutes by objecting to the three-  
14 minute limit here. With all due respect, I  
15 don't know how anybody can sit here and go  
16 through this entire document with any kind of  
17 thoroughness and be expected to make comments  
18 within three minutes. Certainly, if you break  
19 it up, it doesn't provide for a cogent and  
20 coherent argument or presentation of the  
21 facts. So I'm very disappointed that we  
22 started out with a three-minute time limit.  
23 But having said that, let me begin by saying  
24 that, first of all, I need one copy back.





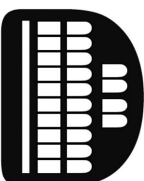
1 I'll hand it right back to you.

2 What you have -- what you have before you  
3 is on behalf of the Yorktown Land Trust. What  
4 you have before you is a cover letter and a  
5 copy of a letter that was sent to you in  
6 August 24th, 2010, when the first submissions  
7 were -- after first comments were asked for  
8 about this project. So we want to enter that  
9 into the record and -- and make sure that  
10 that's part of the scoping.

11 I will admit the fact that the applicant  
12 did respond to our comments and we have a copy  
13 of that, but I don't know that you got a copy  
14 of that, their response to our comments, but I  
15 -- so, therefore, I want you to know that, you  
16 know, we -- we would like this to be part of  
17 the record.

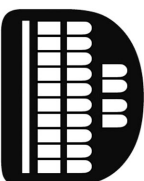
18 We'd also like to, in -- in reviewing  
19 this, there are some additional comments that  
20 were made that we were not aware of to begin  
21 with, when -- when those comments were made in  
22 2010, and we wanted to expand on a couple of  
23 -- of those points.

24 The Yorktown Land Trust offers the



1 following comments on the draft scoping  
2 document for the Croton Overlook project. We  
3 refer to our letter of August 10th, 2010, to  
4 the town board to begin with. We would like  
5 to see the comments offered at that time to be  
6 addressed by the applicant's DEIS. The  
7 current zoning is now R-1160 as opposed to the  
8 R-180 designation at the time of that letter.  
9 The board will would like to have the  
10 opportunity to see what a conventional R-1160  
11 development would offer as well as an R-1160  
12 cluster development. And they should be  
13 included as the alternate development options  
14 for the land.

15 The proposed project is not in concert  
16 with the surrounding area which is primarily  
17 single-family homes in a rural setting. We  
18 believe that this may not be the best use of  
19 this land. Therefore, we respectfully repeat  
20 the request to look at the no-development  
21 option. The project is located in close  
22 proximity to the Croton Reservoir with feeder  
23 streams running through it to the reservoir.  
24 This may in fact be a viable alternative as



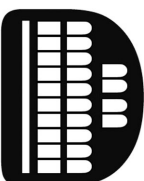
1 there is no supporting infrastructure at this  
2 current time for water service and sewer.

3 We feel it important for the scoping to  
4 include a biodiversity study, especially in  
5 view of the positive response in the EAF Part  
6 2, Question 9, the effect on wildlife.

7 SUPERVISOR SIEGEL: John, give me just  
8 one minute before you continue. Is there  
9 anybody else who hasn't spoken who wants to  
10 speak? John, go ahead.

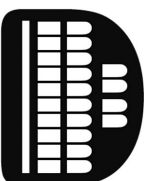
11 JOHN: Thank you very much. And this is  
12 where I'm going to get into some of the things  
13 that were not part of our original letter  
14 since we had this opportunity to review the  
15 EAF. We take issue with the response to  
16 Question 13 in Part 2 of the EAF dealing with  
17 the impact on open space. Given the  
18 relatively undeveloped rural character of the  
19 area in Yorktown, we feel the project would  
20 result in a large impact on the quality of  
21 open space.

22 The site was given a very high value,  
23 open space value, by the Advisory Committee on  
24 Open Space. You read John's comments with



1           respect to it also being a gateway, which was  
2           one of the important considerations on  
3           evaluation.

