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TOWN OF YORKTOWN PLANNING BOARD

PUBLIC HEARING OF DRAFT EIS
AND SITE PLAN FOR THE APPLICANT
COSTCO WHOLESALE RETAILER

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1974 Commerce Street
Yorktown Heights, New York
November 19, 2012
7:42 p.m.

C O N T I N U A T I O N O F

P U B L I C H E A R I N G

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

- RICHARD FON, CHAIRMAN
- JOHN KINCART, BOARD MEMBER
- JOHN SAVOCA, BOARD MEMBER
- JOHN FLYNN, BOARD MEMBER
- DARLENE RIVERA, BOARD MEMBER
- DAVE PAGANELLI, TOWN BOARD MEMBER AND PLANNING BOARD
LIAISON
- LISA HOCHMAN, ESQ. PLANNING BOARD'S SEQRA COUNSEL
- ANN KUTTER (RECUSED)
- LORRAINE DeSISTO, PLANNING DEPARTMENT
- JOHN TEGEDER, DIRECTOR OF PLANNING
- ROBYN STEINBERG, TOWN PLANNER

1 MR. FON: Alright. So, now we move
2 on to Costco, I am sure most of you were
3 here the last time. It was a very long
4 meeting, a lot of very good topics and
5 concerns were brought up -- excuse me one
6 second, counsel gave me some instructions.
7 Again, we had a lot of concerns, lot of good
8 questions were brought up the last time.

9 We've heard a lot, we are gonna try
10 to limit tonight repetitive comments, not
11 that I am going -- we are not trying to be
12 rude or push people off the stage area,
13 because we want to hear everybody. But, if
14 we start here again and again about two --
15 we know the major issues, we want to hear
16 any new issues. Again, we are here for you
17 alright, we are all on this together, we
18 want to hear the concerns. We are going to
19 try to limit it, but we want to here
20 everybody.

21 If you could, respect us, respect
22 everybody in the audience, there are some
23 new professionals that have been hired. If
24 the professionals come up and they want to
25 give us a summary of what they've found and

1 then submit the report, I think we would
2 appreciate that and I am sure everybody in
3 the audience would.

4 With that I would like to open back
5 up the public session for the Costco.

6 MR. CAPELLINI: In deference of the
7 slate of speakers, I would defer to speak on
8 the subject for four or five minutes at the
9 end of the process, when everyone else has
10 been heard.

11 MR. FON: Well, we are not going to
12 leave a specific timeframe this time.

13 MR. CAPELLINI: I don't --

14 MR. FON: No, we are going to wait to
15 see if everyone is on. I think we've heard
16 a lot. Again, I think there are a lot of
17 excellent questions and issues that were
18 brought up the last time. What we are going
19 to try -- we are going to trying to limit as
20 not be repetitive.

21 MR. CAPELLINI: I agree.

22 MR. FLYNN: Okay. That been said,
23 number twenty-seven from the last list, Mr.
24 Ben -- Mr. Ben Falk. And if you could
25 get -- well, there is a sign-in in the back,

1 if anybody is late and they are numbered.
2 So, I think everybody's got their number at
3 this point. Mr. Falk is twenty-seven. So,
4 if we could have twenty-eight to thirty-one
5 get ready so that we could get people going
6 as quick as possible. Thank you.

7 MR. FALK: Good evening, my name is
8 Benjamin Falk, my address is my 3308 Old
9 Crompond Road, and I am here representing
10 all of the residential property owners on
11 the section of Old Crompond Road known as
12 the Bear Mountain Triangle, just north of
13 202.

14 We have already submitted written
15 comments, but I would like to provide you
16 with an updated copy containing more
17 signatures to replace our previous comments.
18 I am -- I am also providing copies of my
19 comments tonight.

20 MR. FON: Thank you.

21 MR. FALK: In the interest of time I
22 would like to summarize our comments here.
23 As I said, I represent all of the
24 residential property owners of the Bear
25 Mountain Triangle. We would be the most

1 impacted by the proposed Costco development,
2 both during the construction and on an
3 ongoing basis.

4 We will have to live with the
5 construction noise, the disruption of
6 traffic and our ability to get in and out of
7 our own driveways and the permanent addition
8 of a major development right on our own
9 doorstep.

10 This site has particularly been the
11 subject of development proposals which have
12 gone -- has never gone anywhere, including
13 for a conference center, a hotel use and
14 retail shops, reportedly because of its
15 economics of proposal didn't work.

16 Costco is the first viable
17 development proposal with a developer
18 willing to listen to our concerns and spend
19 money on improvements that will protect or
20 enhance our quality of life as well as that
21 of a site. This proposal is consistent with
22 the town's comprehensive plan and the
23 sustainable development study.

24 It should be noted that -- here that
25 both, the comprehensive plan and the

1 sustainable development made huge efforts to
2 include residents of the town in order to
3 plan development in a way that would be
4 consistent with the residents ideas, wishes
5 and concerns.

6 Bear Mountain Triangle residents
7 participated in both efforts. As a result,
8 both studies are consistent with the vision
9 of local residents as to what makes the most
10 sense here, based on our more intimate
11 knowledge of the area and what we would not
12 like to see in the way of development, but
13 also what we think we could live with. The
14 plan envisions mixed residential, office,
15 retail commercial in the center of the Bear
16 Mountain Triangle, not along the boundaries
17 of where Costco is proposed.

18 The high volume of the Taconic
19 Parkway and Route 202 intersection is not
20 appropriate as a hamlet development site.

21 Our written comments include specific
22 examples, point for point examples, of the
23 language in the Comprehensive Plan and this
24 is how we believe the project complies with
25 each.

1 The town should also acknowledge that
2 the proposal involves the development of a
3 problem site, as noted in our written
4 comments.

5 There are many aesthetic benefits to
6 the town and local retailers in the
7 development of a gateway property, but there
8 are also very real benefits to the
9 environment.

10 The retirement of less than optimum
11 septic systems in a sensitive watershed, and
12 the remediation of known toxic areas on the
13 building site are big pluses for the
14 sensitive watershed and for local storm
15 water management.

16 Storm water management tactics being
17 proposed for the project site will correct
18 runoff problems from the nursery site that
19 have plugged drains along Old Crompond Road
20 for years. It is difficult to force
21 remediation when there is no viable
22 landlord.

23 These problems result in sheet flow
24 run off directly into the wetlands of
25 draining into the Hunterbrook, potentially

1 contributing sedimentation and nutrient
2 loading downstream where flooding is a
3 growing problem, and risk thermal impacts
4 survival to the viable trout spawning
5 stream.

6 Opponents have voiced concerns about
7 the impact of the development on the
8 woodlands and wetlands surrounding the
9 building site. As residents we are pleased
10 to see there is no wetland incursion that --
11 and that changes to the parking layout to
12 the relocation of the filling station means
13 even minimal incursion into the buffer is
14 avoided.

15 Wetlands on the site, mostly grown on
16 farmlands abandoned between 1870 and 1910,
17 but also -- but also the site also includes
18 some older pre-existing wooded land, of the
19 Bear Mountain Triangle, excluding the
20 Costco's site.

21 We have recently been studied for the
22 development of a Forest Management Plan.
23 Results of this study showed that the forest
24 here is rapidly dying as the trees die and
25 fall they are very quickly being replaced by

1 invasive species. These wetlands are mostly
2 the same age and condition as those on the
3 Costco site.

4 Much work needs to be done quickly to
5 preserve the woodland area here, which can
6 only be done by a viable, active landlord,
7 not an absentee landlord of an abandoned
8 site.

9 And the preservation of the wetlands
10 and the woodlands on the site will
11 automatically mean that they will maintain
12 an important habitat corridor -- corridor
13 connections. We have also heard the
14 concerns of opponents of the proposal
15 regarding the potential traffic impacts.

16 As mostly of you -- as the most
17 immediately impacted neighbors, we believe
18 the efforts of the Breslin team has made --
19 has made and the money they are willing to
20 invest in roadway improvements and traffic
21 amelioration tactics, will make a big
22 difference in the traffic flow in the area.

23 These improvements will be on top of
24 the improved -- will be on top of the
25 improvements the state is making to the Bear

1 Mountain Parkway intersections at Stoney
2 Street and the 202. In fact, we remember
3 the results of the survey undertaken as part
4 of the sustainable development study, which
5 found a very significant percentage of
6 traffic passing along the 202 corridor from
7 the -- at least Lexington Ave to the Taconic
8 was through traffic, not originating in
9 Yorktown and not stopping in Yorktown.

10 This seems to indicate that one of
11 the state's improvements are in place, that
12 thru traffic will use the Bear Mountain
13 Parkway rather than Route 202 exit, it
14 itself is an improvement.

15 We object to the scare tactics
16 opponents of Costco are -- use regarding
17 traffic impacts. While they continually
18 refer to seven hundred and fifty plus
19 vehicles per hour, Costco's estimates the
20 number of trips per hour in the DEIS is much
21 lower.

22 The resulting potential increase in
23 the traffic is therefore much closer to half
24 the number bandied about by the opponents,
25 at most. The figure is also not likely to

1 be consistent throughout the day, seven days
2 a week -- per week, so the figure is closer
3 to ten thousand additional cars on our roads
4 is farfetched at best.

5 The highest volume of new the traffic
6 are also not likely to occur at peak rush
7 hours, so impact will not be as significant
8 at those times.

9 Incremental improvements have proven
10 to make a vast positive difference in the
11 past, such as improvements when the BJ's
12 lights were put in other private -- public
13 private partnership that revealed the need
14 for suicidal driving on the wrong side of
15 202 to enter the Old Crompond Road and
16 dramatic traffic flow improvements when the
17 Lexington Ave right turn lane was installed.

18 We unanimously support the proposal
19 and ask you to approve the application in a
20 timely manner, and I thank you for your
21 attention.

22 MR. FON: Mr. Falk, thank you for
23 representing the group and not having
24 everybody come up, and you the one. Thank
25 you. Next is Angelo Michael Competiello.

1 Number twenty-eight. No takers? Okay then,
2 twenty-nine, Alan Weger. And if you could
3 thirty, thirty-one and thirty-two.

4 MR. WEGER: So, my name is Alan
5 Weger, I live on 1415 Hiawatha Road, in
6 Mohegan Lake. I have lived in Yorktown for
7 about thirteen years now and I do have two
8 older kids who graduated from Lakeland
9 school system. I think we have an
10 obligation to maintain Yorktown as a
11 pleasant town for raising families, and that
12 really should be our first priority.

13 I am also a Costco member, so I am
14 not opposed to Costco per se. However, I
15 don't think that the proposed location at
16 the intersection of Route 202 and the
17 Taconic is an appropriate location for a
18 store of this type, because of the traffic
19 on Route 202 is already excessive and it has
20 been for the whole twenty-five years that I
21 have been living there.

22 And I don't believe that this traffic
23 will be remediated by the planned
24 improvements described at the previous
25 meeting. I already experience the traffic

1 on Route 6 on a daily basis, and there is no
2 doubt that the Cortlandt Town Center
3 contributed to the very bad traffic
4 situation on Route 6.

5 Adding more traffic to Route 202 will
6 likely make the traffic on Route 6 even
7 worse as people try to find alternatives to
8 Route 202. I would also add that I have
9 discussed the traffic situation with many
10 people who live in this area, several of
11 whom specifically mentioned that the traffic
12 problems on Route 6 and 202 were a major
13 factor in their decision of not to buy a
14 house in this area.

15 Therefore, it is quite possible that
16 any property taxes generated by the Costco
17 project will be offset by declining of
18 property values, as the general area becomes
19 a less desirable place to live due to the
20 traffic.

21 Furthermore, I think it is likely
22 that a store of this size will lead to
23 adverse impacts on local business. We did
24 witness substantial loss of local business
25 when the Home Depot store opened nearby.

1 I did live on Westbrook Drive during
2 the planning and construction of the
3 Cortlandt Town Center, and I do not feel
4 that the adverse impacts were adequately
5 planned for. It seems very likely that they
6 are headed in a similar direction with
7 respect to this project.

8 Unfortunately, the east/west road in
9 this area have not kept pace with the
10 growing population. We need to bite the
11 bullet and invest in long-term
12 infrastructure such Mohegan Lake bypass on
13 Route 6 and the Bear Mountain Parkway
14 extension to the Taconic Parkway. We need
15 two lanes on each direction.

16 Until we do these things I don't
17 think it makes sense to add a significant
18 traffic burden to the area. I would
19 encourage Costco to examine other sites such
20 as the intersection of Route 9 and
21 Interstate 84, which would be much better
22 suited for a store of this size.

23 I hope the Planning Board realizes
24 that it is fully empowered to reject this
25 project in order to maintain the quality of

1 life for Yorktown residents and permit the
2 graceful but inevitable natural population
3 growth in this area. Thank you.

4 MR. FON: Alright, now, before we
5 have go on to the next speaker, we have
6 heard about the traffic twice. One, not so
7 concerned about it and the last gentleman
8 concerned about it. So, if we could, we
9 don't want to know about the traffic again,
10 we know that it is a concern of everybody.

11 If you are concerned about traffic,
12 when you come up simply say I am concerned
13 about traffic; we have heard you, alright,
14 please. We've absolutely heard you, if we
15 could limit that.

16 In reference to the stores in the
17 area being impacted, that was brought up
18 multiple times at the last meeting, that is
19 part of the record. We understand that,
20 we've heard it many times. So, if we could,
21 those two items, if we can keep them out of
22 the rest of the meeting tonight. We have
23 heard you, it is part of the record, we are
24 going to go on from there.

25 And again, written comments are

1 always accepted. They can get submitted to
2 Robyn or John in the planning office, those
3 too will become part of the comment record.
4

5 MR. FLYNN: Or if they have any
6 suggestions to remediate or to fix that
7 problem --

8 MR. FON: Absolutely true. And if
9 you have any ideas about how to fix the
10 problem or remediate it, those in writing,
11 but if it is just constant -- we understand
12 the traffic is a problem. Thank you.

13 Alright, if we can go on to Gerry
14 Petraglia, number thirty. No good?
15 Alright. Number thirty-one, Lou Mancuso.
16 And if we could bring up to the front,
17 thirty-two, thirty-three and thirty-four,
18 please.

19 MS. ROBINS: Good evening, Chairman
20 Fon and Members of the Planning Board, my
21 name is Janelle Robins and I am a resident,
22 and homeowner and tax payer in Yorktown
23 Heights. I am a leadership in energy and
24 environmental design accredited professional
25 and have two degrees in engineering and I

1 focus on land and owner resource
2 conservation.

