

## **Planning Board Minutes July 13, 2015**

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A meeting of the Planning Board, Town of Yorktown, was held on July 13, 2015, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chair, Richard Fon, opened the meeting at 7:00 pm with the following members present:

John Savoca

Darlene Rivera

(John Flynn & John Kincart arrived after the meeting opened.)

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

### **Courtesy of the Floor**

Mr. Puente came before the Board regarding his Application for the operation of a Food Vending Truck, to be located at Storage Road, a private road, right off of Lexington Avenue. The vending truck would be operated during day only. Mr. Puente indicated that truck would be parked elsewhere during the evening hours.

John Tegeder indicated that the vending operation is on the site plan, however, it may need permits from Town Board and the Health Department. John Savoca questioned whether the applicant would need permits from any other agency. The Board indicated that there should be no problem regarding this application, if applicable permits are obtained.

### **Correspondence**

Fon opened meeting and noted that there was no correspondence to review.

### **Meeting Minutes: June 8, 2015 & June 15, 2015**

A quorum was not present for the review of the June 8, 2015 meeting. However, a quorum was present for the June 15<sup>th</sup>, 2015 meeting. No issues or corrections were noted.

**Upon a motion by John Savoca, seconded by Darlene Rivera, with all those present voting aye, the Board approved the June 15, 2015 meeting minutes and moved into the Regular Session.**

### **REGULAR SESSION**

#### **Hilltop Associates**

**SBL: 37.06-1-25**

#### **Request 2<sup>nd</sup> 90 Day Time Extension**

Location: Hilltop Road

Contact: Albert Capellini

Description: A 3-lot subdivision approved by Planning Board Resolution 08-02.

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Al Capellini represented the applicant before the Board. Capellini reported that the Health Department is limiting the number of buildings permitted on the site, to two, due to sewer considerations. However, that with the lifting of moratorium, they may be able to keep a total of three buildings, as originally planned.

**Upon a motion by Darlene Rivera, seconded by John Savoca, with all those present voting aye, the Board approved the second 90 Day Extension for Hilltop Associates.**

### **Village Traditions**

**SBL: 15.16-1-32**

#### **Request 2<sup>nd</sup> One-Year Time Extension**

Location: 1821 East Main Street

Contact: Albert Capellini

Description: Approved site plan to expand existing parking lot to improve traffic and accommodate additional parking.

Al Capellini represented the applicant before the Board. Capellini informed the Board that, at present, the Applicant has not completed work that needs to be done at front of building. The plan is requiring only one curb cut, while currently there are two on the site. Capellini explained that the former owner of the neighboring property went into foreclosure. The new owner is also an Applicant before the Board, and the connection will be reviewed as a part of that application. Therefore, the Village Traditions Applicant is requesting a second one-year extension. Fon asked about NYS DOT permits. Capellini wasn't able to speak to the DOT permitting issues.

Flynn inquired about the property owner, Tim Mallon, who attended a recent work session on the site plan application for the adjacent property (Envirogreen). Flynn described that at that time Mallon indicated that he would not cooperate with Planning Board in granting an access easement between the two properties and he believed that approval condition- to provide an access easement-could only be enforced if the adjacent property was developed as proposed by former owner Dana Cole. Mallon said he doesn't want to permit the easement with the newly proposed site plan from Envirogreen.

Fon commented that there has been a change in the circumstances and that Mallon had objected vociferously to the changes. Kincart suggested that the Board re-visit this application due to change in circumstances. Tegeder indicated that curb cuts are part of site plan and not subject to change, regardless of the change in circumstances. However, the easements required previously, are now "undone" as the approved property work has not been completed.

Tegeder reported that he spoke with Mallon following the last meeting and that he now may be open to further discussion. Mallon is concerned with wear and tear on his property due to increased traffic. He had not been aware of all the proposed construction on the adjacent property before the recent work session. Tegeder recommended an extension of the approval, as curb cuts are needed; they make the conditions much safer. He stated that Mallon will have to produce the easement and that the curb cut work will have to be completed.

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Fon inquired about the rebuilding of the barn and the status of the DOT permits for the project. Tegeder replied that only the one-year extension can be approved at this time and that the barn does not have to be re-built as part of this extension application.