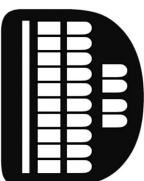
4           We also believe that more information is  
5           needed on groundwater quality, as it relates  
6           to the storage of home heating oil. Now, I do  
7           have to ask this question, if you don't mind.  
8           It was not clear in there how these units are  
9           going to be heated. I don't believe there's  
10          any natural gas connections in that area. I  
11          didn't see any reference to a connection with  
12          natural gas pipelines. I'm going to assume  
13          that it's going to be with home heating oil.  
14          This particular reference to home heat or to  
15          the cumulative amount of oil petroleum  
16          products stored on the project, there are  
17          certain requirements of over 1100 gallons of  
18          -- of petroleum or other hazardous waste  
19          material type things are stored on this  
20          project. With 70 units, guessing that  
21          anywhere from 500 gallons per unit of storage  
22          of -- of home heating oil, you now have a  
23          concentration of 500 gallons of home heating  
24          oil times the 70 units, which puts a



1           tremendous amount of petroleum products in  
2           close proximity to the Croton Reservoir, and I  
3           think that needs to be fleshed out and -- and  
4           addressed.

5           Another point is the -- the issue of --  
6           of pesticide applications. The EAF calls for  
7           two pesticide applications per year for  
8           basically landscape purposes. Having been a  
9           pesticide applicator certified by the State of  
10          New York for about 30 years, I'm familiar with  
11          the regulations. And one of the things that  
12          I've become aware of is the fact that with the  
13          marketing that takes place with companies like  
14          Scotts, they have a four-step program. That  
15          means four times a year if you would take part  
16          in their program, and that's not dissimilar to  
17          what even independent or private contractors  
18          would offer. You now have four pesticide  
19          applications a year. So that issue needs to  
20          be fleshed out as well.

21          And while I'm on the subject of the  
22          pesticide situation, there is, within the  
23          document on page 7 of the EAF, this is page 7  
24          of the EAF, and it has to do with the project

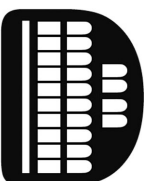


1 description and it is under Question Number  
2 18, will the project use herbicides or  
3 pesticides? The answer there is yes, and it  
4 goes on to describe how it might do that.  
5 Just as a point of reference, the use of the  
6 term "herbicides and pesticides" in one  
7 sentence is redundant. An herbicide is a  
8 pesticide. A pesticide is a herbicide, it's a  
9 rodenticide, it's an insecticide. It all  
10 comes -- all -- all those cides come in under  
11 the terminology and the definition of a  
12 pesticide. So if you're going to use the term  
13 "pesticide," it's all-inclusive. You don't  
14 need to use the term "herbicide and  
15 pesticide." That is, as I said, it's a  
16 redundant situation.

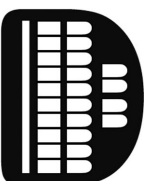
17 That's it for right now. We will review  
18 the additional submissions, and if we have  
19 more comments then we will put it down as  
20 well.

21 MS. ROKER: Thank you, John.

22 SUPERVISOR SIEGEL: Anybody else who  
23 would like to comment, make additional  
24 comments again. Paul, come on up.



1           MR. MOSKOWITZ: Hello. Paul Moskowitz,  
2 speaking as a resident of the Town of  
3 Yorktown. As a member of the Open Space  
4 Committee, I was invited to inspect the  
5 property on which the project would be built,  
6 and the Open Space Committee has already read  
7 its comments, but as an individual I couldn't  
8 hope -- hope but notice one thing, and that is  
9 the close proximity of high-voltage power  
10 transmission line to the proposed site. I  
11 know that the power lines also cross very  
12 closely to our schools near Route 202, and  
13 that the Yorktown School System has done  
14 measurements and taken some mitigation -- done  
15 some mitigation to reduce the strength of the  
16 electromagnetic fields. So what -- given this  
17 condition, the close proximity to the power  
18 lines, I would like to see measurements made  
19 of the electromagnetic fields produced by  
20 these power lines at the location of the  
21 buildings and recreational areas and parking  
22 areas for the proposed project. And I would  
23 suggest that these readings must be taken at  
24 different times of day and also different



1 seasons, as the amounts of power use changes  
2 the amount of power flowing in those  
3 transmission lines.

4 I would like to also ask, as a  
5 consequence of those measures, whether and  
6 what mitigation measures are going to be  
7 planned for the site.

8 And finally, what plans does the  
9 developer have for disclosing to prospective  
10 buyers the measurements that they have taken  
11 of the electromagnetic radiation and their  
12 mitigation efforts. Thank you.

13 SUPERVISOR SIEGEL: Are you talking about  
14 the scoping document? We're still on the  
15 scoping document.

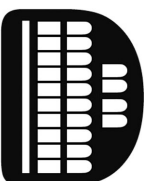
16 MR. GARDNER: This is not courtesy of the  
17 floor?

