

Meeting of the Town Board, Town of Yorktown held on April 3, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor
Alice E. Roker, Deputy Supervisor
Vishnu V. Patel, Councilman
Thomas P. Diana, Councilman
Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Richard S. Abbate, Town Attorney

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss personnel issues, litigation, and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Gilbert 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.

DURING REPORT FROM THE SUPERVISOR

Supervisor Gilbert thanked the Fire Department and the EMTs for their help during the storm. He also congratulated Town Comptroller Patricia Caporale for her election to the NY Government Finance Officers' Board of Governors.

Supervisor Gilbert stated that he met with County, State, Local, and Congressional officials recently to convey residents' concerns and their upsetment regarding how the storm recovery was handled by utility companies. He has directed the Town Attorney to file an appearance with the New York State Department of Public Services which has begun a case investigating the utility companies' preparation and response to the March storms. Supervisor Gilbert met today with NYSEG to discuss proposals for improved service during long-term power outages. NYSEG refused to entertain the request for reimbursement for losses due to the loss of power. Con Edison has agreed to partial reimbursement for those out of power for 72 consecutive hours. Supervisor Gilbert urges those residents to file a claim. He reminded residents to sign up for the Nixle Alert system. Residents must contact their cable/internet providers for reimbursement.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana thanked the Chamber of Commerce for sponsoring the recent Springfest festival. It was a wonderful event.

Councilwoman Roker also thanked the Chamber of Commerce for a great event. She also thanked residents for coming to the meeting – this is democracy in action.

Councilman Lachterman also thanked the Chamber of Commerce for helping to get the community together. It was a great use of the Showmobile the Town purchased last year.

POLICE DEPARTMENT PRESENTATION

Chief Noble presented the new officer to the public – Police Officer Colin Houlihan. Chief Noble gave a brief biography of Officer Houlihan who was born and raised in Yorktown. His prior experience included employment as a Department of Environmental Protection employee and a member of the NYPD. He will be in the Yorktown Field Officer Training Program for at least the next 8 weeks. Chief Noble explained the hiring process so that everyone could understand the rigor candidates go through in order to be considered for the Yorktown Police Department.

Police Officer Houlihan thanked the Town Board, Chief Noble, and the Yorktown Police Department for the opportunity to work alongside them and to serve the community. A ceremonial swearing in took place.

Chief Noble announced that Police Officer Michael Campion is completing his K-9 training and will soon be operational in that position.

PROCLAMATION FOR PARKINSON'S AWARENESS MONTH

April is Parkinson's Awareness Month in recognition of the discovery of the disease. Helen Rodriguez came before the Board to bring awareness to the disease and the need for funding for research. She presented the Board with a list of resources for those who have Parkinson's disease. She also announced two fundraisers: Ride for the Cure on April 22 at 3631 Hill Boulevard, and a dinner on April 23 at Frankie and Augie's who will donate a portion of their proceeds.

Supervisor Gilbert then read the proclamation declaring the month of April as Parkinson's Awareness Month.

PROCLAMATION FOR NATIONAL ALLIANCE ON MENTAL ILLNESS – NAMI

Since there was no representative present, the proclamation was given to Councilman Lachterman who will be attending one of their upcoming events.

PRESENTATION: HOUSING ACTION COUNCIL

Housing Program Director Karren Perez presented Rose Noonan, President of Housing Action Council, who was present to discuss the executive direction of the Housing Action Council which is to expand affordable housing opportunities for residents. She wanted to make sure that the Board is aware of the housing opportunities that they are advocating – making available below-market value for families of modest means so they can afford a home. The median house sale in Yorktown is \$425,000; condo sales \$289,000. The homes they market are substantially below that. There are six homes in Yorktown that they are marketing. Because of public funding from the county, these homes are being sold below market value. Requirements: 80% of the county median income, adjusted for family size (income has to be under \$90,000, as well as other requirements including making sure the family is mortgage ready. Applications are accepted on a first-come, first-served basis. The number for the Housing Action Council is 914-332-4144; www.housingactioncouncil.org.

Councilman Patel asked how the resale of these homes was handled and was told there would be a declaration of restrictive covenant; the resale price is restricted based on an increase in the consumer price index.

Ms. Perez thanked Ms. Noonan and said there is information on these Yorktown properties on the Town's website.

PRESENTATION: NYNJ TRAIL CONFERENCE

Jane Daniels, member of the Yorktown Trailtown Committee stated that the NYNJ Trails Conference has been maintaining hiking trails since the 1920's. She stated that she has nominated the Yorktown Department of Parks and Recreation for an award from the NYNJ Trail Conference. She presented the award to Todd Orłowski, Superintendent of Parks and Recreation.

Mr. Orłowski thanked Jane and Walt Daniels for the volunteering they do as a partner in keeping the trails maintained.

POET LAUREATE

John McMullen, Poet Laureate, announced the fourth poetry workshop being held at the John C. Hart Memorial Library. Mr. McMullen said this is National Poetry Month and mentioned several activities that are being held, including setting up a summer program for children and senior citizens, as well as a poetry app to be placed on the library's website.

Mr. McMullen recited his poem, "Faith."

COURTESY OF THE FLOOR

The following members of the public spoke:

Tony Grasso, resident, read a statement regarding the selling of the Highway Garage and moving it to Greenwood Street. His statement addressed the need of a new garage for the protection of the Town's vehicles and machinery. Doing this project would free up tennis courts that are now being used for storage and they could be returned to their original use. He also mentioned that there has been no decision regarding the ring road at the Jefferson Valley Mall. This would be a great benefit to the Town and a decision should be made. Mr. Grasso also discussed the last vehicles that the Highway Department purchased: 4 trucks and a VacAll. As a member of the Chamber of Commerce, he requested an opportunity to meet with the Town Board.

Councilwoman Roker stated that the decision of the ring road is in the hands of the Highway Superintendent.

Mel Tanzman, resident, announced that he was recently appointed by County Executive George Latimer to be on the Housing Opportunities Commission, as well as Yorktown resident Judy Reardon. The Commission's job is to encourage and help the County decide how affordable housing should be built and how we are to have a diverse housing stock. Mr. Tanzman stated that with the recent discussions about new housing projects in Yorktown, he urges the Town Board to think about an affordable housing program for Yorktown. He said that the Town cannot afford to procrastinate in coming up with a new affordable housing law or Yorktown will lose units in housing developments that are currently being proposed.