Georgiou suggested that as things move forward, that Al Capellini provide the Board with regular updates on status of any access easement between the property owners. Flynn stated that he would like to table the approval. Rivera wants to grant the extension of the application. Kincart agreed that the extension would help to facilitate curb-cut completion. This work is needed for safety reasons. Fon then asked about the bond in place for property. Tegeder indicated that there had been a bond in place. However, the status of and time frame of the bond was not known at this time.

Fon decided the matter should be tabled until the August meeting. The status of the DOT permit is uncertain as well. Tegeder reminded the Board that the conditions of final site plan approval still need to be complied with, according to the approved plan. There is no open permit for the back barn building. Capellini commented that the property has been improved thus far, with parking improvements and upgrades to the building.

Fon asked the audience for any comments. None of the audience members had additional comments.

**Upon a motion by John Flynn, seconded by John Savoca, with Richard Fon voting aye, and Darlene Rivera and John Kincart opposed, the Board voted to table the extension approval until the August 13<sup>th</sup> meeting.**

### **Triglia & Rezi**

**SBL: 16.17-1-51**

### **Public Informational Hearing**

*Location:* 1415 Christine Road

*Contact:* Vincenzo Triglia

*Description:* Proposed to subdivide 1.145 acre parcel to create one additional lot to construct a single family dwelling.

Al Capellini, project attorney & Peter Gregory, project engineer, represented Applicant before the Board.

Application is for a two-lot subdivision. The foundation for one structure is already in place. Fon mentioned that he made a site visit and thought that the neighboring area around the applicant's property is beautiful.

Capellini commented that this appearance before the Board is for a Public Informational Hearing which is for the benefit of the public. It is held ahead of the regular Public Hearing. Capellini explained that the area was developed based on Zoning Maps from the 1940's. He noted that substantial numbers of homes in the area are substandard of current zoning of R1-10. Capellini added that the two lots on the one+ acre site will comply with all other requirements of code in terms of set-backs. The Applicant is requesting the Board approve the roads as private roads.

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Peter Gregory explained further, that the 1.4 acre site will be subdivided into two lots located at the intersection of Christine Road & Baker Highway. Gregory reported that a sewer line runs along Baker Street. The lots will conform to code, in terms of area, setbacks, width and depth. Gregory stated that the applicant is looking for a variance in terms of the frontage on a town road only. He reported some modifications to original site plan, that include moving the location of home #1, removing fewer trees than originally planned and moving the entry to the garage to the Baker Street side of the property.

Fon commented that a memo had been received from the Building Inspector, John Winter. The memo stated that the lots will not be exempt from Town Code. Fon then asked about stormwater surface discharge to the swale along property line to Baker Street. Gregory reported that stormwater will be directed to an existing culvert at the corner of Christine Road & Baker Street. The culvert drains northward toward a wetland at another intersection of Baker & Christine, further north of the Applicant's site. Tegeder asked for clarification on the whether the swale could accommodate roof runoff. Gregory reported that the driveway runoff will be directed toward the swale at the end of the driveway. Tegeder commented that the Code may require that runoff be slowed before directed toward the swale.

Fon indicated that property has both public water and public sewer. John Flynn asked about Priest Lane and inquired about adjacent development occur along the lot line. Gregory reported that there were existing homes along Priest Lane and Christine Road. He added that Turus Lane area would remain in its current undeveloped condition.

Fon inquired about the square footage of the homes on the site and average size of other houses in area. He expressed concern that this site be developed in keeping with the characteristics of the surrounding homes.

The discussion was then opened up to the audience for comments.

### Joan Shiland – 3300 Chelsea Street

Shiland stated she has lived in her home for 18 years. She expressed concern about driveway runoff into her yard. She had attended a meeting in February before the Zoning Board of Appeals and stated that at that meeting residents were confused due to placement of signs for variance, as the signs were placed on the wrong property. She added that the summer cottage residents may not even be aware of variance issues because they weren't around in the winter. Capellini indicated that he had posted signs in the correct locations.

Shiland explained that residents in the community maintain the private roads themselves. Currently, water runs off from the Applicant's property onto her property. Shiland stated the home at the bottom of Christine Road receives a lot of run-off, as well. She felt that this was due to the lot at Turus Road and Baker Highway having been cleared. The residents were not aware that this clearing was going to be done. Capellini indicated that Turus Road site plan had been shown at Zoning Board of Appeals.

