

TOWN OF YORKTOWN PLANNING DEPARTMENT

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MEMORANDUM

To: Planning Board
From: Planning Department
Engineering Department
Building Inspector
Environmental Consultant
Date: January 20, 2012
Subject: Costco Wholesale Club
DEIS Review for Completeness
Tax Ids: 26.18-1-17, 18, 19 & 26.19-1-1

Town staff including the Planning Department, Town Engineer, Building Inspector, and Environmental Consultant have met weekly to review and discuss the submitted DEIS. Pursuant to SEQRA Section §617.0(a)(3), the purpose of this review is to determine whether to accept the DEIS as adequate with respect to its scope and content for the purpose of commencing public review. Based on our initial review as of the date of this memo, we do not feel the document is complete. The Planning Board may also want to incorporate their own comments on the DEIS and edit this document before issuing a final determination on this action.

Involved and Interested Agencies

This table appears in at least three sections of the document. There are several revisions and additions enumerated below, which shall be incorporated into every iteration of the table within the DEIS.

1. Add the Planning Department as an Interested Agency.
2. ABACA is the Advisory Board on Architecture and Community Appearance.
3. The Zoning Board of Appeals is the approval authority for the Lighting Variance.
4. For Town of Yorktown Planning Board, change "Excavation Permit" to "Stormwater Permit" and add "Tree Removal Permit"
5. Add: Town of Yorktown Building Department for "Demolition Permit"
6. Under the WCDOH, Public Sewer Extension and Public Water Main Extension should be two different bulleted items.
7. Add Hazardous Material and Solid Waste Remediation approval to WCDOH, NYCDEP, and NYSDEC.
8. Add review of wetland and watercourses, Sewage Disposal Permit and Air Quality Permits to NYSDEC.
9. Under NYCDEP, add approval for the Public Sewer Extension, Public Water Main Extension, and add a permit for work within a jurisdictional watercourse.

10. Under NYSOPRHP, is their actual approval for the scenic byway (Taconic State Parkway) and work proximal to a critical environmental area (FDR Park).
11. Add NYSDOT for sign approval (within 500' of Taconic Parkway) and also Landscape Buffer approval.
12. Move the Yorktown Building Department to an Involved Agency for the approval of a building permit and demolition permit.
13. The Board of Legislators refers the sewer petition to the WCDEF, WC Legal Department and Budget Office.

Table of Contents

1. Under Appendices Volume 3, list the two reports that are in Appendix K.

Executive Summary

There is a lack of consistency throughout the executive summary. Summaries for several sections are extremely detailed whereas summaries for many other sections are very short and do not summarize the information presented in the chapter. Most significantly, in many of the sections there is a lack of discussion on potential impacts or mitigation.

1. Page I-1 change: "The existing developments..." to "The existing improvements...". Indicate tire installation facility will also be part of the improvements. Indicate if there shall be any car repairs or service associated with the tire installation facility.
2. Page I-1 in the same section, last sentence of second paragraph should include sewer district approval by Westchester County.
3. Page I-1: Add: Development requires inclusion within the Hunterbrook and Peekskill Sewer District, from the Stony Street/Old Crompond Road intersection eastward to the subject site construction of and connection to a new 2,300' sewer main and also construction and connection to a new 2,300' gas main.
4. Page I-2, Table 1.1: Coordinate this table with the listings in the front of the DEIS.
5. Page I-4, in the paragraph beginning, "The Town of Yorktown..." it indicates the project meets the requirement of the C-3 zone. This paragraph does not mention the proposal requires variances from the parking and lighting requirements.
6. Page I-5, Section I.4B. Visual Character: The discussion mentions the TSP, but does not note it is a National Recognized Scenic Byway. Provide greater detail of balloon study (when, conditions, reference in appendix).
7. Page I-6: Second and third paragraph: Indicates impacts cannot be fully mitigated. Discuss more fully. Indicate clearly what will be seen, where landscaping is to be located, approvals required, maintenance plans.
8. In the same section, the second and third paragraphs contain the same sentence, "The view from Old Crompond Road will be modified, as portions of the site woodlands will be replaced with development infrastructure, yet softened by proposed landscaping."
9. Page I-7, Section I.4C. Soils, Topography, Slopes and Geology: There is no discussion of impacts or mitigation discussed in Section III.C.
10. Page I-7: Indicate geology, slope categories on site and % disturbance of each, character and nature of Udorthent soils, areas of fill. Clearly indicate limitations and provide technical information to support proposed building location. Indicate if soils will support an on-site wastewater treatment system.
11. Page I-7, Section I.4D. Hazardous Materials, the summary generally does not reflect the full discussion in Section III.D. There is no mention of the site history or potential contamination.
12. Page I-8 Indicate status of all reportable hazardous waste conditions. Provide a separate appendix which contains all correspondence with/from regulatory agencies with respect to notification of the

- existing hazardous waste conditions. Clearly indicate if wetlands/vernal pool will be used in part to treat or store post-construction stormwater quality (pollutants) and/or quantity (volume).
13. Page I-9, Section I.4D: Fuel spills may not be directed to an oil water separator.
 14. Page I-9, Section I.4E. Flora and Fauna generally does not reflect Section III.E. The summary does not discuss the vernal pool, the relation of the onsite vernal pool to the off-site vernal pools, any species of special concern, impacts, or mitigation.
 15. Page I-9, Section I.4F. Wetlands, Groundwater and Surface Water Resources: There is no discussion of the on-site vernal pool or impacts to the wetland buffer.
 16. Page I-9 Wetlands: Indicate summary of functions, impacts to wetlands/vernal pool, impacts to buffers, hydrological changes due to post-construction stormwater conditions and tree removal, changes in pollutant loading including thermal conditions (clearly indicate if the wetlands are part of the stormwater treatment/storage system?). Indicate if there are NYCDEP regulated watercourses and buffers and ACOE regulated “waters of the United States”.
 17. Page I-10, Section I.4G. Stormwater Management: Should include a discussion regarding the East of Hudson heightened regulations, phosphorous reduction, or the DEP Designated Main Street Area. Indicate Huntersbrook is a Ct(s) trout spawning stream. Indicate if project stormwater design will be as a redevelopment project.
 18. Page I-11, Utilities: Indicate if there will there be nursery stock requiring watering. Indicate how installation of sewers will affect growth in the area and associated impacts/mitigation.
 19. Page I-11, Section I.4H.(2) Sanitary Sewer: This section should include a discussion about the lateral for the proposed temple on Mohansic Avenue. Is Costco donating funds for maintenance of the Hunterbrook pump station?
 20. Page I-12 Energy-does not discuss impacts or mitigation.
 21. Page I-12, Section I.4I. Use and Conservation of Energy – Green Technology, no impacts, no mitigation, and no rating of the proposed action is discussed.
 22. Page I-13: Traffic-indicate if increased traffic to purchase gasoline has been considered in Peak am and pm counts.
 23. Starting on page I-14, Section I.L. Parking gives too much detail for a summary. On page I-15, Chapter 195-42A grants the Planning Board authority to waive code requirements within Chapter 195, not Chapter 300.
 24. Page I-16: Parking-provide table with data of the actual number of approved parking stalls/building size at other similar Costco’s. Remove the reference to NYSEC “unnecessary parking stalls” as the Planning Board has not indicated the parking stalls are unnecessary.
 25. Page I-17, Section I.4M. Air Quality, the section should reference to what standard air quality is being measured. The report in Appendix F should be mentioned. Does not discuss soil heavy metal concentrations and fugitive dust. Indicate assessment standard(s).
 26. Page I-18, Section I.4N. Noise, the section should reference to what standard noise is being measured. The report in Appendix G should be mentioned.
 27. Page I-22, Section I.4P.(1)Police, the summary states the proposed action will generate approximately \$1.59 million in annual property tax and this tax revenue should be apportioned to the municipal services effected by the increased demands of the project. First, where is the \$1.59 million figure from (also stated on page III.P-3)? Section III.Q states the annual property tax revenue will be \$158,621.56 with only \$18,306.70 to the Town. Indicate the existing dollar amount of taxes to the Town of Yorktown that the properties currently generate and the post-construction dollar amount of taxes to the Town of Yorktown that will be generated. Reference any written correspondence from Town of Yorktown officials including the Town of Yorktown Assessor.
 28. Section I.4Q Fiscal and Socioeconomic Impacts, the summary is more detailed than Section III.Q. The summary should define the study area for the market analysis and commercial character assessment. The summary should state these studies can be found in Appendix K.
 29. Page I-23, the construction phase varies from 12-14 months throughout the DEIS.

30. Page I-23: Indicate additional cost of community services and the amount of increased taxes to the Town of Yorktown from the proposed construction. Indicate if the increased taxes offset the increased cost of community services. This section requires additional information relative to impacts to local businesses. Provide actual data.
31. Page I-25, the last paragraph refers to the BJs anchor located in the “community center on Route 202.” These terms are better defined in the study itself and have no meaning or could be misunderstood when used out of context in the summary.
32. Page I-26, Section I.4R Cultural, Historical and Archeological Resources, the second paragraph states the proposed project will impact architectural resources, but doesn’t state the significance of this impact or the existing conditions of the existing building. What resources within the viewshed may be visually impacted?
33. Page I-26: Indicate the range of sizes (square feet), number of parking spaces and site sizes of area Costco facilities. Alternative B-indicate the actual difference in wetland buffer A (square feet) between the proposed and this alternative building location. Indicate if building was shifted to the west would result in less visual impacts.
34. Page I-27, Section I.5A, the No Build Alternative stated there will be no clean up of the hazardous conditions. Is it not required by the NYSDEC that hazardous conditions be reported and cleaned up immediately?
35. Page I-27, Section I.5C: State why would the deck parking render the project infeasible.
36. Page I-27, Section I.5D: Should include the village design is not Costco’s model.
37. Page I-28, Section I.5E: A typical name brand hotel cannot be compared to the former country inn. Where is the supporting analysis that the Yorktown Heights area has insufficient demand for a hotel? Where is closest comparable hotel located?

Description of Proposed Action

This section as a whole needs to be more consistent with the other sections within the DEIS which it references.

1. Page II-1: The Hamlet of Yorktown Heights is the downtown area, not the project site. Delete “in the Hamlet of.”
2. Page II-1: Indicate that of the 10.15 previously disturbed acres, 2.90 acres are improved with impervious surfaces (buildings and pavement areas) and 15.85 acres are either wooded or open vegetation. Indicate the percentage of the site that is presently impervious surface. Indicate clearly the total site area that will be impervious surface areas in acreage and percentage of site area. Indicate the percent change in impervious surface coverage (pre and post construction).
3. Exhibit II-1 Site Location Map: Shows incorrect zoning on surrounding parcels.
4. Table II.2 notes Wooded area includes 1.04 acres freshwater wetlands. This table should be consistent with Exhibit II-2 which also shows and lists the existing land cover.
5. Exhibit II-3 Existing Land Use, the property lines are inconsistent with the Town tax map.
6. Page II-7: Text copied from the Town Code should be italicized or otherwise made to stand out from the rest of the text.
7. Page II-10, Exhibit II-4: Label location of tire service center and gas facility.
8. Page II-8: Provide greater detail on proposed tire service center. Will there also be repairs/maintenance/car wash operations and has vehicle parking before and after service been calculated in the parking area requirements.
9. Exhibit II-5 Building Elevations, the east and west elevations are switched.
10. Page II-13: Indicate the second access to the fueling station may only be used by west bound traffic on Route 202. Indicate west bound traffic will need to go past the on ramps to the Taconic Parkway to get gas and then re-enter Route 202 and travel east to gain access to the Taconic. Indicate how

peak am and pm east bound traffic will access the fueling station and if this traffic has been considered in the traffic count and LOS intersection analysis.

11. Page II-13: Fire access to be checked by Building Department.
12. Page II-14: Chapter 195-42A does not grant the Planning Board authority to waive code requirements in Chapter 300.
13. Page II-14: Provide documentation (comparative analysis) regarding parking requirements. Provide the approved number of parking stalls and building sizes of area Costco stores. Remove reference to NYSDEC “unnecessary stalls” as the Town of Yorktown Planning Department has not indicated a modification from the current parking requirements is warranted. Credit can not be taken for reducing impervious cover for parking that is not able to be shown on the site.
14. Page II-15: In the Sanitary Sewer paragraph, it is the Westchester County Peekskill Sewer District.
15. Page II-16: The first full paragraph references Parks Law and then states the proposed landscape mitigation in the parkway right-of-way has been well received by the NYS DOT. Doesn't the NYS OPRHP review and approve restrictions to the Parks Law?
16. Page II-16: Provide description of visual analysis of sign which requires NYSDOT approval and also the lighting which is proposed to be above 16'. Indicate what lights will remain on for security purposes when the building is closed. The lighting is to be in compliance with Town of Yorktown Town Code, not Costco standards.
17. Page II-17, the drainage discussion omits that Wetland A is proposed to be used as part of the drainage system to attenuate stormwater quantity. There is no mention of green infrastructure in this section.
18. Page II-17: Indicate if wetlands will form part of the stormwater treatment facility.
19. Page II-19: Indicate current source of wetland hydrology and if the wetland water budget will be altered. Quantify cut and fill on the site (amount and depth/height) and mitigation measures including retaining walls.
20. Page II-20, Store Operation: More data on “several times daily” for fuel delivery should be included.
21. Page II-20, the housekeeping and maintenance practices section does not include pesticide management.
22. Page II-21, the construction duration varies from 12-14 months. It should be consistent.
23. Page II-22, trucks are not allowed on the Bear Mountain Parkway.
24. How many truck trips are expected to be generated by the proposed action?
25. Pages II-24-25, make these tables match those in the front of the DEIS.

Land Use, Zoning and Public Policy

The land use section states facts and figures that comprise the land use and zoning of the study area however, no conclusions or summary is given which states why these figures are significant to the discussion on land use. For example, page III.A-7 mentions ½-acre and 1 acre lots makes up 35% of all land uses in the study area and public parks and parkway lands, together, comprise about 33% of land uses in the study area. There is no further discussion as to the land uses that make up the remaining 32% of the study area or how any of the land uses supports or is beneficial to the Costco project. On page III.A-11, 18% of the study area is zoned non-residential and another 18% is the Taconic State Parkway Corridor Right of Way. There is no further discussion that describes the zoning of the remaining 64% of the study area or how this zoning supports or is beneficial to the Costco project.

The land use section should also discuss the Town and State parklands within the study area in more detail. There are 94 acres of FDR State Park located within the study area however, the importance of the park must include a discussion of the significance of the entire 595 acre park. In addition, there are several acres of town parkland in the northeastern corner of the study area shown in Exhibit III.A-4 that is not discussed at all.

The public policy sections outline the recommendations from the Yorktown Comprehensive Plan, the Sustainable Development Study, and Westchester County's Patterns. Many of these recommendations are contrary to the objectives of the Costco project, yet there is little discussion in the potential impacts section on how the project does comply with goals from these reports or how the project will enhance the Bear Mountain Triangle/Crompond Hamlet Center area despite these differences. The Comprehensive Plan describes the C-3 zone as a small scale roadside commercial hamlet center with woodland buffers to adjacent residential zones, 20 foot landscaped areas along street frontages, significant open space, and excludes uses that generate heavy volumes of traffic. The DEIS simply states Costco complies with the Comprehensive Plan because it furthers improvements and establishes retail services in the Bear Mountain Triangle area. There is no mention of the goals of which the project does not comply. As another example, in reference to Westchester County's Patterns, it is stated the proposed project is buffered by the Taconic State Parkway from nearby residential neighborhoods, so it is not expected to have significant adverse impacts on the character of the surrounding neighborhoods. There is no discussion of the residential neighborhood immediately adjacent to the site on Old Crompond Road.

The only proposed mitigation discussed is the redevelopment of the old motel and the use of landscaping buffers. This section also states the project complies with the C-3 zone and does not require mitigation measures associated with zoning. As proposed this project does not comply with the parking regulations or the Town Lighting Ordinance and will require variances or waivers from these requirements.

1. Exhibit III.A-1a: Project Site Location could be printed with better quality.
2. Page III.A-7: In the first paragraph it states the adjacent ½-acre is the minimum lot size however, several parcels far exceed this minimum.
3. Page III.A-7: The second paragraph refers to the 94 acres of FDR State park located within the study area. The significance of the park should include mentioning the entire park.
4. The last sentence in the first and second paragraphs states a percentage of land use; 35% single-family residential and 33% public park and parkway lands. The remaining 68% is never accounted for.
5. Page III.A-7: In the last paragraph delete the word "Major" in the first sentence.
6. As shown in Exhibit III.A-4, town park lands are located in the northwestern part of the study area. These park lands are not noted at all in the discussion.
7. Exhibit III.A-4: Indicates several parcels with incorrect land uses, for example the institutional parcel on Stony Street is part of the Granite Knolls parkland acquired by the town in 2011.
8. In Table III.A.1: Update the Crompond Crossing project to status approved.
9. Page III.A-9, in the last paragraph, the previous C-2 and IN zoning mentioned was only for a brief time after the 2005 Comprehensive Plan was approved and then over turned. Otherwise all parcels have been C-3 for many years.
10. Page III.A-10: Set apart the text from the zoning code with italics.
11. Page III.A-11: Percentages of zones within the study area come to no conclusion.
12. Page III.A-13: In the second paragraph, the project is subject to the review and approval of the NYC DEP.
13. Page III.A-14I: Should include some discussion that BJs is within the C-1 zone.
14. Section III.A.1.c Public Policy: does not discuss the elements of the Comprehensive Plan that are not followed by the proposed action.
15. Page III.A-16: The Town's Comprehensive Plan does speak to the Crompond area as its own center.
16. Page III.A-17: The first paragraph characterizes the project as destination retail whereas the parking section claims the project is unique warehouse retail. Later on page III.A-18, the zoning discussion states the current zoning permits wholesale and storage uses.

17. On page III.A-17: The second paragraph under section 2a Land Uses seems to have no relation to the rest of the text. In the third paragraph, name the two regional highways the proposed project is located between.
18. Table III.A.2 Zoning Compliance: States there are 5 spaces per 1,000 SF of gross floor area provided, instead of the 4.04 proposed. A 25% reduction in parking spaces is not part of the bulk requirements for the zone. This is a variance the Planning Board may implement under special circumstances and should not be listed in this table. Four different sized parking spaces are used throughout the proposed project. There is no discussion in the DEIS regarding how many parking spaces could be provided if all the parking spaces complied with the minimum town code space size, which is 8.5' x 18.5', and why Costco prefers larger parking spaces.
19. Table III.A.3: Is there a reason why this same table to be shown again within the DEIS. Page III.A-18 should instead refer back to Table II.3.
20. Page III.A-21: Discusses the FAR range suggested by Westchester County's Patterns, but does not give an FAR for the proposed Costco development. This paragraph also states the site is currently under-developed, but gives no explanation as to how this was measured. What is the FAR for the existing development?
21. The last paragraph on page III.A-21 states that because the proposed project will be buffered by the TSP from nearby residential neighborhoods, it is not expected to have a significant adverse impact on the surrounding area. There is no discussion of the impacts to the residences to the west on Old Crompond Road.

Section III.B Visual Character

The chapter on visual character was disordered and insufficient. Several photos are mislabeled. There are two photos shown on page III.B-3 (Existing Views of the Site and Adjacent Affected Areas – taken Oct 2010 & March 2011) that are also shown on page III.B-13 (Balloon Study – taken April, 29, 2011). A view reference key map for the existing views and the balloon study is not included in the report. To effectively illustrate the visual impacts, all photos included in the chapter must be provided in a larger size in the appendix.

1. Edit the title of the section to be Visual Character.
2. A map should indicate the location and direction of all photo exhibits. Indicate which photos were taken in October 2010 and March 2011.
3. Photo exhibits should all be at least 5" x 7" size to provide adequate review.
4. Page III.B-2: In the last paragraph, Exhibit III.B-5 shows the view of the existing residence on the project site, not from the existing residence.
5. Page III.B-2: It states the balloon study was completed in May 2011, not April 29, 2011.
6. Exhibits III.B-6 & 8: Include a significant amount of foliage on the trees. Are the trees shown in the exhibits included in the limit of disturbance for the proposed project?
7. Exhibit III.B-7: Is the view towards the project site from the Chase Bank.
8. Exhibit III.B-9: Is mislabeled. The photo is taken from in front of the residence located at 3258 Old Crompond Road.
9. Exhibit III.B-10: Should indicate that the photo is taken from Stony Street north of the Bear Mountain Parkway.
10. On page III.B-5: In the description of Route 202 it states the general visual character of Route 202 can be described as strip retail and service building set back from the roadway. This is not a complete description of the Route 202 Corridor. Some developments on the south side of Route 202. Other commercial development along the corridor is not set back from the roadway and there is very little commercial development on the north side of Route 202.
11. Exhibit III.B-17: Is the view NW on Route 202.

12. Exhibit III.B-20: Primarily shows the nursery driveway and motel driveway, not the fencing company which is off to the right. A direct view of the fence company parcel should be included in this section.
13. All exhibits showing the balloon test should be at least 5" x 7" in size. The Town was never notified of the balloon testing.
14. Exhibits III.B-34 & 35 are mislabeled. These photos were taken from different locations along Old Crompond Road.
15. Exhibit III.B-36 is mislabeled. The photo on the left shows the view from Old Crompond at Stony Street from the Chase Bank site. The photo on the right is from the front driveway of 3258 Old Crompond Road.

Section III.C Soils, Topography, Slopes, and Geology

This section should be more site specific to the proposed project. There should be a discussion explaining why the development is best suited on the east side of the site and the on-site soil restrictions that have determined the proposed layout. There should be a discussion of the need to export and import fill for the project.

1. Page III C-1: 1st paragraph; Geology section is incomplete. Provide greater information. What is nature of bedrock? Will blasting be required? Include bedrock locations on map. 2nd paragraph: Indicate methods used by soil scientist (field and review) for further examination. Was there a site specific soil analysis in accordance with standard procedures? What is the result of the historical and current site use analysis? Need to include reference to hazardous materials.
2. Page III C-2: Last paragraph: Provide greater detail on Udorthent and Urban Land soils. How can their make-up and properties be assessed as most of the proposed improvements are to be constructed in these soils. What type of limitations given site history can be anticipated? Reference information found in the geotechnical report. What are the limitations of these soils that have been determined from field investigation?
3. Page III C-6: Udorthents-indicate if on-site evaluations were conducted to fully describe these soils. Reference geotechnical report. What are the limitations of these soils and why will structural fill be required in order to construct improvements in these areas.
4. Page III C-7: Urban Land-indicate if on-site evaluations were conducted to fully describe these soils.
5. Pages III C-8 - C-11: The tables provide no data for Ub, Uf or Uc soils. Provide the following maps in order to provide greater clarity: a) proposed limit of disturbance/improvements over soils map, provide table of % of each soil type to be disturbed and limits of each; b) proposed limits of disturbance/improvements over map indicating geology and shallow bedrock areas and proposed areas of 6,700 yd³ of rock removal; c) proposed limits of disturbance/improvements over steep slopes, provide table of the percentage of each slope type to be disturbed. Provide post construction slope map which shows cut and fill sections (proposed cuts of 0'-20').
6. Page III-C-12: In the first paragraph, first sentence, there is no analysis to support first sentence that the uplands "appear suitable for development" as there is no data on the Ub, Uf or Uc soils and does not "take into account hazardous materials or field identified soil limitations. Last sentence indicates that all soils should be evaluated by qualified engineers in order to determine their suitability for the proposed development and historical data should be reviewed. A summary of the engineering analysis should appear in this section and the analysis should be referenced.
7. Page III-C-13: Last paragraph; Define "excess topsoil" and indicate why it will not be reclaimed on site.
8. Page III.C-13: It appears that the soil cut/fill quantities do not account for the approx. 6,700 c.y. of rock to be removed.
9. Page III- C-14: Bullet points-require map and further analysis.
10. Page III- C-15 top of page: If blasting may be required, provide blasting plan. Provide information

regarding the location of rock crushing, duration and noise/dust control.

11. Page III.C-16: The pre-blast survey is to be conducted on “nearby” structures. The applicant should define the term “nearby”.
12. Page III-C-15-16: Mitigation plan is too general and does not provide details of mitigation during each phase of construction. What is the mitigation for the removal of the hazardous materials and also to address the soil limitations?

Section III.D Hazardous Materials

This section describes the hazardous materials on site and guarantees they will all be cleaned up to NYS DEC standards during the construction of the proposed project. Aside from the Chevron reported spill, is the NYS DEC aware of the Phase II report results for the site? When discussing the naturally occurring metals in the soil, the EcolSciences’ report goes back and forth between stating the New York State background levels and Eastern United States background levels. Ultimately only the Eastern United States background levels are used in the Section III.D discussion and the metals are dismissed as insignificant and naturally occurring. Finally, the proposed oil water separator at the gas filling station is not an acceptable spill mitigation technique.

1. Page III.D-1: Indicates Phase I Assessments are presented in Appendix B1. There is only an Appendix B. There is no further separation of the appendix into different sections.
2. Page III.D.1: The letter to the applicant requesting more regulatory status information is to be obtained.
3. Page III.D-1: In the first paragraph, last sentence indicates “additional investigation was recommended”. Indicate if all the recommended investigations were completed. Provide summary of all violations, spills, spill #'s and closure #'s in tabular format. Provide details of NYSDEC, WCDOH and NYCDEP notice and remediation requirements and indicate if regulatory agencies have been contacted regarding reportable hazardous waste on site. Provide map indicating locations of all soil tests and ground water tests. Indicate reports that have been submitted to NYSDEC.
4. Page III.D-1: In the second paragraph, explain “..conducted in “general accordance” mean? Was the Phase I conducted in accordance to NYSDEC DER-10? Indicate and explain deviations from the standards. Provide greater details on methods of investigation, dates, site conditions, weather, etc. Provide map of location of hazardous materials, limits of disturbance and proposed improvements. Indicate if the Phase I studies included the Zino Nursery and residential sites.
5. Page III.D-1: In the fifth paragraph, “...soil samples were collected...”where possible” Explain.
6. Page III-D-1: In the fifth paragraph, were all the UST identified as heating oil UST (just the 5,000 gal one is indentified as such).
7. Page III.D-15: In the sixth paragraph, identify where “fuel oil odors” originated from.
8. Page III.D-2: Provide in tabular form the areas that require clean-up, what clean-up will be conducted and difference classifications of clean up criteria.
9. Page III.D-2: In the second paragraph, indicate if surface spills at above ground storage tanks were investigated. Define, “sampling where appropriate”. Provide standards used to determine potential impacts.
10. Page III.D-2 Gasoline Station: This section is unclear. Was soil and ground water sampling conducted? What are the results? What were the contaminants? The DEC No Further Action paperwork could not be located. Indicate if there will be “intrusive activities” such as the installation of utilities or grade changes.
11. Page III.D-3, Hydraulic Lifts and Drums: What is the VOC contaminant and what concentration. What is the PAH compound concentration/exceedence?
12. Page III.D-3 - D-4, Septic Systems: Provide table of naturally occurring heavy metals, indicate if they exceed clean-up criteria (“appear to be associated” is not adequate).
13. Page III.D-4, Spills/Staining: PCB (floor drain-what is discharge location?), VOC at lawn mower

- facility. Provide notification/reports to and from regulatory agencies.
14. Page III.D-4: 2nd paragraph: provide table of all metals above clean up objectives.
 15. Page III.D-5: 3rd paragraph: provide details of the nature of the debris, C/D, 55 gallon drums, asphalt, organic material etc.
 16. Page III.D-5: last paragraph: provide additional information/rationale why heavy metals do not require remediation.
 17. Page III.D-6: 1st paragraph: chapter flip flops between clean up objectives meeting residential criteria and clean up objectives meeting commercial objectives. Need determination from regulatory authorities. How will construction impact adjoining residents?
 18. Page III.D-6b: provide written documentation that all violations have been resolved.
 19. Page III.D-7: 2a: how was it determined that impacts to workers/community will be “limited”.
 20. Page III.D-9: Naturally Occurring Metals-provide written documentation from regulatory agency that remediation is not required. It is unclear how the metals are indicated as naturally occurring when the majority of the site soils are anthropogenic (fill) in nature (Udorthent and Urban Land and consists of unidentified soil sources such as fill, etc). What is the history of the land use, where did fill come from? Provide details of suppression methods. Indicate how regional background levels may be used as a standard where more local information may provide more adequate information.
 21. Page III.D-9b: What will the effects of blasting, earth moving, filling be on the stability of the metals in the soils?
 22. Page III.D-10d: last paragraph: unclear what is going to be done with the soils containing metals (reused on site, transported off- site, capped?).
 23. Page III.D-11a: Indicate all regulatory agencies, standards and permits that are required. Does not indicate clean-up of VOC's.
 24. Page III.D-11 Petroleum products-Indicate when ground water sampling will “be warranted”.
 25. Page III.D-12: Explain: Nursery Parcel-report to NYSDEC “if warranted?”
 26. Page III.D-16: Indicate how proposed oil/grease separator is an adequate measure.
 27. Page III.D-16: How will sodium chloride be managed to prevent introduction into the wetlands? The use of sodium chloride must in compliance with NYCDEP regulations for the watershed.

Section III.E Flora and Fauna

This section discusses the resources on the site, but does not discuss their relation and connection to resources on adjacent land.

1. Page III.E-3: Describe, map and quantify the debris and illegal dumping areas.
2. Page III.E-8: Provide details of site inspections (time of day, species that are being looked for weather conditions, methods of identification).
3. Page III.E-13: Vernal pool information is incomplete. Physical characteristics such as, size, water depth and duration, pH and temperature are not fully investigated and ecological connections with the other vernal pools indicated to the north are not described. Provide map of potentially connected on and off-site vernal pools that were investigated.
4. Page III.E-17: Indicate if tree cutting schedule (10/1-03/31) comports with stormwater phasing plan.
5. Page III.E-18: Indicate in text that trees have not been survey located. Indicate accuracy of GPS unit.
6. Page III.E-18: Provide field logs/photographs.
7. Page III.E-23: Indicate impact to vernal pool and wetland species due to proposed modifications in the water budget/hydroperiod and pollutant loading (e.g. thermal) due to discharge from stormwater basin.
8. Page III.E-24: Indicate if tree mitigation is required pursuant to the Town of Yorktown Town Code. Specifically indicate and map the tree mitigation as/if required.

Section III.F Wetlands, Groundwater, and Surface Water Resources

This section does not contain an adequately detailed discussion of the direct and indirect impacts that will occur and mitigation that will be provided as a result of the proposed action.

1. Page III.F-1: Does not address Cornerstone Associates memo dated August 6, 2010. Discuss NYCDEP jurisdictional watercourse. Indicate how determination was made that there are no NYSDEC wetlands on the site. Indicate that the Town of Yorktown Wetland Code uses the 1989 ACOE Federal Manual. Provide a table which indicates regulated and prohibited activities within Town of Yorktown jurisdictional wetland and wetland buffer areas.
2. Page III.F-3: In the third paragraph, indicate what (source) hydric soil list(s).
3. Page III.F-4: In the first paragraph, indicate Wetland B is not “surface” connected hydrologically. In the third paragraph, indicate if there is hydrological connection to drainage swale at base of embankment.
4. Page III.F-4 Wetland Functions: Indicate what accepted methodology was used to conduct functional analysis.
5. Page III.F-5: The top paragraph indicates wetland has limited capacity for flood water storage. Indicate if wetland will be used for stormwater quantity treatment post-construction. Indicate how a determination was made that the vernal pool is unproductive. Indicate if there is an ecological link to other vernal pools nearby or is this an isolated pool. Provide a map of indicated vernal pools.
6. Page III.F-6: In the second paragraph, provide map which indicates line of debris in wetland buffer. Quantify disturbance in square feet of wetland buffer area. Describe the debris or reference section of the DEIS that does.
7. Page III.F-7: Indicate the source of debris/sediment which obstructs the 5’ x 5’ box culvert. The section of functionally related wetlands does not discuss proximal vernal pools.
8. Page III.F-8: Indicate if a JD was completed by the ACOE.
9. Page III.F-13: The applicant is considering only direct impacts (e.g. physical disturbance) to the wetlands and has not considered impacts due to changes in the hydroperiod/water budget as a satisfactory water budget analysis (including evapotranspiration changes-e.g. tree loss, impervious surface changes, stormwater storage etc.) has not been completed.
10. Page III.F-14: Indicate distance of limit of disturbance to most closely located wetland areas (wetland A and B). Provide analysis to support contention that there will be no impacts to the vernal pool when the hydrology will be changed.
11. Page III.F-16(c): Clearly indicate if stormwater plan increase stormwater off rates/volume/pollutants to the wetlands?
12. Page III.F-17: Indicate if Costco will offer for sale fertilizers containing phosphorous.
13. Page III.F-18-19: Does not discuss changes in hydroperiod or loss of buffer.
14. Page III.F-21: Does not discuss thermal impacts to on-site wetlands. Indicate if proposed plan is (or is not) a prohibited action as indicated in the Town of Yorktown Town Code (wetland chapter).
15. Page III.F-22: Actual water budget not provided (e.g. pre and post construction input-output calculations). Provide site specific soil logs/map and indicate why alternative stormwater design(s) is not feasible. Analysis of stormwater effects to wetland A (including vernal pool) not provided. Indicate how the use of wetlands to attenuate pollutants including the temperature of stormwater run off from the site is not a prohibited action under the Town of Yorktown Town Code (178-9C).
16. Page III.F-23: Does not discuss DEP watercourse jurisdiction.
17. Page III.F-23: Inadequate discussion of impacts to onsite wetlands and Crompond Wetlands (offsite and not owned by the applicant) due to increase in water quality volume and time of concentration.
18. Page III.F-25: Impacts due to change in hydroperiod not considered or mitigated. Applicant has not discussed functions of wetland buffer areas to be lost/impacted and therefore proposed buffer mitigation area is not conclusive.
19. Page III.F-28: Mitigation due to surface and ground water changes not developed. Should reference

Hazardous Material section regarding ground and surface water contamination and proposed mitigation.

20. Page III.F-30 Comment on pervious pavement is not well supported. Low traffic areas should be identified and mapped and the pervious pavement used in these areas in order to meet stormwater requirements.

Section III.G Stormwater Management

The DEIS should include how the proposed drainage to Wetland A complies with Section 178-9C of the Town of Yorktown Town Code (Freshwater Wetlands). The applicant needs to address stormwater quantity and quality calculations including Tc analysis, volume and water quality (including thermal) calculations. Basin sizing calculations specific soil information of the basin are need to be included. The feasibility of the proposed stormwater system requires approvals from NYCDEP and ACOE.

1. Page III-G-1: Correct “Brooks Drainage Basin” to “Huntersbrook Drainage Basin”. Indicate project site drains to an intermittent stream *and* “wetland”.
2. Page III-G-4: Indicate project slopes toward an intermittent stream *and* “wetland”.
3. Page III-G-7: Indicate existing and proposed percentage of site that will be impervious surface.
4. Page III-G-10-Exhibit III.G-4: A design point where the proposed micropool discharges to Wetland A and a design point where Wetland A discharges off-site are required (pre and post-construction) in order to fully analyze impacts to Wetland A. Include in the analysis Tc, volume, and water quality (including thermal) calculations. Provide proposed basin sizing calculations and proposed size (volume) of basin. Provide site specific soil information in the area of the proposed basin.
5. Page III-G-12: Clearly describe the function of Wetland A as a stormwater management practice.
6. Page III-G-12: It is indicated that all openings discharge to an 18” outlet pipe that discharges to Wetland A. There are no stormwater quantity or quality calculations provided to this discharge point which appears to be the sole discharge point of the proposed stormwater drainage system. Indicate how the proposed discharge to Wetland A comports Section 178-9C of the Town of Yorktown Town Code (Freshwater Wetlands).
7. Page III-G-13: Provide data on hydrological and pollutant (including thermal) loading changes to Wetland A (vernal pool, watercourse, wetlands and associated buffer) and clearly indicate impacts to the function of these wetland components. Provide written correspondence from regulatory authorities (NYCDEP and ACOE) regarding the feasibility of the proposed stormwater system. Specifically indicate how proposed stormwater system will impact wetland B and associated buffer. Provide plan sheet and summary to support analysis of claim that diversion of 4.2 acres of runoff “more than compensates for the increased impervious area resulting from the roadway widening of Route 202/35.
8. Page III-G-14: Define: “direct impacts” as related to the wetlands and intermittent stream and the proposed development. Indicate if impacts to wetland and wetland buffer functions due to the proposed stormwater system have been considered/analyzed. Provide analysis of the wetland buffer functions and how the proposed “replanting” will mitigate these functions. Indicate if tree canopy and grades will be changed in impacted areas.
9. Page III-G-16: Provide authoritative studies to support reduced effectiveness of pervious pavements in northern climates.
10. Page III-G-17: Provide written correspondence from NYCDEP and ACOE regarding regulatory jurisdiction of wetlands and watercourses. Indicate that the NYCDEP has approval authority of the SWPPP.

Section III.H Utilities

This section should include the alternative for septic installation for the proposed site development as well as a discussion of the impact of the installation of sanitary sewer infrastructure and how it may

affect future subdivision of properties along Old Crompond Road. Various monthly, daily and peak hourly flows from the proposed sewer district should be included. A complete plan and profile of the sanitary sewer system should be provided including the crossing of Route 202 to the proposed Temple site.

The applicant states that eleven of twelve parcels desire to be included within the local Hunterbrook and County Peekskill Sanitary Sewer District. The one parcel not desirous of being included needs written documentation from the owner of the parcel.

This section does not identify construction impacts or mitigation related to providing gas electric and data service to the site. The document should identify the manner by which electric service is supplied to the building (poles, underground etc.) the impacts of same and mitigation measures. The gas line extension should have similar information including identifying where it may enter the site and the construction method proposed to be employed in the installation within Old Crompond Road.

1. Page III.H-1: Comments from the Water Superintendent to be included.
2. Page III.H-7: This section should include alternative for septic installation for the site and a discussion of the installation of sanitary sewer infrastructure and possibility of future subdivision of properties along Old Crompond Road.
3. Page III.H-8: The applicant states that the existing pipe is 8-inch tile. Our records indicate that the piping material is PVC.
4. Page III.H-9: The Peekskill flow rate stated is 6.7 mgd. The applicant should explain if this is an annual or monthly average and include peak flow data.
5. Page III.H-10: There is no mention of the proposed Temple connection. Proposed new piping material should be included. Applicant states that 11 out of 12 parcels desire to be included in the proposed sewer district extension. The applicant should obtain written documentation from the parcel owner of the one parcel (26.18-1-20) that does not want to be included in the district.
6. Page III.H-13: The sewer extension must also be approved by the NYCDEP.
7. Page III.H-19: The sewer extension must be installed in accordance with NYCDEP and NYSDEC in addition to County and Local regulations.

Section III.I Use and Conservation of Energy – Green Technology

This section contains a general discussion of some of the energy conservation programs Costco has however, there is no quantitative backup information for how effective these programs are. There should be a discussion of standard energy usage by similar commercial facilities. In addition, there is no indication as to which LEED level of certification the project might qualify for if applied.

1. III-I-1: Include analysis as per NYSDEC Guide for Assessing Energy Use and Greenhouse Gas Emissions in Environmental Impact Statements. Provide additional data of energy usage from references other than “data for similar facilities provided by Costco”.
2. III-I-3: Definitively indicate if project heating/cooling energy source will be gas or electric.
3. III-I-8: The conclusion that 17,780 tons of CO₂ does not represent a net increment in GHG emissions since similar GHG emissions would occur if the proposed retail services were constructed elsewhere is not adequate “mitigation”. The proposed energy saving-green technology mitigation measures are not specific to this site or this application. Please provide details of specific mitigation that will reduce GHG emissions.
4. III-I-9: Provide specific, definitive public transportation options rather than potential options.
5. III-I-10: Provide specific LEED certification standard that will be achieved or qualified for.
6. III-I-12-15: Responses are substantially interpretative. Indoor air quality responses are not adequate.

Section III.J Solid Waste

This section discusses in general how solid waste and recyclables would be disposed of in town, however there is no detailed discussion on how Costco plans to implement their solid waste and recycling program. In Westchester County, recycling is the law for businesses as well as for residents and schools. The County considers any violation of the source separation law to be a serious offense. Costco must contract with a hauler to remove comingled recyclables generated within the store from the site as well as paper and cardboard. The generation of litter should also be discussed under potential mitigation. There must be a plan to maintain the entire site that includes litter removal. As an additional note, the Sprout Brook landfill was closed in 2010.

Section III.K Traffic and Transportation

This section contained a thorough discussion of the traffic corridor from Lexington Avenue to the Triangle Intersection including proposed improvements to be completed by the NYS DOT. It could be better stated that the appendices cited throughout the section refer to the appendices within the Traffic Impact Study which is Appendix E of the DEIS. Additional charts should be included that summarize the LOS and Trip generation charts for the average reader. No discussion of bike and pedestrian paths in this chapter.

Section III.L Parking

The proposed project requires a parking variance and therefore should include significant discussion as to why the Planning Board should consider the proposed 146 parking space reduction. It should be clearly represented how Costco does not fit into any of the use categories outlined in Section 300-182(A) of the Town Code, which would allow the Planning Board to consider the use under Section 300-183(B). Town Code Section 195-42(A) does not apply to Chapter 300 and should not be included in this discussion. Instead the discussion should include the square footage devoted to specific uses within the building; square footage of stock kept outside the public retail area, the square footage devoted to larger shopping aisles within the retail space, employee space, food service/restaurant space, etc.

In many instances there are references made to “Historic Costco Data” which dictates a parking index of 3.65 however, no data or how the data was collected is given. No information is given about the typical size of a Costco or the number of parking spaces at any other Costcos.

There is no mention in this section regarding the 4 different sized parking spaces proposed on the site as shown in Table III.A.2. There is no explanation as to why Costco’s own requirement is to provide larger sized spaces, all of which are larger than the Town Code minimum parking space size. How many spaces could be shown if the Town Code minimum parking space size was used for all parking spaces on site? This analysis may further contribute to the need for a parking reduction.

A short discussion of bicycle parking is included here. The treatment of bicycle trans paths is inadequate. The Comp plan, 202/35 SDS, and DOT’s stated policy is to provide such where appropriate. The county’s bike/ped master plan includes a bike/ped path through FDR park and crossing 202 at Strang. It includes a possible connection to The HVG via the 202/BMP corridor. All of this should be discussed, and the 202 expansion should evaluate inclusion of this type of amenity.

Section III.M Air Quality

This section fails to include a discussion on the heavy metal dust abatement that will be required during construction to avoid air quality contamination.

1. Page III.M-1: Include discussion and analysis of hazardous waste (e.g. heavy metal dust) and

potential air quality issues and mitigation.

2. Page III.M-19: Indicate definitively if NYSDEC air permits will be required.
3. Page III.M-23: Summarize and reference mitigation for air quality issues in hazardous waste section.

Section III.N Noise

An EIS is supposed to be clearly and concisely written in plain language that can be read and understood by the public. This section is highly technical and requires more explanation to be easily read by the average reader. A table should be included explaining the range of DBA values with example sources of such levels. Noise Contour map should have a legend, and it fails to include at least two of the monitoring locations. There appears to be no treatment of the impacts from dump trucks in the excavating/fill operation and the import/export of fill material.

1. All references to the alternative high school should be revised to BOCES.
2. A table should be provided which indicates the dBA values for familiar sounds so the average reader can understand the discussion of this section.
3. Table III.N.2 & III.N.3: State the source of the calculated HVAC Noise. How is the combined future level calculated?
4. Page III.N-8, Exhibit N-2: There should be a legend for this exhibit. No dBA is listed for Deer Track Court.
5. Page III.N-9: It is stated that delivery truck modeling was conducted by evaluating a truck at three discrete points within the facility. Indicate where the three discrete points are.
6. Table III.N-11: All references to Route 22 should be Route 202. Indicate exactly where Intersection #4 is located. No traffic noise analysis was conducted at the Taconic State Parkway or Strang Boulevard intersections.
7. Table III.N.5: There will be no dump trucks used during demolition or construction on the site?

Section III.O Building Demolition and Construction

There is no treatment or quantitative analysis of the import/export of fill. No inclusion of the use of dump trucks. Construction management plan should be provided in this document, and made part of the approved documents.

1. Page III.O-1L: The first paragraph states that there will be removal of 4.15 acres of undeveloped woodlands. It seems instead of removal, it should state retained 4.15 acres to comply with the rest of the document. A cut/fill map should be provided.

Section III.P Community Facilities and Services

This section indicates that \$1.59 million in annual property tax will be generated by the proposed action and that this tax revenue should be apportioned to police, fire, and emergency services to compensate for the increased demands. Section III.Q states that the proposed Costco is anticipated to generate approximately \$158,621.56 annually in property taxes, not \$1.59 million, and the portion of the property tax allocated to the town is estimated to be \$18,306.70. It seems disingenuous to say any increased demand will be offset solely by the taxes generated to the town.

Section III.Q Fiscal and Socioeconomic Impacts

It is unclear how why the taxes generated are so low and does not clearly state the increase in property taxes the Town would receive. All the socioeconomic information for this section is contained in Appendix K. There should at least be a summary of the Appendix in this section.

Section III.R Cultural, Historical, and Archeological Resources

This section should provide a more comprehensive photographic treatment of the 19th century buildings on

the site described within the chapter.

Alternatives

Reserving comment at this time, however the following was noted.

1. IV-1: #4: It is unclear why the hazardous waste on the site will (is) not required to be removed/mitigated under no build.
2. IV-3: #17: Quantify the amount of taxes to the Town of Yorktown or Town of Yorktown school district that would not be realized under no build.
3. IV-3: B: Indicate briefly the soil limitation(s). Indicate why it can be used a fill under the parking area, but not under the building. Indicate how this relates to hazardous waste conditions.
4. IV-4: C Indicate if a reduction in the building footprint is possible in order to prevent the need for a parking deck. Provide a range of sizes (square feet) of area Costco buildings.
5. IV-4: D: Indicate how the proposed use comports with the village-like development as indicated in the comprehensive plan as compared to this alternative.
6. IV-4: E: Indicate how the proposed use comports with the comprehensive plan as compared to this alternative. Indicate if greater benefits such as tax revenues are generated by the proposed use.

Growth Inducement

There should be discussion on the potential growth inducement related to the sewerage of properties on Old Crompond Road. Such analysis should also be included in the utilities chapter as well.

cc: Sharon Robinson, Town Engineer
John Winter, Building Inspector
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Kevin Ryan & Lisa Hochman, Ryan Law Group, LLC