

Special Meeting of the Town Board, Town of Yorktown held on December 19, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
Susan Siegel, Councilwoman

Also Present: Alice E. Roker, Town Clerk
Jeannette Koster, Town Attorney
John Winter, Building Inspector
John Tegeder, Planning Director
Barbara Korsak, Receiver of Taxes
Patricia Caporale, Town Comptroller
Sharon Robinson, Acting Town Engineer

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

COSTCO - REZONING REQUEST, REQUEST FOR VARIANCES AND A REQUEST FOR A SPECIAL PERMIT TO OPERATE A GASOLINE STATION

Supervisor Grace completed the record on this application by acknowledging receipt of the following comments:

Acknowledgment of Written Comments received before the Hearing began:

The Conservation Board – Dated December 4, 2014
ABACA – Dated December 4, 2014
NYSDOT – Dated December 8, 2014
Building Inspector – Dated December 16, 2014
Mr. Capellini – Dated December 16, 2014
Lisa and John Houlihan – Dated December 17, 2014

Acknowledgment of Written Comments – After the Public Hearing was opened

Olivia Buehl – Dated December 18, 2014 (several)
Yorktown Small Business Association – Dated December 18, 2014
James Bacon, Esq. – Dated December 18, 2014
Albert Capellini – Dated December 18, 2014
Steven Steeneck – Dated December 18, 2014

ADOPT STATE ENVIRONMENTAL QUALITY REVIEW ACT FINDINGS
COSTCO WHOLESALE STORE AND FUELING FACILITY
RESOLUTION #531

Upon Motion by Supervisor Grace, seconded by Councilman Murphy,

Name of Action: Costco Wholesale Store and Fueling Facility
Name of Project Sponsor: Retail Store Construction Company
Name of Involved Agency: Town Board of the Town of Yorktown
363 Underhill Avenue
Yorktown Heights, N.Y. 10598
Contact Person: Alice E. Roker, Town Clerk
SEQRA Status: Type I
Date Final FEIS Filed: October 21, 2014

The Town Board of the Town of Yorktown (the “Town Board”) is an Involved Agency in the review of the Costco Wholesale Store and Fueling Facility (the

“Proposed Action”), as defined by the New York State Environmental Quality Review Act (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations (6 NYCRR Part 617) (referred to herein as “SEQRA”). This Findings Statement is issued by the Town Board pursuant to and as required by SEQRA.

The Planning Board of the Town of Yorktown (the “Planning Board”), which has jurisdiction over the Proposed Action’s site plan application, is the Lead Agency for the Proposed Action’s SEQRA. As relevant to these Findings, the Town Board’s jurisdiction is limited to the application for a special use permit for a 12-dispenser gasoline fueling facility (sometimes referred to herein as the “Filling Station”) under Section 300-46 of the Yorktown Town Code. In preparing this SEQRA Findings Statement, the Town Board relies upon and incorporates by reference the facts and analysis presented in the Proposed Action’s Draft Environmental Impact Statement (“DEIS”) (accepted September 10, 2012), Final Environmental Impact Statement (“FEIS”) (filed October 21, 2014), the Applicants’ responses to comments on the FEIS, and the Planning Board’s SEQRA Findings Statement (“Planning Board Findings”) (adopted December 15, 2014).

Description of Proposed Action

The Proposed Action is located at Crompond Road in the Town of Yorktown, Westchester County, New York 10598. The Site is an 18.75-acre parcel situated in the northwest quadrant of the intersection of the Taconic State Parkway (“TSP”) and Route 202/35. The Site is presently zoned C-3, Commercial, which is consistent with the use of the Site for wholesale and retail uses. The proposed Filling Station, which will occupy approximately 0.55 acres of the overall site, is a permitted use in a C-3 zone pursuant to a special use permit from the Town Board.

The Site has previously been partially developed and consists of two residences, a wholesale nursery, a former gate and fence company (King Gates), which was previously occupied by a gasoline filling station, and a former motel, occupying approximately 10.15 acres. Many of the buildings on Site are currently boarded up and covered in graffiti. There is residual petroleum-related contamination on the Site from the former gasoline station as well as other contamination in portions of the Site from prior uses.

The Project Sponsor will, as part of the Proposed Action, remove the abandoned buildings and other structures on Site, remediate contamination from historic uses, and redevelop the Site as a 151,092 square foot Costco wholesale store and members-only fueling facility. The store will be located in the eastern portion of the Site, with the entrance vestibule located in the southwestern corner of the building. Included in the Costco building footprint will be a tire service center where tires are sold and mounted for Costco customers. The tire service center and Filling Station will provide no other auto mechanical services.

The Proposed Action includes 610 on-site parking spaces located south and west of the store. It also includes a 12-dispenser fueling facility for Costco customers, located south of the building’s southeastern corner. The fueling facility will be constructed in compliance with all state, federal, county and local environmental and safety requirements, as described in greater detail in the “Hazardous Materials” section below.

The Proposed Action requires disturbance of approximately 14.35 acres of the Site, of which approximately 10.15 acres were previously disturbed by historic uses. The Project does not require any direct disturbance of two wetlands areas located on the Site (Wetland A to the west, and Wetland B to the northeast), and disturbance of Wetland buffer areas has been minimized through changes in the Site Plan in the FEIS (the “FEIS Site Plan”) from the Site Plan contained in the DEIS (the “DEIS Site Plan”). The Proposed Action also includes a stormwater management system that will capture and treat stormwater in below-ground hydrodynamic structures and infiltration chambers, reducing the volume and addressing the quality of stormwater discharges to wetlands and downstream water bodies. Stormwater from the Filling Station will be

captured and conveyed to separate perimeter sand filter systems for pre-treatment, as described in greater detail in the “Stormwater” section below.

Costco provides a broad range of consumer goods to both individual customers and local retailers, often in bulk and at discount prices. A detailed Retail Market Analysis, including a Commercial Character Analysis, was performed by the Project Sponsor’s consultant, Ferrandino & Associates Inc., to confirm that the surrounding retail market can accommodate the proposed Costco. This analysis indicates that there will be sufficient support in the market areas for the proposed Costco. The redevelopment of the Site will generate additional property tax revenues to Town of Yorktown, the Yorktown Central School District, and Westchester County, as well as additional sales tax revenues to the State of New York, Westchester and the Metropolitan Commuter Transportation Mobility Tax.

In conjunction with the Proposed Action, the Project Sponsor has proposed the extension of two utility services to the Site: sanitary sewer and natural gas. Both services currently terminate underneath and in the vicinity of the intersection of Old Crompond Road and Stony Street. The Applicant proposes to extend the sewer service along Old Crompond Road to the Project Site, as well as across Route 202/35, approximately 1,900 feet from a manhole, recently constructed to serve the “Crompond Crossing” project, and located approximately 200 feet east of the intersection. Gas service will be extended approximately 2,000 feet along Old Crompond Road from Stony Street to the Site. The extension of the sanitary sewer will require inclusion within the Hunter Brook and Peekskill Sewer Districts. Inclusion within the Hunter Brook Sewer District will require approval by the Town Board and inclusion in the Peekskill Sewer District will require approval by the Westchester County Board of Legislators.

In addition to extension of utility infrastructure, the Proposed Action includes Applicant sponsored improvements to Route 202/35 between Strang Boulevard to the east and Old Crompond Road, located immediately west of the Project. Improvements will include the addition of a westbound through lane, sidewalk on the north side of the road, improvements to the traffic signals and addition of new turning lanes. With these proposed improvements, the Proposed Action is expected to improve peak hour traffic operating conditions in the vicinity of the Site as compared to existing and No-Build Conditions. Improvements on Route 202/35 will require the approval of the New York State Department of Transportation (“NYSDOT”).

Project construction is expected to take approximately 15 months, and the store is expected to be completed in 2016.

The 151,092 square foot Costco wholesale building will be placed parallel to the eastern property line. The building’s main axis will run north and south, having the store entrance vestibule located at its southwest corner. Emergency exits will be located along the rear of the store, which will face east toward the TSP. Loading and trash receptacles will be located along the northerly side of the building which will yield minimal visual exposure to the public and local residents. The fueling facility will be situated in the southeast quadrant of the Site having access from the interior access drive.

The Filling Station has been configured for one-way ingress to and egress from the fuel dispensing area that will serve cars, vans, pickup trucks and SUVs only. Carrier delivery and other large (i.e. “box style” and tractor-trailer) trucks will have no need to access the fuel dispensing area, since delivery of fuel will be in a separate, designated area to the north of the fueling area, and diesel fuel will not be sold at the Filling Station.

The Project will provide two points of access from Route 202/35. The main access will be located opposite Mohansic Avenue. This intersection will be signalized and will allow full turning movements. A secondary non-signalized access, limited to right turns in and out, will be located approximately 300 feet further west of the Project’s main entrance and will provide access to and from the Route 202/35

westbound lane. The on-site parking of 610 parking spaces will include 12 ADA accessible spaces and parking for 10 bicycles. Pedestrian access from Route 202/35 will be by a sidewalk along the main site access drive to the building entrance.

An inner circulation road will provide connectivity from the main entrance, along the building frontage to the far side of the building while providing access to individual parking aisles. The parking aisles in the southerly parking area will be arranged in a manner to direct patrons toward the building's main entrance. The majority of the westerly parking area will provide patrons with convenient access to the building's entrance.

Truck access into the Site will be at the main entrance. Circulation to and from the building loading area, which will be located at the north end of the site and have the capacity to serve five trucks, will be provided by a dedicated access road along the east side of the Costco building. Fire and emergency vehicle access will be provided along all four sides of the Costco building.