3 While I am not a paid expert I do
4 want to use my time to speak about some of
5 the same issues that I expect the paid
6 experts will speak about.

7 We have heard a lot about the impact
8 that the proposed Costco will have in our
9 community's traffic, economy and character.
10 These are important issues and I want to
11 take a minute to thank my fellow citizens
12 for their expertise and experience and
13 readiness to take time of their busy days to
14 helps us understand those issues.

15 We haven't heard a lot about the
16 actual environmental impact of the proposed
17 development despite this being a public
18 hearing on well the Draft Environmental
19 Statement. While I can ask poetic and all
20 things related to natural resources, I
21 promise I will make my copies this evening
22 and save the gory details for my written
23 submission.

24 The proposed development will destroy
25 approximately, seventy-eight percent of the

1 site and irreparably convert about ten acres
2 of wooded and open space to impervious
3 parking and roadway surfaces. So, what does
4 this mean? First, the development will
5 undoubtedly have an impact in the area's
6 current open space character, despite a
7 statement in the executive summary of the
8 DEIS is to the contrary.

9 So, my first question is, how will a
10 large commercial development of ten acres
11 maintain the open space character of
12 Yorktown? Next, I am sure we are all aware
13 that we are all located in the drinking
14 watershed for New York City. Many local
15 municipalities, including Yorktown get our
16 drinking water from local reservoirs.

17 A study connected in the current
18 watershed found that a big discharge would
19 increase with increasing urbanization. It
20 was three times higher in-catchments with
21 eleven percent impervious resurface as
22 compared to an undeveloped catchment. Bear
23 with me.

24 This means that the increased
25 impervious surfaces of the proposed Costco

1 warehouse and parking lot increases the
2 volume of run off, which can result in
3 increased flooding and pollution of our
4 drinking water system. I did not find a
5 sufficient run off volume analysis in the
6 DEIS, even though this is a required
7 document.

8 So, my second question is, where is
9 this run off volume analysis, and what would
10 the impact be from on-site wetlands in our
11 water bodies? The DEIS claims that
12 discharges of run off will actually increase
13 the success and productivity of on-site
14 vernal pools. Unfortunately I find this to
15 be impossible.

16 By definition vernal pools are
17 ephemeral, they support needed development
18 of amphibians that would be unable to
19 withstand competition or predation in ecco
20 systems that are constantly inundated.
21 Amphibians are extremely sensitive to the
22 pollutants found in the run off, including
23 the increase in temperature.

24 Ph and salt sediment and nutrients
25 like phosphorous and other pollutants that

1 are commonly found in run off originating
2 from roads and parking lots would decrease
3 the reproductive success of a pool life. It
4 is critical that water pools as well as
5 wetlands and wetland buffers are protected.

6 So, my third question is, what
7 evidence does the developer have to show
8 that run off water discharges will benefit
9 the pool ecco systems? Additionally
10 amphibians are known to travel significant
11 distances, across roads and even highways to
12 reproduce in vernal pools and wetlands.

13 However, the DEIS downplays interplay
14 between various impacted habitats, wetlands,
15 forest and old fields. Old fields in
16 particular are a habitat that we are losing
17 across this community and across the
18 country, and might I add one need not build
19 a large commercial development to clean up a
20 site of debris and trash, which the DEIS
21 painstakingly details.

22 Yet, the assessment notes do not show
23 site visit streams pink bird breeding in the
24 spring or during fall migration. So, my
25 fourth question is, what evidence does the

1 developer have to show true isolation
2 whether hydrologically or from a wild life
3 perspective? Where is the habitat
4 assessment at the point of storm water
5 discharge and where is the comprehensive
6 multi-season of the fauna and the impacted
7 areas?

8 Run off contains any number of
9 chemicals, metals, sediments and nutrients
10 that pollute our drinking water. In
11 particular, phosphorous concentrations in
12 our new current reservoir which will
13 ultimately receive run off from this
14 proposed development currently exceeds
15 banksman permissible levels.

16 A new development is required to meet
17 strict phosphorous reduction standards.
18 However, the DEIS does not elaborate on how
19 the proposed development will meet state
20 standards. My fifth question is, where is
21 the pollutant loading analysis or how
22 exactly will the proposed development meet
23 state phosphorous standards?

24 For many of you here tonight many of
25 my questions may seem inconsequential, but

1 they service a discrete example of how the
2 DEIS falls short of providing a
3 comprehensive disclosure of enviromental
4 impacts on our natural resources. Nor does
5 the DEIS provide sufficient detail on how
6 the developer may mitigate these kind of
7 impacts.

8 There are mitigation measures that
9 could be taken to lessen the impacts.
10 Unfortunately, Costco right out of the box,
11 dismisses many environmental site designs
12 and low impact development practices.

13 Instead of reducing impervious
14 surfaces by building multi-level structures,
15 they instead prescribe extensive one story
16 warehouses. Instead of using permeable
17 pavement, used successfully in colder,
18 harsher climates, like Montana's Glacier
19 National Park, are utilizing multi-level
20 parking structures, their preference as a
21 sprawling asphalt parking lot.

22 In fact, when the menu of green
23 infrastructure practices available, the
24 developer only considers two. One of them
25 is the conservation of natural buffers.

1 That sounds good, right? Except the
2 proposed development actually intends to
3 encroach on the town's regulated one hundred
4 foot buffers.

5 The second practice is stream
6 daylighting, but consider the plan calling
7 for storm water discharge turning existing
8 wetland just clearly not an enclosed
9 conveyance in need of daylighting. And the
10 proposed development incurring a filling
11 station despite the town with a plethora of
12 gas stations.

13 And instead of proposing ways to
14 mitigate light pollution which could have a
15 severe nighted impact of migrating birds,
16 the developer intends to request a variance
17 to raise the height of their lighting
18 structures, eliminating any benefit from
19 shrouds intended to limit the negative
20 consequences.

21 In summary, I strongly urge the
22 Planning Board to consider if the proposed
23 development is the right development for
24 this parcel. Is it the kind of development
25 that Yorktown deserves?

1 With the technology available today,
2 and the progress and scientific discoveries,
3 we know that the proposed development would
4 have an unnecessary and irreversible impact
5 in the quality of our natural resources.

6 Yorktown deserves smart development
7 that protects and conserves our resources
8 for generations to come. A development that
9 improves our community and makes it safer,
10 an ingenious development that leads and
11 inspires our neighbors.

12 MR. FON: Thank you. Okay,
13 thirty-three, Andrea Wagner. I would like
14 to bring up thirty-four, thirty-five and
15 thirty-six.

16 MS. WAGNER: Good evening, Andrea
17 Wagner, I am a resident, a business owner,
18 136 Upland Road, and I am here 22 years and
19 also a Yorktown Chamber of Commerce Board
20 Member. I'd like to speak in favor of the
21 Costco project.

22 I have heard that they were rated
23 number one and I wanted to know what that
24 was and I looked it up and basically was
25 told that it was an independent study by the

1 American Customer Satisfactory Index, which
2 is an economic indicator that measures the
3 satisfaction of consumers across the United
4 States. That is no small feat.

5 To be number one, they are doing
6 something right, they have chosen Yorktown,
7 they have done their homework, and I feel
8 that the fear that has been talked about,
9 with the traffic, with the environment I
10 would like the studies that have been done
11 by the professionals have the most impact on
12 their decision.

13 There is a lot of car carrying
14 members that live in Yorktown, those are the
15 same cars private cars that are on our roads
16 that travel out of Yorktown to go to Costco.
17 The site is also, from what I understand, a
18 part of a large revitalization plan.

19 There is going to be improvements on
20 the Route 202 corridor regardless, but their
21 generous addition and into improving our
22 community, will also promote job growth, new
23 life to the area and that is progress with
24 preservation. Thank you.

25 MR. FON: If I could too, one more

1 thing. If you have prepared comments, if
2 you could give us a copy of them for the
3 record. Alright, thirty-four, Dennis Newns,
4 Dennis Newns; okay. Joe Straci. And if we
5 could get thirty-six, thirty-seven, and
6 thirty-eight up next.

7 MR. STRACI: Good evening.

8 MR. FON: Good evening.

9 MR. STRACI: My name is Joe Straci, I
10 am a resident of Croton-on-Hudson, that's my
11 post office address, actually I live in
12 Cortlandt and my next door's neighbor
13 property is partially in Cortlandt, which
14 puts me about two hundred feet from
15 Cortlandt.

16 Both my -- my children live -- my
17 children, my grand children live in Yorktown
18 and are around Yorktown and most of my
19 involvement, both, socially and community
20 have been in Yorktown for the past thirty
21 years.

22 I am a member of the Chamber of
23 Commerce in Yorktown, I am the gentleman who
24 started the -- what do you call the -- I am
25 a little nervous, I don't know why, but I

1 started what do you call it, the concert
2 series seventeen years ago. I was the --
3 one of the founding presidents of the --
4 what do you call it, the Circolo Davinci of
5 course, and John Savoca there was one of the
6 first people to join us and I was the -- for
7 thirty years I have been a member of the
8 Lions Club and twice the president. I am
9 also on the board and the founder of the
10 Jack DeVito Foundation, one of the founders
11 I should say.

12 So, my involvement in Yorktown has
13 been very much a very strong and ongoing
14 commitment. I was in attendance at the last
15 meeting of this Planning Board, which held a
16 public hearing on the matter of Costco
17 coming to Yorktown and heard the many well
18 intentioned speakers go through their five
19 minutes of fame.

20 Some of them depicting a scenario of
21 fire and brimstone. Traffic nightmare,
22 ambulances stranded on 202, police
23 department overwhelmed with traffic and
24 criminal -- and criminal maihem. Small
25 businesses going out of business; declining

1 home value, school children lost in a sea of
2 unyielding traffic.

3 Fire trucks stuck on an impassable
4 Route 202, and all of this was presented by
5 proponents of Yorktown for growth. This
6 kind of growth sounds to me more like a
7 cancerous condition rather than an
8 opportunity for true progress.

9 Truth be said, Costco to me will act
10 like an anchor store for the town of
11 Yorktown, very much like a Nordstrom or a
12 Lord and Taylor do at the Westchester, not
13 put small businesses out of business, but
14 rather bringing more small businesses which
15 in turn will bring more revenues to
16 Yorktown, getting rid of the blight that we
17 see all along Route 202 and surrounding
18 areas, making it possible for a senior to
19 remain resident of their beloved Yorktown,
20 where they have spent most of their lives
21 and where their friends and families are,
22 and not being pushed out of town because
23 they can no longer afford to live here.

24 By lowering their taxes and perhaps
25 having the opportunity of having a local

1 part-time or full time job and providing
2 more services for them. Enabling young
3 families to settle in a more affordable
4 Yorktown by lowering taxes and providing
5 greater subsidies to our schools, and
6 providing local jobs and career
7 opportunities as well.

8 Having had the opportunity of
9 reviewing in greater detail the kind of
10 commitments and care that Costco brings to
11 the people, by having a team of highly
12 professional people who have addressed every
13 possible concern and passed the rigorous
14 scrutiny and approval of no less than
15 twenty-one authorities, I feel very
16 comfortable in coming to the conclusion that
17 Costco is a great corporate citizen and will
18 bring a renaissance to a town in need and
19 deserving of a brighter future.

20 I urger every Yorktown resident to
21 get on board in helping promote progress,
22 true growth and a brighter future for
23 Yorktown, by saying yes to Costco. Thank
24 you very much.

25 MR. FON: If I could make one more

1 point. We've had two people now who are
2 anti-Costco, I am sure the next one will be
3 anti-Costco, and the other one will be
4 pro-Costco, we get you, alright. We know
5 there is pro and against and I am sure
6 neutral. I am sure people are here just for
7 information. If I hear it again, I am going
8 to cut it off, alright. Thank you.

9 Next thirty-six, Neil Deluca. No Mr.
10 Deluca. Alright then, Johnathan
11 Nettlefield, thirty-seven. No show.

12 MR. NETTLEFIELD: Good evening.

13 MR. FON: Oh, I am sorry.

14 MR. NETTLEFIELD: Excuse me, I must
15 apologize for my voice and the probable
16 cuffing that is going to come, but I'll try
17 and keep it short. I am Jonathan
18 Nettlefield, Bridge Point Lane, I've been in
19 Yorktown for twenty-four years or so.

20 I just want to say a couple of things
21 first. First of all, thank you for what you
22 are doing, it is an important part of the
23 process and we appreciate it, I just wanted
24 to tell you.

25 But second of all, I wouldn't be on

1 your side of the table for all the tea and
2 china right now, so I understand what you
3 have to do.

4 I thank you because planning is an
5 under appreciated, yet a very important part
6 of how we live today and it is interesting
7 to know that the two greatest concerns as
8 expressed by the residents of Yorktown when
9 they were polled at the beginning of the
10 comprehensive plan, the learnings that went
11 out for the comprehensive plan were -- am I
12 allowed to use the word traffic?

13 MR. FON: We understand you.

14 MR. NETTLEFIELD: Just the roads,
15 okay.

16 MR. FON: Thank you.

17 MR. NETTLEFIELD: And second of all,
18 high taxes, and traffic because we have
19 continued to develop in such a way that
20 live, work, shop, school, and entertain
21 ourselves in different places and the roads
22 connecting those different places haven't
23 kept pace with all the different places that
24 the planning and the applications went for.

25 MR. FON: Understood.

1 MR. NETTLEFIELD: Right. So on
2 higher taxes because over the years it has
3 been more profitable for a developer in
4 Yorktown to build residential developments.
5 In fact, some recently commercial zoning was
6 turned back to residential because it was
7 deemed to be more profitable.

8 So, that the accumulation result is
9 that we have had more children to educate
10 rather than a commercial tax paying
11 development like other towns. So, both of
12 those concerns in Yorktown are directly
13 related to past planning. And I believe
14 that both of those outcomes could have been
15 prevented if planning could've taken a long
16 view, such as proposed in a comprehensive
17 plan, rather than looking at each new
18 development as it is proposed and simply
19 weighing each development on the benefit of
20 the merits of the individual development at
21 the time that they are being proposed.

22 So let's talk about this development.
23 I don't dispute the building of some kind of
24 anchor store in this location, it is in the
25 comprehensive plan and it would serve as a

1 nucleus as others have pointed out as a
2 nucleus for other kinds of commercial
3 activity and the stimulus for further
4 development.

5 And this was envisioned in the zoning
6 of the comprehensive plan. What was not
7 envisioned however, was the kind of shock in
8 the wall development that a 150,000 square
9 foot warehouse plot will bring to this area.

10 Now, there were those here who think
11 that maybe what the area needs is the kind
12 of shock and all development to kind of
13 revitalize the area and provide the stimulus
14 that the area needs.