Shiland expressed concern with driveway run-off and flooding. Most of homes have been there since the 1940's. Residents were under the belief that the posted variance was for a home on Christine and Baker, not on Turus Road as well as a second home on Christine and Baker.

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Flynn asked Shiland if she would rather have the Town take over the road. Shiland responded that the residents don't want the roads to be paved. She and other residents like the dirt roads and maintain the roads and fill in potholes themselves. Shiland also mentioned that there is currently confusion about mail delivery. Mail is being received for residents of the new lot that doesn't exist yet. Shiland also expressed concern about the displacement of wildlife since the one lot has been cleared.

Fon explained that this is a public hearing, so that Board can hear concerns of the residents. Shiland indicated that calls were made to the Town to complain about runoff into their basements. She stated that the Town replied that since it's not a Town Road, so the runoff was not their problem. Shiland added that Nancy in the Planning office was very helpful to her during her inquiries.

Capellini said that property across Baker Highway may not be owned by neighboring residents to the extent that they believe it to be. Fon asked for an aerial photograph, as this would be needed to provide more information on property boundaries.

### Margaret McGrail – 1393 Christine Road

McGrail expressed concern over the runoff at the corner of Baker Highway and Christine Road. The run-off washes away all the dirt and gravel fill that the residents use to fill-in the potholes. She also mentioned that animals being displaced from the neighboring areas that are under construction and are starting to burrow into her yard.

Fon then asked Gregory about soil testing. Gregory indicated that a Soil Survey had not yet been done. He indicated that they are not encountering groundwater with current excavations. Gregory mentioned that the Health Department records did not indicate soil types. Tegeder asked about plans for footing drains for the new homes. Gregory replied that there were none currently. However, it is something that would be considered. He added that the foundation is basically at grade and they hadn't considered footing drains. Tegeder then asked about roof runoff. Gregory reported that that this runoff had not been considered yet.

Joan Shiland then mentioned that pre-sewers, there had been the need for sump pumps in homes along Christine Road. She believes that this is likely due to an underground water issue.

### Jake Canal – 1401 Christine Road

Canal told the Board that Judy Road is disintegrated and overgrown. Residents had looked for remnants of the road when someone else was looking to build there. Judy Road reportedly had been graded and equipped with drainage, including a heavy grate. He suggested that this may help to alleviate the previously mentioned drainage issues.

Margaret McGrail then inquired about the nature of this informational hearing. Kincart explained that the purpose of this meeting is to inform public of general plans and to obtain comments from those present. He continued that there will be a formal Public Hearing regarding the plan in the future.

Shiland asked about Judy Road and a connection of Christine Road up into the Priest Lane leading up to Judy Road.

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**Upon a motion by John Kincart, seconded by Darlene Rivera, with all those present voting aye, the Board voted to close the Triglia & Rezi Public Informational Hearing.**

### **Taconic Vet Clinic & Canine Kindergarten**

**SBL: 36.05-1-18**

#### **Public Informational Hearing**

*Location:* 3655 Crompond Road

*Contact:* MAP Architecture

*Description:* Proposed Canine Kindergarten dog daycare and 24 hour veterinary clinic.

Michael Piccirillo, project architect, and Elissa Cohen, owner of the Canine Kindergarten were present. Piccirillo stated that the Taconic Vet Hospital will be located at the front of building and on the 2<sup>nd</sup> floor. The Applicant is proposing an interior 2<sup>nd</sup> floor addition. Piccirillo added that the play area requirements have been met and that the area will be sectioned off at rear-area of property. The architect mentioned that the applicant is working with Planning Board to mitigate noise concerns. He added that the retaining wall needs to be repaired. Additional changes noted include parking space re-orientation, a new entry for hospital, as well as plantings. Three existing air handling units will be screened with fence. The request for two, 8-foot gates to access rear of property will be met. Michael added that he will be using stones along front of property, instead of green foliage that tends to turn brown due to dogs being attracted to the foliage.

Fon reported that the Building Department has no issues with the application. He added that members of Board visited the Applicant's other locations and were surprised at the lack of noise there. Piccirillo noted that the Applicant has reached out to neighboring residents and has received positive feedback from two of the three residents on Old Crompond Road. The third resident didn't respond to the inquiries.

Tegeder inquired about the Public Notices. The Applicant reported that the notices were dropped off at the Planning Department offices on the previous Friday. Tegeder noted that ABACA had conducted a site visit and reported that their comments had been addressed. The Applicant noted that they had been asked by Tegeder to increase green foliage at north end of the property. However, the area in question is in a DOT right-of-way. The Applicant is concerned with the added time of having to obtain the DOT's approval. Piccirillo requested a 5 year Special Use Permit. He indicated that the owner is willing to do all site improvements and plantings within a 12 month period.

Flynn asked about circulation of traffic through the property. Flynn commented that similar to daycare for children, there may be issues with traffic back up during pick-up and drop-off times. Piccirillo explained that there is not the anticipation of several owners dropping off their pets at one time. An over-load is not expected due to the 24/7 hours, as well as ample room for drop-off. Piccirillo doesn't anticipate stacking issues.

Tegeder inquired about how many clients would be present on any one day. Piccirillo stated that there may be 60 clients at once. Tegeder then asked about all spaces being full and how this may result in a backup onto Crompond Road. Kincart pointed out that Applicant had addressed this concern.

Richard Arken, the contract vendee for the property and owner of the property where the Canine Kindergarten in Mount Kisco is located, came before the Board. Arken stated that parking has never been

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an issue at his other location. He said that owners typically park far away from the entrance, so that their dogs have time to relieve themselves before they go inside. He added that this property has more parking than the Mount Kisco facility. Elissa Cohen, the Dog Canine Kindergarten owner, also commented that only two to three owners tend to drop off their pets at one time.

Piccirillo stated the past issue with the fence was addressed and that the fence will be put inside the wall in the rear. Tegeder asked about the selection of fence and if the details could be sent to the Planning Department. Piccirillo noted that the refuse disposal will be constructed of masonry. Tegeder requested details on the refuse disposal as well.

**Upon a motion by John Kincart, seconded by Darlene Rivera, with all those present voting aye, the Board voted to close the Taconic Vet and Canine Kindergarten Public Informational Hearing.**

The Board scheduled the Public Hearing for the August 10<sup>th</sup> meeting.

Fon moved the meeting into the Work Session, first explaining to the audience that Work Sessions are intended for the Applicants and their associated Professionals to discuss applications with the Board, and are not meant to be a forum for public commentary.

The Minutes of the June 8<sup>th</sup>, 2015 meeting were then reviewed, as a quorum was now present. No corrections were noted.

**Upon a motion by Darlene Rivera, seconded by John Flynn, with all those present voting aye, the Board approved the June 8, 2015 meeting minutes and moved into the Work Session.**

### WORK SESSION

**BJ's Wholesale Club, Inc.**

**SBL: 36.06-2-75**

**Renewal Special Use Permit for Outdoor Service**

*Location:* 3315 Crompond Road

*Contact:* Dale Christiansen

*Description:* Renewal of a Special Use Permit for outdoor display of plants and general merchandise.

Monica Hanlon, Membership Manager for BJ's, represented the Applicant before the Board and reported that there will be no change in the nature or use of the outdoor displays for this Special Use Permit. Fon asked Tegeder if there had been any issues with this permit in the past. Tegeder reported no issues. The baluster was then discussed. Hanlon explained the dual purpose of the baluster that is also used for advertisements. Georgiou asked about the dimensions of the sheds. Hanlon reported that there are two sheds, each 8 ft. by 10 ft. One of the sheds is sold at the end of the year. The other is a wooden shed that is used as a display and isn't sold.

**Panny-Wolski**

**SBL: 25.08-3-2**

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### **Town Board Referral**

*Location:* 3211 Lake Shore Drive

*Contact:* KTT Builders Inc.

*Description:* Proposed construction of a new residence within the Mohegan Lake 150 foot setback.

William Besharat represented the Applicant before the Board. Besharat reported that all of Bruce Barber's requests have been met. Besharat referred to a prior variance for the size of the home that had been granted in 1988. They don't need a new variance for that application that was again introduced in 1995. This has been withdrawn. It is not needed. They are in compliance with setbacks and lot coverage, as per 1988 variance.

Besharat noted that the owner agreed to the Tree Conservation Easement alongside the house, with the Wetlands Inspector. The project has site plan approval, however, some changes have been made since receiving the approval. The driveway has been shortened and pervious pavers have been added, to further improve wetland impact. Bruce Barber is reportedly satisfied with changes.

Fon referenced a letter that the Board just received from Scott Schwartz, a neighbor on the south side of the Applicant's property. The Board had not had time to look at letter prior to this meeting. Fon asked about proceeding further and indicated that the Planning Board should go back to the Town Board indicating that wetland concerns have been met.

Tree removal from waterfront area was then discussed. Besharat reported that trees will be removed from the site, so that home will have a view of the water. However, he stated that only the small trees will be removed manually. He noted that the larger trees will remain. The Board is concerned with intrusion into the wetland. Fon indicated that it appears that Board's comments have been addressed for project.

### **Bonsignore**

**SBL: 36.05-2-57**

#### **Discussion Subdivision**

*Location:* 2483 Hunterbrook Road

*Contact:* Site Design Consultants

*Description:* Subdivide existing 3.422 acre lot with an existing 2-story dwelling into 3-lots with 2 1/2 story dwellings.

Al Capellini, project attorney, and Joe Riina, project engineer, represented the Applicant. Capellini stated that the Applicant is not willing to make the changes suggested by Board for a shared driveway. The Board then studied the subdivision plan to discuss alternatives for driveway routes. Possible changes to the position/location of homes on property were also discussed. Fon commented that this is a difficult subdivision due to safety and other concerns and mentioned that an Informational Hearing has not yet been scheduled. Kincart stated that an Informational Hearing should be scheduled. Riina, Engineer, indicated that all zoning requirements for the site have been met. There were additional comments on steep nature of driveway. John Flynn asked the Applicant's engineer to prepare a revised plan depicting neighboring properties at the east side of property. The Board scheduled a Public Informational Hearing for the August 10, 2015 meeting.

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### **Sandvoss**

**SBL: 59.07-1-7**

### **Discussion Subdivision**

*Location:* 1005 Hanover Street

*Contact:* Albert Capellini

*Description:* Proposed 3 lot subdivision of Lot 7 and a new residence proposed on Lot 8 to create 4 new residences on a private road on approximately 16 acres in the R1-80 zone.

Al Capellini, project attorney, and Dan Ciarcia, project engineer, represented Applicant. Several residents from neighboring properties were present. Capellini explained that the variance for no frontage had been obtained along the proposed private road. Three alternatives for access to property were discussed.

Fon referenced Capellini's letter of July 8, 2015. Fon explained that Capellini noted that there already has been three Public Hearings and that there is the need to move along with the decision. Capellini added that the Zoning Board has already approved the proposed subdivision without a public road.

Ciarcia described disturbances and runoff issues. He mentioned that local residents are concerned about streams being disturbed off Colonel Green Road. Flynn asked for a written statement from property owners that they have no intention of permitting an easement across their properties.

Residents then spoke about runoff issues resulting from extreme weather, power-outages, and other problems in the area that will be exacerbated by further development.

Fon inquired whether the next step is to make a decision on project. Tegeder said that there have been code changes since the start of the project and noted updates that have been pointed out by the Building Inspector, John Winter.

Tim Glass – 270 Colonel Green Road requested to comment on the project. Glass commented on all the issues and changes that have occurred since the outset of the project. Glass stated that residents have consulted with wildlife biologist, as previous reports dismissed wildlife issues. Glass produced a report from the biologist. Fon indicated that this report could not be accepted, as the time has passed for statements and reports to be submitted regarding this Application.

Georgiou stated that file would have to be reviewed, as so much time has passed since the public hearing was closed for this application in 2009. Fon suggested that the Applicant meet with Winter and Georgiou to review all these issues. Glass' Wildlife report cannot be submitted to the Planning Board, as public hearing record was closed. Georgiou suggested that Glass submit the report to staff but not to the Board.

Tegeder mentioned that there is no recent information in file and that there have been no updated plans in the file since the "re-referral" for the project in 2013. Fon suggested that Capellini and Ciarcia meet with Winter, Tegeder, Bruce Barber, and Sharon Robinson to review all details since the public hearing was closed in 2009.