Landscape buffers will be provided along the perimeter of the parking area. Earth embankments, which will be created along the perimeter of the parking area and entrance drive, will be landscaped with a combination of groundcover shrubs and trees. A landscape strip will be provided along the site frontage on Route 202/35 and Old Crompond Road. A landscape screen of evergreen trees will be planted within the DOT right-of-way to help screen the view from the TSP. A natural wooded buffer ranging from approximately 100 to 400 feet wide will remain along the westerly property line.

Jurisdiction of the Town Board

Under Section 300-21 of the Town Code, gasoline filling stations are permitted by special permit within C-3 districts. Under Sections 300-30 and 300-46 of the Town Code, the Town Board has jurisdiction over applications for gasoline filling station special use permits. The standards applicable to filling stations are set forth in Section 300-46 of the Town Code, although such standards may be varied by the Town Board for good cause shown. As set forth in the accompanying Resolution of the Town Board, the Filling Station complies with the requirements of Section 300-46.

The Town Board also has jurisdiction over the Proposed Action's extension/expansion of Hunter Brook Sewer District and the Proposed Action's coverage under the SPDES General Permit for Stormwater Discharges from Construction Activity, as an MS-4 municipality. However, since the Town Board is not taking action on those authorizations at this time, this Findings Statement is limited to the Filling Station special use permit.

Potential Impacts and Mitigation

The potential environmental impacts of the Proposed Action, including the Filling Station, are set forth in greater detail in the Planning Board Findings Statement, which is incorporated by reference herein. In particular, the Filling Station will not present any potentially significant impacts on soils and topography; flora and fauna; wetlands; utilities; use and conservation of energy; solid waste; parking; noise; building demolition and construction; community facilities and services; historical and archeological resources; and induced growth beyond those discussed in the Planning Board Findings, and those sections are thus incorporated in their entirety.

Potential impacts associated with the proposed Filling Station on land use, planning and zoning; visual character; hazardous materials; stormwater management; traffic; air quality; and fiscal and socio-economic conditions are discussed in greater detail below.

1. Land Use, Planning and Zoning

As set forth in the Planning Board Findings Statement, the Proposed Action – including the Filling Station – is consistent with the Town's Comprehensive Plan and

will not have a significant, adverse impact on land use, planning and zoning. The Proposed Action will provide a “regional draw,” as envisioned in the Comprehensive Plan, and gasoline-filling stations are permitted uses within the Site’s C-3 zone pursuant to special permit.

The Filling Station complies with the standards set forth in Town Code § 300-46, varied as set forth below for good cause shown.

Pursuant to Town Code § 300-46(E), the ingress driveway width is 15 feet, as opposed to the 20-foot minimum referenced in the Town Code. The standards in the Town Code contemplate two-way ingress and egress. Since the Filling Station provides for a single, one-way ingress lane feeding the queuing lanes for the fuel dispensing area, the proposed 15-foot width is adequate for the cars, vans, pickup trucks and SUVs that will use the Filling Station.

Pursuant to Town Code § 300-46(E), the separation between the ingress and egress driveways is no less than 5 feet, as opposed to the 30-foot separation referenced in the Town Code. The combination of one-way circulation, a 250-foot long ingress driveway with four (4) queuing lanes for the fuel dispensing area, and stop control at the egress driveway will adequately control the potential for conflicting ingress/egress movements that would otherwise require the greater driveway separation distance. In addition, the reduced separation between the ingress and egress driveways will allow the driveways to exceed the minimum 30-foot separation distance from (any) intersection with the main access drive.

Pursuant to Town Code § 300-46(J), the canopy shall provide a minimum of 13.5 feet of ground clearance above grade, as opposed to the 15-foot clearance referenced in the Town Code. The pavement of the fuel dispensing area beneath the canopy is graded at a slope of 2% so that stormwater runoff will be isolated and conveyed to one of the separate perimeter sand filter systems (see also Section 4, Stormwater Management, below), resulting in a canopy ground clearance of 13 feet 6 inches along the south façade and 15 feet of ground clearance along the north façade. The clearance standards in the Town Code contemplate access by commercial trucks requiring a 15-foot minimum clearance requirement. Since delivery of fuel will be in a separate, designated area to the north of the fueling area and diesel fuel will not be sold at the Filling Station, trucks will have no need to access the Filling Station dispensing area beneath the canopy, and a 13.5-foot canopy will provide more than adequate clearance for cars, vans, pickup trucks and SUVs.

Pursuant to Town Code § 300-46(M), the maximum permitted height of a luminaire is 25 feet, as opposed to the 20-foot maximum referenced in the Town Code. The luminaires to be used for the areas outside the canopy of the Filling Station will be the same as those proposed as part of the Proposed Action as a whole, which includes the Costco wholesale store. As stated in the FEIS, the Applicant will request a variance or legislative change to install one hundred fifty-five (155) 25-foot light poles, as compared with approximately two hundred thirty (230) 16-foot light poles permitted as of right under Town Code § 200-6. If such a variance or change is granted for the Proposed Action, the use of 25-foot luminaires will reduce the amount of visual clutter from light fixtures during the day and the number of distinct light sources at night.

2. Visual Character

A Visual Impact Assessment for the Proposed Action, including the Filling Station, was conducted in accordance with New York State Department of Environmental Conservation (“NYSDEC”) guidance in order to (a) characterize the visual setting of the Site and the surrounding area, (b) assess the visual change and aesthetic impacts associated with the Project, and (c) inform landscaping decisions to best preserve aesthetic resources and avoid adverse impacts. The Visual Impact Assessment included a balloon study and computer-simulated representations of the visual impacts of the Proposed Action in three dimensions from multiple vantage points, including those from the TSP southbound off-ramp, the TSP mainline, and the western, southwestern and southern boundaries of the Site. The Applicant has also

consulted with the New York State Office of Parks, Recreation and Historic Preservation (“NYSOPRHP”) and the New York State Department of Transportation (“NYSDOT”) with regard to signage and potential visual impacts on the TSP and the FDR State Park.

The Site is visible from the TSP (a state-designated Scenic Byway), Route 202/35, and a number of local roads. Views of the Site are currently impacted by the views of the abandoned motel and rundown condition of the former King Gates, including boarded-up windows and doors and graffiti-sprawled walls. The Proposed Action will be constructed below the elevation of the TSP, and will not be visible from the TSP northbound lanes or residential areas due east of the TSP. Views of the Proposed Action, including the Filling Station, from the TSP southbound lanes and exit ramp will be screened by proposed landscaping, including deciduous trees and evergreen trees that are expected to reach 20 feet in height in approximately five years, and upon maturity will reach 40-50 feet in height. On the easternmost portion of the Site, nearest to the TSP, approximately 100 evergreen trees will be planted to provide at least partial screening of the Project from the TSP. Proposed landscaping will also limit visibility of the Filling Station from U.S. Route 202/NYS Route 35.

Pursuant to the New York State Parks Law, the NYSDOT regulates the placement of advertising signs within 500 feet of the TSP. The Applicant is in receipt of a letter from NYSDOT indicating that it will permit west-facing signs on the proposed Costco building and Filling Station canopy to the extent that such signs are not visible from the TSP (FEIS Appendix C). Signs will not be placed to the north, south, or east of the building or canopy, which face the TSP. If approved by NYSDOT, the signage on the canopy would be visible from the southwest.

Existing lot 23.19-1-1, located in the southeast corner of the Costco Site, has a deed restriction that prohibits signs within 300 feet of the Taconic State Parkway. Relief from this 300 foot sign limitation was requested by the land owner and a decision is presently being finalized with the NYSDOT Albany office. Discussions with the NYSDOT Regional (Poughkeepsie) office have indicated that the Regional office recommends providing relief. Final decision remains with the Albany office, which, as confirmed by NYSDOT representatives on April 25, 2014, is in the process of finalizing its review. Relief from the deed restriction is required to permit the proposed west facing sign on the canopy.

3. Hazardous Materials

During construction of the Proposed Action, contaminated soil will be excavated and disposed at an approved location in compliance with all local, state, and federal regulatory requirements. This remediation will result in the closure of a petroleum spill case associated with prior uses of the Site (likely by the Westchester County Department of Health), which was reported to NYSDEC on March 28, 2012. In addition, the Proposed Action will empty, clean and remove three underground storage tanks and five aboveground storage tanks onsite in accordance with state, county and local regulations. The remediation associated with the Proposed Action will reduce existing contamination and environmental hazards associated with prior uses of the Site, a beneficial impact.

The proposed Filling Station will be installed with state-of-the-art tank systems and safety features designed to prevent spills or leaks. Each of the three tanks installed at the proposed fueling facility will be 30,000-gallon fiberglass double-walled tanks compatible with the type of products that will be stored (i.e. gasoline, ethanol). The tanks are manufactured by Xerxes Corporation, feature a defined interstitial space, and are warranted against leaks due to internal or external corrosion for 30 years. All tanks will feature a hydrostatic monitoring system that continuously monitors the inner and outer tanks. This system meets or exceeds the United States Environmental Protection Agency’s (“USEPA’s”) most recent and stringent requirements as a precision tank test (“tank tightness test”) and is able to detect leaks as small as 0.1 gallons per hour. All below-grade supply and vent piping will feature secondary containment and corrosion resistance. The piping integrity will be monitored continuously during fuel dispensing

using an in-line electronic leak detection system. If a drop in pressure is identified, the dispenser flow is automatically restricted. In addition, the system will feature liquid level sump sensors with secondary containment, providing redundant piping leak detection. Dispenser, submerged turbine, and product piping leaks will be secondarily contained and monitored by liquid level sensors in the dispenser and submerged turbine sumps. If liquid is detected, a visible and audible alarm will identify the leak location and the fueling system will be shut down. These types of sensors are discriminating and can differentiate between water and gasoline in the sumps. Therefore, even in the event that gasoline breached the inner tank, the sensors, alarm systems, secondary containment, and automatic shutdown systems would allow the Filling Station operator to respond before any release could reach the soil or groundwater.

