

Planning Board Minutes November 21, 2016

A meeting of the Planning Board, Town of Yorktown, was held on November 21, 2016, at the Yorktown Town Hall Board Room, 363 Underhill Avenue, Yorktown Heights, NY 10598. The Chairman, Rich Fon, opened the meeting at 7:00 pm with the following members present:

John Flynn
John Savoca
John Kincart
Bill LaScala, Alternate

Also present were: John Tegeder, Director of Planning; Robyn Steinberg, Town Planner; Tom D'Agostino, Assistant Planner; Bruce Barber, Town Environmental Consultant; and Anna Georgiou, Planning Board Counsel.

Correspondence: The Board reviewed correspondence.

Minutes:

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, Kincart abstained, the Board approved the November 7, 2016 minutes by the Chairman's corrected copy.

REGULAR SESSION

Costco Wholesale

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

Request for 1st One-Year Time Extension

Location: 32 Crompond Road

Contact: Provident Design Engineering

Description: A site plan approved by Planning Board Resolution #15-16 on November 9, 2015.

Al Capellini, project attorney, was present. Capellini stated that he believes the extension is subsumed in the request for a site plan amendment, however would like the extension granted to solidify the issue.

Upon a motion by Flynn, seconded by Savoca, and with all those voting in favor, the Board approved a first one-year time extension on the Costco Wholesale Site Plan.

Lowe's Home Center

SBL: 26.18-1-17, 18, 19, and 26.19-1-1, and a portion of 26.18-1-28

Public Hearing Amended Site Plan & Subdivision

Location: 3200 Crompond Road

Contact: Provident Design Engineering

Description: Proposed amended site plan and 5-Lot subdivision for a Lowe's Home Center with two adjacent restaurant buildings and a bank building on the former Costco Wholesale Club site.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board opened the Public Hearing.

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Al Capellini, project attorney, described the location of the application at the northwest corner of the intersection of the Taconic State Parkway and Route 202. The applicant is requesting an amendment to the approved site plan to allow for the construction of a Lowe's Home Center.

Nick Panayotou, project engineer of Provident Design Engineering, presented the proposed Lowe's site plan. Panayotou stated Lowe's is a substantial player in the home improvement industry. Panayotou reviewed the approval of the Costco Site Plan, which occurred from 2010 – 2015. The application was submitted in June 2010, SEQR was completed in 2014, and site plan approval was granted in 2015. Panayotou stated the time it took the developer to get the project to be approved caused issues with the agreement with Costco. However Mr. Breslin has the means to go to a different tenant and propose another good project for Yorktown. On August 31, 2016, an amended site plan application was submitted. Between September and October, the applicant met with the Planning Board and the Town's various review boards including the ABACA and Conservation Board. On October 17, 2016, the Planning Board determined a Supplemental EIS would not be required for the amended site plan application.

Panayotou stated the project includes the Lowe's 120,663 square foot building and 25,448 square foot garden center and three out parcels, which are two restaurants and a bank. Breslin has not identified tenants, however the buildings are modeled for national tenants. Restaurant A is 7,600 square feet, Restaurant B is 4,500 square feet with possible drive-thru, and the Bank is 4,000 square feet. The full 18.8 acres of property from the original Costco application is now completely owned by Yorktown JAZ, LLC. In addition, Yorktown JAZ, LLC is now the contract vendee to the additional 3.38 acre piece to be purchased from the state.

Panayotou stated the property is in a C-3 zone and is consistent with both the comprehensive Plan and corridor plan. No fueling station is proposed. All approvals needed are under the Planning Board's approval authority. The main access is still opposite Mohansic Avenue. The secondary access point, which permits only right turns in and right turns out, was moved approximately 25 feet to the east in order to accommodate the out parcels. Panayotou reported that he had preliminary discussions with the NYSDOT regarding this change and they did not have any issues. A perimeter road is proposed to serve the out parcels and to accommodate this the Lowe's building was moved approximately 100 feet to the north from where the Costco was proposed. Panayotou described how patrons would enter the site from both directions on Route 202. Truck traffic will circulate around the buildings.

In regards to parking, Panayotou stated the Costco project had 610 parking spaces approved. There are 512 parking spaces proposed for the Lowe's building. Fewer spaces are proposed for several reasons. First, the Lowe's is smaller than the Costco building. In addition, the Lowe's is projected to generate less traffic in the peak hour than Costco. Even though there are out parcels now, the out parcels peak parking hour differs from Lowe's peak parking hour. There is a strip of parking spaces along the internal road that is reserved for overflow parking for the restaurants. Panayotou stated that when he took the parking data Lowe's provided and added the Lowe's peak hour to the peak hour for the out parcels, without considering the time offset, together they require less than 500 spaces. Therefore, in his opinion there is more than enough parking provided.

In regards to wetlands, Panayotou stated that as before, the project does not encroach on the wetland buffer of Wetland A. Because fewer parking spaces are required, the proposed impervious area is further to the east than on the Costco plan. The minor wetland buffer on the northeast corner of the site is impacted similarly to the Costco plan.

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In regards to stormwater, the Town's Consultant, Bruce Barber, and the NYC DEP witnessed successful testing of infiltration area #2. Two areas were located and only one area is necessary. Panayotou still needs to meet with NYCDEP to review the details of the plan, but he feels the plan will work. The stormwater feature labeled #1 will slow down the flow before it enters the infiltration practice. Panayotou stated this is a major improvement on the prior project and in addition to that the plan will have both a Jellyfish Filter and a Vortechs unit for pretreatment.