Councilwoman Roker spoke about the need for affordable housing; she mentioned when Winward Oaks was built in town and they had 1,000 for only 80 apartments.

Mr. Tanzman said that the current Kear Street project has received 296 applications for only about 15 units – clearly there is a need for both housing and diversity.

Mr. Michael Gordon, resident, stated that the speeding cars and accidents on Hanover and Underhill are affecting the quality of life downtown and suggested more of a police presence. He also mentioned how some of the concerts and festivals disrupt the quality of life for those that live in the downtown area, in terms of noise, garbage, etc.

Mr. Ed Ciffone, resident and member of United Taxpayers of Yorktown, spoke about the poor condition of the courthouse roof. He stated that capital projects over a certain amount of money should go out to the public for a vote, as the school district does with projects over \$5 million.

Mr. Ken Belfer, Yorktown Community Housing Board, stated now that the housing market has changed and is producing housing, the Town should have set asides, as the previous Affordable Housing Law did.

Mr. Dan Strauss, resident, stated that the Kear Street project is an embarrassment to the town. He spoke about the dangers of distracted driving and how this is a quality of life issue. He maintains that the speeding issue can be stopped.

Mrs. Jennie Menton, resident, spoke about the need for a stand-alone senior center. This would be possible if the Town Board would approve the relocation of the Highway Department. She also spoke of the need for adult day care services for the many seniors in town.

Mr. Sergio Esposito, Vice President of the Chamber of Commerce, spoke in response to Mr. Gordon's criticism of the events being held in the downtown area. He stated that people speak of diversity but don't seem to want the events that promote it. The events that they and other groups sponsor bring revenue into the town and are well needed. Mr. Esposito said that he feels the previous speakers' criticisms of the events are not valid.

Mr. Eric DeBartolo, President of the Chamber of Commerce, said that the projects coming before the Board such as the Weyant, Kear Street, Depot Square, and the Highway Garage, are very needed and the Chamber is excited to work with them to get them off the ground. He asked for the status of these projects and that he would like to come in to a work session to discuss how they can be moved forward.

Supervisor Gilbert said that the Board intends to move forward and reminded Mr. DeBartolo that some of these projects have languished before other boards.

Councilwoman Roker said that they are working together on a mini-master plan for the area of the Weyant and the Roma building, which is moving forward.

Chief Noble spoke to the issue raised by Mr. Gordon and traffic in the Hanover Street area and said that the police will be out there. Councilwoman Roker said that this is also a topic for the Public Safety Committee.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

WETLAND PERMIT/DRAINAGE MAINTENANCE PROGRAM APPLICATION REQUEST RECEIVED FROM JEFFERSON OWNERS CORPORATION

Town Engineer Michael Quinn submitted a proposed resolution. Mr. Quinn said that this is a draft approval resolution that summarizes the progress to date. However, Supervisor Gilbert and Councilwoman Roker had issues with some of the points contained within the draft. Supervisor Gilbert said that the Board had not discussed the \$2,000 inspection fee and Councilman Lachterman pointed out that they had discussed a five-year renewal permit, not one year. Councilwoman Roker said the only fee she understood to be charged was for the stormwater permit, not for a performance bond. Mr. Quinn said that the wetland permit is to do dredging on two ponds as well as a general maintenance permit to do clean up. The wetlands permit would be for one year and they wanted the ability to renew that permit four more times for a total of five years. Councilwoman Roker said she would like to see the Jefferson Owners Corporation receive the same permit they received in 2009.

Mr. Quinn said this is both a wetlands permit and a stormwater management permit because of the amount of cubic yard disturbance and the dredging of the ponds.

Councilwoman Roker asked questions regarding the 2009 resolution compared to the current situation. She feels that it should be a multi-year general permit and if different projects are to be done in the ensuing years, they would have to keep the Town Engineer informed. She agrees that the additional money for the SWPPP is called for.

Mr. Quinn said that next year's work should only be general maintenance work and if they want to do any more dredging, they would have to present more plans and come back to the Board.

Councilwoman Roker said that this permit is for general maintenance and not for more dredging.

Mr. Charles O'Neill, President of Jefferson Owners Corporation, said he is concerned that the debris which flows down from the Town water sources needs to be cleaned out and should be considered general maintenance but may be considered dredging by the Town Engineer and wants this clarified. They need to be able to work on these streams and ponds in order to keep other problems from cropping up.

Mr. Quinn agrees with this but wants to make sure any larger projects are done properly which would require working with his department.

Supervisor Gilbert said that changes needed to be made to the resolution. Mr. Quinn said that the yearly inspection fee was stricken. It does call for the JOC to pay a permit renewal fee of \$150 that would include a report of what has been done; however, that can be stricken and just give them the five-year renewal.

Councilwoman Roker said she also wanted to see the performance bond removed from the permit. Mr. Quinn said that the previous permit included a \$1,000 performance bond that they are still holding; he did not intend to charge them an additional \$1,000 performance bond.

WETLAND PERMIT/DRAINAGE MAINTENANCE PROGRAM APPLICATION REQUEST
RECEIVED FROM JEFFERSON OWNERS CORPORATION
RESOLUTION #109

Upon motion made by Councilman Diana, seconded by Councilman Lachterman

WHEREAS:

1. The Jefferson Village Residential Community submitted an application to the Town for dredging of two (2) ponds and general maintenance activities in and around the waterways and waterbodies on the property site. The work will require issuance of a Wetlands and a MS4 Stormwater Management permit.
2. The Approval Authority for this application is the Town Board as the proposed work will involve a land disturbance in excess of 200 cubic yards and the removal of dredged material from a wetland/watercourse will be in excess of 300 cubic yards.
3. The Applicant paid the application fee of \$1,800 for the Wetland Permit. There is an outstanding balance of \$1,500 for the MS4 Stormwater Management permit, which is payable prior to issuance of any permits for this project.
4. The scope of work will consist of the dredging of Pond #8 and Pond #107 to remove accumulated sediment. The Applicant intends to keep dredged material on the condominium property and will spread material around the area surrounding the pond. As part of this application they are also requesting a multi-year General Maintenance Permit for general maintenance of the streams, ponds, and drainage culverts throughout the Jefferson Village property.
5. The Applicant appeared at Town Board work session on 2/6/18 to describe the project background. The dredging work and maintenance activities previously done on the property was performed under a General Permit issued in 2009. The Town Board directed the Applicant to prepare a new application package with all supporting materials for the work that is currently being planned.
6. The Applicant submitted plans for the subject property, entitled: Jefferson Village Residential Community, Overall Site Plan, Pond #8 Site Plan & Details, Pond #107 Site Plan & Details, prepared by Kellard Sessions, dated 1/29/18. Applicant also submitted an Environmental Assessment Form signed by the licensed professional and dated 1/29/18.
7. A Public Hearing was opened on 3/20/18. The Town Board reviewed communications received from the Engineering Department, Planning Board and Conservation Board. Members of the public spoke on the application and there was further discussion on the previous dredging work that was done on the property site. In regards to the spreading of dredged material on the site, Mr. Kellard stated the material will be tested to confirm there is no contamination prior to reuse. Any unsuitable material would be removed from the site and a copy of the waste manifest would be made available to the Town to confirm the disposal location. Mr. Kellard confirmed the work would be done under his direct oversight and will be in accordance with NYSDEC regulations that govern this work.
8. The Public Hearing regarding this application was closed on 3/20/18.

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. The following conditions are included as part of the Action: All comments listed in the Town Engineer's memo dated 3/14/18 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of any permits.
 - A. The Applicant applied for a Wetlands Permit, however, a MS4 Stormwater Management Permit will also be required due to the amount of dredging/land disturbance noted above. An additional application fee of \$1,500 is due.
 - B. In the Environmental Assessment Form, response to Questions #2 must include all required permits that are required to be obtained. Response to Question #16 requires further explanation, i.e. is any work proposed within the 100-year floodplain? Please contact our office if further guidance is needed.
 - C. As per the submitted Environmental Assessment Form, the work of this project will disturb a land area of approximately 1.25 acres and in accordance with NYSDEC

- regulations a Stormwater Pollution Prevention Plan (SWPPP) must be prepared and submitted for Town review.
- D. For the proposed dredging work, the Applicant must confirm if any permits will be needed from the Army Corps of Engineers, NYSDEC or NYCDEP. If any additional regulatory permits are required, must be listed on the Environmental Assessment Form.
 - E. The engineering plans call for dredged material to be spread on land area elsewhere on the Jefferson Village property; must provide additional grading information so we can understand what the proposed grade changes will be and to verify there will be no off-site impacts from this activity.
 - F. We recommend this work shall be done under the supervision of the design professional to ensure the land application is in the defined area and in compliance with the other permit conditions.
 - G. The erosion and sediment control measures require additional technical data, i.e. how will the dredging work be done while the ponds are in service and serving their intended function? Applicant and the licensed design professional must ensure there will be no off-site migration of sediment or silty water as a result of the activity.
 - H. Clarify the construction access from the ponds to be dredged to the disposal location. Provide construction-tracking pads as needed to ensure there will be no sediment on the interior roadways.
 - I. In accordance with NYSDEC regulations the project documents shall state that a bi-weekly inspection will be performed to verify compliance in regards to erosion and sediment control. Inspections shall also be done following any storm events that are 1-inch rainfall or greater. Copies of inspection reports shall be prepared by a licensed professional and/or the certified soil erosion inspector and sent to the Engineering Department for our records.
 - J. Applicant will be required to furnish a copy of the waste manifest for any soil material that is trucked off-site.
 - K. No tree removals are proposed or allowed as part of this application.

Conditions that must be met prior to the commencement of work:

1. A Project Performance Bond in the amount of \$1,000 is already in place and will be applied to this application to guarantee the full and final project completion as per the Town Board approval resolution and project documents referenced above. It is noted and agreed that the Town shall have the right to apply the bond (currently on file) proceeds if the Applicant, upon receiving written notice from the Town, fails to correct deficiencies within seven (7) calendar days related to the approval resolution, the project documents and/or any conditions of this permit notwithstanding that the Town reserves the right to perform emergency-type work without providing the required notice and Applicant shall be responsible for costs incurred.
2. The Project Performance Bond will be released when the Town Engineer receives a properly executed Construction Completion Certificate and has confirmed the scope of work is complete and the following conditions have been met: (1) At least 80% of all disturbed areas have been permanently stabilized with vegetative growth and all temporary control measures such as silt fencing removed; (2) subject to Town Board approval.
3. Applicant shall obtain all required regulatory permits from the Army Corps of Engineers, NYSDEC, NYCDEP, etc. as required.
4. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced in the approval resolution; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Manual of Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered or seeded/mulched with a silt fence around the perimeter. Any disturbed areas that are not worked on for greater than 7 days shall be seeded and mulched.

3. All required operations and maintenance activities for temporary dewatering systems shall be submitted to the Town for review prior to set-up and installation.
4. A bi-weekly inspection by the licensed design professional shall be performed to verify compliance in regards to erosion and sediment control. Inspections shall also be done following any storm events that are 1-inch rainfall or greater. Copies of inspection reports shall be prepared by the licensed professional and/or the certified soil erosion inspector and sent to the Engineering Department for our records.
5. For dredged material that will remain on site, Applicant shall perform and pay for all required soil testing to confirm material is suitable for reuse and that reuse is permitted in accordance with NYSDEC requirements. Copies of the soil test results shall be furnished to the Engineering Department directly by the laboratory performing such tests.
6. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department (ext. 220 for bond release) who will then inspect site and authorize bond release or further stabilization is required.