18 SUPERVISOR SIEGEL: Not yet.

19 COUNCILMAN MARTORANO: No, no, no. We're  
20 not there yet.

21 SUPERVISOR SIEGEL: We'll -- We'll get  
22 there.

23 COUNCILMAN MARTORANO: We're going to be  
24 courteous in a few minutes.





1 SUPERVISOR SIEGEL: Okay. If there are  
2 no other comments, that will be the -- the end  
3 of this. It's not a public hearing, so this  
4 is the end of the -- this public session on  
5 the scoping document. Remember, that you have  
6 until March 8th to submit documents, submit  
7 them -- John, do you want them submitted to  
8 the clerk's office or the planning department?

9 MR. TEGEDER: Clerk's office.

10 SUPERVISOR SIEGEL: To the clerk's  
11 office. Okay. And that could be done by --  
12 by mail, email, whichever way is most  
13 convenient.

14 Again, the scoping document will be --  
15 draft scoping document will be online at the  
16 town's Web site, [www.yorktownny.org](http://www.yorktownny.org).

17 MR. STEINMETZ: Thank you.

18 SUPERVISOR SIEGEL: Thank you for coming.

19

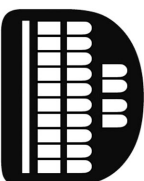
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21 (Time noted: 9:20 p.m. )

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C E R T I F I C A T E

I, MARCI LOREN DUSTIN, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.