15 But, as we've learned in another
16 theater at other time, is what comes after
17 the shock and all that we have to be
18 concerned about, and many of the people who
19 have come up here are talking not so much
20 about the development itself, but all the
21 implications of that it's going to come
22 afterwards. That's kind of a preamble.

23 I just want to say that I read the
24 entire DEIS, the comments I will give you in
25 the interest of time, will be written.

1 MR. FON: Thank you.

2 MR. NETTLEFIELD: But, I did want to
3 comment here on one thing that hasn't been
4 talked about in detail before. And I should
5 also preface my comments by saying that I
6 have a little bit of experience in this
7 field.

8 I have a degree in economic
9 geography, a career in strategic planning,
10 which includes retail location and such
11 like. And my company works -- is currently
12 working with the City of Poughkeepsie and
13 the Dutches County Chamber of Commerce in
14 helping them to figure out planning up
15 there.

16 I am going to read this again to save
17 everyone's time. This relates to the
18 section in the DEIS, pages I-38, including
19 appendix 7.K, as I understand it, and it is
20 the retail market analysis.

21 The DEIS attempts to justify the
22 addition of a 150,000 square foot warehouse
23 club, by using a patently outdated model of
24 consumer retail behavior. First,
25 assumptions have been made about the

1 distances that consumers are willing to
2 drive to purchase goods based on national
3 averages, with an adjustment to reflect
4 local market conditions. There is no data
5 in the DEIS on what this adjusted might be
6 or how it varies from the national average.
7 So, we would like to find what that would
8 be.

9 Second, the retail market analysis
10 looks at the cannibalization between the
11 existing Costco stores, but not other retail
12 establishments, like BJ's for example over
13 the road. We would expect Costco to do
14 their own market analysis to justify their
15 additional store within their existing
16 network of stores, but this does not tell us
17 how it would impact other competitive
18 retailers.

19 We know that the consultant quoted
20 Reilly's law of retail gravitation as the
21 source and the application of this formula
22 to determine the distances that consumers
23 would travel to buy goods. Leaving aside
24 that this formula was derived in 1931 and
25 many factors have changed since then.

1 analysis of changes due to the wide spread
2 growth of internet shopping.

3 They net result of these shortcomings
4 leads to the conclusion that this retail
5 market analysis is somewhat self serving to
6 the applicant and does not reflect the real
7 impact that Costco would have. According to
8 this, I urge you to reject this application.
9 Thank you very much.

10 MR. FON: Thank you. If I could make
11 one more point. Some of the speakers that
12 have come up have asked like Mr. Netterfield
13 specific questions, those will get answered.
14 If you come up and just state an opinion it
15 is going to be comment noted.

16 So, if you come up and have a
17 specific question, make sure you ask it, so
18 that it gets answered in the document.
19 Thank you. Number 38, Chuck Catalfamo. And
20 on the docket next would be thirty-nine,
21 forty, forty-one. Thank you.

22 MR. CATALFAMO: Ladies and gentlemen,
23 board members, my name is Chuck Catalfamo, I
24 live at 2306 Depeyster Drive, in Glasbury
25 Court. Costco coming to Yorktown, a no

1 brainer. First of all, the thousands in
2 taxes that they will pay, got to help, will
3 some three hundred temporary employees and
4 from what I hear, over two hundred employees
5 that will be there forever.

6 That will give us an alternate for
7 shopping, a different type of shopping.
8 They will construct highway improvements.
9 As the traffic, which is a detrimental to
10 all of us here in Yorktown, there should not
11 be any additional traffic. With the traffic
12 improvements that they propose --

13 MR. FON: Alright.

14 MR. CATALFAMO: -- out of towners
15 will come --

16 MR. FON: Sir, I am sorry with the
17 traffic I am going to cut you off.

18 MR. CATALFAMO: Okay, cut me off.

19 MR. FON: Thank you.

20 MR. CATALFAMO: Recently with the
21 Costco meetings someone said that his
22 experience dictated that if Costco comes to
23 Yorktown, BJs will go out and the BJs
24 shopping center will dry up. Not so.
25 Before BJs got there, there was a shopping

1 center --

2 MR. FON: Alright, not to cut you off
3 again.

4 MR. CATALFAMO: Again, I am sorry I
5 am reading and I beg your pardon.

6 MR. FON: I understand.

7 MR. CATALFAMO: Okay. Well, some of
8 the owners in Costco said they would welcome
9 a Costco and and BJ's owner said that they
10 also would learn -- they also would love it
11 because they learned that whenever a Costco
12 is built even near a BJ's, businesses in
13 their area would do better.

14 Putting together a list of positives
15 and negatives, more positives than
16 negatives. I implore the Board that
17 respectfully okay this petition.

18 MR. FON: Thank you, sir. Okay,
19 thirty-nine, Stephen Steeneck and then next
20 would be forty, forty-one and forty-two,
21 please.

22 MR. STEENECK: He will take my spot.

23 MR. FON: Okay, he is yielding to the
24 consultant. If you could, basically give us
25 a summary of what you found and submit your

1 report to us, please?

2 MR. GAROFALO: Is here okay?

3 MR. FON: Yes, thank you.

4 MR. GAROFALO: My name is James
5 Garofalo, Director of Transportation
6 Division at Tim Miller and Associates, Ten
7 North Street, Cold Spring. You have already
8 heard from Tim Miller who is the president
9 of Tim Miller and Associates. I will try
10 not to repeat anything that he discussed.

11 I will start with a discussion of the
12 site plan which we did not get into. One
13 question that I have is, deals with the
14 northern part of site in and is there going
15 to be a discussion of the property to the
16 north and the potential connection to --
17 into the site from the property to the
18 north?

19 As far as -- I am going to next jump
20 over to the lower part down here. If there
21 is any place that deserves an air quality
22 analysis that there be a question mark here,
23 there should be a analysis, you are going to
24 have seven lanes, four lanes are going to be
25 backed up trying to get to the pumps.

1 This is a depressed area, there will
2 be vegetation over to the east when blocking
3 in from clearing this area out, this
4 location needs to have an air quality
5 analysis.

6 Within this configuration you have
7 seven lanes, which will go -- be into an
8 area that will have approximately,
9 forty-nine feet. So, you have seven lanes
10 in a very short distance are going to be
11 channeled in into forty-nine feet which
12 could be five or four lanes, four lanes a
13 little bit over twelve feet, which is a
14 normal size.

15 What's that distance that you are
16 going to be transitioned from seven into say
17 four lanes? Once you get to those four
18 lanes drivers have a choice, they can go to
19 the right and go all the way around, which
20 they are not going to do, that's like
21 traveling around ten football fields. So,
22 basically almost all of the traffic is going
23 to be making a left turn.

24 What's the distance here, that those
25 vehicles will be able to stack in the two

1 lanes that are there? Now, Costco's own
2 data shows that approximately, thirty-three
3 percent of the traffic is going to use both
4 fueling station and the main building. So,
5 most of the traffic is going to be making a
6 left turn, when it gets to this side access
7 here.

8 That access should be a level service
9 analysis with queuing looking at that
10 particular intersection and whether or not
11 the traffic is going to queue back to this
12 exceedingly large curve cut for the gas
13 station.

14 There are, as I said two lanes, it
15 looks like from the diagram -- from the
16 figures that this is where the storage tanks
17 are going to be for the fuel lane. Where
18 exactly are the fuel trucks going to stop to
19 unload their fuel? Is this going to
20 interfere with this very key location?

21 Now, I don't know how you are going
22 to get the four lanes to come out of the
23 fueling station matching up to the two leans
24 that are going to be accessed here in this
25 short distance. I would like to know how

1 that is going to be accomplished.

2 Over, in front on the south side of
3 Costco, there are a number of parking spaces
4 up against the building. Now, the fact of
5 the matter is this part of the road is going
6 to be very heavily traveled, how many
7 vehicles are going to be part of that road?
8 How easy is it going to be to back in, back
9 out of those locations which would probably
10 be used quite frequently for loading and
11 unloading and is that process when somebody
12 is loading and unloading a very large thing
13 like a large TV set, is that going to
14 interfere with the traffic that is on this
15 main part of the road?

16 Normally you would not have parking
17 in that portion of the road, you would leave
18 that open and you will need all the parking
19 on all these isles with its -- where the
20 traffic has been broken up. In this
21 particular case they are not doing that.
22 There is going to be a lot of interference
23 with their main access to the parking areas
24 at that point.

25 There are also a number of other

1 problems, one of which is the sidelines
2 here, near the access to the road that goes
3 around the trucks. Also on the west side
4 where in order to see vehicle drivers are
5 going to have to turn their heads a lot more
6 than ninety degrees, in some cases possibly
7 a hundred and seventy, a hundred and ninety.
8 That's very difficult for a normal driver,
9 much less someone who is older.

10 Now, this is one of the reasons why
11 most intersections are designed to be "T"
12 intersections ninety degrees, very clearly
13 do not have that in some locations. This
14 needs to be addressed. You also have
15 situations where you are going to have
16 problems with the traffic coming in.

17 Down here, the secondary access you
18 have traffic that is going to be coming in
19 and in order to see the driver is going to
20 have to be looking all the way across at a
21 very steep angle, to see vehicles coming in,
22 probably they will be coming in very fast.

23 Now, with the BJ's, when BJ's came in,
24 they actual had a physical barrier along the
25 road in front of their secondary access and

1 despite the fact that they had a curb there
2 to prevent the vehicles from making left
3 turns in, they were denied a secondary
4 access.

5 In this particular case there is no
6 barrier, so vehicles can physically do it,
7 even though it is going to be illegal.

8 One of the things that it is not
9 shown like the question is, where is it
10 going to be shown that the striping and
11 signing plan for this site -- so you can
12 better understand what is going on, not only
13 up here to find out that this is four lanes
14 or five lanes coming out of the gas filling
15 station, but how they're transitioning it.

16 And even though they show at that
17 point there is a do not enter, once you get
18 at little snow on that, people aren't gonna
19 see that and you are going to have a
20 forty-nine foot curb path that the drivers
21 coming in would look like a two lane road.
22 Forty-nine feet is awful wider than a normal
23 road, two lanes would be twenty-four, so it
24 is twice the width.

25 So, you need to have a signing and

1 striping plan so you better understand how
2 traffic is circulating and being in control
3 within the site. When is this going to be
4 done so that not only you and Jacobs
5 Engineering and the public will have a
6 chance to comment on the circulation within
7 the site? Now, there is no reason why they
8 cannot have a plan that combines both the
9 zoning required parking and not intruding on
10 the wetlands and the wetland areas.

11 They've shown alternatives, which
12 show only restrictions on impact on the
13 wetlands with the reduced parking. Let them
14 show a plan, showing that there is ways in
15 which you can combine the required parking
16 in the zoning and the facility without
17 intrusion into the wetland and the wetlands
18 buffers.

19 In this particular case, there really
20 isn't any on street parking or any other
21 parking unless maybe this northern side is
22 someday developed, where extra vehicles can
23 go, this is it. This is all the parking
24 they are going to have. So, you need to
25 take a very close look at looking at an

1 alternative to not only this site plan but
2 the alternatives which they provided in the
3 DEIS.

4 The isle that comes from the
5 secondary access, how can we redesign this
6 so that there is no parking, so that
7 vehicles can freely flow. Because vehicles
8 are going to be coming in at such a slightly
9 higher speed. It is going to be very
10 difficult for the people coming in and out
11 of parking spaces to see them coming in as
12 well as these two access cross isles.

13 Where is the design to show that they
14 can come in freely like they come in, in the
15 main access road, assuming that, that main
16 access even stays. Certainly there is some
17 question in the analysis of the plans that
18 show the lane configurations at the two
19 access points and how the traffic and
20 traffic analysis is done.

21 These need to be looked at and
22 brought to a similar place, where the
23 analysis is looking at what is on the plan,
24 and the plan reflects the analysis that has
25 been done.

1 This area on the southern part of
2 Costco actually might be a very good place
3 for people to quickly drop off and then
4 leave, but what are the problems going to be
5 when you actually have people trying to park
6 there and un-park and load in that area,
7 because that's the primary loading area for
8 major sites -- for major items.

9 Now, there is a couple of things that
10 I do want to provide to you, one is a letter
11 from the Planning Board October 26, which
12 lists a whole series of different things
13 which the town does not have, information
14 that the town does not have, information the
15 DOT has or DOT does not have.

16 One of the important things is the
17 traffic counts themselves. The traffic
18 counts are along with the peak hour factor,
19 I am not going to explain that to you --

20 MR. FON: Thank you.

21 MR. GAROFALO: But, those two items
22 are foremost among the data that is required
23 for the capacity analysis. You do not have
24 them -- you do not have them, Jacobs
25 Engineering doesn't have them, I don't know

1 if the DOT has them to look at them. But,
2 ask for them, get them and then you can do
3 the analysis. When is that going to be
4 available to the public also to analyze?

5 The other bit of information that I
6 am going to give you is a disc. This disc
7 has the synchro-analysis, which is software
8 which is somewhat similar to what is in the
9 DEIS, with somewhat similar results.

10 However, what does this give you is
11 information on queuing where you have
12 oversaturated situations, where you had
13 spill back, where turning lanes are being
14 blocked.

15 This becomes very critical
16 information, DOT recognizes that in cases
17 such as this, looking at queuing is a very
18 important part of the puzzle. The town does
19 not have the software, Jacob Engineering
20 should have it, the Edwards and Kelsin who
21 they purchased and has looked and worked on
22 the development study use the synchro as
23 part of their analysis.

24 So, hopefully they have the most
25 up-to-date version of synchro and they can

1 look at this and report back with a summary,
2 what are the implications of the queues and
3 the spill back and the blocking of lanes
4 which can turn what looks like a perfectly
5 normal turning lane into something that is
6 not functioning simply because the vehicles
7 can't get into it.

8 So, I ask that you pass this on to
9 Jacobs Engineering and have them look at it.
10 Unfortunately, this information is riddle
11 with some of the same problems as the
12 analysis in the DEIS, including failure to
13 use the lane utilization, and other problems
14 which I won't get into, but have been
15 reported to you.

16 They need -- you know, when are they
17 going to be corrected, both, for you and for
18 DOT, so that any mitigation that is provided
19 will meet the needs that are going to be
20 developed based on what is going to happen.

21 MR. FON: Thank you. You are going
22 to submit that? Thank you very much.
23 Alright, next is Greg Kravtsov, Kretzel,
24 forty; and then we have forty-one, forty-two
25 and forty-three up. Thank you for the

1 information.