RESOLVED, the Wetlands Permit and multi-year General Maintenance Permit is granted.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

WETLAND/TREE PERMIT APPLICATION REQUEST RECEIVED FROM VICTOR CONTE
FOR 1515 JOURNEY'S END ROAD
RESOLUTION #110

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS:

1. The Engineering Department received a complaint regarding trees being removed in a wetland area for the subject property. An Environmental Inspector went to the site and confirmed approximately 25 trees had been removed from the land area surrounding a waterbody (aka Blueberry Pond), summarized below:

- 30-inch diameter at stump level: 1 tree
- 24-inch diameter: 2 trees
- 18-inch diameter: 4 trees
- 14-inch diameter: 1 tree
- 12-inch diameter: 4 trees
- 10-inch diameter: 1 tree
- 8-inch diameter: 3 trees
- 6-inch diameter: 5 trees
- 4-inch diameter: 1 tree
- Number of "dead" trees removed: 3

2. A Notice of Violation was issued by the code enforcement officer on 1/24/18 for removal of trees without obtaining the required permits.
3. The Applicant subsequently submitted an application for a Wetlands & Tree Removal Permit to permit removal of approximately 25 trees at 1515 Journeys End Road.
4. The approval authority for this application is the Town Board since the waterbody is listed on the most recent New York State Freshwater Wetlands Map.
5. The required application fee, doubled due to the issuance of a Notice of Violation, was paid by the Applicant (\$3,600).
6. The Applicant appeared at Town Board work sessions on 2/13/18 and 2/27/18. The Applicant

stated his tree removal contractor was working to remove trees for the purpose of improving the views from the home. He stated he was unaware of the tree removal code and the requirement for obtaining a permit.

7. Applicant submitted a Tree Replacement Plan prepared by Johnsen Landscapes, dated 2/5/18. The proposed work includes the installation of 20 trees, 57 shrubs and perennials.
8. A Public Hearing regarding this application was opened on 3/20/18. The Town Board reviewed communications prepared by Town departments and boards. No members of the public spoke on this application.
9. The Public Hearing regarding this application was closed on 3/20/18.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
2. The Town Engineer shall issue the permit in accordance with the terms of this resolution and with the conditions below.
3. The following conditions are included as part of the Action:

Conditions that must be met prior to the commencement of work:

1. A Project Performance Bond shall be established in the amount of \$1,000 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that all conditions of this permit have been met and the new plantings have survived a minimum of two (2) growing seasons or one calendar year, whichever comes first. Any trees that do not survive as described in the preceding sentence shall be replaced at the Applicant's expense. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting.

Conditions that must be met during construction:

1. The work shall only be done during the spring or fall planting season and shall be supervised by the landscape design professional that prepared the plan referenced above. The Town Engineer shall be notified of any planting substitutions or replacements.
2. The entire scope of work is shown on the landscape plans referenced above; no additional tree removal or land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority.
3. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed.

When the Project Work is Complete:

1. The applicant shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. When the new plantings have survived a minimum of two growing seasons or one calendar year, notify the Engineering Department who will then inspect site and authorize bond release or planting replacement is required.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

PUBLIC HEARING TO CONSIDER ALIENATION OF PARKLAND LOCATED ON ILLINGTON ROAD

Supervisor Gilbert convened a public hearing to consider the request received from Marcia Saunders to purchase Town-owned Parkland located on Illington Road known on the Tax Maps as Section 69.08-1-11.

Marcia Saunders appeared before the Town Board and gave a history of the property and her family's relationship to it. She gave a description of the property and the poor condition it is in resulting from debris that has been dumped and downed trees that are causing flooding.

The following members of the public spoke:

Ed Ciffone, resident, asked the size of the property (5.39 acres) and would it be placed back on the tax rolls and how much is the estimate of the taxes. Town Attorney Richard Abbate stated that in his conversation with Sole Assessor, Kim Penner, the estimated assessment would be \$160,000 with \$5,000 in property taxes. Mr. Ciffone asked if any improvements on the property would cause water issues with any other areas. Ms. Saunders answered that no one would be impacted; any additional water would flow into the Croton Reservoir. Mr. Ciffone wanted to know why this was parkland in the first place and was told it was property in foreclosure and no one wanted it. Councilwoman Roker said that, at one time, if a piece of property had taxes owed and was in foreclosure, it would be made parkland, which was not the best decision.

Councilwoman Roker said that the Saunders have been using their own money to maintain this property and are restoring a historic cemetery and that we should be grateful to them.

Walt Daniels, Chair of the Open Space Committee, said that they are concerned that this is done properly and that the cemetery should be carved out of this property. Any monies received should be put back into the Open Space Fund.

Barbara Walker, resident, read her letter to the Board urging the Board to let the Saunders have the property since they have taken care of the property so well over the years; particularly the cemetery restoration.

Paul Moskowitz, resident, member of the Open Space Committee, stated the same as Mr. Daniels, i.e., any monies received should be put back into the Open Space Fund.

Linda Cooper, resident and former Town Supervisor, stated that the Saunders family expressed interest in this property even before it was determined to be parkland. They thought it was a great idea but has gone through many years of debate. This family has a legacy in this town and has taken a parcel of land and made it significantly better in an appropriate manner. It does not have any relevance to parkland in Yorktown. This small strip of land is better suited placed in the hands of the family who are well able to take care of it.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Diana and carried.

APPROVAL OF PARKLAND ALIENATION FOR PROPERTY ON ILLINGTON ROAD
RESOLUTION #111

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen ("Parcel") constituting 5.73 acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11; and

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland; and

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity, and

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be an Unlisted action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation, now

BE IT RESOLVED THAT, the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED THAT, the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

BE IT FURTHER RESOLVED THAT, the Town Board authorizes the Town Supervisor to execute the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED THAT, that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies to; Counsel's Office at the New York State Office of Parks, Recreation and Historic Preservation, New York State Senator Terrence Murphy and New York State Assemblyman Kevin Byrne.

Supervisor Gilbert	Voting	Aye
Councilperson Diana	Voting	Aye
Councilperson Lachterman	Voting	Aye
Councilperson Patel	Voting	Aye
Councilwoman Roker	Voting	Aye

Resolution was thereupon duly adopted.

PUBLIC HEARING TO CONSIDER WETLAND PERMIT FOR 1775 DARBY STREET

Supervisor Gilbert convened a public hearing to consider a Wetland Permit Application made by John Barile for property located at 1775 Darby Street, also known as Section 48.05, Block 1, Lot 38 for the purpose of construction of a single-family house and septic system.

Mr. John Barile and Mr. Louis Pani would like to build a single family home on the property and already have their building permit. They were told they had wetlands on the property but disagree with this assessment; however they will accept the process as they wish to proceed with building the home. Supervisor Gilbert stated that a septic field and an expansion field has been set up on the property and wanted to make sure the Department of Health was aware. The Department of Health is aware of the topography and hydrology of the property and had no problem with the site plan.