*Marci Loren Dustin*

MARCI LOREN DUSTIN



	<b>8:18</b>	<b>Additionally (1)</b>	<b>alternative (2)</b>	<b>25: 6;26: 3</b>
[	<b>500 (2)</b>	18:10	19: 1;26:24	<b>automobile (1)</b>
[ph] (2)	28:21,23	<b>address (4)</b>	<b>Always (1)</b>	17:15
16: 3;19: 5	<b>5th (2)</b>	6: 9,20;13: 7;21:19	16: 6	<b>availability (1)</b>
<b>1</b>	6: 5;12: 9	<b>addressed (3)</b>	<b>Amazon (1)</b>	18:11
	<b>6</b>	9:14;26: 6;29: 4	22:12	<b>available (5)</b>
<b>100 (4)</b>		<b>adequately (1)</b>	<b>amenities (1)</b>	7:21,21;11:18;13:19;
5:11;6:24;7: 1;20: 2	<b>65 (1)</b>	17: 9	19: 2	21:16
<b>10th (2)</b>	5:11	<b>adjacent (1)</b>	<b>among (1)</b>	<b>aware (2)</b>
19:15;26: 3	<b>65-acre (1)</b>	20:20	17:12	25:20;29:12
<b>11 (2)</b>	6:23	<b>admit (1)</b>	<b>amount (4)</b>	<b>away (2)</b>
9: 6,10		25:11	20: 4;28:15;29: 1;	3:15;4:17
<b>1100 (1)</b>	<b>7</b>	<b>adopt (1)</b>	32: 2	<b>B</b>
28:17		6: 5	<b>amounts (1)</b>	
<b>118 (1)</b>	<b>7 (2)</b>	<b>adult (2)</b>	32: 1	<b>back (9)</b>
20: 8	29:23,23	7: 5;18:23	<b>analysis (3)</b>	4:20;8: 1;10:20;11:12;
<b>12 (1)</b>	<b>70 (4)</b>	<b>adults (1)</b>	9: 1, 8;20: 5	12:15;13: 2, 2;24:24;
17:16	5:10;7: 5;28:20,24	18:19	<b>analyzed (1)</b>	25: 1
<b>13 (3)</b>		<b>advance (1)</b>	15: 6	<b>background (3)</b>
9:11;15:16;27:16	<b>8</b>	8: 4	<b>anxious (1)</b>	12:20;13:11,19
<b>134 (1)</b>		<b>adverse (1)</b>	9:23	<b>bad (1)</b>
7: 2	<b>8 (3)</b>	5:13	<b>applicant (12)</b>	18: 8
<b>14 (1)</b>	8:22,23;9: 5	<b>advised (1)</b>	3:20,23;4: 3,17;5:16,	<b>balance (1)</b>
9:17	<b>8th (6)</b>	3:19	21;6: 8,13;12:19;13: 5;	21:10
<b>140 (1)</b>	11:20,21,22;12: 8, 8;	<b>Advisory (6)</b>	21:19;25:11	<b>Bald (1)</b>
4: 5	33: 6	3: 2;13: 8;14: 9;15:21;	<b>applicant's (1)</b>	21:15
<b>15-page (2)</b>		19:10;27:23	26: 6	<b>bargain (1)</b>
8:12;13:16	<b>9</b>	<b>aesthetics (1)</b>	<b>application (1)</b>	4:22
<b>17 (1)</b>		8:14	21: 7	<b>based (1)</b>
15:13	<b>9 (1)</b>	<b>affect (1)</b>	<b>applications (3)</b>	19:13
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22:12	<b>9:20 (1)</b>	<b>affordability (1)</b>	<b>applicator (1)</b>	29: 8
<b>18 (1)</b>	33:21	23:13	29: 9	<b>beat (1)</b>
30: 2		<b>affordable (1)</b>	<b>appreciate (1)</b>	22:15
<b>2</b>	<b>A</b>	22:22	10:11	<b>become (1)</b>
		<b>afforded (1)</b>	<b>appropriate (2)</b>	29:12
<b>2 (2)</b>	<b>abundant (1)</b>	21: 9	11: 2;19:22	<b>begin (5)</b>
27: 6,16	18: 4	<b>Again (9)</b>	<b>appropriately (1)</b>	13:17;24:12,23;25:20;
<b>2008 (1)</b>	<b>access (9)</b>	8:24;9:17;12: 6;20: 9;	10: 9	26: 4
18: 9	17: 6,10,11;18: 1,13,	21:18;22: 7, 9;30:24;	<b>approximately (1)</b>	<b>behalf (2)</b>
<b>2010 (4)</b>	16,17;19: 3;21:13	33:14	5:11	6:13;25: 3
15:16;25: 6,22;26: 3	<b>accessible (1)</b>	<b>age (4)</b>	6: 5;12: 9	<b>Belfer (5)</b>
<b>202 (1)</b>	18:22	3:24;4:10,17;22: 4	<b>archeological (2)</b>	22:11,12,12,18;23: 5
31:12	<b>account (2)</b>	<b>agencies (1)</b>	8:24;9: 1	<b>benefits (2)</b>
<b>24th (1)</b>	10:15;20:18	16:21	<b>area (4)</b>	11:14;21: 7
25: 6	<b>acres (2)</b>	<b>agency (2)</b>	19:23;26:16;27:19;	<b>best (1)</b>
	5:11;7: 7	7:10;16:24	28:10	26:18
<b>3</b>	<b>across (1)</b>	<b>agreed (1)</b>	<b>areas (2)</b>	<b>better (1)</b>
	5:12	4: 4	31:21,22	19: 2
<b>30 (2)</b>	<b>Act (3)</b>	<b>ahead (2)</b>	<b>argument (1)</b>	<b>Bianco (3)</b>
4: 7;29:10	5:15;7:11;16:18	24: 5;27:10	24:20	3:11;5: 2;21:24
<b>4</b>	<b>active (1)</b>	<b>Alice (2)</b>	<b>Assessing (3)</b>	<b>bike (2)</b>
	7: 5	8: 4;19: 7	13:14,21;16:12	20: 7;21:14
<b>45 (1)</b>	<b>activities (1)</b>	<b>all-inclusive (1)</b>	<b>associated (2)</b>	<b>Bill (1)</b>
7: 7	14: 1	30:13	11:14;17:13	16: 7
<b>5</b>	<b>actually (2)</b>	<b>allow (1)</b>	<b>assume (1)</b>	<b>biodiversity (1)</b>
	13:17;16: 9	7: 5	28:12	27: 4
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<b>5 (1)</b>	<b>additional (7)</b>	<b>along (1)</b>	<b>attorney (1)</b>	8: 8;9: 2,20;10:11,15,21;
	5:23;12:20;18: 7,18;	20: 2	4: 4	12: 9;13:12;22:14;26: 4,
	25:19;30:18,23	<b>alternate (1)</b>	<b>August (2)</b>	9
		26:13		

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<b>both (1)</b> 10: 3	<b>challenges (1)</b> 13:24	<b>commercial (2)</b> 14:19,20	<b>contractors (1)</b> 29:17	<b>decide (1)</b> 12: 9
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<b>brief (1)</b> 6:18	<b>character (1)</b> 27:18	<b>compared (1)</b> 11:11	<b>copies (3)</b> 8: 3, 4;19: 6	<b>definitive (1)</b> 6: 6
<b>briefly (2)</b> 6:14;8: 6	<b>cheap (1)</b> 18: 3	<b>complete (2)</b> 20:24;23: 3	<b>copy (6)</b> 15:21,22;24:24;25: 5, 12,13	<b>DEIS (3)</b> 15:15;18:24;26: 8
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