In regards to sanitary sewer, Panayotou stated approval was granted to expand the sewer district so the properties are now all within the sewer district. The sewer line will be extended on Old Crompond Road from Crompond Crossing up to the property. The sewer line will serve all the other uses including a lateral that will be installed for the property across Crompond Road [the Temple Israel property]. The gas line will also be extended up Old Crompond Road in the same way. Water, electric, and telephone are all available along the site frontage.

In regards to traffic, Panayotou stated Maser Consulting completed an extensive review of the traffic. During the peak PM hour, the Lowe's project will generate less traffic than the Costco traffic. The same improvements along Crompond Road are still proposed as were approved with the Costco project. These improvements include widening of Route 202, adding turning lanes, and adjusting the traffic signals from Strang to Mohansic.

In regards to landscaping, Panayotou stated the same extensive landscaping is being proposed surrounding the project. The number of trees being planted is consistent with the Costco project, however the plan does proposed to take trees down on the additional 3.38 acres for the stormwater structures. The Town is working with Beth Evans to identify off-site tree mitigation. The out parcels break up the view of the site. In regards to tax benefits and employment. The figures are consistent with that projected for Costco. The taxes generated will be a little higher. The jobs created are about the same.

The applicant is also requesting a subdivision with the current application. Panayotou described a colored version of the subdivision plan showing the proposed 5 lots and a road widening strip along Route 202. All the proposed lots comply with the town code. The exact lines of the subdivision are still subject to change. A revised subdivision plan will be submitted in about a week. Panayotou introduced the rest of the applicant's team should there be any questions.

Capellini pointed out that this is one public hearing for both the site plan and the subdivision applications.

Kincart asked Capellini to confirm the number of lots purchased by the developer and the number of lots proposed in the subdivision. Capellini stated, there were five lots, including the new portion from the state lands, and the subdivision is requesting five lots.

Flynn asked about the subdivision in relation in to the taxation of the wetlands. Bob Rosenburg, of Breslin Realty, stated that all four tenants will pay a pro-rata portion of the taxes for the wetland parcel. Flynn asked how the wetland lot will be taxed. Capellini stated he did not know how the Assessor will tax the wetland lot, but assumes it will be at a lower rate than the building lots. The strip lot will be a road widening strip to the state. Panayotou stated there is a note added to the subdivision map stating that if any of the lots is to be sold, the applicant must come back to the Planning Board.

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Barry Levin, Mohansic Avenue

This project is a win-win for the Town of Yorktown. The quicker the project is approved the better for all.

Eric DiBartolo, Yorktown Chamber of Commerce President

DiBartolo thanked the Planning Board for working with the developer on this project. The chamber is behind the project. There have been inquiries on properties on 202 just from the talk of Lowe's coming to Yorktown. Please move this project forward as soon as possible.

Georgiou suggested the Board adjourn the meeting until the revised plat is submitted. Capellini had no objections.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board adjourned the Public Hearing.

Hilltop Associates

SBL: 37.06-1-25

Reapproval Subdivision

Location: 450 Hilltop Road

Contact: Albert A. Capellini, Esq.

Description: A 3-lot subdivision approved by Planning Board Resolution #08-02 on January 14, 2008.

Al Capellini, project attorney, was present. Capellini explained the project's new engineer submitted a memo regarding the previous review and approval under SEQRA. Nothing has changed to reopen this review. The applicant is working to obtain a sewer easement to connect the proposed subdivision to the sewer. Tegeder recommended the Board have the applicant come to a work session to discuss the proposed sewer connection. Capellini agreed to update the Board at a work session.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board reapproved the Hilltop Associates Subdivision.

Stahmer Minor Subdivision

SBL: 59.10-1-10

Public Informational Hearing

Location: 600 Birdsall Drive

Contact: Insite Engineering, Surveying, and Landscape Architecture, P.C.

Description: Proposed 3-lot subdivision on 10 acres in an R1-80 zone. This application was previously presented as a 4-lot subdivision in 2006.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board opened the Public Hearing.

Al Capellini, project engineer, and Rich Williams, project engineer, were present. Capellini gave the Board a history of previous applications on this site. A five lot subdivision was approved and lapsed. The current owner applied for a four lot subdivision and ran into many issues. The same owner is now requesting a three-lot subdivision. Variances were originally granted for the four-lot subdivision.

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Williams described the property which consists of 3 lots to be resubdivided. Each lot will be served by individual wells and septic. Each lot can support an infiltration system. The project will require permits from the Westchester County Department of Health and the New York City DEP. The applicant has walked with the Conservation Board on the property.

Kincart asked if the applicant received the Town Engineer's comments. Williams stated that he did receive the comments and met with Mr. Quinn. Many of his comments were very technical and all of his comments can be addressed.

Flynn asked if the applicant saw the memo from the Open Space Committee. The committee wanted to see the North County Trailway on the plan.

Williams stated the next step is to have Bruce Barber out to the site during testing for the stormwater and the septic. This should be scheduled in the next week or so.

Upon a motion by LaScala, seconded by Kincart, and with all those present voting aye, the Board closed the Public Informational Hearing.

Upon a motion by Kincart, seconded by Savoca, and with all those present voting aye, the Board closed the meeting at 7:50 pm.