Mr. Michael Beeks, owner of the property adjacent to the property, presented aerial photographs of the area. He stated that there are unaddressed issues regarding the project regarding the location of the septic system and showed where there are wetlands. He presented a 2001 study he had done which showed wetlands on the lot, even when it was dry. Mr. Beeks stated that it can also become a vernal pond which releases water downhill. He also said there is an old town map that shows the land as wetlands.

Town Engineer Michael Quinn said the original application was for a stormwater permit that required an environmental assessment form. The EAF answered No to the question of the presence of wetlands. This was discussed with applicant and his engineer. Yorktown's definition of a wetland is more stringent than the state's. More current maps do not show it as a wetland. The environmental consultant the Town uses identified wetlands adjacent to the site but not on it. Mr. Quinn said the Health Department doesn't give permits without doing the appropriate testing. Mr. Quinn said he understands Mr. Beeks' concerns but all of the proper procedures and testing have been done.

Mr. Beeks said he called the Health Department to come out to see the property when the water was flowing on the site; they did not. He feels that this is a unique situation because it is a seasonal wetland and does not suit the standards for wetlands that the Health Department uses.

Councilman Patel asked if the site would pass the test again if it is done tomorrow and Mr. Quinn state that, presumably, it would.

Ms. Susan Siegel, resident, asked if records show when the Health Department came to test the conditions and if the PERK test was done during a dry season. She suggested that the Board consider delaying a decision until the Health Department comes out when there is water and have a PERK done then. She also asked if the Department of Environmental Protection was brought in on this.

Mr. John Barile said that they are agreeing that there is a wetland present and that is why they are before the board to obtain a permit. He stated that he has done everything that has been asked of him, and then some.

Mr. Louis Pani said that this is not fair to the young couple who are building the house. They have done everything they can to make this happen.

Mr. Tony Grasso said that the topographical map shows exactly what is wrong with that property. Percolation of soil is only one step and asked what the percolation rate was. They may be meeting the law, but the law doesn't always meet the circumstance.

Mr. Michael Quinn stated that he has every confidence that this is a workable system.

Mr. Beeks urged the Board to send someone out there to look at the property. He said this is not just part of the buffer; it is the wetlands.

Mr. John Barile reminded everyone that this project was approved by the Building Department, the Engineering Department, and the Health Department.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Diana and carried.

Councilwoman Roker said that the Town Engineer has put a lot of protections in place if something does come up during construction and has done a good job.

Councilman Diana said that the Town has brought in all of their professionals and there is no reason to have them inspect the property again. Councilman Lachterman agrees.

APPROVAL OF WETLAND PERMIT FOR CONSTRUCTION OF A SINGLE FAMILY HOME –
1775 DARBY STREET – BARILE
RESOLUTION #112

Upon motion made by Supervisor Gilbert, seconded by Councilwoman Roker,

WHEREAS:

1. The Applicant (John Barile) submitted an application for a Wetland Permit for construction of a single family home (1775 Darby Street). In support of the application, the Applicant submitted engineering plans, entitled: Site Plan & Details, prepared by John Karell Jr., P.E. and architectural house plans prepared by Roy Fredricksen.
2. The Approval Authority for this application is the Town Board as the proposed work involves construction of a new single family home and land disturbance work will be performed within 100-foot wetlands buffer area, a regulated activity by the Town.
3. The wetlands are located on an adjacent parcel and no disturbance is proposed to the wetlands, however work will be performed within the 100-foot wetlands buffer area. The Applicant paid the required application fee of \$1,800 for the Wetland Permit.
4. The scope of work will consist of the construction of a single family home with 2-car garage along with approximately 125 linear feet of retaining wall (maximum height 4-feet) and other site improvements. Includes installation of a subsurface sewage disposal system with pump dosing system. Also installation of a driveway and an underground stormwater infiltration system.
5. The Applicant appeared at Town Board Work Session on 2/27/18 to describe the project background and a Public Hearing was scheduled for April 2018.
6. A Public Hearing was held regarding this application on 4/3/2018. The Town Board reviewed communications received from Town departments and Boards and heard comments from the public.
7. The Public Hearing was closed on the same meeting date, 4/3/18.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. The Town Engineer shall issue the permit in accordance with the terms of this resolution and with the conditions below.
4. The following permit conditions are included as part of the Action: All conditions as listed in the Town Engineer's memo dated 4/2/18.

Conditions that must be met prior to the commencement of work:

1. A Wetland Protection/Performance Bond shall be established in the amount of \$500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that at least 80% of the disturbed areas have been permanently stabilized (vegetative growth), all temporary control measures such as silt fencing removed, all post-construction controls satisfactorily installed and maintained and all conditions of this permit have been met. The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
2. The Performance Bond is taken for a period of no more than twelve (12) months, unless an extension is granted in writing by the Town Engineer prior to the permit expiration date. If the stabilization and re-vegetation has not been completed during this period, the Town will declare the bond in default and monies shall be forfeited to the Town.
3. A Yorktown Building Permit must be obtained from the Building Department. All approvals from the Westchester County Health Department must be obtained for the subsurface sewage disposal system.
4. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance area.
5. The property lines must be staked out by a licensed land surveyor prior to construction to ensure the proposed work occurs entirely within the Applicant's property.
6. Applicant shall mark the subsurface sewage disposal system boundary (proposed & future reserve area) in field and protect with an orange construction fence. No material storage, vehicle movements or construction activity shall be allowed to occur in this area.
7. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Only those trees specifically shown on the plans may be removed, a new permit shall be obtained from Engineering should the removal of any other trees be required.
4. No soil storage outside the limit of disturbance line is permitted. Road in front of property must be kept broom clean at all times.
5. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve in writing prior to the work occurring.

6. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

Gilbert, Roker, Diana, Lachterman Voting Aye
Patel Voting Nay
Resolution adopted.

Councilwoman Roker stated that the Town Engineer should make Mr. Beeks aware of the pre-construction meeting.