2 MR. KRAVTSOV: Good evening, ladies
3 and gentlemen, Gregory Kravtsov, of Yorktown
4 Tax Payers Subsidy Committee, 2358 Broad
5 Street, a resident of this town since 1996.
6 I will omit as per request of the chairman
7 the comments regarding the traffic that will
8 be in the submitted record.

9 Just making one thing, if the
10 gentleman with the doctorate degrees that
11 says his company solves the problem or tried
12 to solve the problem on Route 6 and
13 Lexington Avenue, just a very quick
14 question, if it was due to said work, the
15 alternative route that goes say from Home
16 Depot to Bare Mountain, that used to be open
17 through Locust Avenue and then taken a left
18 turn, then it was blocked by a explicit no
19 left turn sign.

20 So, I was wondering if -- and I
21 remember it very well, because I used to go
22 this very well because I used to take this
23 alternative route to Home Depot when it came
24 to Yorktown and then all of a sudden it was
25 blocked. So, I was wondering if --

1 MR. FON: That's off of this.

2 MR. KRAVTSOV: Okay.

3 MR. FON: Okay, thank you.

4 MR. KRAVTSOV: And as a concern. So,
5 I am representing -- as a representative of
6 Yorktown Tax Subsidy Committee a not-for
7 profit homeowners organization, designed to
8 find alternative sources of revenue to
9 reduce some of the highest taxes in
10 Westchester County, I would like to put on
11 record results of our organization's
12 extensive polling of Yorktown residents
13 regarding Costco.

14 So -- I mean reading the traffic
15 portion and go right to the next which is
16 brand new, you've never heard it from
17 anybody, I can assure you of that. And
18 that's a concern that all residents have was
19 inherent inequity holding to two different
20 wetland performance, wetland mitigation
21 standards between regular homeowner's
22 wetland property and Costco proposed wetland
23 mitigation and variances.

24 We'll be glad to provide concrete
25 proof of very harsh wetland performance

1 enforcement to the point of complete
2 financial destruction of individual
3 homeowners and we demand same rigor and
4 harshness applied to Costco wetland
5 proposal.

6 Furthermore, since Costco following
7 in the footsteps of Walmart has become such a
8 heavy importer of Chinese manufactured goods
9 and products -- well over fifty percent of
10 their stock actually, our respondents asked
11 to use the most stringent observation and
12 enforcement of all federal and state trade
13 regulatory and legal status which our
14 federal government supplied ailing American
15 manufacturing industries in their fight
16 against Chinese dumping practices.

17 In other words, it is like they are
18 saying, what is good for G -- General Motors
19 is good for America, and it used to be what
20 is good for Walmart is good for America by
21 extension but, what is good for Costco is
22 good for the public. But, not anymore.

23 Since the government force the
24 department to become a direct Chinese
25 importer into this country, basically

1 bringing back of American manufactures, not
2 to mention local small businesses, it goes
3 much, much, deeper and farther.

4 So, their fighting and Chinese
5 dumping fighting, namely, the Communist
6 Government of People's Republic of China
7 routinely disregards rule number 35, USC 271
8 Law against illegal use of foreign
9 intellectual property without proper
10 license, such as provisions, for example --
11 this is a complete example, provisions for
12 computer aided design, computer aiding
13 manufacturing of numerous steel carved molds
14 for plastic injection molding, used in
15 majority of Costco more than retailers
16 products.

17 For example, a computer mouse by
18 Logitech manufacturer, specific patent
19 violated is in US patent number 6462840, 3D
20 monitor and tactile scanner. In other
21 words, invading in the production of the
22 plastic injection parts of the computer
23 mouse, that specific patent it was violated.

24 Furthermore, US anti-money laundering
25 statute and US foreign trade corrupt

1 practices act are being routinely violated
2 by large retailers such as Costco and
3 Walmart. And all of us remember the latest
4 scandal of Walmart and New Mexico bribery
5 scandal.

6 We ask Yorktown Planning Board to
7 stipulate on Costco permit our local
8 resident's right to hold Costco products
9 sold in Yorktown the same high standards
10 regarding above mentioned federal trade
11 status, unforcible on local level, even
12 after products have cleared US customs and
13 border patrols as other laws such as
14 wetlands laws are being enforced above
15 federal and state standards.

16 We feel that it is our patriotic
17 right and duty to initiate such observance
18 and enforcement on a local level of what
19 federal government is trying to do to
20 protect American manufacturing from unfair
21 Chinese dumping on a federal level.

22 As a side note, I was estimated by
23 leading economist that overwhelming portion
24 of wealth amassed by Chinese communist
25 government connected syndicates, and it is

1 in tens of billions of dollars, had been
2 earned through violation of existing above
3 mentioned US anti-money laundering and US
4 foreign corrupt practices status.

5 Our US local pertinent patent holders
6 are in the process of filing appropriate
7 complaints for patent infringement and
8 expect full cooperation with local
9 authorities in investigation enforcement
10 laws. Thank you very much.

11 MR. FON: You are right, that's a new
12 one, it certainly was. Thank you. I just
13 want to check with our stenographer, how you
14 doing? Okay, forty-one, Henry Steeneck.

15 MR. STEENECK: Mr. Chairman, I am
16 going to let him speak for me, most of the
17 people hired him, he is a consultant about
18 the water.

19 MR. FON: Okay, sir. He is yielding
20 his time to his professional.

21 MR. CANAVAN: How is everybody doing?
22 For the record, my name is Bill Canavan, I
23 am a hydrogeologist for HydroEnvironmental
24 Solutions, we are over in Somers, New York.

25 So, as Mr. Steeneck said they hired

1 us and basically we were hired to discuss
2 what the potential impact a high volume
3 retail gasoline station might be on the
4 ground water and the surface waters of
5 Yorktown and the State of New York.

6 So, the first we did to developed a
7 model is we used the United States
8 Geological Survey Model mod flow, which is
9 commonly used in this kind of applications.
10 We developed for the site a specific model
11 for this proposed Costco site, and that
12 included some research including the ground
13 water flow direction which we know from
14 previous reports, the depth of the ground
15 water, the soil type, the surface water
16 hydrology of the drainage station for
17 Hunterbrook and the tributary of Hunterbrook
18 and Terry Brook.

19 Once we gathered all that
20 information, we put it in the computer model
21 and we developed a model to fit the real
22 world. In others words, after the
23 information is put in, you run the model,
24 the model spits out results, and if they
25 match up the real world information, in this

1 case the ground water elevation depth, the
2 ground beneath the site, then you know you
3 have a viable model.

4 Once you have a viable model, then we
5 simulate what would occur if you had a gas
6 station there and you had a large leak. In
7 this case the model -- the constituent
8 concern with used was benzene which a
9 volatile again, a compound in gasoline, it
10 is fairly soluble for the constituent of
11 gasoline and it is also known a
12 carcinogenic, it is commonly used.

13 So, then we simulated -- excuse me, a
14 spill from the proposed tanks at the retail
15 station and we said what would happen if a
16 known volume of gasoline leaked into the
17 surface concentration, in this case we used
18 ten thousand parts per million of benzene
19 and the model predicted a couple of things.

20 First, it predicted that ground water
21 will travel from the proposed gas lanes of
22 the site into Hunterbrook in approximately,
23 two and a half years. That's one component
24 that the model predicted. Then another
25 other component the model predicted that the

1 benzine concentration at the creek, if you
2 put a simulator observation while we are
3 right at the creek or the brook, then the
4 model predicted that it would exceed the New
5 York State DEC ground water quality
6 standard, which in this case is 0.7.

7 Overtime, with the continued source
8 that concentration would rise and -- it is
9 all on the report and I think the Board has
10 it, but I am just giving you the highlights.

11 The other thing we considered was, we
12 know the numerous gasoline service -- retail
13 stations along Route 6 in Yorktown in
14 general, so we plotted them on a plan of you
15 know, downgrading to the town, which we did
16 a couple of things that the study said.

17 This is the average use of a retail
18 gas station that is existent in the town and
19 according to what Costco -- the proposed
20 Costco retail station is, it is like ten
21 times the volume of what these typical
22 retail stations do in the town.

23 So, then we related that back to the
24 hydrology of the Hunterbrook watershed at
25 the drainage basin and you know, we point

1 out in the report a couple of things that
2 say well, you are worried about both
3 deliveries, a catastrophic release which
4 is -- directly going to go to the brook or
5 you are worry about long term just
6 incidental spills, which we all know that
7 when we go to a gas station we've all
8 spilled gas on the ground accidentally.

9 And we speak to that, that basically
10 those two situations, the gasoline
11 constituents would ultimately get to the
12 brook. And you know that's -- I do not need
13 to waste a lot of time here, that's
14 basically what the report says.

15 Again, we it's been submitted, it's
16 on the record if anybody in the town or the
17 Board wants to read it, you know, it is
18 there for them. The last thing I'll say is
19 that, the intent of our report is to be used
20 for the board as a tool to make their final
21 decision. That's all I have to say. I have
22 two copies with me, if the Board would like
23 to keep these.

24 MR. FON: Thank you very much.

25 MR. CANAVAN: Thanks for your time, I

1 appreciate it.

2 MR. FON: Thank you for the summary.
3 Next, number forty-two, Krista Yacovone and
4 then forty-three, forty-four, and
5 forty-five.

6 MS. YACOVONE: Good evening,
7 Mr. Chairman and the Planning Board Members,
8 my name is Krista Yacovone and I am a legal
9 fellow of the Riverkeeper. I want to thank
10 you for the opportunity to comment on the
11 Draft Environmental Impact Statement for the
12 proposed Costco Wholesale store and the
13 fueling facility project being considered by
14 the Board.

15 Riverkeeper is a member-supported
16 watchdog organization dedicated to defending
17 the Hudson River and its tributaries and
18 protecting the drinking water supply of
19 nine million New York City and Hudson Valley
20 residents.

21 As a signatory to the New York City
22 watershed agreement, we have a commitment to
23 ensure that development projects in the
24 watershed do not adversely impact service
25 water resources that provide unfiltered

1 drinking water to consumers, which includes
2 those in the Yorktown Consolidated Water
3 District.

4 Accordingly, Riverkeeper opposes any
5 development project in the New York City
6 watershed that proposes potentially
7 significant disturbances of streams,
8 wetlands or their buffers.

9 In the DEIS the Costco project will
10 degrade water quality in on-site and
11 receiving downstream waters. The DEIS plan
12 to discharge stormwater into a regulated
13 stream and wetland that flow directly into
14 the New Croton Reservoir. The terminal
15 reservoir for the entire Croton system, is
16 unacceptable.

17 Furthermore, the wetland in question
18 is a headwater wetland that should be
19 afforded heightened protection from such
20 disturbance. Scientific evidence clearly
21 shows that healthy headwaters are essential
22 to the health of stream and river
23 ecosystems.

24 The National Research Council
25 recognizes that undisturbed wetlands and

1 buffers positioned at the head of surface
2 waters provide the greatest water quality
3 benefits because of their functions of
4 sediment trapping, nutrient uptake and
5 adsorption.

6 Discharging storm waters to wetlands
7 and buffers at their point of origin, as
8 proposed in the DEIS, impairs their ability
9 to perform these functions and thereby
10 degrades downstream water quality.

11 In the alternative section of the
12 DEIS, Alternative C describes a layout that
13 avoids direct impacts to wetland buffers.
14 This alternative would require reducing the
15 footprint of the parking lot to avoid
16 encroachment on the buffers and instead
17 constructing a parking deck to accommodate
18 spillover cars at full capacity.

19 However, Costco rejected this
20 alternative with the weak and unsupported
21 claim that a parking deck would be
22 "unattractive for shoppers". This dubious
23 claim assumes that here in Yorktown another
24 behemont warehouse without a parking deck
25 would be aesthetically pleasing to anyone.

1 The degradation of water quality in
2 the drinking water supply watershed is a
3 significantly greater consequence than the
4 aesthetics of a parking deck.

5 We respectfully request that the
6 Planning Board require Costco to modify
7 their project design to avoid any
8 disturbance of the on-site surface water
9 resources and their buffers, consistent with
10 the layout in Alternative C of the DEIS.

11 Finally, we request that the Board
12 establish a finite comment period that
13 provides a minimum of thirty days following
14 the close of this public hearing, to ensure
15 that the public has an adequate opportunity
16 to review and submit comments on the DEIS.

17 We will be submitting written
18 comments by the close of the comment period
19 that are in greater detail. We thank this
20 opportunity to address the Board this
21 evening.

22 MR. FON: Thank you. Next we've got
23 forty-three, Patty Peckham. And then
24 forty-four, forty-five and forty-six will be
25 next.

1 MS. PECKHAM: Hi.

2 MR. FON: Hello.

3 MS. PECKHAM: How are you. I am
4 Patty Peckham, I live right on Baptist
5 Church Road, in Yorktown. I am here to talk
6 about the "T" word, but not just to say I
7 don't like, but if I may, I have some
8 questions about it.

9 MR. FON: If you have specific
10 questions, not --

11 MS. PECKHAM: Specific questions,
12 specific. It was my understanding that the
13 Planning Board approved an independent
14 traffic study. My question is, has this
15 been done, and if it is not, I will request
16 that the DEIS not be considered complete
17 until this independent traffic study has
18 been done, submitted and time enough for the
19 public to comment on it, to examine and
20 comment on it. So, that is the first thing.

21 Also, as a business person in
22 Yorktown, I am one of four aggregate
23 businesses within the probably two mile
24 radius to Costco and -- my clientele are
25 loyal to me, but convenience is very

1 important to them. I would request that the
2 DEIS address the traffic impact on routes
3 35, 202, east of the triangle shopping
4 center. Over fifty percent of my business
5 come from east of 684.

6 MR. FON: We heard that, that was
7 requested the last time, yes.

8 MS. PECKHAM: Baldwin Road,
9 Hunterbrook Road, Baptist Church Road --

10 MR. FON: They asked about this --

11 MS. PECKHAM: As a secondary. Okay,
12 thank you about that. And also, a -- number
13 forty-four is a man named James Bacon,
14 called me, he told me that he was going to
15 be late. So, I have another person that
16 will take his spot, if that works with you
17 for now.

18 MR. FON: As long as he is going --

19 MS. PECKHAM: And Bacon is going to
20 come later.

21 MR. FON: Okay. Thank you.

22 MS. PECKHAM: Thank you.

23 MR. McKEEN: Good evening, my name is
24 Jim McKeen, I live at Baptist Church Road.
25 I want to talk about a different "T" word,

1 taxes. We've been promised a rather
2 substantial figures of taxes benefits as a
3 primary benefit for having Costco come to
4 town, both, for money for the town but also
5 for the school district.

6 It is not uncommon for local
7 municipalities to incorporate IDAs,
8 Industrial Development Authorities, to
9 negotiate with someone like Costco and in
10 the process reducing those tax benefits. I
11 would like to know specifically whether the
12 town has any plans to incorporate an IDA to
13 negotiate with Costco.

14 And secondly, I think that
15 considering that Costco has offered specific
16 figures on taxes, that we get it in writing
17 and those are figures that they will stand
18 by, since this is considered to be a main
19 benefit for the town. That's all, thank
20 you.

21 MR. FON: Thank you very much. Next
22 we have number forty-five, Barry Levine,
23 Barry Levine. And we will get up forty-six,
24 forty-seven and forty-eight after that.

25 MR. LEVINE: Hi everybody, Barry

1 Levine, I live off of Mohansic Avenue, not
2 too far from BJs and have been an active
3 member of the Chamber of Commerce. I heard
4 these comments that remind me now, I just
5 want to be real quick, it might be a little
6 redundant, but I want to do it real quick.

7 I've been living off of Mohansic
8 Avenue, behind BJs, I welcome the road
9 improvements that were made on Route 202.
10 Of the road that -- of the roadwork that was
11 done a meandering bridge of how DOT can do
12 things when they are willing to take a
13 chance.

14 I am tired of seen realty signs
15 around Yorktown and think it is time for the
16 progress of Yorktown. This is blight,
17 business brings business. Regarding the
18 amount of tax to it, things have changed
19 drastically over the last few years. The
20 UPS truck, Santa Clause, the delivery of
21 products from Amazon, no one likes to go
22 shopping, there is a competition.

23 I am sure that we would shop -- I am
24 sure that we all shop by the internet. I
25 recently had the opportunity to shop in the

1 build shopping center in Yonkers. There was
2 a Stew Leonards, a Home Depot, Whole Foods,
3 Shop Rite on Tuckahoe Road and any retailer
4 and of course a Costco.

5 At a meeting that took place a few
6 months ago, the manager of Staples, the
7 shopping center, welcome the idea of Costco.
8 Bed Bath and Beyond said they would stay in
9 Yorktown if they knew that Costco was
10 coming. Since our last meeting the Town of
11 Yorktown -- the Town of Cortlandt announced
12 the expansion of the town shopping center.

13 During the gas shortage of a couple
14 of weeks ago, Shell station on Route 202 was
15 cited by the federal government for gouging
16 price of gasoline, and that's about it. Let
17 us work together with the Costco project, we
18 all stand to benefit. Thank you.

19 MR. FLYNN: Thank you, sir. Alright.
20 At this time we would like to take a five
21 minute break, just so we give our
22 stenographer some wiggle room. Is that
23 alright Tom?

24 TOM: Yes.

25 MR. FON: Thank you.

1 (Whereupon, a brief recess was
2 taken.)

3 (Time noted 8:59 p.m.)

4 (Whereupon, all the parties were
5 present.)

6 (Time noted 9:11 p.m.)

7 MR. FON: Alright, this is part
8 continuation Costco. Next on the agenda
9 will have forty-six, Steve Winkle. If we
10 can get forty-seven, forty-eight and
11 forty-nine up.

12 UNIDENTIFIED SPEAKER: What number do
13 you go up to tonight?

14 MR. FON: It appears we have
15 seventy-four.

16 UNIDENTIFIED SPEAKER: Thank you.

17 MR. WINKEL: Good evening, my name is
18 Steven Winkel, I live on Strang Boulevard,
19 I am not a lifetime Yorktown resident, but
20 ten years ago after we got married we
21 decided to buy our first home. We chose to
22 live in Yorktown and we have been very happy
23 with our choice.

24 Now, I do understand how the Planning
25 Board wanted to reduce redundancy in these

1 hearings, and it is admittedly a little bit
2 difficult to avoid redundancy when you are
3 number forty-six on the list to speak, so I
4 am going to turn in my comments and concerns
5 so they can be entered into the record. I
6 didn't want to duck my civic responsibility.

7 But, just one thing I wanted to clear
8 up. Bed Bath and Beyond's decision to
9 relocate wouldn't have been impacted one way
10 or the other by the existence of Costco.
11 The truth of the matter was, we needed a
12 bigger building and we couldn't accommodated
13 it in the center where we existed at that
14 point. So, I just wanted to make that
15 clear, alright.

16 MR. FON: Thank you, sir.

17 MR. WINKEL: Thank you.

18 MR. FON: Okay, forty-seven, Anthony
19 Bazzo. Mr. Bazzo? Alright, we will move on
20 to forty-eight. Dan Harrison. Okay,
21 forty-nine, Mark Lieberman. Number fifty,
22 Elizabeth Bronk. Fifty-one, Howard Frank.
23 Fifty-two, Lori Harrigan. This list is from
24 the last meeting. Fifty-three, Kristen
25 Steeneck. Fifty-four, Mark Shaiken.

1 Fifty-five -- excuse Chief McMahon, Daniel
2 McMahon. Fifty-six, Adam Susinsky. Am I
3 pronouncing that wrong? Fifty-seven, Ann
4 Hickey. Fifty-eight, J. Miller.
5 Fifty-nine, John Schroeder. How are you,
6 sir?

7 MR. SCHROEDER: Did I win something?
8 I just want to pass those down the line,
9 maybe to Robyn then I have my comments that
10 I'll drop in the box here.

11 Good evening, my name is John
12 Schroeder, I am the President of the
13 Yorktown Land Trust, and my comments tonight
14 will be from the Yorktown Land Trust. I'd
15 like to start first with a housekeeping
16 issue.

17 In the DEIS, Section 3A, page 19,
18 refers to one of our local nature preserves
19 as the Silver Nature Preserve, the correct
20 terminology is the Sylvan Glen Park
21 Preserve. So, just a housecleaning issue.

22 Chairman Fon, and Members of the
23 Board, the Yorktown Land Trust has the
24 following comments on the Draft
25 Environmental Impact Statement regarding the

1 proposed Costco wholesale store and
2 refueling -- or fueling facility. Our
3 comments are directed primarily to the DEIS
4 issues concerning the impacts of the
5 proposed project to the adjacent wetlands
6 and the Hunter Brook.

7 Yorktown Land Trust has a long
8 history of efforts to preserve the integrity
9 of the Hunter Brook and its watershed. Our
10 plan for the Hunter Brook Linear Park goes
11 back to 1992. We hold a conservation
12 easement on forty-five acres along the
13 Hunter Brook that is owned by the
14 Westchester Land Trust.

15 We partner with the Westchester Land
16 Trust on projects that enhance water quality
17 and educate the public about the Hunter
18 Brook's importance to the Croton Reservoir
19 as a source of public drinking water. Our
20 comments are as follows. The discharge of
21 storm water into wetland "A" will increase
22 the volume of the water according to the
23 DEIS.

24 There is no mention of the risk to
25 the surrounding vegetation being flooded

1 potentially causing die off due to
2 submersion of root rot. This potential --
3 this potentially cause the forest canopy to
4 open up and increase water temperatures.

5 Two, the discharge of stormwater into
6 wetland "A" will be through a constructed
7 channel. There is no mention in the DEIS of
8 a maintenance plan for that channel. The
9 DEIS interestingly notes of a maintenance
10 plan of a drainage channel off the Taconic
11 State Parkway, could not be found and may
12 not exist. This project should not to that
13 omission by not including a maintenance plan
14 in the DEIS.

15 The discharge of stormwater into
16 wetland "A" does not factor in any potential
17 changes to the pH of the water in the
18 wetland. The potential of change to the pH,
19 may come from a number of sources, for
20 example snow and ice control, rain,
21 pollutants, etc. The pH is a critical
22 factor in the Hunter Brook's ability to
23 sustain the trout population.

24 The DEIS does not mention a
25 maintenance plan for snow and ice control

1 and the effects de-icing will have on
2 wetland "A". There is no discussion of
3 storing de-icing materials on site and many
4 mitigation there might be the offset of
5 potential for movement of that material
6 offsite.

7 Wetland "A" is recharged primarily by
8 ground water seepage according to the DEIS.
9 The DEIS does not address the issue of how
10 the underground stormwater storage
11 structures, under the parking lot will
12 affect groundwater quality as it recharges
13 wetland "A". These structures are designed
14 to release their contents into the ground
15 surrounding them.

16 The planting schedule for mitigation
17 of wetland "A" buffer loss due to the
18 location of the parking areas should reflect
19 not only the use of native plant species,
20 but species that are deer resistant.

21 The list of white pine, mountain
22 laurel, red cedar and rhododendron, are all
23 listed in the plating plan, but are known to
24 be readily consumed by deer. Their loss
25 will reduce the effect of the mitigation

1 efforts of the wetland buffer.

2 Wetland "A" is situated not only on
3 the applicant's property, but a significant
4 portion of it, including the vernal pool is
5 found on New York State Park Land. The
6 alteration of the use of that parkland as a
7 discharge receptor for stormwater may be
8 cause for an alienation situation.

9 At the very least, a review of the
10 laws of New York State Parks, Recreation and
11 Historic Preservation, as well as New York
12 State Environmental Conservation Law and New
13 York State Public Lands Law should be
14 addressed by the DEIS.

15 All of the comments above deal
16 directly with impacts to wetland "A". The
17 wetland is a feeder to Hunter Brook and as
18 such any impacts to the wetland has the
19 potential to impact Hunter Brook. The
20 Yorktown Land Trust respectfully requests
21 our comments be thoroughly addressed in the
22 FEIS. Thank you.

23 MR. FON: Thank you. Next, number
24 sixty, Rita Nehmzow, I am sorry if I
25 mispronouncing that wrong name. Sixty?

1 Now, on to the new list. Sixty-one, Larry
2 Santori. This list is from tonight; from
3 Crompond Road. I am having trouble with the
4 script. 2676 Old -- the last name looks
5 like Steeneck. We have a winner. Next will
6 be sixty-three, sixty-four and sixty-five.

7 MR. SEENECK: Mr. Fon.

8 MR. FON: How are you, sir.

9 MR. SEENECK: How are you. Board
10 Member, I hope you are having a good
11 evening, I hope it is exciting for you.
12 Well, I've got several issues and a lot of
13 them have been covered, but there is one
14 thing I got off the Patch today, it's from
15 the Chief of Police, from the Town of
16 Yorktown. And he said, the Yorktown Police
17 Chief, Costco will have an unfavorable
18 impact. It says it is going to have at
19 least a hundred and six calls of service
20 annually, which would increase the need for
21 manpower and overtime.

22 Well, that's not a surprise. Not
23 only that, the more traffic you are going to
24 have there, the more accidents you are going
25 to have there, that is just a given. Now, I

1 mean, this is kind of farfetched, but Costco
2 it says here, Eric Scott's family files a
3 lawsuit against Costco in shooting death.

4 It seems that a man went to Costco in
5 Las Vegas and he said that -- I guess he got
6 a little upset and so on and so forth, they
7 claim he had a gun, he didn't have a gun,
8 went he got outside they went and shot him
9 and killed him.

10 But, what happened is -- the bottom
11 line is there a lawsuit here, and now they
12 are suing Costco and they are suing the
13 town. So, I just -- I don't know, I guess
14 it may be farfetched, but I just think that
15 we are putting ourselves in jeopardy where
16 we shouldn't be putting ourselves in
17 jeopardy.

18 I think that this location is suited
19 for a lot more things than a Costco, and as
20 far as it was equated a few minutes ago as
21 good as Nordstroms, well, I don't know
22 about that. I've got paperwork here which I
23 am going to submit to you, but I am not
24 going to submit it tonight, I am going to
25 put it in order, of all the legal lawsuits

1 that Costco has against it.

2 As a fact, they've got a lawsuit
3 against them, a Class Action suit of selling
4 inferior gasoline. They've got a Class
5 Action suit against them for charging people
6 with their credit cards, with their own
7 credit card when they don't renew it on
8 time, if they renew it three months later,
9 well, they charge them for a full year. So,
10 they've got a lawsuit against them there,
11 which they settled.

12 They settled for a lawsuit here for
13 pollution and they paid 3.6 million dollars,
14 and I've got more. It goes on, and on, and
15 on, but I don't want to waste your time and
16 I will submit to you in paperwork, okay.

17 MR. FON: Thank you, sir.

18 MR. SEENECK: You are welcome.

19 MR. FON: Next is number sixty-three,
20 Steven Steneck.

21 MR. STENECK: Good evening, how are
22 you, ladies and gentlemen, my dad, thank
23 you. I'll try and keep it brief. My name
24 is obviously Steven Steneck, I have lived in
25 Yorktown my entire life. I graduated from

1 Yorktown High School, and I am a fourth
2 generation Yorktowner.

3 While others chose to leave and move
4 away I stayed, I loved this town, I don't
5 want to get a little chocked up, I love this
6 town. We are so close to everything, yet
7 far enough away. It is beautiful, it is
8 pristine, it is just gorgeous up here.

9 And, when I was younger we used to go
10 down county, down to like Yonkers and New
11 Rochelle and everybody would say, oh, you
12 are from the stick up in Yorktown, and I
13 would say not it is not the sticks, they
14 would be like it is cow tipping and I would
15 say, well I'd have to ask my mom, I -- you
16 know, I don't know.

17 But anyway, the moral of the story
18 here is now all my friends are moving up
19 here, they are all moving here, believe me.
20 No disrespect to you Mr. Primavera, but they
21 didn't come here for the shopping. They
22 didn't come here -- they came here to live a
23 good life, to have a good life.

24 This is a place where we have
25 progress with preservation. Right down the

1 road we have a BJs. Now, I am not going to
2 get into the traffic Mr. Fon --

3 MR. FON: Thank you.

4 MR. STENECK: I won't. We all know
5 seven hundred fifty cars, we all know two
6 and a half miles of traffic. We all know
7 that, I live there, I live a half a mile
8 from that area, I go down it everyday.

9 I said to the poor lady at the bagel
10 store, I am sorry I am not going to be able
11 to come here anymore, and she is like, why
12 not? I said, I am not going to battle that
13 traffic to come down here. She says, what
14 do you mean? I said, every Friday I go to
15 the Country Cafe to get my tuna wrap with
16 lettuce. I walk in and they are already
17 making it for me. If you don't think so,
18 come with me on a Friday and you will see.

19 But anyway, I said to her, I am sorry
20 I am not going to battle the traffic, and
21 she said well, I don't know what to tell
22 you, I am sorry. She says, nobody told me,
23 which leads me to my point. The Chamber of
24 Commerce, they are all for this, I guess in
25 a closed door meeting, makes you wonder.

1 Closed door back door meeting on that.

2 Go ask the normal people, business
3 owners, which I did. I talked to at least
4 twenty, twenty-five of them, they don't know
5 anything about the Costco. Nobody came to
6 them and said to them, hey, do you know
7 there is going to be a Costco here. If you
8 think I am wrong, go to Genesis Jewelers
9 right over here, his name is Steve,
10 wonderful man.

11 He was a Chamber member, left. He
12 said, it is not worth it for them, they do
13 nothing for him. That's his issues. But,
14 he said nobody came to him and asked him
15 what his opinion was. No one, no one from
16 here.

17 You know, what concerns me more is
18 that people come up here and telling you
19 their resumes, what they do. I am a finance
20 guy, I work on Wall Street. As a CEO of a
21 public's company and a CEO of another public
22 company. I have an extensive resume, I am
23 not going to sit here and preach to you that
24 I am some god and know anything about it, I
25 am numbers guy, I am a finance guy.

1 I have tons of information here that
2 just pokes wholes to this whole situation.
3 Then you have a gentleman like Mr. Primavera
4 with his army of minions --

5 MR. FON: If you can keep your
6 comments away from --

7 MR. STENECK: -- sit there --

8 MR. FON: -- the personal, please.

9 MR. STENECK: Okay.

10 MR. FON: Thank you.

11 MR. STENECK: Cool. Needless to say,
12 did you tell everybody that your house is
13 for sale or hold off the market now
14 Mr. Primavera, but whatever.

15 MR. FON: Alright.

16 MR. STENECK: Moving forward.
17 Anyway, my questions are as follows. Demand
18 a P&L statement, which is a profit and loss
19 statement for those that don't know, for all
20 the local businesses that are affected
21 according to the DEIS, which you know. I
22 would like the P&L statement for all the
23 taxes that they pay.

24 Basically what that means is, you
25 take up all the businesses, put them all

1 together and see what the taxes revenue that
2 they generate. Now you look at what Costco
3 is going to generate and you know what you
4 don't want me to talk about, the sixty-eight
5 percent that is affected in that downstream
6 area, if you loose ten percent of that,
7 that's two businesses. What if you loose
8 more than ten percent what's going to happen
9 then.

10 Now your tax is going to be adversely
11 affected. People think oh, we are going to
12 have a tax break, well, it is thirty-five to
13 forty dollars. Michael Grace's new budget
14 is seven percent increase -- over
15 seven percent, excuse me.

16 UNIDENTIFIED SPEAKER: Not true.

17 MR. STENECK: Yes, it is.

18 MR. FON: Alright, thank you.

19 MR. STENECK: Anyway, needles to say,
20 I'll continue. Second question -- the first
21 question is P&L statement, profit and loss
22 for all the affected area and businesses.
23 Second, the Planning Board should foil the
24 local governments of Port Chester and
25 Yonkers and see what the DEIS or their

1 preliminary DEISs contain and it's stated in
2 terms of taxes and revenues, and then ask
3 for three years running for now and to see
4 what they are actually paying now.

5 So, you have a before and you have an
6 after picture. Do you understand what I
7 mean?

8 MR. FON: Yes.

9 MR. STENECK: Thank you. Third, now
10 you are going -- don't shoot me for this,
11 but -- and I know it's traffic, but it is
12 not the traffic that you are talking about.
13 I live on 202 -- on 132, if you go there and
14 you go past the Taconic they what -- from
15 what I saw, and correct me if I am wrong,
16 but they want to have a turning lane to go
17 north. Well, I would like a traffic study.

18 MR. FON: There is.

19 MR. STENECK: For that.

20 MR. FON: There is one.

21 MR. STENECK: For that portion alone,
22 not for further down the line to see how
23 many people actually go north, because I
24 didn't see one, unless I am mistaking.

25 MR. FON: There is one, you are

1 looking for the numbers, that's been asked
2 for.

3 MR. STENECK: Okay. Well, I am
4 asking for that as well.

5 MR. FON: Understood.

6 MR. STENECK: Alright.

7 MR. FON: Thank you.

8 MR. STENECK: Well, thank you very
9 much for your time. Okay, have a nice day.

10 MR. FON: Thank you, you too.
11 Because the numbers aren't -- weren't
12 submitted, I will give you the last names of
13 the last few people we have of now. William
14 Pasana.

15 MR. MASCALLA: Mascalla.

16 MR. FON: Mascalla, forgive me. Then
17 James Garafolo and Michael Pierce after
18 that. How are you, sir?

19 MR. MASCALLA: Good evening. My name
20 is William Mascalla, I've been in Yorktown
21 since 1960, and before I make a couple of
22 comments I just would like to remind the
23 Board, that the last two speakers and the
24 two so called experts are part of the
25 petroleum industry in Yorktown, the industry

1 that the day after Sandy lowered their
2 prices fifty cents, and one in particular,
3 got cited by the Attorney General.

4 So, I would say that anything they've
5 got to say is irrelevant because they have
6 an agenda and they would boost that agenda.
7 Anyhow, okay.

8 I was here like I said since 1960,
9 when the Jefferson Valley Mall was proposed
10 all of the nay sayers and the chicken
11 littles, the sky is falling and Canada is
12 going to be part of the union and the price
13 of fish and the amount of gas is going to go
14 down the tubes. Never happened.

15 They said Yorktown will be a dust
16 ball. The center of Yorktown they are
17 asking less than \$35.00 per square foot, is
18 that a dust ball? Second, I heard that a
19 lot of ex politicians are against the mall.
20 Why? They are ex politicians because we
21 threw them out, so it should be irrelevant
22 to them.

23 I ask the Board to make their
24 judgment, not on the comments you hear from
25 people that have something to gain or to

1 loose. If ask the Board, if the mall at
2 the -- if Costco is allowed under the zoning
3 and they meet the criteria that Yorktown
4 sets for any other store, then you should
5 approve it. If they don't, then you should
6 disapprove it.

7 I happen to feel that Costco will be
8 a major contributor to the well being of
9 Yorktown. Second of all, I have heard
10 people say oh, other stores BJs is going to
11 go out of business, Costco will be here four
12 years and then it is going to go out of
13 business. They don't know retail, I built
14 retail, I own retail and I rent retail.

15 They don't know what it is to put the
16 key on the door and wait for business to
17 come to them. So, they are not experts.
18 These people did demographics, they know
19 what you ate for breakfast yesterday.
20 That's why they give you a fifty pound box
21 of fruit loops. They know what is going on.

22 So, like I said, judge the applicant
23 on the merits of the law and what they are
24 going to contribute to Yorktown, not on what
25 people have to say about it. Thank you.

1 MR. FON: Thank you. Next, James
2 Garafolo -- oh, he spoke earlier.
3 Sixty-six, Michael Pierce. After that will
4 be Win Birtle and Walt Daniels.

5 MR. PIERCE: My name is Michael
6 Pierce, and I've been a resident of Yorktown
7 for more than eleven years. Some of the
8 things that I have to say have been said, so
9 I'll try to edit this. But, of particular
10 concern, actually anger is to hear that
11 somebody is gouging people in a hurricane.
12 I mean, we all know who it is and what is
13 that, but it is just amazing.

14 Obviously I am more for gasoline
15 competition, if that would help, I don't
16 know if Costco would be gouging people, but
17 that's a stretch, I agree. But, I have a
18 question or concern about the hydrological
19 study that was presented by the gentleman
20 from Somers, and that I think was
21 commissioned by one of the gas station
22 owners.

23 The study says that there could be a
24 runoff from Costco -- the Costco site into
25 the Hunter Brook. But, from what I

1 understand and what I am asking is, that the
2 Board hopefully understands as well is that
3 I do really believe that Costco has a
4 sophisticated environmental protection.
5 That's got to be in place, that's gonna
6 prevent that.

7 But, here is what I want to ask. The
8 gas station that is directly across the
9 street from Costco, the Costco site, I ask
10 if such safeguards are in place and I am
11 only suggesting that perhaps the
12 environmental committee of Yorktown could
13 use those sophisticated environmental
14 protection plans if Costco as part of their
15 package, when they look at future gas
16 stations they've done the work, and if it
17 turns out that it is a good safe plan, that
18 we try to incorporate it to save time when
19 we look at further gas stations.

20 But, I would like to see that gas
21 station across from Costco -- it has the
22 brook near it too, whether safeguards have
23 been looked at there. Thank you.

24 MR. FON: Thank you. Next is Win
25 Birtle. No longer here? Mr. Walt Daniels.

1 MR. DANIELS: Hi, my name is Walt
2 Daniels, I am a long standing member of the
3 conservation board and the conservation
4 board submitted a written memorandum on
5 October 29th. So, I won't go into that in
6 detail, but I would appreciate waive the
7 flags, the conservation board is paying
8 attention to these kinds of applications and
9 maybe make some of the other people aware of
10 what some of the issues that we see here.

11 The -- many of the people have
12 already mentioned the wetlands concerns,
13 particularly wetland "A", we had have a
14 number of comments on that, I won't
15 elaborate on that any. One of the ones I
16 haven't heard is some of the stuff on the
17 planting plan, and -- I'll just read a
18 couple of paragraphs of that.

19 The DEIS states that the view of the
20 roads Costco building from the Taconic
21 Parkway scenic byway will be mitigated by
22 the planting of trees and shrubs. The
23 proposed planting plan does not adequately
24 show the species and quality -- quantity of
25 the plan, so we use for landscaping.

1 Additional planting material may be
2 needed to insure the visual character of the
3 scenic Taconic Parkway and the landscaping
4 to mitigate tree removal throughout the
5 site.

6 To see next for each planning zone
7 needs further clarification. New England
8 Conservancy company provides several kinds
9 of measures for different uses. The
10 announce is incomplete unless the specific
11 segments for completion is done for each
12 Planning zone.

13 Landscaping and planting plan is
14 inadequate with a minimum or three year down
15 tree in survivability of plantings from day
16 of acceptance. This insures that all
17 planting material is not dead or dying and
18 adequate coverage is provided to satisfy the
19 intended purposes.

20 The DEIS does not address how the
21 proposed project will comply with the town's
22 tree ordinance. There is also some remarks
23 about storm water, other people have
24 addressed those issues. Although, one
25 person did mention the non-mentioning of

1 their plans for storm removal and de-icing,
2 those add a potential for massive amounts of
3 adding massive amounts of salt or other
4 chemicals into the ground water.

5 Another issue is green technology
6 concerns. The DEIS requests the
7 independence of Costco in incorporating
8 green technology in its development plan.
9 They have a cookie cutter mold, they build
10 the same place everywhere. They can --
11 nowadays you can do a lot better than that
12 in terms of things like lead certification,
13 where they forty out of a hundred and eleven
14 points from what they are -- looks like in
15 their proposal.

16 Forty out of eleven is the minimum
17 certification and their plans only come up
18 to about twenty. So there is an opportunity
19 for more -- using work green technology
20 including geothermal power. But, both
21 electric power, even Costco -- even Walmart
22 is massively over the country installing
23 their electric cells, the power for internal
24 uses.

25 The planning in the parking lot of

1 trees is very minimal in the plans. Plan
2 allowance have a -- they shave the parking
3 surface and hence reduce the thermal water
4 going into the ground water and so that is
5 another thing that can be done.

6 In that same vein, later on in the
7 program tonight I see you are talking about
8 the proposed zoning regulations which have a
9 lot of information about reducing parking
10 requirements for -- particularly the CSC
11 category, this is a 3 category, where the
12 parking is really sort of minimally, but my
13 reading of the CSC proposal was rather a
14 massive cut back of the parking and the if
15 you cut back the parking, that will reduce
16 the impervious pavement and -- impervious
17 pavement and -- hence the thermo-pollution
18 going into the water.

19 So, I think those are some of the
20 issues that I don't think have been covered
21 earlier by the people.

22 MR. FON: Thank you very Mr. Daniels.
23 Okay, the next three will be Peter Pergold,
24 Olivia Buhel and Paul Moskowitz. So, next
25 up is Peter Pergold.

1 MR. PERGOLA: Hello, my name is Pete
2 Pergola, I am kind of new to Yorktown, I
3 have been living here fifteen years and I
4 heard a lot of discussion about the
5 landscape and the run off and it was brought
6 up by certain people, I have the article
7 here, that have an agenda. They have a
8 business in this town and they are afraid of
9 competition.

10 MR. FON: I think we've heard that.

11 MR. PERGOLA: I know you heard it.

12 MR. FON: Anything new.

13 MR. PERGOLA: But, I have to ask you
14 something, the gentleman just here for the
15 conservers said that the landscaping is
16 inadequate.

17 MR. FON: He is talking about
18 different things than the original than the
19 last.

20 MR. PERGOLA: What?

21 MR. FON: He was talking about
22 different issues than the first.

23 MR. PERGOLA: No, no, no. What I am
24 trying to get to the point is that, you have
25 committees here, you have a design

1 committee, you have a landscape committees.
2 They did all this and submit it to you. You
3 have a right to either reject it or approve
4 it. And they went through the approval
5 process, Costco, I have been looking at the
6 plan, I am in the landscape business, and I
7 think they went beyond the call of duty to
8 really make the place look great and to pick
9 the plants that are native to this area.

10 The only thing I found a problem with
11 is the white pine, which they should have
12 used spruce because they are a little more
13 deer resistant. But, the three or four
14 people that came up here and they gave these
15 big written things, they were hired by the
16 opponents of this thing, of this project,
17 and I don't think it is fair to Costco.

18 I think they have absolute right, my
19 taxes are going through the roof, I live in
20 this town and it is not that I am looking
21 for a job, I am looking to stay here. And I
22 can't afford to stay here when we are going
23 to loose \$700,000.00 a year in taxes. And
24 that's the whole key here.

25 MR. FON: What this -- what we are

1 doing here is just receiving questions.

2 MR. PERGOLA: I know you are just
3 receiving them --

4 MR. FON: All those questions --

5 MR. PERGOLA: My questions are, did
6 this plan go through the review process.

7 MR. FON: It is now.

8 MR. PERGOLA: Did they?

9 MR. FON: That's what is going
10 through.

11 MR. PERGOLA: The landscape process,
12 the run off, the water run off --

13 MR. FON: That's what this is.

14 MR. PERGOLA: I mean, to read this
15 article in the paper about this gas spill
16 that might happen --

17 MR. FON: Well, we've heard that.

18 MR. PERGOLA: The gentlemen before me
19 hit it on the head, what about the gas
20 stations across the street?

21 MR. FON: We understand.

22 MR. PERGOLA: The one down bellow the
23 river -- the one down bellow the street.
24 These gas stations have been there thirty,
25 forty years, what prevention do they have

1 intact that Costco is putting a new project
2 and we should be worrying about what their
3 impact on the environment is going to be.

4 MR. FON: What we are looking at
5 right now is what is in front of us.

6 MR. PERGOLA: You know --

7 MR. FON: Understood, that there is
8 other gas stations and they might be, you
9 know, predates certain codes. But, what we
10 are looking at now is --

11 MR. PERGOLA: I mean, that's like me
12 having a luncheonette in this town and
13 saying I don't want McDonalds to come in, I
14 am trying to fight it.

15 MR. FON: Point taken.

16 MR. PERGOLA: Okay.

17 MR. FON: Thank you.

18 MR. PERGOLA: And I have another
19 question. I've been in that area, I am
20 working right at FDR Park, we are doing the
21 comfort stations there. That is a blighted
22 area, that area needs a development like
23 Costco.

24 MR. FON: We have heard that.

25 MR. PERGOLA: You know, you keep

1 cutting me short but I am want to --

2 MR. FON: I am not trying to cut you
3 short.

4 MR. PERGOLA: -- good couple of
5 questions.

6 MR. FON: If you have questions that
7 haven't been asked well, absolutely
8 volunteer them.

9 MR. PERGOLA: I mean the traffic
10 there --

11 MR. FON: We have heard that, we
12 understand traffic --

13 MR. PERGOLA: Comes from the
14 McDonalds south towards Peekskill.

15 MR. FON: We have heard --

16 MR. PERGOLA: I see a back up near
17 the Taconic.

18 MR. FON: We understand, it's been
19 discussed.

20 MR. PERGOLA: Alright, how long have
21 they been in this process to this approval?
22 And if they are disapproved, how long is it
23 going to take to get someone else to do the
24 development.

25 MR. FON: They are in the process

1 now.

2 MR. PERGOLA: But I am just saying,
3 it's -- if they are not --

4 MR. FON: I understand.

5 MR. PERGOLA: Knocked down, how long
6 is it going to take for one someone else to
7 come in there --

8 MR. FON: Understood.

9 MR. PERGOLA: -- and want to propose
10 something. Another ten years, another seven
11 million dollars worth of taxes --

12 MR. FON: Point taken, sir.

13 MR. PERGOLA: That we'll loose.

14 MR. FON: Understood.

15 MR. PERGOLA: Okay, that's all I have
16 to say, I just want to thank you.

17 MR. FON: Thank you. Okay, next is
18 Olivia Buhel, 1450; and the next will be
19 Paul Moskowitz and then Dan Ciarcia. How
20 are you?

21 MS. BUEL: Good evening, it is Olivia
22 Buel. I live on Old Logging Road west.
23 What I'd like to talk about is the things
24 that are not in the DEIS. Despite the fact
25 that it is a two thousand two hundred pages,

1 a big total of four pages was spent on
2 alternatives.

3 And I understand that the applicant's
4 job is to present the positive aspect of
5 their proposal and give less attention to
6 the negative ones, and I understand that our
7 job and your job is to take a look at that
8 and see whether there are some things that
9 are missing.

10 So, on the alternatives I think that
11 a very adequate job has been done on --
12 showing us how these alternatives, the four
13 alternatives that are proposed would result
14 in less traffic, excuse me for mentioning
15 the "T" word, less environmental problems,
16 less negative impact on the existing
17 businesses. More and better paying jobs and
18 so on.

19 MR. FON: That's all been discussed.

20 MS. BUEHL: Okay, this analysis is
21 practically non-existent. So, I would like
22 to see a further, a deeper analysis of that.

23 MR. FON: Understood.

24 MS. BUEHL: There are other
25 information that I would like to see. First

1 of all, on traffic --

2 MR. FON: No, we've discussed the
3 traffic. If you have anything new, though
4 we know you spoke at the last meeting too.

5 MS. BUEHL: On the alternatives I
6 just said that I would like to see that --
7 one alternative that was not given was the
8 idea of Costco without a fueling station, I
9 think that should be a detailed examination
10 of the impact in all areas of the DEIS of
11 that alternative.

12 On the parking, the argument that
13 Costco has a different parking need than
14 other -- than retail -- "retail stores is
15 austere at best". I'd like to see the
16 ratio of prep entry and cashiers square
17 footage of -- in the -- against the total
18 store size and compare to other types of
19 discount stores. I would suspect that the
20 fact that this is supposedly not a retail
21 environment but a wholesale environment may
22 not make that big a difference.

23 Please provide the dollar sales of
24 wholesale versus retail sales and the detail
25 of what criteria used to constitute which is

1 which. For example, the entire jewelery
2 department at Costco is retail not
3 wholesale, you can go in there and buy one
4 pair of diamond earrings, you don't have to
5 buy a hundred. That's certainly retail, not
6 wholesale.

7 Please provide the percentage of
8 square footage in dollar sales volume for
9 the -- each department against the total
10 volumes, so that we can understand whether
11 the parking requirements really do differ
12 than other "retail stores."

13 Please also provide a letter from the
14 Department of Transportation listing all the
15 upcoming projects, detailing when work is to
16 be done and whether it has a DOT pin number.
17 My understanding is that the work that the
18 DOT is planning to do would be done
19 regardless of whether Costco comes to that
20 location or not.

21 MR. FON: That has been discussed,
22 yes.

23 MS. BUEHL: Okay. Please ask them
24 also to provide start dates for the -- parts
25 of the work that is definite and indicate

1 when those start dates is, that is
2 preferable available. As far as the
3 lighting goes, please explain in greater
4 detail why their need set such special, why
5 they cannot conform to the town's existing
6 codes.

7 On signage, please explain why Costco
8 cannot go forward without having signage
9 facing the Taconic State Parkway. You may
10 stop me with blight and jobs, but I would
11 like to see the projected sales by Costco's
12 nine categories in detail. Which
13 percentages -- what percentages will come
14 from existing sales versus untapped
15 available sales.

16 Provide a listing of the "relevant
17 stores" broken down into the categories,
18 detailing the impacts and the percentages on
19 their existing sales and projections on loss
20 of sales and personnel accordingly. Please
21 provide projections on the same nine
22 categories of the impact to the gross
23 margins by the applicant by category.

24 Provide an analysis of projected loss
25 of tax revenue for the above relevant stores

1 when blighted. Provide in a list of stores
2 in the liquor category, which was left out
3 of the analysis, or if Costco does not
4 intend to sell liquor upon opening, how that
5 could change in the future unless a deed
6 restriction or someone other code restricts
7 these sales and please state that.

8 Also show a detail by job category
9 showing projected number of employees,
10 starting wages and average turnover for the
11 employees Costco maintains would be hired.
12 One speaker earlier said that they will be
13 hired forever, that would be unusual.

14 Provided the New York States UI
15 percent age for existing stores in New York
16 State for existent analysis lay off cost.
17 Provide detailed information of payments
18 made to Port Chester in the one percent give
19 back to charity and the one percent give
20 back to charities program. If it is not
21 being done in Port Chester then provide
22 another -- provide for another similar
23 geographical location.

24 Provide projections for the first
25 five years of sales and anticipated amounts

1 to be given to the charities program.
2 Provide details on how the program would be
3 monitored, how often and how and when
4 payments will be made. On the
5 alternative -- alternatives use for the
6 sub -- alternative uses for the site, please
7 provide detail of estimate assessment for
8 proposed tax use.

9 My understanding is that many of the
10 other alternatives could provide just as
11 much tax revenue as Costco has said it would
12 provide. Finally, I request an extension of
13 sixty days be added to this comment period
14 because of the size of the DEIS, the
15 inability we citizens had to read the
16 preliminary DEIS which was not made public
17 until after the DEIS was made available and
18 in order to further evaluate the answers to
19 the many questions we have researched by our
20 own experts. Thank you.

21 MR. FON: Thank you. Paul Moskowitz,
22 then we have Dan Ciarcia, and Julian
23 Charice, Charnice, excuse me.

24 MR. MOSKOWITZ: Thank you. Thank you
25 for your patience specially and also thank

1 you for not holding this meeting on the
2 night of the hurricane, it would've been
3 very difficult to get here that night.

4 I wish to ask about the effect of
5 this development on induced growth and in
6 turn the effect of that in our school taxes,
7 and I will explain what I mean by that.

8 At the last hearing I heard a
9 representative for the development say that
10 Costco would not add one child to the school
11 district. I also heard that Costco will net
12 the school district, meaning the Yorktown
13 school district over six hundred thousand
14 dollars in school taxes.

15 I wish to ask whether this is indeed
16 true or maybe there are mitigating factors
17 that must be considered. I am thinking of
18 induced growth and by this I mean that
19 whenever you have a new development and you
20 have infrastructure improvements that go
21 with that new development, this can in
22 itself spur additional occurrences. The
23 building of a new road.

24 You build a new road, people want to
25 travel on that road, they'll want to live

1 along that road, you have induced
2 residential growth and also commercial
3 growth. Or in a similar manner, if you
4 create a new sewer system and provide sewer
5 system for people, this too would increase
6 the temptation naturally for those who own
7 land to come up with new proposals for
8 development on those sites which would not
9 have been possible without that sewer
10 system.

11 In the case of this development,
12 there are two sewage districts which must be
13 included, which are now not included in the
14 Peekskil sewage -- sewer district in order
15 for Costco to operate a all. The first of
16 this is one that was created by the Town
17 Board, Hunterbook 17, which is part of the
18 Costco site and it also includes across
19 Route 202, directly opposite Costco site of
20 the proposed temple.

21 Second, also is part of the Costco
22 site Hunterbook 20, which would include
23 residential lots adjacent to the site for
24 Costco. At the last hearing one of the
25 speakers compared the revenue from Costco,

1 which we have according to the developer
2 over \$600,000.00 comparing that to what
3 would happen if you build sixty-eight
4 townhouses adjacent to Costco.

5 His estimate was that there would be
6 a 3.4 million dollar deficit, that is if you
7 built townhouses and people have children
8 you have to provide that education, and
9 that's over \$25,000.00 each. That speaker
10 said 3.4 million.

11 Even is that's an over estimate by a
12 factor of two, let's say is half that,
13 1.7 million dollars, that still is three
14 times the amount of revenue that you would
15 receive from Costco. So, if you use the 1.7
16 million figure, you still are 1.7 million
17 dollars in the hole and who makes up that
18 deficit? Well, I, a resident of the
19 Yorktown school district will have to make
20 that up to my school taxes, and this is not
21 insignificant.

22 The issue though is not either
23 building Costco or building the townhouses,
24 it's building Costco and building the
25 townhouses, because Costco brings with it

1 the creation of a new sewer system and the
2 necessity for including two sewer systems,
3 sewer districts, Hunterbrook 17 and 20 in
4 the Peekskill sewer district.

5 This is not a theoretical question.
6 The sixty-eight townhouses did not come out
7 of thin area. At the October 9th meeting of
8 the Town Board, this was a work session, a
9 former town engineer and this gives him
10 certain credibility, had a question with the
11 Town Board about a proposal for the
12 sixty-eight townhouses on -- over nine acres
13 adjacent to the Costco site. This would
14 bring about a deficit in the school budget.

15 If you believe the last hearing
16 speaker 3.4 million dollars, you think even
17 have that as 1.7 million dollars is --
18 totally overwhelms the revenue for Costco.
19 Also of course we have across the street,
20 across from Route 202, twelve acres which
21 was designated for the building of a temple.
22 This was quite a few years ago, the temple
23 has never been built, it may still be in the
24 plans.

25 However, these twelve acres look very

1 attractive say for building more townhouse,
2 which would further add to the school
3 deficit. None of these project may come
4 about, but once you increase the
5 infrastructure, you invest in your
6 infrastructure, you are going to have
7 proposals for additional development.

8 I believe that what I am asking for
9 is that the DEIS should include -- or I
10 should ask then, why does the -- the DEIS
11 does not include a study on the effect of
12 the infrastructure improvements on induced
13 growth?

14 Additionally, what would be the
15 effect of the induced growth on our school
16 budget and the taxes that would be derived
17 in the total, not just from one development,
18 but from the total of all the developments
19 that would be brought about by the two new
20 sewer districts included in the Peekskil
21 sewer district. And finally the question
22 is, there has been a proposal, informal
23 perhaps, but a proposal to the Town Board
24 which was received very well by most of the
25 Town Board Members.

1 What would be the effect in my school
2 taxes of the building sixty-eight townhouses
3 and months on a site adjacent to Costco
4 within the Yorktown school district? Thank
5 you.

6 MR. FON: Thank you. Next is Dan
7 Ciarcia and then Julian Charnice and James
8 Bacon.

9 MR. CIARCIA: Good evening, Dan
10 Ciarcia, 2450 Mohansic Avenue. The Board I
11 think knows me, I have been banging around
12 town for some time now, as I look back is
13 twenty seven-years of working on both sides
14 of the fence and thank you for the prior
15 speakers introduction of me as a former town
16 engineer, but I also work on land use on the
17 other side of the fence and appeared before
18 this board regularly.

19 First off, you know as a resident I
20 am -- literally my driveway is a thousand
21 feet away from this project and every day
22 when I pull out and go to work I've got to
23 look at the run down gas station and hotel,
24 and think about all the things that could
25 have been and during my tenure of doing

1 this, all those things that could have been
2 have come and gone and the bottom line is,
3 nothing has happened, the things that have
4 happened that we have to live with a
5 homeless shelter and if this project doesn't
6 go forward and goes down, who knows what may
7 end up there.

8 So, unlike some of these other
9 applicants the what I have to look at would
10 be the what if we don't take this
11 opportunity and do something. If you look
12 back I would I say, I would characterize it
13 as a synergistic effect, which has happened
14 in the past and which this applicant is
15 doing and that's when you take private funds
16 and public funds and leverage each others
17 commitment to something, to really get ahead
18 instead of you know, a project going away
19 and losing and opportunity to actually fix
20 something.

21 The examples I would cite, and I am
22 sure they've come up before those, but when
23 we did the Stoney Street realignment
24 project, which many thought was for BJs,
25 which was actually funded by -- to some

1 extent by the Adrians who were looking to
2 develop the property across from BJs, and in
3 that particular instance the town, the
4 Adrians and the state DOT all worked
5 together.

6 Then when BJs opened, which helped
7 revitalize the -- what was then the old --
8 well, it was the Building Design Center, but
9 it was previously Weitz, it was a shopping
10 center that really needed the
11 revitalization. I think I would be afraid
12 to say that BJs help that happen.

13 Just like when we bisected the Levine
14 piece, the site that the hardware store was
15 set on, which was on -- I mean I love the
16 store it was very convenient for me to get
17 my hardware, but to see the attractive bank
18 branch there as opposed to the Old Midway
19 Hardware, is an improvement to the
20 neighborhood.

21 So, along those lines what I would
22 like to say is that, I think this is an
23 opportunity much like some of the other
24 opportunities and things like the French old
25 golf course that I don't think would've been

1 the end of the world, when people came up
2 here, maybe not this theater, but spoke
3 about BJs and that was going to be the end
4 of the world, and also another point I think
5 is important to make, is that you know, with
6 all the impacts we talked about the
7 watershed and possible you know, additional
8 you know, thermal impacts, pollutants and
9 all that, the town once in a while, and this
10 should be cited in the DEIS really needs to
11 take credit for all of the open space that
12 the town has acquired with no fanfare or
13 thank yous from the DEP for all their land
14 all their watershed that we go to preserve.

15 So, I think when the town proposes
16 something like this along its limited
17 commercial corridors, that ought to be
18 considered and perhaps the developer here
19 can even further those ambitions to the town
20 to all -- to get additional open to help
21 even subsidize the town doing that, because
22 that all balance helps the quality of life
23 in Yorktown and even helps offset this type
24 of developments. Thank you.

25 MR. FON: Thank you. Next is Julian

1 Charice or Charnice. No. James Bacon.

2 MR. BACON: High, how are you Mr.
3 Chairman and Members of the Board.

4 MR. FON: How are you?

5 MR. BACON: Good. My name is Jim
6 Bacon, I am an attorney, I represent
7 Yorktown Smart Growth and as an attorney I
8 have litigate SEQRA issues for more than
9 twenty years. For the past seven years I've
10 being the Planning Board attorney for the
11 Town of Walkill and I've also reviewed
12 dozens of DEISs, looking at water quality on
13 behalf of the clean water, Croton Watershed
14 Clean Water Coalition.

15 So, I have reviewed the Costco DEIS
16 along with our engineering group David Kraus
17 and Associates and I will briefly sum up our
18 findings and I give our comments to you.

19 MR. FON: Thank you.

20 MR. BACON: We find that the DEIS is
21 incomplete as it fails to included critical
22 information concerning storm water impacts
23 required by the clean water act and the DEIS
24 scope. As everyone is aware, the projects
25 in the new Croton watershed which provides

1 drinking water to millions of New York City
2 residents and over two million of gallon --
3 two million gallons a day of water to
4 Ossining.

5 It is no secret that the Croton
6 waters are impaired by phosphorous.
7 Phosphorus promotes algae blooms that result
8 in degraded taste, odor and color. Algae
9 blooms also reduce dissolved oxygen in the
10 water which leads to increased levels of
11 organic carbon in the water.

12 The problem with that is that cloning
13 these infections of the waters that are
14 height in organic carbon results in the
15 formation of chemical bi-products called
16 tetrahydro methanes which are a dangerous
17 and suspected cancer causer. Just one pound
18 of phosphorous actually produces more than
19 five hundred pounds of algae.

20 This is cause which has been
21 described as operation nightmare for DEP,
22 which has had to shut down the flow of water
23 from the New Croton or blend New Croton
24 waters with higher quality waters from the
25 Catskills to dilute the pollutants.

1 To counter the phosphorous impairment
2 the state's implementation of the clean
3 water act requires towns to significantly
4 reduce non point phosphorous loads into the
5 reservoirs. The state has established them
6 as for program and TMDLs, which are total
7 maximum daily loads, allocating phosphorous
8 reduction by town.

9 In fact, Yorktown is required to
10 reduce nine points of phosphorous loads into
11 the New Croton by nine hundred and
12 eighty-six pounds per year. Unfortunately
13 this project sheds watershed the Hunterbrook
14 basin is one of the most significant
15 polluters of the New Croton.

16 Given this context the DEIS scope
17 rightly required analysis of pre and post
18 development stormwater quality and quantity.
19 However, surprisingly the DEIS does not
20 contain any loading analysis for
21 phosphorous. It claims DEP doesn't require
22 it, though the DEP correspondence in the
23 DEIS doesn't grant any such waiver.

24 More importantly, the lead agency
25 adopted the scope which would require the

1 analysis, no other agency can say that, that
2 scoping requirement is unnecessary,
3 especially in this case where Yorktown is
4 the one that bears the burden of reducing
5 phosphorous loads and needs the project's
6 pre and post development phosphorous loading
7 data to asses how the project comports with
8 the MS4 requirements.

9 In fact, Yorktown annually must
10 report to DEP by June 1st on its progress
11 and meeting its reduction allocation. The
12 applicant will need to do the analysis at
13 some point in the future anyway because
14 DEC's regulations, their stormwater run off
15 regulations require that each speed its
16 permit insure compliance with the relevant
17 TMDL.

18 According to Klauss and Associates,
19 the specific problems with the analysis of
20 the stormwater's quality and quantity. With
21 regard to quantity the predeveloped time of
22 concentration for many of the projects
23 sub-catchments is too short and the current
24 numbers are inaccurate. We will be giving
25 you their report as well.

1 Therefore, the predevelopment run off
2 rate is over estimated, as a result the post
3 development run off rate would require
4 substantially more retention capacity.
5 Consequently if the project storm water
6 management is not redesigned, any rainfall
7 that would pass the through wet pond and be
8 discharged directly into the wetland and
9 tributary of the Hunter Brook, increasing
10 run off rates and violations of DEC's
11 regulations.

12 That is also a problem because the
13 Hunter Brook is classified as a trout
14 spawning stream and DEC forbids thermal
15 discharges which raise water temperature by
16 more than 2 degrees. Now concerning the
17 agency's role during SEQRA, the lead agency
18 must identify the substantive environmental
19 impact to determine what those are.

20 Deferring that analysis to any other
21 agency will shield that analysis from public
22 scrutiny and if challenged, it would be
23 subject to judicial demand. Further, this
24 Board as the lead agency must certify that
25 the project's significant impacts have been

1 mitigated to the maximum exempt practical.

2 Without a pollutant loading analysis
3 you cannot certify that. So, to sum up, the
4 project's site having been partially
5 developed with almost no storm water
6 controls right now, appears to offer an
7 excellent opportunity for Yorktown to
8 actually reduce phosphorous loadings into
9 the New Croton.

10 However, the project's nine plus
11 acres of impervious surface will produce
12 more than fourteen pounds of phosphorous and
13 if untreated, will ultimately cause
14 significantly algae blooms in the New
15 Croton.

16 Consequently, the DEIS is incomplete
17 and an inaccurate storm water analysis would
18 fail, the judicial hurdle test and the
19 DEIS's deficiencies can only be cured in a
20 supplemental EIS. We would ask that be
21 preceded by a written scoping comment
22 period. The SEIS should especially address
23 how the Croton will impact the phosphorous
24 levels in the Hunter Brook and the New
25 Croton.

1 And again, we will be submitting our
2 comments in writing and we would
3 respectfully request that the Board leave
4 the public comment open for thirty days.
5 Thank you very much.

6 MR. FON: Thank you, sir. Scott
7 Carson, Scott Carson.

8 MS. BALLINGER: I know I do not look
9 like Scott Carson, and I know he is cuter,
10 but he asked me to read this on his behalf.

11 MR. FON: Thank you.

12 MS. BALLINGER: My name is Scott
13 Carson, 1295 Winslow Drive. I have been a
14 Yorktown resident for five years. The
15 current real property taxes generated by the
16 site currently are \$110,000 and change.
17 \$16,000 to the Town of Yorktown, \$16,000 to
18 Westchester County, and \$77,000 to the
19 Yorktown School District.

20 Based upon and assessed value of
21 twenty-five million, the applicant
22 anticipates the proposed Costco to generate
23 approximately \$800,000 annually in property
24 taxes. \$92,000 to the town, \$91,000 to the
25 county, and \$613,000 to the Yorktown Central

1 School District and special district taxes.

2 I, like everyone else I know came to
3 Yorktown not for the shopping, but for the
4 schools, and I think we can all agree that
5 our schools are awesome. One of the tax
6 benefits to having Costco will be a
7 substantial tax contribution towards our
8 school district.

9 So, I wonder it would affect my tax
10 bill, so I decided deeed to do the math.
11 Basically, Costco contribution in percentage
12 terms is seven tenths of one percent and
13 anyone who interested I can show you the
14 math.

15 My school tax bill after the start is
16 \$64,012.00, multiplied by .007 percent comes
17 to \$44.88. So, I am going to save a grand
18 total of about \$45.00 a year, that is
19 provided the school district will give that
20 back to me, which we know since we've closed
21 twenty percent of our schools and are
22 running them out, I haven't seen anything
23 coming back to me, I don't know about you
24 all.

25 Anyhow, I would rather pay a dollar a

1 week than have to suffer up to a thousand
2 cars per day on 202. I figured out that any
3 money I save is going to be burned up in
4 fuel wasted sitting in traffic on 202.
5 That's from Scott.

6 I would just like to add that I just
7 moved into an area which is called Amawack
8 Acres, I believe it is one of the oldest
9 subdivisions in Yorktown, and I was so
10 excited during the storm because I actually
11 had Yorktown sewer and Yorktown water.

12 So, without electricity I had a few
13 benefits that I wasn't used to having. And
14 I was talking to my neighbors and I said,
15 isn't this wonderful, and he told me that
16 very few people on my street had their
17 sewers hooked up and I was shocked and I
18 said why not, and he said they couldn't,
19 that their sewer district was closed, and I
20 was -- I didn't get that, I was really,
21 really surprised.

22 I mean, this is the oldest
23 subdivision in Yorktown and they -- most of
24 the people there couldn't get hooked up to a
25 sewer in the past, I think it was done about

1 fifteen years and now we are creating two
2 new sewer districts so we can have a Costco
3 come in and have the sewer and -- so that
4 they can take care of the people in the
5 immediate area on -- and they can be hooked
6 up to the sewer, then my neighbors can't.

7 I think that's a little inequitable,
8 and I really don't quite understand it. The
9 other thing I wanted to say is that as I
10 listened to everything, as I looked at the
11 Blue prints and I see all these ten, fifteen
12 acres for parking lots, I wonder whether
13 there is another way of doing this.

14 Why can't Costco do something that is
15 original, that it's innovative, that could
16 possibly be a little bit greener. Why can't
17 they put in underground parking? Why can't
18 they do something that is really special and
19 that shows the kind of company that they say
20 that they are?

21 I think this could be a terrific
22 opportunity for all of us to be involved in
23 a win/win, instead of having to go ahead and
24 say fine. You know, the lovely man who was
25 the landscaper, who spoke, I don't know how

1 you can do landscaping on fifteen acres of
2 parking lot. I think that maybe if we can
3 get them to do something that would mitigate
4 all these issue it might be really
5 interesting and it might be a real win/win
6 for all of us. Thank you.

7 MR. FON: Thank you. Ma'am can we
8 get your name for the record. Excuse me
9 ma'am, can we just get your name for the
10 record?

11 MS. BALLINGER: Babette Ballinger.

12 MR. FON: Babette Ballinger.

13 MS. BALLINGER: Yes.

14 MR. FON: Thank you. Is there
15 anybody else out there that wishes to speak
16 to the topic. Sir?

17 MR. CAPELLINI: I just happen to
18 leave a few minutes of your time to conclude
19 the presentation for you. I have a hundred
20 and seventy-six cards that were submitted to
21 us from households in Yorktown who are in
22 support of this project. It is a great deal
23 pedigree involvement in these card, they're
24 genuine people. I will hand it up for the
25 record.

1 I would like just point out for the
2 benefit of all of us who are watching, who
3 are in this massive auditorium, that the
4 report and study that is being done, which
5 is the subject of this entire process, the
6 Draft Environmental Impact Statement, was
7 not an ex-party exercise. It was a study
8 that was developed in collaboration and
9 cooperation with the town's departments,
10 their department heads and your consultants.

11 This is a very serious document and
12 it is a very intensive one, in parts it was
13 totally rewritten. It does not represent a
14 polemic. I have heard polemics and we've
15 had our share. This is not an effort on the
16 part of Costco or the Breslin organization
17 to pull a wool over anyone.

18 We have given you what we considered
19 is an excellent Draft Environmental Impact
20 Statement, and we want to go forward and get
21 to the stage where we can prepare a Final
22 Environmental Impact Statement, which will
23 take in all of the questions, all of the
24 concerns that have been raised throughout
25 this five to six hours hearing that's lasted

1 two dates.

2 We ask you to close this hearing and
3 establish a reasonable period of time, of
4 ten days, we have already had sixty days of
5 comment, ten day is normal and let us
6 proceed with the final stage of this
7 inquiry. Thank you.

8 MR. FON: Thank you. One last time,
9 any takers? You wanted to submit that? At.

10 MS. BALLINGER: I forgot.

11 MR. FON: Thank you. Alright, I
12 would like to ask at this time what the
13 feeling is about the written period. How do
14 you want to approach the written period?
15 We've heard sixty days, thirty any days, ten
16 days. What does counsel have to say about
17 that.

18 MS. HOCHMAN: I think a a minimum of
19 ten days.

20 MR. FON: Ten days. Alright, we are
21 going to set a thirty day timeframe for
22 written comments. At that point anybody who
23 wants to get in something in written, please
24 get it to the Yorktown Planning office, care
25 of John Tegederer or Robyn Steinberg.

1 At this point we have no more verbal
2 comments. A motion to adjourn or close the
3 hearing, excuse me -- correct, and there'd
4 be a further work session such as this.
5 This isn't the end of the process. At this
6 point, do we have a motion to close the
7 public session with a thirty day written
8 comment.

9 MR. SAVOCA: So moved.

10 MS. HOCHMAN: Second.

11 MR. FON: All of those is favor? Any
12 opposed? Motion carries. Thank you. That
13 is the close of our regular session, I would
14 like to thank everybody for the civility of
15 the tone of the hearing. Do I have a motion
16 to close the public session of the meeting?

17 MR. KINCART: So moved.

18 MR. FON: Second.

19 MR. FLYNN: Second.

20 MR. FON: All of those in favor?
21 Motion carries. We will move into the work
22 session. Thank you very much.

23 (Time noted 10:20 p.m.)
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C E R T I F I C A T I O N

Certified to be a true and accurate
transcript of the aforesaid proceeding.

Eunice Tecun-Patchen

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\$110,000 [1] 123/16	3.4 [2] 110/6 110/10	acquired [1] 116/12
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\$600,000.00 [1] 110/2	3A [1] 73/17	activity [1] 34/3
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