

## Planning Board Meeting Minutes September 22, 2014

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A meeting of the Planning Board, Town of Yorktown, was held on September 22, 2014, at the Yorktown Town Hall, 363 Underhill Ave., Yorktown Heights, NY 10598. The Chairman, Rich Fon, opened the meeting at 7:30 P.M., with the following members present:

John Savoca  
Darlene Rivera  
John Kincart  
Ann Kutter, alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Planner; Karen Wagner, attorney to the Planning Board; and Lisa Hochman, attorney to the Planning Board for Costco.

### **Correspondence:**

**Liaison Report:** Conservation Board – Rezoning of BJ’s parking lot from a zone C1 to C3 – no environmental impacts

**Courtesy of the Floor:** No one came forward

**Minutes: September 8, 2014** – Upon motion by Darlene Rivera, seconded by John Savoca and with all those present voting aye, the Board approved the minutes of September 8, 2014.

### **SPECIAL SESSION**

**Upon a motion by John Savoca, seconded by Darlene Rivera, and with all those present voting aye, the Board opened a Special Session for considering a decision for the Staples Plaza Middle Building Amended Site Plan.**

#### **Staples Plaza Middle Building**

**SBL: 36.6-2-76**

#### **Decision Statement**

*Location:* 3333 Crompond Road

*Contact:* John Meyer Consulting

*Description:* Request for amended site plan approval to renovate the middle building.

Rob Aiello was present to address the concerns regarding the desire for more landscaping. There was a landscape island added that reduced the parking lot by 2 spots. Islands were added to the corners of the parking lot along with planters all around the upper side walk near seating area. Ramp access was not changed. They have reviewed the draft resolution that had changes on page 4 and have no problem with it. Approval of the DEP is in the process. Karen Wagner requested that they address the reduction of the 2 parking spots to improve the landscaping in the resolution. Rich Fon thanked them for addressing all questions and concerns that were presented to them.

**Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board declared Lead Agency under SEQRA.**

**Upon motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board issued a Negative Declaration.**

## Planning Board Meeting Minutes September 22, 2014

---

**Upon motion by Darlene Rivera, seconded by John Kincart, and with all those present voting aye, the Board approved the Amended Site Plan and Stormwater Pollution Prevention Permit for the Staples Plaza Middle Building.**

**Upon a motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board closed the Special Session.**

### WORK SESSION

**BJ's Wholesale Club/UB Yorktown, LLC**

**SBL: 36.6-2-75 & 76**

**Town Board Referral & Site Plan Application**

*Location:* 3315 & 3333 Crompond Road

*Contact:* Zarin & Steinmetz

*Description:* The applicant is requesting a rezone from C-1 to C-3 on Lot 75 and a portion of Lot 76 to allow the construction of a gasoline filling station on Lot 76, as well as a 3,000 sf bank.

Present were David Steinmetz & Jody Cross from Zarin & Steinmetz, Rob Aiello from John Meyer Consulting, Nelson Cabral from BJs, John Dzwonczyk from JGD Associates, and Willing Biddle from Urstadt Biddle. Zoning map changes are required as BJ's is seeking to put gasoline filling station in an underutilized parking area and in addition put a bank building right in front of the Baskin Robin. Application is now in front of the Town Board. Currently a C-1 zone and noted that the adjacent property is a C-3. Also the Costco site is a C-3. The Applicant is now looking to make the BJ's parcel and small area of the parking lot a C-3 as a gas station cannot be in a C-1 zone. The question being is a map change from a C-1 to C-3 appropriate. Town Board was supportive of the change that will enable 6 full fuel pumps with an attendant booth for BJ's customers. There is no specific bank tenant for the 3000 sf pad with a drive through. Tenants in the BJ's shopping plaza also need to be in favor of this change. Willing Biddle went to the tenants and all have been unanimously supportive. A presentation map of the new layout with the bank and the gas pumps along with additional landscaping was shown. It was clarified that the attendant booth would only have a cash register and bathroom and it would not be selling items such as soda, cigarettes, etc. so there would be no need for parking. Ann Kutter asked about the recycling – it was addressed that the recycling would be mostly from the bank not from the gas pumps. John Tegeder asked about the unloading of gas and was concerned about the tractor trailer backing up traffic flow with all the action going on in that parking lot. Alternate ways for the delivery truck path will be reexamined. John Kincart asked about the refueling times and if there were restrictions. It was noted that delivery times are usually during operating hours which would be the hours of BJ's; 6:30 am to 10:00 pm. Refilling is typically once a day and takes about a ½ hour. Adding this filling station keeps them competitive with Costco. The Town Board has met regarding this application and had referred them to the Planning Board. Ann Kutter noted that the Conservation Board did not say they "supported" this project she said that they saw no environmental issues. Karen Wagner asked about the number of pumps and it was said that there will be 6 as it is the usual number of pumps for BJ's. John Dzwonczyk noted that this was a standard gas station and addressed fire safety saying the tanks are regulated by the Fire Marshal also saying that BJ's is going above and beyond the

## Planning Board Meeting Minutes September 22, 2014

---

requirements needed for fire safety. Issues brought to the table again were the filling process/times and they are willing to revisit and make changes if possible. Rich Fon asked if there were any more questions regarding the rezoning and nobody came forward with any further concerns. David Steinmetz asked if they should be present at the next meeting when formulating the zoning changes and was advised that it would be best if they were to attend.

### **Crompond Terraces**

**SBL: 26.18-1-11, 26.18-1-12, 26.18-1-14, 26.18-1-15, 26.18-1-16**

#### **Town Board Referral**

*Location:* 3258 Old Crompond Road

*Contact:* Ciarcia Engineering

*Description:* Applicant is requesting a change in zone from R1-20 to C-2 and RSP-1 for construction of 96 residential units and 47,500 sf of office and retail space on 20.10 acres.

Ann Kutter Planning Board alternate recused herself from this item.

Dan Ciarcia from Ciarcia Engineering and Roy Baiata presented the rezoning application to the Town Board. The application requests a C-2 zone for 5.4 acres and the rest of the property would be a RSP-1 age restricted proposal. Offering of a free standing Senior Center for the residents but would also be offered to non-residents. The center would be given to the Town to run. John Tegeder asked if they are looking for two different SEQRA reviews. John Kincart is concerned about the road and wondered if it will be able to handle the increased traffic. Planning will need to make some recommendations to the Town Board once they come to a conclusion as to how much detail is needed for the rezoning of the property. Rich Fon asked how this is going to impact the area as a whole including Stoney Street as there is a lot going on right now between Costco and the gas station at BJ's. Dan expressed that this is a blank slate and a unique opportunity to make it a hamlet. When doing a study on the area they were told that keeping it 55+ was key to keeping down traffic. John Kincart stated that he is in favor of the 55 and over but was not sure about the commercial zoning portion of the property. The need for office space is not necessarily commercial. The board will start on a letter addressing concerns and have Dan come back to the next meeting. Rich Fon suggested board members go look at the site.

Ben Falk a resident and neighbor to the site expressed his concerns regarding the proposed project saying the road is too small for 96 units where there are now 3 single family homes. He was concerned about the proximity of the proposed pool and senior center to the side and rear of his existing home. There are wetlands across the street leaving his front lawn the other option for widening the road. John Kincart suggested that he follow the application and go in front of the Town Board with his concerns.

### **EXECUTIVE SESSION**

**Upon a motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the Board voted to go into an Executive Session for advice of counsel concerning pending litigation regarding the Faith Bible Church.**

**Upon a motion by John Kincart, seconded by John Savoca, and with all those present voting aye, the Board closed the Executive Session.**

## Planning Board Meeting Minutes September 22, 2014

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### **Costco Wholesale**

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

#### **Discussion FEIS**

*Location:* 3200 Crompond Road

*Contact:* TRC Engineers

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

Ann Kutter Planning Board alternate recused herself from this item.

Discussion began at 8:55 pm and ended at 11:00 pm reviewing FEIS Sections III.E - G. They will start on Section III.H at the special meeting scheduled for Tuesday, September 30, 2014 at 7:15 pm in the Yorktown Community & Cultural Center Room 104.

**Upon a motion by John Kincart, seconded by Darlene Rivera, and with all those present voting aye, the meeting was adjourned at 11:00 pm.**