ADVERTISE REQUEST FOR PROPOSALS FOR LAKE MOHEGAN AQUATIC PESTICIDE TREATMENTS

RESOLUTION #113

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, until 11:00 A.M. on April 30, 2018 at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Lake Mohegan Aquatic Pesticide Treatments.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADVERTISE BID FOR PRINTED AND EMBROIDERED T-SHIRTS AND UNIFORMS

RESOLUTION #114

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, April 30, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Printed and Embroidered T-Shirts and Uniforms Bid.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADVERTISE BID FOR CONTRACTING BUS SERVICE FOR VARIOUS PROGRAMS – PARKS AND RECREATION DEPARTMENT

RESOLUTION #115

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Monday, April 30, 2018, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for contracting bus service for various programs in the Yorktown Parks and Recreation Department.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE COMPTROLLER TO PAY \$75.00 PER HOUR TO RALPH TARCHINE TO PROVIDE ASSISTANT BUILDING INSPECTOR SERVICES TO THE BUILDING DEPARTMENT

RESOLUTION #116

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

BE IT RESOLVED that the Town Comptroller is authorized to pay \$75.00 per hour (not to exceed 16 hours per week) to Ralph Tarchine to provide the Town's Building Department with Plan Review and Assistant Building Inspection Services until another Assistant Building Inspector is hired.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO PAY OUT THE CASH VALUE OF UNUSED TIME AS OF DATE OF SEPARATION – MICHAEL HECKER

RESOLUTION #117

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Michael Hecker the cash value of unused time as of his date of separation:

Rate of Pay: \$25.7604 hourly

Personal Days	7.50 hours	x	\$25.7604	=	\$ 193.21
Vacation Days	135.00 hours	x	\$25.7604	=	\$3,477.66
Total			\$3,670.87		

BE IT FURTHER RESOLVED, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:	SW8340.101	Water Salary	\$3,670.87
To:	SW8340.108	Water Lump Sum	\$3,670.87

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFER - AMAZON BEACH PARK DISTRICT

RESOLUTION #118

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

BE IT RESOLVED that the Town Board authorizes the following 2018 Budget Transfer for the Amazon Beach Park District to disburse payment for work to be performed to repair sidewalks:

From:			
AP.909	Fund Balance		\$7,250.00
To:			
AP7180.454	Property Improvements		\$7,250.00

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE THE COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFER – HIGHWAY DEPARTMENT

RESOLUTION #119

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

BE IT RESOLVED, that the Town Board authorizes the following Fund Balance Budget Transfer for Highway Department Snow Overtime to disburse payment for overtime incurred during the snow storms of March 2, 2018 and March 7, 2018.

From:			
D.1002	Highway Fund Balance		\$35,490.31

To:
D5142.105 Highway Snow Overtime \$35,490.31

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY STATE FUNDING TO THE YORKTOWN PARKS AND RECREATION YOUTH DEVELOPMENT PROGRAM
RESOLUTION #120

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

RESOLVED, that the Supervisor is authorized to sign an Intermunicipal Agreement with Westchester County to reallocate State funding to the Yorktown Parks and Recreation Youth Development Program.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE POLICE DEPARTMENT TO PURCHASE TWO FORD UTILITY POLICE INTERCEPTORS OFF NEW YORK STATE CONTRACT IN THE AMOUNT OF \$57,980.00.
RESOLUTION #121

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

WHEREAS, the Town Board of the Town of Yorktown has funded the purchase of (2) two police utility interceptors in the Police Department's 2018 budget; and

WHEREAS, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Utility Police Interceptors; and

WHEREAS, the State of New York Office of General Services has received, reviewed and awarded the bids for the Ford Utility Police Interceptors; and

WHEREAS, Genesee Valley Ford LLC has submitted the lowest bid for the Ford Utility Police Interceptors; and

WHEREAS, the State of New York Office of General Services has awarded Mini-Bid Response #18020052, Award 22898, Contract #PC67357 to the lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase two (2) Ford Utility Police Interceptors from the State of New York Office of General Services, Award 22898, Contract #67357 from Genesee Valley Ford LLC in the amount of approximately fifty seven thousand, nine hundred and eighty dollars and no cents (\$57,980.00).

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A STIPULATION AGREEMENT BETWEEN THE POLICE BENEVOLENT ASSOCIATION AND THE TOWN OF YORKTOWN
RESOLUTION #122

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

RESOLVED, that the Supervisor is authorized to sign a Stipulation Agreement between the Police Benevolent Association and the Town of Yorktown for a temporary addition to the Collective Bargaining Agreement.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR STREET OPENING PERMIT #017-003 IN THE AMOUNT OF \$1,000
RESOLUTION #123

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

Resolved, that the Comptroller is authorized to release escrow deposit permit #017-003 in the amount of \$1,000 to Vericon Const., 1063 Route 22, East Mountainside, NJ 07092.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

AWARD BID FOR ASPHALTIC CONCRETE & LIQUID BITUMINOUS MATERIALS
RESOLUTION #124

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

WHEREAS, invitation to bid for the Asphaltic Concrete & Liquid Bituminous Materials for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on March 15th, 2018 with the bid amounts for the above-referenced Bid summarized are attached.

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete & Liquid Bituminous Materials be and is hereby awarded to Peckham Materials, 20 Haarlem Avenue, White Plains, NY 10603, based on the best value.

BE IT FURTHER RESOLVED, the contract is to begin on April 10, 2018 and terminate on April 9, 2021.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ACCEPT MONTHLY REPORTS

The Town Board accepted the Finance Department's Monthly Expense and Revenue Reports for March 2018.

APPOINTMENT OF SENIOR OFFICE ASSISTANT (AUTOMATED SYSTEMS) TO THE PLANNING DEPARTMENT
RESOLUTION #125

Upon motion made by Councilman Diana, seconded by Supervisor Gilbert,

BE IT RESOLVED that Nancy Calicchia of Yorktown Heights, NY, is hereby appointed to the civil service title, Senior Office Assistant (Auto Systems), job class code 0751-01, from Eligible List No. 02-416, effective April 8th, 2018, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A1, Group 10, Step 1, which is \$56,110.00 annually, with benefits, such as, sick days, personal days, and floating holidays to follow the CSEA agreement, and

BE IT RESOLVED that contingent upon successful completion of a drug test, Nancy Calicchia will report to work at the Planning Department on May 7th, 2018, and

BE IT FURTHER RESOLVED, this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first day she will be reporting to work, on May 7th, 2018.

Gilbert, Roker, Diana, Lachterman Voting Aye
Patel Voting Nay
Resolution adopted.