The Filling Station will receive gasoline by common carrier tanker trucks. The tanks will be continuously monitored during filling and an audible high-level alarm will sound when the tank reaches 90% capacity. Each tank will be equipped with a ball float vent valve and extractor fitting to restrict delivery flow at 95% of the tank capacity, satisfying all Federal and State requirements for overfill protection.

The Filling Station will also incorporate safety features designed to prevent and respond to surface spills, which are enumerated in the Planning Board Findings (Mitigation and Improvements for Impacts Related to Construction Gas Station Special Permit):

- i. Emergency telephone that will automatically dial 911 when the handset is lifted from the hook
- ii. Eight canopy-mounted video cameras with a viewing monitor located in the warehouse
- iii. Two emergency shut off switches located adjacent to the fueling area and the equipment enclosure to shut off all electrical power to the dispensers and turbines.
- iv. A system monitoring console (Veeder Root) located inside the Equipment Enclosure
- v. Automatic fire suppression systems (snuffers) installed in each dispenser and turbine sump
- vi. Daily inspections of the Filling Station area to visually check the condition of the nozzles, hoses, dispenser damage or leakage, stained or discolored pavement, spill buckets, and fill and vapor return tubes. Any potential issues will be addressed prior to use of the equipment and a daily facility inspection report will be prepared by the operator, filed onsite, and maintained for three years.
- vii. All of the safety equipment installed at the facility will be of the latest technology available (i.e. hose breakaways to minimize spillage in the event of premature vehicle departure) and meet or exceed all Federal and State regulations and codes.
- viii. All employees will receive instruction on the safety procedures at the facility and will be trained to respond immediately to all minor surface spills using spill containment and cleanup kits that are located throughout the facility.
- ix. A spill cleanup kit and emergency response plan will be located within the Equipment Controller enclosure.
- x. Absorbent materials will be staged at strategic locations throughout the facility for use in immediately containing and addressing minor spills. All used absorbent materials will be placed in a NYSDOT-approved container for proper offsite disposal by a licensed hauler.

4. Stormwater Management

As described in the Planning Board Findings, the Proposed Action includes a stormwater management system that has been designed to capture, recharge, and treat 100% of the water quality volume from a one-year storm. With this stormwater management system, the calculated loading of organic water pollutants, total nitrogen, total phosphorus, total suspended solids, lead, copper, zinc and oil and grease will be

lower than pre-development conditions. Runoff and the rate of runoff leaving the Site from the 1-year, 2-year, 10-year, 25-year, 50-year, and 100-year storms will also be reduced.

For the purposes of stormwater management, the Filling Station is classified a “stormwater hotspot,” which is defined in Section 4.11 of the NYSDEC Stormwater Management Design Manual as “a land use or activity that generates higher concentrations of hydrocarbons, trace metals and toxicants than are found in typical stormwater runoff.” As such, runoff from hotspot areas cannot infiltrate untreated into groundwater, and pre-infiltration treatment is required. Therefore, runoff from the Filling Station will receive separate water quality treatment prior to discharging to the site storm drainage and the underground infiltration system. Prior to entering the underground infiltration system, the storm drainage will receive added pretreatment from hydrodynamic devices to capture floatable litter and sediment, as well as the Jellyfish[®] Filter units to provide further treatment.

The Filling Station areas are graded in a manner that will isolate its stormwater runoff. This isolated runoff from the tank filling area and the fuel dispensing area will be captured and conveyed to separate perimeter sand filter systems. Each system is sized to capture and treat the water quality storm runoff volume from their respective contributing drainage areas. In addition, the drain inlet grates for each perimeter sand filter will be fitted with inserts containing filters with a special “sorb” type media specifically designed to trap hydrocarbons, metals and silts carried in the runoff. After treatment, the runoff will be conveyed to further pretreatment (noted above) and then to the underground infiltration system.

5. Traffic

As part of the Proposed Action, the Applicant has proposed a series of off-site improvements to the roadway section of Route 202/35 between Strang Boulevard and Old Crompond Road. These include the widening of Route 202/35 to provide a new westbound through lane (which matches into the recently completed NYSDOT improvements) and an added eastbound left turn storage lane, which would result in separate dedicated eastbound and westbound left-turn storage lanes for vehicles turning onto the northbound and southbound TSP.

In preparing the DEIS, the Applicant’s traffic consultant (Maser Consulting, P.A.) prepared a Traffic Impact Study, which was revised in response to public comment and resubmitted as FEIS Appendix G. The Revised Traffic Impact Study analyzes: (a) existing peak traffic conditions on the roadway networks surrounding the Proposed Action, (b) future peak conditions in the absence of the Proposed Action (the “No Build” scenario) and (c) future peak traffic conditions with the Proposed Action. The Revised Traffic Impact Study – which includes traffic generated by the Filling Station – determined that the Proposed Action will not pose any significant adverse traffic impacts, and will maintain or improve overall operating conditions at 13 of the 16 intersections studied in the FEIS, including substantial improvements on Route 202/35 at its intersections with the northbound and southbound TSP ramp intersections

The Filling Station is estimated to generate approximately 76 AM Peak Hour Trips (38 entering/38 exiting), 81 PM Peak Hour Trips (41 entering/41 exiting) and 90 Saturday Peak Hour Trips (45 entering/45 exiting). Many of these trips, however, are expected to be dual purpose (internal) from vehicles accessing the Costco Wholesale Store, or “pass-by/diverted” link trips attracted from the existing traffic volumes along NYS Route 35/U.S. Route 202. With the proposed off-site roadway improvements, the surrounding roadway network will be capable of accommodating traffic from the Costco store and the Filling Station. In response to comments from the Town’s traffic consultant and the public, the Applicant also conducted a detailed sensitivity analysis of each of the study area intersections based upon potentially higher trip generation estimates than those used in the DEIS Traffic Study analysis. This analysis confirms that, even under increased trip generation assumptions, traffic associated with the Proposed Action, including the Filling Station, can be accommodated without a

significant adverse impact on operating conditions after completion of the Applicant's proposed improvements.

6. Air Quality

As described in the Planning Board Findings, the Proposed Action will not have a significant impact on air quality. With respect to the Filling Station specifically, the potential for fugitive volatile organic compounds ("VOCs") as a result of gasoline fumes escaping during the delivery truck tank filling and vehicle dispensing processes will be controlled through the use of State I and Stage II vapor control systems, which satisfy all applicable NYSDEC and USEPA requirements.

A Stage I system consists of a vapor-tight return line from the storage tank to the gasoline transport vehicle that collects virtually all of the vapors displaced from the underground storage tank during filling (in excess of 99 percent). The gasoline transport vehicle then returns to the fueling depot with the captured vapors for recovery. As such, the Applicant asserts that the air quality impacts due to fuel transportation to the Site would be nominal.

The Filling Station will also feature a Stage II vapor collection system that addresses vapors displaced from the individual vehicle tanks during filling. Although Stage II systems are no longer required by US EPA, the Applicant has proposed special nozzles, hoses, adapters, and vapor piping designed to capture a minimum 90% of the gasoline vapors that are displaced or drawn from a vehicle fuel tank during refueling.

Additionally, the Filling Station will be required to comply with the EPA requirements for fillings stations codified in 40 CFR Part 63, Subpart CCCCCC - National Emission Standards for Hazardous Air Pollutants for Gasoline Dispensing Facilities. This subpart establishes national emission limitations and management practices for hazardous air pollutants ("HAPs") emitted from the loading of gasoline storage tanks at gasoline dispensing facilities. This subpart also establishes requirements to demonstrate compliance with the emission limitations and management practices.

The Costco fueling facility is expected to sell up to approximately 10,000,000 gallons of gasoline per year. The Applicant estimates that with the use of the required emission control systems and best management practices the yearly emissions of VOCs will not exceed 15.5 tons which is well below the 6 NYCRR Part 231 regulatory major source threshold of 100 tons per year for a point source.

7. Fiscal and Socio-Economic Impacts

The Proposed Action, including the Filling Station, is projected to generate \$797,195 in annual property taxes (exclusive of Special District taxes), a net increase of \$686,706 over existing taxes paid for the Site, including an estimated net gain of \$535,680 for the Yorktown Central School District, \$75,824 for the Town of Yorktown, and \$75,202 for Westchester County. Additionally, the Proposed Action will generate \$113,608 annually in Special District taxes for the Lake Mohegan Fire, Westchester County Refuse, Hunter Brook Sewer, Open Space and Conservation, Advanced Life Support and Yorktown Consolidated Water Districts.

Construction of the Proposed Action will increase economic activity within Yorktown, resulting in approximately \$553,125 in sales tax revenues and approximately 350 full time equivalent construction jobs. Once fully operational, the Proposed Action will create approximately 200 permanent jobs, which are expected to be relatively evenly divided between full time and part time workers.

A Commercial Character Assessment (prepared by Applicant's consultant and updated for the FEIS) analyzed the Proposed Action's potential impacts on relevant retailers within the Five Hamlet Study Area (covering Yorktown Heights, Mohegan Lake, Shrub Oak, Jefferson Valley and Crompond) whose goods or services overlap with those provided at Costco, including gasoline stations. The Commercial Character

Assessment concluded that the Proposed Action will not result in any significant adverse impacts to the community or commercial character of the Yorktown Five Hamlet Study Area. Although the Filling Station may compete, to some extent, with existing gasoline stations, the Filling Station will be available only to Costco members and will not provide oil changes, automobile repairs, or other accessory services available at existing gasoline stations along Route 202. Moreover, the Proposed Action provides a “regional draw” that is expected to draw customers from beyond Yorktown, who would not otherwise be expected to patronize local gasoline stations.

8. Alternatives

The Town Board incorporates the discussion of Alternatives from the Planning Board Findings. In addition to the alternatives set forth in the DEIS, a number of commenters requested additional consideration of a Costco store without a fueling facility. Although this alternative was not required by the Final Scope for the DEIS, and would not meet the Applicant’s objectives, which have always included the Filling Station, it was discussed in the FEIS and the Planning Board Findings.

Like the Planning Board, the Town Board finds that elimination of the Filling Station would not significantly reduce the Proposed Action’s environmental impacts. As set forth above, the Filling Station is not anticipated to result in significant adverse impacts relating to visual character, hazardous substances, stormwater runoff, traffic, air quality, or any other topic addressed in the FEIS. Moreover, elimination of the fueling facility would not provide the opportunity to shift the Costco building south toward the Route 202 due to the NYSDOT requirement that the entry road be located across from Mohansic Avenue to form a full four-way intersection. The access road from that point has to negotiate the grade differential to the parking lot elevation requiring the length and configuration shown on the site plan. Therefore, the area occupied by the fueling station would only be available for parking stalls, and would not offer significant reduction or relocation of any pavement or structures that would reduce any wetland buffer encroachment elsewhere on the site as presently proposed.

Findings

The Town Board finds and certifies that:

- The Town Board has given due consideration to the Draft and Final EIS, the Planning Board Findings, and information derived from other documents and public hearings during the course of this SEQRA review process;
- This Findings Statement has been prepared pursuant to and as required by 6 NYCRR Part 617;
- Consistent with social, economic and other essential considerations of the Proposed Action, the No Action condition and other reasonable alternatives, the Proposed Action is the action that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- Consistent with social, economic and other essential considerations, to the maximum extent practicable, adverse environmental effects revealed in the environmental review process will be avoided or minimized by incorporating as conditions to the decision those mitigative measures that were identified as practicable.

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

COSTCO -APPROVE SPECIAL PERMIT TO OPERATE A GASOLINE FILLING STATION RESOLUTION #532

Upon Motion by Supervisor Grace, seconded by Councilman Murphy,

WHEREAS, Retail Store Construction Co., Inc. (the “Applicant”) applied to the Town of Yorktown Town Board (the “Town Board”) for a special use permit to construct a 12-dispenser gasoline filling station in connection with property designated

as Section 26.18, Block 1, Lots 17, 18, 19 and Section 26.19, Block 1, Lot 1 on the Town of Yorktown Tax Map by an application submitted on November 12, 2014 (the “Application”); and;

WHEREAS, the Applicant proposes to construct a 151,092 square foot Costco Wholesale Club Store and club member only gasoline filling station (the “Proposed Action”), the latter of which is the subject of the aforesaid Application; and

WHEREAS, the Planning Board of the Town of Yorktown (the “Planning Board”) circulated its intent to be Lead Agency for the Proposed Action for purposes of the State Environmental Quality Review Act (“SEQRA”) on August 2, 2010 and no objection thereto was received; and

WHEREAS, the Planning Board, as Lead Agency, adopted a Positive Declaration for the Proposed Action on September 13, 2010; accepted a Draft Environmental Impact Statement (“DEIS”) on September 10, 2012; held a duly noticed public hearing on the DEIS and the Proposed Action on October 15 and November 19, 2012 and accepted written comments thereon through December 19, 2012; filed a Final Environmental Impact Statement (“FEIS”) on October 21, 2014; and adopted SEQRA Findings on December 15, 2014; and

WHEREAS, the Town Board has participated in the Proposed Project’s SEQRA review process and has prepared SEQRA Findings as an Involved Agency; and

WHEREAS, the Town Board held a duly noticed, public hearing on the Applicant’s special use permit Application on December 16, 2014;

WHEREAS, in addition to those documents submitted as part of the Proposed Action’s SEQRA review, the following plans and documents have been submitted in support of the Application:

<u>Dwg. No.</u>	<u>Title</u>	<u>Rev.</u>	<u>Date</u>
<u>Site Plans by TRC Engineers, Inc. (TRC)</u>			
C-11	Existing Conditions Plan	4	7/11/14
C-101	Layout Plan	6	11/7/14
C-103	Development Requirements Plan	2	7/11/14
C-201	Grading Plan	4	7/11/14
C-301	Utility Plan	5	7/11/14
C-501	As-of-Right Lighting Plan (16 ft. Mounting Height)	4	7/11/14
C-502	Preferred Lighting Plan (25 ft. Mounting Height)	4	7/11/14
C-602	Site Line Sections	4	7/11/14
C-702	Details (Sheet 1)	4	7/11/14
C-703	Details (Sheet 2)	4	7/11/14
C-704	Details (Sheet 3)	4	7/11/14
C-801	Highway Improvement Plan	3	7/11/14
LP-1	Site Landscaping Plan	3	7/11/14
<u>Drawings by Rotundo Environmental Solutions LLC</u>			
L-001	Sandfilter F-7-1 Layout Drawing		3/24/14
L-002	Sandfilter F-6-8 Layout Drawing		3/24/14

Drawing by Mulvanny G2 Architecture

WHEREAS, the Town Board has also considered application support data submitted by the Applicant on December 16, 2014, including Partial Drawing C-101 Fueling Facility at scale, a Zoning Compliance Chart, a Zoning Compliance Narrative, a Filling Station Advertising Sign Narrative, a description of the Filling Station excerpted from the DEIS, and a letter from Albert A. Capellini, the Applicant's attorney;

WHEREAS, the Town Board finds that the proposed filling station satisfies the standards set forth in Yorktown Code § 300-36 and § 300-46, varied as set forth below, which variations are consistent with and protective of the public health and safety:

1. Pursuant to Town Code § 300-46(E), the ingress driveway width is 15 feet, as opposed to the 20-foot minimum referenced in the Town Code. The standards in the Town Code contemplate two-way ingress and egress. Since the Filling Station provides for a single, one-way ingress lane feeding the queuing lanes for the fuel dispensing area, the proposed 15-foot width is adequate for the cars, vans, pickup trucks and SUVs that will use the Filling Station.
2. Pursuant to Town Code § 300-46(E), the minimum separation between the ingress and egress driveways is 5 feet, as opposed to the 30-foot separation referenced in the Town Code. The combination of one-way circulation, a 250-foot long ingress driveway with four (4) queuing lanes for the fuel dispensing area, and stop control at the egress driveway will adequately control the potential for conflicting ingress/egress movements that would otherwise require the greater driveway separation distance. In addition, the reduced separation between the ingress and egress driveways will allow the driveways to exceed the Town Code § 300-46(E) minimum 30-foot separation distance from any intersection with the main access drive.
3. Pursuant to Town Code § 300-46(J), the canopy shall provide a minimum of 13.5 feet of ground clearance above grade, as opposed to the 15-foot clearance referenced in the Town Code. The pavement of the fuel dispensing area beneath the canopy is graded at a slope of 2% so that stormwater runoff will be isolated and conveyed to one of the separate perimeter sand filter systems, resulting in a canopy ground clearance of 13 feet 6 inches along the south façade and 15 feet of ground clearance along the north façade. The clearance standards in the Town Code contemplate access by commercial trucks requiring a 15-foot minimum clearance requirement. Since delivery of fuel will be in a separate, designated area to the north of the fueling area and diesel fuel will not be sold at the Filling Station, trucks will have no need to access the Filling Station dispensing area beneath the canopy, and a 13.5-foot canopy will provide more than adequate clearance for cars, vans, pickup trucks and SUVs.
4. Pursuant to Town Code § 300-46(M), the maximum permitted height of a luminaire is 25 feet, as opposed to the 20-foot maximum referenced in the Town Code. The luminaires to be used for the areas outside the canopy of the Filling Station will be the same as those proposed as part of the Proposed Action as a whole, which includes the Costco wholesale store. As stated in the FEIS, the Applicant will request a variance or legislative change to install one hundred fifty-five (155) 25-foot light poles, as compared with approximately two hundred thirty (230) 16-foot light poles permitted as of right under Town Code § 200-6. If such a variance or change is granted for the Proposed Action, the use of 25-foot luminaires will reduce the amount of visual clutter from light fixtures during the day and the number of distinct light sources at night.

NOW THEREFORE BE IT RESOLVED THAT, after considering all public input the public hearing for the gasoline filling station special use permit is closed; and

BE IT FURTHER RESOLVED, that the Town Board hereby adopts SEQRA Findings and authorizes the filing and distribution of same in accordance with the requirements of 6 NYCRR 617.12;

BE IT FURTHER RESOLVED THAT, the gasoline filling station special use permit is granted, subject to the Applicant receiving final Site Plan approval from the Planning Board. No construction shall take place until the Planning Board grants such approval.