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Fon then asked Tegeder for a list of all projects brought before the Board, to determine if there are other applicants that have been pending for an extended period of time.

### **Community Care Residence Special Permit Town Board Referral**

*Description:* Proposed local law to add a new Special Permit for a Community Care Residence to the Town Code.

The Board reviewed the proposed law as it was referred by the Town Board for comment. The Board had comments and certain suggestions for revisions.

Flynn was puzzled by the law's definition of a Community Care Residence (CCR) facility. The definition indicates that such a facility is not to provide medical services. Georgiou first clarified that she is not advising the Board on the broader issue of legality of the draft legislation as that is an issue for the Town Attorney.

Ms. Georgiou noted that if a facility provides medical services, that licensing may be implicated. Savoca inquired about approval authority verbiage. This wording should be changed to the Town Board. Georgiou noted that the Fair Housing "Law" should be changed to "Act".

Kincart suggested changes to the language within the proposed special permit referencing the Federal Fair Housing Act and Federal Americans with Disabilities Act. The reference to a resident returning to their "previous living arrangement" should be changed. A resident may not necessarily return to their prior place of residence. Kincart said that the law should indicate that the CCR is not intended to be a permanent living arrangement. Kincart recommended that a time frame for length of stay in the CCR be specified.

Georgiou suggested that the reference to a group "operating as a single family unit" should be changed to reflect the definition of "Family" in the Zoning Code.

Savoca inquired about the maximum number of residents in home. Savoca does not want the number to be arbitrary. Georgiou suggested that the wording be clear and indicated that the maximum number permitted be the maximum allowed by State Building Code. Tegeder commented that the law needs to be more clearly stated regarding the CCR's ability to conduct health related services. Georgiou stated that the language should distinguish this facility from a health care service that is performed in a private home.

Georgiou suggested also that a provision be added to require a new special permit whenever there is a change of ownership. In addition, the special permit should not be renewed if there are any existing code violations on the property. Finally, Georgiou recommended that the term "Approval Authority," be clarified and instead reflect "review and approval by the Town Board."

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### **Staples Plaza**

**SBL: 36.06-2-76**

#### **Discussion Master Sign Plan**

*Location:* 3333 Crompond Road

*Contact:* Norman DiChiara Architects

*Description:* Discussion of the proposed master sign plan for the shopping center.

The Board had requested that Building #4 now be included in the plan. In addition, the Board asked that the new BJ's Gas Station, as well as the BJ's operation be added to the plan. The Board also asked for elevations to be added. Paul Tepfer, contact for the Applicant reported that new drawings now illustrate that these requests have been addressed. The revised plans will need to be sent back to ABACA.

Flynn asked about a previous letter that is outdated, as it did not include Building #4. Mr. Tepfer indicated that total signage is now indicated on drawings for each building. He added that the total signage has been reduced, as per the Planning Board and ABACA comments.

Tepfer noted that there have been no changes to the existing signs for Building #3. He added that Applicant may need variances, as they exceed current code requirements. The Applicant is not grandfathered in. Tepfer commented that Building #3 is included in the plans at the request of the Board to legalize the existing signage.

Tepfer stated that BJ's is not part of this permit application and that the Gas Station has a separate special permit with the Town Board. Wording changes to the Application, regarding tenant signs were then noted. Georgiou inquired if tenant signs are under the same restrictions for size. Tegeder stated that variances come into play for the larger buildings on the site, but not for tenant sign changes. Georgiou then asked if Building Inspector had formally permitted any of the signs. It was reported that there are no formal permits, just temporary permits for this Application.

Tepfer reported that Urstadt Biddle is proceeding with construction of the middle building. Georgiou suggested that John Winter be consulted before proceeding to the Zoning Board. Tegeder suggested that contact first go to ABACA, then to John Winter, and then to the Zoning Board.

**As Costco Wholesale was the only application remaining on the agenda, Ms. Georgiou left the meeting.**

### **Costco Wholesale**

**SBL: 26.18-1-17,18,19 and 26.19-1-1**

#### **Discussion Site Plan**

*Location:* 3200 Crompond Road

*Contact:* TRC Engineers

*Description:* Proposed 151,092 sf Costco Wholesale Club store and member only gasoline filling station.

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Planning Board Special Counsel Lisa Hochman representing the Planning Board for this application. Al Capellini, project attorney, Tom Holmes, from TRC Engineers, Phil Grealy of Maser Consulting, Beth Evans of Evan's Associates, Nick Panayotou of TRC Engineers were present for the applicant.

Holmes reported the applicant has met with town staff and the meeting went well. Holmes referenced a memo from the Planning Department, listing items from the site plan review.

### Lighting Plan

The Alternative Lighting Plan was then reviewed. Holmes indicated the Town's Lighting Ordinance limits the maximum pole height to be 16 ft. The applicant is requesting 25 ft poles. Holmes stated the 25 ft height did not result in any real impact to the critical sight line from nearest residential home. The light fixtures on the perimeter of the site will have shields installed to limit spillage off-site. Holmes reported the revised plans were forwarded to Old Crompond Road resident Ann Kutter and she discussed the plan with neighboring homeowners. Holmes noted that more light poles, coupled with the proposed tree wells, will constrain snow removal operations in the parking lot. Fewer poles are more conducive to a commercial project.

Capellini then asked the Planning Board to request the Town Board amend the Lighting Ordinance in the Town Code. The way the code is currently drafted, there is a gap in the language as to who has approval authority over varying from the standards given. Tegeder quoted Town Code Chapter 207 Lighting and noted that at the end of the chapter it indicates that "approval authority may waive requirements....." Tegeder stated that in the Lighting Chapter, the approval authority can be either the Town Board or Planning Board depending on which entity is the approval authority for the site plan. Kincart proposed that the Town Board adopt the language that Tegeder suggested. Fon stated he thought the Board is more in favor of fewer lights. Flynn asked about ABACA's opinion on the lighting height. The project is on the ABACA agenda for tomorrow, July 28<sup>th</sup>.

### Landscape Plan

The discussion then turned to the ABACA review of the landscape plan along the Taconic Parkway. The revised site plan map was presented to the Board to demonstrate additional screening, a new island with planting in parking lot, screening along the entry roads to site, addition screening along Rt. 202 to block views of the site. In addition, over 100 trees have been added to landscape plan. It was reported that the DOT has asked that trees be planted in the right-of-way, and that owner take care of these plantings. Beth Evans reported that the owner is putting a maintenance plan in place for trees in the DOT right-of-way. Fon inquired about the seasonal nature of the plantings. Ms. Evans stated that the screenings are primarily evergreens. Evans noted salt tolerant trees will be used in the parking lot islands. These trees will be Locust trees with 25 to 30 feet canopy at maturity.

### Circulation and Secondary Access

The Planning Board had expressed concerns with the speed of incoming traffic at the secondary entrance and conflicts with cars in the parking lot. A revised parking diagram was presented to the Board for review. Panayotou reported that exit maneuvering was revised to cut down on traffic. Additional signage within the parking lot to direct patrons to the exits. The Right-Turn Entry issues were addressed by removing conflict points for left-turns. Traffic calming elements were added in an attempt to remove decision points and to avoid right/left turn conflicts.

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Grealy stated the revisions lessen the traffic load in front of store. One of the site plan criteria was to have multiple points of entry. These are still provided, but now a definitive patterns of traffic flow was established. Tegeder expressed concerned with the multiple point of entry. These will inherently result in persons speeding through second entry point, to get to closest parking spots near building. Grealy stated Costco's requirements specifically state that they have two points of entry and two points of egress from their lots. Tegeder then asked about moving the second entry further down. However, Grealy stated that grading issues and proximity to Old Crompond Road then become an issue.

### Pedestrians Crossings Through and Around Site

To address the Board's previously stated concerns, Panayotou stated that a sidewalk has been added, there is now a Four-Way Crossing of 202, and as per NYSDOT requirements, a continuous sidewalk has been added, starting at FDR Park & Strang Blvd., and connecting down to the NYSDOT constructed sidewalk that brings pedestrians down to Chase Bank, as well as to Little Sorrento on the south side. This addition accommodates future sidewalk tie-ins to sidewalks along Old Crompond Road. An additional bus stop has been added and has been approved by NYSDOT. A Costco bus loop was considered.

### Bicycle Accommodations

Panayotou stated the applicant is still dealing with obtaining permits from NYSDOT for a dual use pedestrian/bicycle path. Panayotou indicated that this may be difficult, as there are space restrictions under the bridge and as NYSDOT is requiring the provision of a snow shelf. Panayotou suggested a way to provide a dual path would be to take the 5 foot shoulder at the south of Taconic side of 202, reduce the snow shelf there to 4 feet, and then create a 6 foot dual use path/shoulder on either side. However, this proposal is subject to NYSDOT approval. Further complicating the provision of a dual use path is the national NYSDOT standard requirement of 12 feet (4 meters) for a with a combined pedestrian walkway/bike path. This requirement can't be accommodated at the existing gas station due to grade issues. NYSDOT requires an additional 5 feet on either side for shoulder. Panayotou told the Board that he will be meeting with Mike Sassi, NYSDOT Permit Coordinator, to discuss the bike path issue. He assured the Board that Applicant will approach the NYSDOT on options for a pedestrian/bike path.

### Electric Car Charging Stations

Panayotou reported that he needs to go to Costco with this issue. Costco has been experimenting with charging stations and found that they haven't been used. Fon asked if applicant could provide articles regarding car charging stations.

Fon then addressed a letter from the Building Inspector John Winter, regarding a detailed review of the proposed staging areas to Route 202.

### Bike Trail Connection to FDR Park

Flynn then brought up the proposed bike trail extension to FDR Park, indicating that the County's and Town's Master Plans include this trailway connection. When the applicant questioned the relevance of the Bike Trail to their project, Flynn explained that the applicant's project will have negative impact on the traffic in the area, as well as on FDR Park. A connection to the bike trail was suggested to help to alleviate the project's negative impact on transportation in and around the park. A bicycle path would help to promote bicycle use in the area. Grealy responded that the applicant has made significant improvements to

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the traffic flow from Strang Blvd. The shoulder that currently exists is less than 5 feet and is broken pavement in several areas.

Fon asked Susan Siegel, Councilwoman, about the Town Board's plans for the bike trails. Siegel reported that the Town is applying for grants to connect FDR Park to the North County Trail System. Siegel suggested that Costco sponsor this connection. Grealy stated that the property owner has already spent \$6 million on this project and construction has not yet even begun. He added that the requested bike trail improvements will be very costly. Funding the extension would not be feasible for the owner. Bogin commented that there is no significant nexus between the project and the proposed funding of the bike trail. Hochman stated there has to be a reasonable connection between the project and the trail improvements.

Grealy stated that the current plan's offsite improvements will total approximately \$3 million. The plan corrects traffic conditions that already exist. The plan will work to solve existing problems. If the NYSDOT agrees to the shoulder/snow shelf improvements, then the applicant will agree to complete these improvements. Fon expressed concern with the amount of time and money spent on this project to date. Panayotou stated regulatory changes with the NYCDEP resulted in a lot of the 6 year and \$6 million expense. Also, public opposition to project resulted in additional legal costs.

### Townhouse – Relocation of Historic Home on Site

Capellini asked if the home on the site was really worth saving. Flynn said that it was worth saving and that it possible it could be moved to FDR Park. However, the home has no historical value. Phil stated that Costco has a Cultural Consultant who may be able to look at the home. Fon suggested that the Board look at the home. Kincart said that the home should not delay the project any further. However, the Planning Board is concerned with the loss of character of the town and the extensive loss of older homes.

### Program to Remove Invasive species along Taconic Parkway and FDR Park

Flynn commented that this proposal is reasonable, as the Costco site is visible from the FDR Park and the Taconic Parkway, and that these species exist along these areas. Hochman stated that the connection between the project and the existing invasive species is tenuous.

The applicant confirmed that they have reviewed the following additional memos from the: Building Inspector, Cornerstone Associates, and Town Engineer.

Kincart inquired about the status of the Sewer District. Panayotou reported that there have been no updates. Capellini then asked about the next meeting. Fon and Tegeder recapped issues previously discussed.

The applicant team agreed that all line items from memos will be reviewed and comments will be provided on these items. Fon suggested that they meet with the professionals in the Town to continue to move the project along.

**Upon a motion by Darlene Rivera, seconded by John Flynn, and with all those present voting aye, the Board voted to close the meeting at 11:53 pm.**