PUBLIC HEARING TO CONSIDER WETLAND PERMIT - MOHANSIC TRAIL EXTENSION

Supervisor Gilbert convened a Public hearing to consider the wetland permit application from the Town of Yorktown for the Yorktown Trailtown Committee to create a trailway extension through Town property located at Route 118 and Downing Drive through to Baldwin Road, known on the Tax Maps as Section 37.14, Block 1, Lot 43. The activity in the wetland and/or wetland buffer is clearing

for an 8-foot wide, approximately 950-foot long gravel path, construction of three 6-foot wide wooden bridges, and construction of approximately 600 feet of 8-foot wide boardwalk.

Director of Planning John Tegeder and Jane Daniels of the Yorktown Trailtown Committee spoke of the town-sponsored project that stems from a trail extension project. Mr. Tegeder showed an aerial photo that showed the path of the proposed trail and how it would connect to an existing trail to FDR Park and the North County Trail. The Trailtown Committee has received a grant in the amount of \$12,500 which will be used for most of the materials and the labor will be done in partnership with the Trailtown Committee, and the Highway Department will be assisting, as well. Mr. Tegeder proceeded to give a description of the history of the property. This project has been supported by the Hudson Valley Greenway and the Westchester Trail Plan. Ms. Daniels explained that this trail will provide a safe route between Route 118 and Baldwin Road. This link will complete a connection between the North County Trailway and FDR Park and beyond. The proposed trail provides a natural buffer of multi-flora rose that provides thick and thorned foliage.

Mr. John Tegeder stated that the data from across the country from these kinds of trails and crime shows the rate of crime to be very few and rarely happen. This type of trail is very similar to a paved trail that is wide and psychologically feels safer to the users.

Mr. Todd Orłowski, Superintendent of Parks and Recreation, stated that there was not much comment from the Commission since this is not considered parkland. His concern is the safety of people crossing Route 118. The impact to his department includes some maintenance and oversight of the trail.

The following members of the public spoke:

Mr. David DiNapoli, White Birch Drive resident, stated that the “buffer” Mrs. Daniels spoke of is not impenetrable since he has cleaned beer cans and debris from the area. He is not in favor of this project and would like to see the Board make a personal inspection of the trail.

Ms. Karen Peterson, LaVoie Court, had concerns about people crossing Baldwin Road since it is a dangerous road to cross due to cars speeding. Their expectation of the parking situation off of Route 118 is very unrealistic. Ms. Peterson questions if this is a viable, worthwhile project.

Mr. Dan Strauss, resident, asked about the kinds of vehicles and bicycles that will be allowed on the trail.

Mr. Patrick Andrews, resident of the area, brought up the wetland issue. He prepared a composite map that showed all of the streams and wetlands and how the trail will create a disturbance to the area. His concern is what is going to happen to the wetland – where is the water going to go? The use of his land will be impacted by the wetland permit.

Mr. John Griffin, resident of the area, said that the area is not 80 feet wide, but more likely less. He also feels it will become more of a “hangout” for teenagers. Mr. Griffin is not in favor of this project.

Mr. Walt Daniels spoke about the differences between the kinds of bicycles that will be able to use the trail. He said that the work to be done will not change any of the water flow in the area.

Mr. Ken Belfer, resident, spoke in favor of the trail project.

Mr. Michael Epting, Allen Avenue resident, stated that he is in favor of the project as it is a safe alternative to walking on Allen Avenue.

Mr. Paul Moskowitz, resident, stated that he is in favor of the project. Yorktown Smart Growth, a group he represents, is also in favor of this project and making Yorktown Heights a more people-friendly downtown. Mr. Moskowitz also stated that proper signage should be put in place for the safety of pedestrians and cyclists.

Ms. Linda Cooper, resident and former supervisor, also spoke in favor of the trail project. She said this was part of the Master Plan for Yorktown. It is also one of the many trails that the Daniels’ have worked on over the years. It is a tremendous plus to the connectivity to that they have been trying to establish.

Ms. Susan Siegel, resident and member of the Yorktown Trailtown Committee, spoke in favor of this project and wetland permit. She spoke of the many benefits this trail will provide. She spoke of the support this project has gotten in the past from the Town Board.

Mr. Tony Grasso, resident, spoke in favor of the wetlands permit.

Ms. Ann Borsolino, LaVoie Court resident, said that Mrs. Siegel stated that all of the concerns of the residents in the area have been addressed. She would like to know how exactly this has been done. She questioned the assurances from the Trailtown Committee.

Councilwoman Roker stated that once this becomes an established area/trail, the police will do regular sweeps and inspections.

Mr. John Tegeder stated that the boardwalk does not affect the hydrology of the area and the trail will not affect the grading/drainage of the area.

Mr. Walt Daniels stated the boardwalk and bridges will not negatively affect the area.

Councilman Lachterman suggested to Mr. Tegeder a pre-planning meeting so that some of the concerns are addressed, as Mr. DiNapoli suggested earlier in the evening.

Mr. Andrews spoke again to say that it is about 6 inches difference of grade that would cause his property to flood.

Mr. Tegeder said that he feels that there will not be that much regrading but he said he would be happy to look at Mr. Andrews' property.

Mr. Daniels also spoke about the wetlands issue.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Councilman Diana and carried.

APPROVAL OF WETLAND PERMIT FOR THE MOHANSIC TRAIL EXTENSION
RESOLUTION #126

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS, the applicant proposes to construct a trailway, consisting of approximately six hundred lineal feet of boardwalk, and approximately 1400 lineal feet of earthen and gravel surface walking path approximately eight feet wide and three wood bridges approximately six foot wide (the action) which requires clearing of an area ten feet wide and approximately 2000 feet long situated in the R1-20 zoning district and,

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer,

WHEREAS, the action will require greater than 10,000 square feet of land disturbance within wetland and wetland buffer,

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled "Freshwater Wetlands" a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove trees on the property consisting of trees that are less than eight inches in diameter at breast height (DBH), and

WHEREAS, the applicant has submitted a Town of Yorktown wetland permit application WP-011-18, dated March 1, 2018; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated March 1, 2018, and

WHEREAS, the Town of Yorktown Conservation Board has provided a review memo dated March 16, 2018, and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has provided a review letter dated March 19, 2018, and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on February 20, 2018 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held on April 3, 2018 in order to solicit comments from the public regarding the proposed action, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, the Town Board of the Town of Yorktown has determined that the action will not have a significant adverse impact on the environment, and a Negative Declaration is adopted and maintained on file in the Town offices; and