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

STAPLES PLAZA – REQUEST FOR REZONING, VARIANCES AND SPECIAL PERMIT TO OPERATE A GASOLINE FILLING STATION

Supervisor Grace completed the record on this application by acknowledging receipt of the following comments

Acknowledgement of Written Comments received before the hearing was opened:

Yorktown Police Dept. – September 9, 2014
Conservation Board - September 18, 2014
Westchester County Planning Board – September 22, 2014
ABACA – September 23, 2014
NYC DEP – October 2, 2014
Yorktown Land Trust – October 7, 2014
Planning Board – October 31, 2014
Petition
James Bacon – sent via email December 16, 2014
Richard Stanton – sent via email December 16, 2014

Acknowledgment of Written Comments received after the Public Hearing was opened

Steven Steeneck
Paul Moskowitz
Zarin & Steinmetz

STAPLES PLAZA – REQUEST FOR REZONING, VARIANCES AND SPECIAL PERMIT TO OPERATE A GASOLINE FILLING STATION - ACCEPT NEGATIVE DECLARATION RESOLUTION #533

Upon motion made by Councilwoman Siegel, seconded by Councilman Murphy,

WHEREAS, REALTY INCOME PENNSYLVANIA PROPERTIES TRUST 2 (“Realty”) is the owner of certain real property, comprised of ±7.3 acres, located south of Crompond Road in the area designated by the Town as the Bear Mountain Triangle (the “BMT”), also known on the Town Tax Map as parcel 36.06-2-75 (“Lot 75”); and

WHEREAS, UB YORKTOWN, LLC (“UB”) is the owner of certain real property, comprised of ±15.7 acres, located south of Crompond Road in the BMT, also known on the Town Tax Maps as parcel 36.06-2-76 (“Lot 76”). A portion of the associated parking for Yorktown BJ’s is located on Lot 76.; and

WHEREAS, Lot 75 is the property upon which the BJ’s WHOLESALE CLUB (“BJ’s”) #76 (“Yorktown BJ’s”) building and some of its associated parking is located, and a portion of Yorktown BJ’s parking is located on a ±2.8 acre portion of Lot 76 ; and

WHEREAS, Lots 75 and 76 comprise what is known as the Staples Plaza (the “Shopping Center”); and

WHEREAS, the entire Shopping Center is presently zoned C-1; and

WHEREAS, Realty, UB and BJ’s (collectively, the “Petitioners”) are seeking a Zoning Map change for all of Lot 75 and the ±2.8 acre portion of Lot 76 containing Yorktown BJ’s parking (the “Subject Area”) to a C-3 district, in order to facilitate the

development of a gasoline filling station in the Subject Area on Lot 76 (the “Proposed Gas Station”); and

WHEREAS, the remainder of Lot 76 would remain in the C-1 Zoning District; and

WHEREAS, UB is also proposing to construct 3,000 s.f. retail building in the portion of Lot 76 that will remain in the C-1 Zoning District (the “Retail Building”); and

WHEREAS, Petitioners filed a Rezoning Petition with the Town Board which was received and reviewed by the Board; and

WHEREAS, in the event the Rezoning Petition is granted by the Town Board, BJ’s Proposed Gas Station will require the issuance of a Special Use Permit from the Town Board, as well as Amended Site Plan approval from the Town Planning Board, and UB will also require Amended Site Plan approval for the Retail Building, comprising the entire “Action” pursuant to the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, at meetings on July 8, 2014, September 2, 2014 and October 14, 2014, Petitioners presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, the Town Board accepted the Petition for consideration at the September 2, 2014 meeting; and

WHEREAS, on September 2, 2014, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume Lead Agency status in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to transmit Part 1 of the EAF to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, Town Clerk duly transmitted the EAF and Petition to all Involved Agencies, as well as other interested parties, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, on September 9, 2014, the Yorktown Police Department issued an Interdepartmental Memorandum, which set forth recommended conditions on the approval of the Action, including: (i) that the Proposed Gas Station be equipped with a generator, sufficient in size to operate all gasoline and diesel pumps during a power failure; (ii) certain traffic light improvements at the Crompond Road and BJ’s driveway; and (iii) requirement that payment of fuel be by credit card or prepaid cash sale to eliminate larceny; and

WHEREAS, Petitioners have incorporated into their Action all recommended conditions set forth in the September 9, 2014 Yorktown Police Department Interdepartmental Memorandum; and

WHEREAS, on September 17, 2014, Petitioners appeared before the Town Conservation Board to present the Petition; and

WHEREAS, by Memorandum, dated September 18, 2014, the Conservation Board opined that the requested Zoning Map Amendment would not result in any environmental impacts; and

WHEREAS, by letter, dated September 22, 2014, the Westchester County Planning Board, in accordance with SEQRA, Section 239-l, m and n of the New York State General Municipal Law, and Section 277.61 of the County Administrative Code:

(i) stated it had no objection to the Town Board acting as Lead Agency; and (ii) determined that the Action is a matter for local determination; and

WHEREAS, by Memorandum, dated September 23, 2014, the Advisory Board on Architecture and Community Appearance stated that it had no objection to the Town Board granting the Petition; and

WHEREAS, by letter, dated October 2, 2014, the New York City Department of Environmental Protection (“NYCDEP”) recommended that Petitioners address: (i) all physical changes to the site during and after construction, including identification of the location of all components of the existing stormwater emergency management systems; and (ii) potential impacts to water quality associated with the operation of the Proposed Gasoline Station, together with any appropriate or necessary mitigation; and

WHEREAS, in their supplemented EAF, Petitioners have addressed the stormwater management issues raised by the NYCDEP; and

WHEREAS, Petitioners appeared before the Town Planning Board on September 22, 2014, October 6, 2014 and October 20, 2014; and

WHEREAS, substantial discussion was held regarding any potential adverse impacts that may result from the Action; and

WHEREAS, at the September 22, 2014 Planning Board meeting, the Planning Board requested that Petitioners consider alternative designs of the Proposed Gas Station’s loading area to minimize impacts on traffic circulation within the existing Shopping Center, specifically the two (2) existing intersections immediately adjacent to the gasoline loading area; and

WHEREAS, in response to the Planning Board’s comments, at the October 6, 2014 Planning Board meeting, Petitioners presented the Planning Board with three (3) Alternate Plans for the Proposed Gas Station’s loading area; and

WHEREAS, at its October 20, 2014 meeting, the Planning Board discussed the EAF and supplemental materials, and issued a written Memorandum to the Town Board, which set forth the following recommendations:

1. The C-3 zone line on Lot 75 should be moved to the retaining wall around BJs and not extend to the entire parcel due to the residential properties located to the south;
2. The C-3 zoning line on Lot 76 remain as proposed.
3. Fuel loading area Alternate 3 should be utilized, since it provides the safest traffic circulation during fuel delivery for both the public using the site and the delivery truck.

WHEREAS, the Planning Board concluded that the EAF and supplemental materials submitted by Petitioners “has identified analyzed, and shown mitigation for all possible significant impacts,” and

WHEREAS, the Planning Board expressly stated that it does not object to the adoption of a Negative Declaration for the proposed action; and

WHEREAS, on December 8, 2014, the Planning Board issued a subsequent Memorandum, which reiterated the same comments stated in the October 20, 2014 Memorandum; and

WHEREAS, aside from the foregoing, no other agency responded to the Town Board’s referral of the EAF and Petition and request for comments; and

WHEREAS, more than thirty (30) calendar days elapsed following the Town Clerk's transmittal of the aforementioned documentation, and no other Involved Agency expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Project; and

WHEREAS, by Resolution adopted October 28, 2014, the Town Board assumed Lead Agency status for the SEQRA review of the Action; and

WHEREAS, the Town Board determined that the Action should be classified as "Unlisted" in accordance with SEQRA; and

WHEREAS, the Town Board has undertaken a comprehensive review and consideration of all empirical studies, expert reports, plans and other related materials submitted by Petitioners, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site; and

WHEREAS, the Town Board has determined that Petitioners satisfactorily addressed all comments raised by the Lead Agency and any Involved Agency with regard to potential adverse impacts resulting from the Action; and

WHEREAS, in consultation with the Town Board's legal counsel and Planning Staff it has considered, *inter alia*, the following criteria pursuant to 6 N.Y.C.R.R. Section 617.7(c):

- (i) whether the Action would result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels; a substantial increase in solid waste production; a substantial increase in potential for erosion, flooding, leaching or drainage problems;
- (ii) whether the Action would result in the removal or destruction of large quantities of vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impacts on a significant habitat area; substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species; or other significant adverse impacts to natural resources;
- (iii) whether the Action would result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to subdivision 617.14(g) of this Part;
- (iv) whether the Action would result in the creation of a material conflict with a community's current plans or goals as officially approved or adopted;
- (v) whether the Action would result in the impairment of the character or quality of important historical, archeological, architectural, or aesthetic resources or of existing community or neighborhood character;
- (vi) whether the Action would result in a major change in the use of either the quantity or type of energy;
- (vii) whether the Action would result in the creation of a hazard to human health;
- (viii) whether the Action would result in a substantial change in the use, or intensity of use, of land including

agricultural, open space or recreational resources, or in its capacity to support existing uses;

- (ix) whether the Action would result in the encouraging or attracting of a large number of people to a place or places for more than a few days, compared to the number of people who would come to such place absent the action;
- (x) whether the Action would result in the creation of a material demand for other actions that would result in one of the above consequences;
- (xi) whether the Action would result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment; or
- (xii) whether the Action would result in two or more related actions undertaken, funded or approved by an agency, none of which has or would have a significant impact on the environment, but when considered cumulatively would meet one or more of the criteria in this subdivision.

NOW, THEREFORE, BE IT RESOLVED, that pursuant to SEQRA, the Town Board, as Lead Agency, has carefully considered the whole Action, and the criteria listed in 6 NYCRR Section 617.7(c), including the EAF, the Petition, and all supplemental materials submitted by the Applicant and public relating thereto, as well as comments from Involved and Interested Agencies, the Town Board hereby finds that the proposed “Unlisted” Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

APPROVE ZONING PETITION FOR A ZONING MAP AMENDMENT FOR THE
STAPLES PLAZA REDEVELOPMENT PROJECT
RESOLUTION #534

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, the Town Board of the Town of Yorktown (“Town Board”) received a Verified Petition For A Zoning Map Amendment, dated August 8, 2014, from UB YORKTOWN, LLC (“UB”), REALTY INCOME PENNSYLVANIA PROPERTIES TRUST 2 (“REALTY”), and BJ’S WHOLESALE CLUB, INC. (“BJ’s,” collectively with UB and REALTY, the “Petitioners”); and

WHEREAS, REALTY is the owner of certain real property, comprised of ±7.3 acres, located south of Crompond Road in the area designated by the Town as the Bear Mountain Triangle (the “BMT”), also known on the Town Tax Map as parcel 36.06-2-75 (“Lot 75”). Lot 75 is the property upon which the BJ’s Wholesale Club #76 (“Yorktown BJ’s”) building and some of its associated parking is located; and

WHEREAS, UB is the owner of certain real property, comprised of ±15.7 acres, located south of Crompond Road in the BMT, also known on the Town Tax Maps as parcel 36.06-2-76 (“Lot 76”). A portion of the associated parking for Yorktown BJ’s is located on Lot 76; and

WHEREAS, BJ’s owns and operates the Yorktown BJ’s, located and doing business on Lot 75, with a portion of the associated parking located on Lot 76; and

WHEREAS, Lots 75 and 76 comprise what is known as the Staples Plaza (the “Shopping Center”); and

WHEREAS, the entire Shopping Center is presently zoned C-1; and

WHEREAS, Petitioners are seeking a Zoning Map change for a portion of the Shopping Center, consisting of the entirety of Lot 75, and a ±2.8 acre portion of Lot 76 (the “Proposed C-3 Area,” see Exhibit “A”), to a C-3 Zoning District in order to facilitate the development of a Proposed Gas Station, as described herein (the “Petition”); and

WHEREAS, the Proposed Gas Station would consist of six (6) fuel pumps, or a total of twelve (12) fueling stations, all covered by a 4,105 s.f. canopy providing cover for customers and a state-of-the-art fire suppression system, as well as a ±200 s.f. attendant’s booth, on the rezoned portion of Lot 76, which would be operated by the existing Yorktown BJ’s, and would make available competitively priced gasoline to all members of BJ’s; and

WHEREAS, the Proposed Gas Station is not a permitted use under the existing C-1 Zoning District, and is a Special Permit Use under the C-3 Zoning District; and

WHEREAS, in addition to the Proposed Gas Station, UB is also proposing a 3,000 s.f. retail building pad, which would be located on a portion of Lot 76 which would remain C-1, since retail is a permitted as-of-right use in the C-1 Zoning District (the “Retail Building,” together with the Petition and the Proposed Gas Station, the “Action”); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), the Petitioners submitted a full Environmental Assessment Form prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC (“JMC”), dated August 27, 2014, together with extensive supplemental information (the “EAF”);

WHEREAS, at meetings on July 8, 2014, September 2, 2014 and October 14, 2014, Petitioners and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, following the presentation of Petitioners and their development team, the Town Board accepted the Petition for consideration at the September 2, 2014 meeting; and

WHEREAS, also on September 2, 2014, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume Lead Agency status in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to transmit Part 1 of the EAF to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Petition and EAF were duly circulated to involved and interested agencies in accordance with SEQRA, the Code of the Town of Yorktown and New York State law; and

WHEREAS, on September 9, 2014, the Yorktown Police Department issued an Interdepartmental Memorandum, which presented no objection to the Petition, and set forth recommended conditions on the approval of the Proposed Gas Station, including: (i) that the Proposed Gas Station be equipped with a generator, sufficient in size to operate all gasoline and diesel pumps during a power failure; (ii) certain traffic light improvements at the Crompond Road and BJ’s driveway; and (iii) requirement that payment of fuel be by credit card or prepaid cash sale to eliminate larceny; and

WHEREAS, Petitioners have incorporated into their Action all recommended conditions set forth in the September 9, 2014 Yorktown Police Department Interdepartmental Memorandum; and

WHEREAS, on September 17, 2014, Petitioners appeared before the Town Conservation Board to present the Petition; and

WHEREAS, by Memorandum, dated September 18, 2014, the Conservation Board opined that the requested Zoning Map Amendment would not result in any environmental impacts; and

WHEREAS, by letter, dated September 22, 2014, the Westchester County Planning Board, in accordance with SEQRA, Section 239-l, m and n of the New York State General Municipal Law, and Section 277.61 of the County Administrative Code: (i) stated it had no objection to the Town Board acting as Lead Agency; (ii) determined that the Action is a matter for local determination; and (iii) expressed no objection to the Petition; and

WHEREAS, by Memorandum, dated September 23, 2014, the Advisory Board on Architecture and Community Appearance stated that it had no objection to the Town Board granting the Petition; and

WHEREAS, by letter, dated October 2, 2014, the New York City Department of Environmental Protection (“NYCDEP”) did not object to the Petition, and recommended that Petitioners address: (i) all physical changes to the site during and after construction, including identification of the location of all components of the existing stormwater emergency management systems; and (ii) potential impacts to water quality associated with the operation of the Proposed Gasoline Station, together with any appropriate or necessary mitigation; and

WHEREAS, in their supplemented EAF, Petitioners have addressed the stormwater management issues raised by the NYCDEP; and

WHEREAS, Petitioners appeared before the Town Planning Board on September 22, 2014, October 6, 2014 and October 20, 2014; and

WHEREAS, substantial discussion was held before the Planning Board regarding any potential adverse impacts that may result from the Action; and

WHEREAS, at the September 22, 2014 Planning Board meeting, the Planning Board requested that Petitioners consider alternative designs of the Proposed Gas Station’s loading area to minimize impacts on traffic circulation within the existing Shopping Center, specifically the two (2) existing intersections immediately adjacent to the gasoline loading area; and

WHEREAS, in response to the Planning Board’s comments, at the October 6, 2014 Planning Board meeting, Petitioners presented the Planning Board with three (3) Alternate Plans for the Proposed Gas Station’s loading area; and

WHEREAS, at its October 20, 2014 meeting, the Planning Board discussed the EAF and supplemental materials, and issued a written Memorandum to the Town Board, which set forth the following recommendations:

4. The C-3 zone line on Lot 75 should be moved to the retaining wall around BJs and not extend to the entire parcel due to the residential properties located to the south;
5. The C-3 zoning line on Lot 76 remain as proposed.
6. Fuel loading area Alternate 3 should be utilized, since it provides the safest traffic circulation during fuel delivery for both the public using the site and the delivery truck.

WHEREAS, the Planning Board concluded that the EAF and supplemental materials submitted by Petitioners “has identified analyzed, and shown mitigation for all possible significant impacts,” and

WHEREAS, the Planning Board expressly stated that it does not object to the adoption of a Negative Declaration for the proposed Action; and

WHEREAS, on December 8, 2014, the Planning Board issued a subsequent Memorandum, which reiterated the same comments stated in the October 20, 2014 Memorandum; and

WHEREAS, aside from the foregoing, no other agency responded to the Town Board’s referral of the EAF and Petition and request for comments; and

WHEREAS, all of the aforementioned comments have been duly considered; and

WHEREAS, the notice and hearing requirements for this Petition as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Petition was presented to the Town Board at a duly noticed Public Hearing conducted on December 16, 2014, that was completed and closed on that same date; and

WHEREAS, following the close of the Public Hearing on December 16, 2014, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioners, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site, and in accordance with SEQRA, the Town Board as Lead Agency adopted a Negative Declaration; and

WHEREAS, the Town Board has fully considered the Petition and adopts the following findings of fact:

1. The Town Board hereby adopts the Planning Board recommendation that, in light of the residential properties to the south of the Proposed C-3 Area, the Proposed C-3 Area should be revised to reflect the requested ± 2.8 acres on Lot 76, and only ± 4.6 acres on Lot 75 (the “Revised Proposed C-3 Area”). The Town Board has determined that, rather than moving the line to the retaining wall as recommended by the Planning Board, the line should be moved 67 feet south of the retaining wall. This would allow the C-3 Zoning District to encompass not only the Yorktown BJ’s building, but also an existing access driveway on Lot 75, thereby rezoning the entire Yorktown BJ’s use. The southern C-3 Zoning District line on the Revised Proposed C-3 Area terminates ± 360 feet from the adjoining residential properties to the south of Lot 75.
2. Rezoning the Revised Proposed C-3 Area is consistent with the surrounding zoning classifications. Specifically, the Revised Proposed C-3 Area is bordered to the east by property zoned C-3. The parcel directly across Crompond Road from the location of the Proposed Gas Station on Lot 76 is also zoned C-3. Rezoning the Subject Area to C-3 would serve to connect these two (2) areas of the C-3 Zoning District.
3. The proposed Zoning Map Amendment is consistent with the Town of Yorktown’s Comprehensive Plan, adopted June 15, 2010 (“Comprehensive Plan”).

4. The Shopping Center is located in the area of Town known as the Bear Mountain Triangle, or BMT. The Comprehensive Plan states that the BMT is, *inter alia*, the Town’s “major opportunity site for economic development.” (Comprehensive Plan at ES-5, 4-1).
5. The Proposed Gas Station would contribute to the continued economic viability of the existing Shopping Center and the important BMT commercial corridor. (See, e.g., Comprehensive Plan at 4-1).
6. The Proposed Gas Station would result in an improvement to Yorktown BJ’s and the Shopping Center, which is consistent with the goals in the Comprehensive Plan to encourage the development of retail uses “with a regional draw.” (Id. at ES-7).
7. The increased economic viability of the Shopping Center resulting from the Proposed Gas Station would make the BMT more attractive for the future development of a mix of uses encouraged in the BMT by the Comprehensive Plan, such as “senior housing, office and retail uses, and possibly a hotel or country inn as well.” (Comprehensive Plan at ES-5, 4-1; see also id. at 4-13 (encouraging development in the BMT to create a “mixed-use center.”)).
8. Rezoning the Site to allow for the Proposed Gas Station, would bolster the existing commercial uses, thereby facilitating the fulfillment of the goals of the Comprehensive Plan.
9. Granting the Petition would be consistent with the Town’s well-considered Comprehensive Plan, and is calculated to serve the general welfare of the community.

NOW, THEREFORE BE IT resolved by the Town Board that the Petition for a Zoning Map Amendment rezoning from the C-1 Zoning District to the C-3 zoning district is hereby approved on the Revised Proposed C-3 Area, as legally described in Exhibit “A-1.”

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

APPROVE THE REZONING PETITION IN CONNECTION WITH THE APPLICATION OF BJ’S WHOLESALE CLUB FOR A SPECIAL USE PERMIT TO OPERATE A GASOLINE FILLING STATION
RESOLUTION #535

Upon motion made by Councilman Siegel, seconded by Councilman Patel,

WHEREAS, BJ’S WHOLESALE CLUB, INC. (“BJ’s”) owns and operates the BJ’s Wholesale Club #76 (“Yorktown BJ’s”), which is located and doing business on certain real property, located south of Crompond Road in the area designated by the Town as the Bear Mountain Triangle (“BMT”), also known on the Town Tax Map as parcel 36.06-02-75 (“Lot 75”), with a portion of the associated parking located on certain adjoining real property, known on the Town Tax Map as parcel 36.06-2-76 (“Lot 76”); and

WHEREAS, BJ’s, together with REALTY INCOME PENNSYLVANIA PROPERTIES TRUST 2 (“REALTY”) and UB YORKTOWN, LLC (“UB”), the owners of Lots 75 and 76, respectively (the “Petitioners”), sought by Petition and were granted a Zoning Map Amendment, changing the zoning designation of a portion of Lot 75, and a ±2.8 acre portion of Lot 76 (the “C-3 Area,” see Exhibit “A-1”), to a C-3 Zoning District in order to facilitate the development of a Proposed Gas Station, as described herein; and

WHEREAS, the Proposed Gas Station would consist of six (6) fuel pumps, or a total of twelve (12) fueling stations, all covered by a 4,105 s.f. canopy providing cover

for customers and a state-of-the-art fire suppression system, as well as a ±200 s.f. attendant's booth, on the rezoned portion of Lot 76, which would be operated by the existing Yorktown BJ's, and would make available competitively priced gasoline to all members of BJ's; and

WHEREAS, the Proposed Gas Station is a main use permitted in the C-3 Zoning District by special permit; and

WHEREAS, BJ's submitted to the Town an Application for Special Use Permit – Gasoline Station, dated September 10, 2014 (the "Application"); and

WHEREAS, in addition to the aforementioned Petition for a Zoning Map Amendment and the Application, BJ's and UB submitted an Application for Site Plan Amendment in connection with the Proposed Gas Station, as well as an unrelated 3,000 s.f. retail building pad site (collectively, the "Action"); and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), a full Environmental Assessment Form prepared by JMC Planning, Engineering, Landscape Architecture & Land Surveying, PLLC ("JMC"), dated August 27, 2014, together with extensive supplemental information (the "EAF") was submitted to the Town Board in connection with the Action;

WHEREAS, at meetings on July 8, 2014, September 2, 2014 and October 14, 2014, Petitioners and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, on September 9, 2014, the Yorktown Police Department issued an Interdepartmental Memorandum, which set forth recommended conditions on the approval of the Proposed Gas Station, including: (i) that the Proposed Gas Station be equipped with a generator, sufficient in size to operate all gasoline and diesel pumps during a power failure; (ii) certain traffic light improvements at the Crompond Road and BJ's driveway; and (iii) requirement that payment of fuel be by credit card or prepaid cash sale to eliminate larceny; and

WHEREAS, BJ's has incorporated into its Proposed Gas Station all recommended conditions set forth in the September 9, 2014 Yorktown Police Department Interdepartmental Memorandum; and

WHEREAS, on September 17, 2014, Petitioners appeared before the Town Conservation Board to present the Petition; and

WHEREAS, by Memorandum, dated September 18, 2014, the Conservation Board opined that the requested Zoning Map Amendment intended to facilitate the Proposed Gas Station would not result in any environmental impacts; and

WHEREAS, by letter, dated September 22, 2014, the Westchester County Planning Board, in accordance with SEQRA, Section 239-l, m and n of the New York State General Municipal Law, and Section 277.61 of the County Administrative Code: (i) stated it had no objection to the Town Board acting as Lead Agency; (ii) determined that the Action is a matter for local determination; and (iii) expressed no objection to the Proposed Gas Station; and

WHEREAS, by Memorandum, dated September 23, 2014, the Advisory Board on Architecture and Community Appearance stated that it had no objection to the Town Board granting the Zoning Map Amendment intended to facilitate the Proposed Gas Station; and

WHEREAS, by letter, dated October 2, 2014, the New York City Department of Environmental Protection ("NYCDEP") did not object to the Petition or Special Permit Application, and recommended that Petitioners address: (i) all physical changes to the site during and after construction, including identification of the location of all components of the existing stormwater emergency management systems; and (ii)

potential impacts to water quality associated with the operation of the Proposed Gasoline Station, together with any appropriate or necessary mitigation; and

WHEREAS, in the supplemented EAF the applicant addressed the stormwater management issues raised by the NYCDEP; and

WHEREAS, the Action was presented to the Town Planning Board on September 22, 2014, October 6, 2014 and October 20, 2014; and

WHEREAS, substantial discussion was held before the Planning Board regarding any potential adverse impacts that may result from the Proposed Gas Station; and

WHEREAS, at the September 22, 2014 Planning Board meeting, the Planning Board requested that BJ's consider alternative designs of the Proposed Gas Station's loading area to minimize impacts on traffic circulation within the existing Shopping Center, specifically the two (2) existing intersections immediately adjacent to the gasoline loading area; and

WHEREAS, in response to the Planning Board's comments, at the October 6, 2014 Planning Board meeting, BJ's presented the Planning Board with three (3) Alternate Plans for the Proposed Gas Station's loading area; and

WHEREAS, at its October 20, 2014 meeting, the Planning Board discussed the EAF and supplemental materials, and issued a written Memorandum to the Town Board, which set forth the following recommendations:

1. The C-3 zone line on Lot 75 should be moved to the retaining wall around BJ's and not extend to the entire parcel due to the residential properties located to the south;
2. The C-3 zoning line on Lot 76 should remain as proposed.
3. Fuel loading area Alternate 3 should be utilized, since it provides the safest traffic circulation during fuel delivery for both the public using the site and the delivery truck.

WHEREAS, the Planning Board concluded that the EAF and supplemental materials submitted in connection with the Action "has identified analyzed, and shown mitigation for all possible significant impacts," and

WHEREAS, the Planning Board expressly stated that it did not object to the adoption of a Negative Declaration for the proposed Action; and

WHEREAS, on December 8, 2014, the Planning Board issued a subsequent Memorandum, which reiterated the same comments stated in the October 20, 2014 Memorandum; and

WHEREAS, the notice and hearing requirements for this Application as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Application was presented to the Town Board at a duly noticed Public Hearing conducted on December 16, 2014, that was completed and closed on that same date; and

WHEREAS, following the close of the Public Hearing on December 16, 2014, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioners, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site, and in

accordance with SEQRA, the Town Board as Lead Agency adopted a Negative Declaration; and

WHEREAS, the Town Board has fully considered the Application, including the general “standards applicable to all special uses,” set forth in Section 300-36 of the Town Zoning Code, and adopts the following findings of fact:

1. The location and size of the Proposed Gas Station, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it is in harmony with the appropriate and orderly development of the C-3 Zoning District in which it is located.
2. The location, nature and height of buildings and other associated structures and the extent of the landscaping on the site is such that the Proposed Gas Station will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. The operations in connection with the Proposed Gas Station will not be more objectionable to nearby properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses.
4. The associated parking areas are of adequate size for the Proposed Gas Station, and are properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

WHEREAS, the Town Board has also considered the specific special use permit standards applicable to “gasoline filling stations,” set forth in Section 300-46 of the Town Zoning Code, and adopts the following additional findings of fact:

1. The use of the Proposed Gasoline Filling Station is limited to the retail sale of motor fuels. No repair and service work, or sale or rental of new or used motor vehicles is proposed or permitted. No other retail sales are proposed or permitted on Lot 76 in connection with the Proposed Gas Station.
2. The Proposed Gasoline Filling Station is located at least 300 feet from any building or place of public assembly.
3. Approval of the Proposed Gasoline Filling Station would not result in more than two (2) gasoline filling stations within 1,000 feet (the southeast corner of the existing Gulf gas station property is ±670 feet from the Proposed Gas Station and no other gas station is within 1000 feet).
4. Lot 76 upon which the Proposed Gasoline Filling Station will be located exceeds the minimum lot size of 20,000 s.f.
5. The lot frontage and depth of Lot 76 far exceed the required minimum 100 feet.
6. The Proposed Gasoline Filling Station complies with the maximum driveway requirement.
7. The maximum coverage of all buildings and structures, including the canopy, complies with the underlying C-3 Zoning District.
8. All buildings and structures are set back at least 30 feet from the street right-of-way, 10 feet from each side line, and 30 feet from the rear lot lines. All buildings and structures are also set back more than 50 feet from any

adjoining lot in a residentially zoned district. The roof edge of the proposed canopy is set back at least 20 feet from the street right-of-way, 20 feet from the rear lot lines and 10 feet from each side line.

9. The front yard setback is sufficiently landscaped.
10. All fuel pumps are set back at least 25 feet from the street right-of-way, and at least 15 feet from any buildings. The distance between pumps is at least 25 feet.
11. No more than two (2) fuel pumps per 3,000 s.f. of lot area are proposed. The underground storage tanks fully comply with all applicable laws, codes and regulations.
12. The canopy complies with all height and setback requirements, except that the canopy exceeds the maximum height allowed at the north end, and therefore requires a waiver from the Town Board in accordance with Section 300-46(Q) of the Zoning Code.
13. The Proposed Gasoline Filling Station provides sufficient parking.
14. The Application proposes signs that exceed the maximum size and number set forth in the Zoning Code, thereby requiring a waiver from the Town Board in accordance with Section 300-46(Q) of the Zoning Code.

WHEREAS, the Town Board has determined that the Proposed Gasoline Filling Station does not strictly comply with the following specific special permit criteria, for which variances and/or waivers from the Town Board pursuant to Section 300-46[Q] of the Zoning Code (which authorizes the Town Board, for good cause shown, to vary any of the specific special permit criteria set forth in Section 300-46) are required (the "Requested Waivers"):

1. The Application proposes a canopy, which is 18 feet in height at the south end, and 20.5 feet in height at the north end. The Zoning Code allows a maximum canopy height of 18 feet. The reason for the variation in height is due to the slope of the existing paved area in which the Proposed Gas Station would be located.
2. The proposed signage does not comply with the Zoning Code:
 - a. The Application proposes three (3) signs, where no more than two (2) are permitted under the zoning code. The Application is proposing signage on three (3) sides of the canopy, and is not proposing any building or freestanding signs, since the Shopping Center already has a freestanding sign.
 - b. Two (2) of the three (3) proposed signs are 41.46 s.f., thereby exceeding the maximum permitted height of 30 s.f. each.
 - c. The total aggregate canopy signage is 107.27 s.f. (41.46 + 41.46 + 24.34), while 60 s.f. is permitted.
 - d. Two (2) price signs are proposed, while one is permitted.

In light of the location of the Proposed Gas Station, the Town Board finds that the signage proposed allows for the most effective and logical visibility. BJ's provided computer renderings demonstrating that the signage would be aesthetically consistent with the Shopping Center and streetscape; and

WHEREAS, in addition to requiring a Special Permit from the Town Board, the Proposed Gas Station is also subject to Site Plan Amendment approval from the Planning Board.

NOW, THEREFORE BE IT RESOLVED by the Town Board that, except for the Requested Waivers, the Proposed Gas Station complies with both the general and specific special permit criteria; and be it further

RESOLVED, that BJ's having shown good cause for the granting of the Requested Waivers, the Requested Waivers are hereby granted; and be it further

RESOLVED, that the Application for the Proposed Special Permit is granted, subject to BJ's receiving Site Plan Amendment approval from the Planning Board. No construction shall take place until the Planning Board grants a Site Plan Amendment approval.

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

2015 BUDGET DISCUSSION

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

Resolved that the 3% increase in salary for elected officials be removed from the Preliminary Budget

Grace, Murphy Voting Nay
Patel, Siegel Voting Aye
Resolution Fails.

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

Resolved that line item A.7030.0430 be reduced by \$60,000 to eliminate the purchase of a projector for the YCCC.

Grace, Murphy Voting Nay
Patel, Siegel Voting Aye
Resolution Fails.

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

Resolved that line item A.1010.0200 (legislative board, equipment) be reduced by \$15,000 to forego buying or building a new board table

Grace, Murphy Voting Nay
Patel, Siegel Voting Aye
Resolution Fails.

APPROVE PAYMENT FOR TELEVISIONING WORK SESSIONS RESOLUTION #536

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

. Resolved to add \$5,000 to A.1010.0490, professional cable services, to pay to televise Town Board work sessions

Murphy Voting Nay
Grace, Patel, Siegel Voting Aye
Resolution Adopted.

Town Comptroller Patricia Caporale asked that the Board pay for the above mentioned cable services by using fund balance rather than changing the Budget.

The Board verbally agreed.

2015 BUDGET
RESOLUTION #537

Upon motion made by Supervisor Grace, seconded by Councilwoman Siegel,

WHEREAS, Supervisor Michael Grace, acting as Budget Officer, did on the 30th day of October, 2014 file his tentative budget with the Town Clerk and the Town Board for its review, and

WHEREAS, upon completion of its review and modification of the tentative budget, the Town Board filed its preliminary budget of the estimated revenues and expenditures for the fiscal year commencing January 1, 2015, and

WHEREAS, a public hearing was called and duly held on the 9th day of December, 2014, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at which time and place the Yorktown Town Board did meet and review such preliminary budget as compiled, and accepted public comment for or against any item contained therein, be it

RESOLVED, that the Town Board of the Town of Yorktown does hereby adopt such preliminary budget and be it

FURTHER RESOLVED, that the said preliminary budget as adopted by this resolution be entered in detail in the minutes of the proceedings of this Town Board and it shall be known as the Annual Budget of the Town of Yorktown for the fiscal year beginning on the 1st day of January, 2015, and be it

FURTHER RESOLVED, that the several sums estimated for expenditures in the same annual budget as adopted are hereby appropriated in the amounts for the purposes therein specified, and be it

FURTHER RESOLVED, that the several sums therein estimated as anticipated revenues and the monies necessary to be raised by tax and assessments in addition thereto, to pay the expenses of conducting the business of the Town for the purposes contemplated by the Town Law and otherwise by law, shall be and become applicable in the amounts therein named for the purposes of meeting such appropriations.

FURTHER NOTICE IS HEREBY GIVEN pursuant to Section 108 of the Town Law that the following are adopted yearly salaries of Town Officers of this Town, to wit:

Supervisor	\$ 121,327.00
Councilman (4)	\$ 19,575.00
Town Clerk	\$ 96,677.00
Superintendent of Highways	\$ 110,777.00

The question of the adoption of the foregoing resolution was duly put to a vote on roll-call which resulted as follows:

Supervisor Michael Grace	Voting Aye
Councilman Terrence Murphy	Voting Nay
Councilman Vishnu Patel	Voting Aye
Councilwoman Susan Siegel	Voting Aye

The resolution was thereupon declared duly adopted.

AWARD BID FOR SHERRY DRIVE RELINING PROJECT
RESOLUTION #538

Upon Motion by Councilwoman Siegel, seconded by Supervisor Grace,

Whereas Bids were duly advertised and received on December 15, 2014 for the Sherry Drive Pipe Relining Project, a contract to FURNISH AND INSTALL 200' OF 30" CURED-IN-PLACE PIPE (CIPP) on the Town-owned drainage easement located in the front yard of private property located at 2403 Sherry Drive, Yorktown Heights, New York. and

Whereas the bid received is summarized as follows:

Green Mountain Pipeline Services - \$53,600.00.

RESOLVED, that the bid for the Sherry Drive Pipe Relining Project is awarded to Green Mountain Pipeline Services. and,

BE IT FURTHER RESOLVED, the Town Comptroller is hereby authorized to pay the cost of the project from the General Fund Balance.

Grace, Patel, Siegel, Murphy Voting Aye
Resolution adopted.

HOLLAND SPORTING CLUB CLEANUP TO BE PAID FROM GENERAL FUND
RESOLUTION #539

Upon Motion by Councilman Patel, seconded by Councilwoman Siegel,

RESOLVED, that the Town Board authorizes the Town Comptroller to pay up to \$10,000 for disposal of material from the Holland Sporting Club, and

BE IT FURTHER RESOLVED, the money will come from the General Fund Fund Balance.

Grace, Patel, Siegel, Murphy Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN THE NJPA STATE AND LOCAL TERM
RENTAL CONTRACT WITH PITNEY BOWES
RESOLUTION #540

Upon motion made by Councilwoman Siegel, seconded by Councilman Patel,

RESOLVED, that the Town Supervisor is hereby authorized to sign the NJPA State and Local Term Rental contract (lease agreement) with Pitney Bowes Global Financial Services, LLC for a postage meter rental and preventive maintenance and on-call repair service for a term of 60 months, with an option to buy the equipment for \$1 at the end of the term, at the monthly rate of \$464.57.

Grace, Murphy, Patel Siegel Voting Aye
Resolution adopted.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel,

The Town Board meeting was adjourned.

Alice E. Roker, Town Clerk
Town of Yorktown