THEREFORE BE IT NOW RESOLVED THAT the Mohansic Trailway project as described in the maps, plans and other supporting documents is approved; and

BE IT FURTHER RESOLVED THAT Wetland permit WP-011-18 is approved subject to the below-listed conditions;

Conditions that must be met prior to the commencement of work:

1. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting.
2. Meeting shall be attended by a representative of the Trailway Committee and the Planning Department. Topics to be covered: Scope of work review, site access and material storage location, work hours, list of contacts, any erosion control measures that may be needed.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans and sketches submitted in support of this application; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority.
2. Where applicable, the guidelines contained in the NYSDEC Manual of Erosion & Sediment Control, latest edition, shall be followed.
3. All work to be performed on Town property and within the Town right-of-way. Roadways shall be kept broom clean at all times.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.

AND BE IT FURTHER RESOLVED that the Wetland Permit shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Permit shall be conducted in strict compliance with the wetland permit and the maps, plans and supporting documents on which this approval is based upon; and

BE IT FURTHER RESOLVED that the Town Environmental Consultant or other Town Staff member designated by the Town Board will provide a report stating whether the project has

complied with the requirements of this Resolution and the Wetland permit WP-011-18 at the end of the term of this permit, and

BE IT FURTHER RESOLVED that the Wetland, Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED that a wetland bond and the wetland permit application fee is hereby waived.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

PUBLIC HEARING TO CONSIDER WETLANDS PERMIT – NYC DEP PILOT PROGRAM ON THE NEW CROTON RESERVOIR

Supervisor Gilbert convened a public hearing to consider the application for a wetlands permit by the New York City Department of Environmental Protection for the purpose of conducting a pilot project to treat the aquatic invasive species Hydrilla Verticillata in two sample areas of the New Croton Reservoir that cover approximately 22 acres.

Mr. Mike Usai, NYC Department of Environmental Protection, came before the Board to explain the need for the wetland permit. The DEP wants to treat two areas of the New Croton Reservoir to treat the amount of the invasive species Hydrilla Verticillata with the chemical herbicide, Fluorodrone. They are proposing to treat Hydrilla in two coves of the reservoir with a pelletized version of Fluorodrone. He explained the amount of the herbicide would be a low concentration and will keep the water quality intact. The concern about Hydrilla is the impact it can have on the infrastructure of the reservoir system – it can clog intakes and accumulate on filtration equipment in the infiltration plant in the Bronx, and it has potential water quality impact which. This kind of project is also being done in other towns that encompass the reservoir. They are looking to see if this treatment will be effective in stopping the spread of the species. The project will be monitored closely to see if there is any movement of Fluorodrone outside of the treatment areas.

Councilwoman Roker asked about other areas that have used this project and Mr. Usai gave examples of other parts of the state and country where Fluorodrone has been used. Councilwoman Roker asked for a response to the residents who are concerned about a chemical herbicide into their water supply. Mr. Usai said part of the planning process is providing funding to the Water Research Foundation to convene an expert panel to assess managing Hydrilla areas. This resulted in a workshop that assessed mechanical, biological, and chemical options to treating Hydrilla; the application of Fluorodrone was agreed was the safest and most effective option. Supervisor Gilbert asked how does it affect you and me. Mr. Usai stated that it has been found there is no toxicity for humans and no water quality standards for it. Hydrilla can grow up to an inch a day, and therefore, this needs to be dealt with.

Mr. Ken Belfer, Mohegan Lake Improvement District, stated that he is familiar with this due to his involvement with Mohegan. He is in support of the project in order to stop its spread.

Councilman Patel stated that this is a basic, necessary need to keep our water clean.

Ms. Judy Bernstein, resident, stated her fears about both the invasive species and the addition of a chemical into NYC's water supply.

Mr. Adam Bosch, Director of Public Affairs, NYC DEP, addressed Ms. Bernstein's question of how it will affect NYC drinking water and directed to the Board to a website where all of the information regarding the project will be posted. He stated that this will not affect NYC's drinking water. He explained the scientific reasons why the chemical cannot make it to the layer where drinking water is drawn from and how the chemical breaks up before it reaches that layer of the water.

Discussion continued regarding the necessity of this project by both the Board and the NYC DEP representatives.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Lachterman, seconded by Supervisor Gilbert and carried.

Mr. Bernstein, resident, remarked that the stem of Hydrilla can grow up to 25 feet high, with leaves just under the surface. How can the chemical reach the root system if it breaks up before reaching that level? Mr. Usai stated that if the herbicide is applied early enough in the growing season, it can kill the Hydrilla at that point, before it gets to its maximum growth. The season begins late May and grows into October.

Supervisor Gilbert stated that between the work session and the significant amount of information that DEP provided, the Board is not treating this lightly and realize the necessity of the pilot project.

APPROVAL OF WETLANDS PERMIT FOR NYC DEP PILOT PROGRAM ON THE NEW CROTON RESERVOIR
RESOLUTION #127

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

WHEREAS,

Conditions that must be met prior to the commencement of work:

1. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting.
2. Meeting shall be attended by a representative from the NYCDEP who will be responsible for overseeing the work, the NYCDEP field representative and the Contractor who will be performing the work. Topics to be covered: Scope of work review, environmental safety procedures, work schedule, site access and material storage location, working hours, list of contacts, and erosion control measures if applicable.

Conditions that must be met during construction:

1. The entire scope of work is shown on the plans and sketches submitted in support of this application; no additional activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No changes to the existing site topography shall be permitted and no trees shall be cut
2. Where applicable the guidelines contained in the NYSDEC Manual of Erosion & Sediment Control, latest edition, shall be followed. No reservoir disturbance is proposed or allowed in order to perform the work of this permit.
3. All work and contractor staging shall be limited to NYCDEP property unless written approval from the Town is obtained. Roadways shall be kept broom clean at all times.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.

Gilbert, Roker, Patel, Diana, Lachterman Voting Aye
Resolution adopted.

ADJOURN

Upon motion made by Councilman Diana, seconded by Councilwoman Lachterman, the Town Board Meeting was adjourned.

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN