

Meeting of the Town Board, Town of Yorktown held on Tuesday, October 16, 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
Edward Lachterman, Councilman

Tardy: Thomas P. Diana, 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 (CLOSED SESSION)

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved into Executive Session to discuss Litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board proceeded with the Town Board 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 reported that he was a judge for an outdoor cooking contest sponsored by Boy Scout Troop #164 and thanked Tom Marin for inviting him and all of the participants.

Supervisor Gilbert reported that he met with Enbridge regarding the pipeline project. They stated that they hoped to be finished with their major work in the Town by this December, with a return next spring to finish restoration work. Supervisor Gilbert said he felt their major work would not be completed until the new year.

Supervisor Gilbert said that, at the invitation of the Yorktown Trailtown Committee, he participated in the unveiling of road signs at Lexington Avenue and Morris Lane provide direction to Sylvan Park.

Supervisor Gilbert also mentioned that Columbus Day weekend was a busy one – starting off with the Support Connection and continuing with Community Day sponsored by the Town and the Chamber of Commerce. Lunch was served to the seniors at the AACCCC which was donated by local vendors. He encouraged public support of Support Connection.

Progress at Granite Knolls continues with the installation of the concession stand, full installation of the turf fields and fencing will be starting shortly. The park is anticipated to open in Spring 2019.

A capital plan meeting was held with department heads for input of the needs of the Town for the next five years. Supervisor Gilbert said that it is clear that the infrastructure of the Town has been neglected for several years, including but not limited to, leaking roofs, acquisitions of generators, repair of culverts and catch basins, sewer lines, sewer pump stations, and potable water distribution lines. The Board has inherited a substantial amount of infrastructure work that cannot be addressed in one year. He said they are working on a plan to address these issues for the betterment of the Town and the betterment of the residents.

Supervisor Gilbert said that the Town Board has continued their series of meetings with residents on the sewer project in the Hallocks Mill Sewer District. He has also had meetings with Westchester County regarding additional funding for this project.

Meetings were held with Con Edison regarding aspects of their maintenance schedules, storm hardening, and reaction to upcoming storms. They have adopted the recommendation of County Legislator Michael Kaplowitz that Con Ed would have extra trucks available and then fly in out-of-state crews to operate the trucks instead of having them drive to here thereby losing valuable recovery time. Con Edison is also installing smart meters in Town, which will help report outages. Con Edison will also enable residents to text outages to them. More information will be posted on the Town's website.

Supervisor Gilbert participated in meetings with the East of Hudson Watershed Corporation. This is a local development corporation established by municipalities in northern Westchester, Putnam, and Dutchess counties. The Watershed is there to install storm water retro-fit projects to meet the requirements for phosphorous reduction defined by NYS Department of Environmental Conservation. Today they reviewed their passing of the operational budget for 2019.

Supervisor Gilbert met with a representative from US Senator Gillibrand's office to discuss how their office may assist the Town in acquiring grants and otherwise how they can help us and work for the benefit of local residents.

DURING REPORTS FROM THE TOWN COUNCIL, the following Councilmembers spoke: Councilman Diana spoke about the Community Day fair and the luncheon served to the seniors. He also spoke how the foundation has been poured and pedestal mounted for the Pinesbridge monument. He mentioned how the location of the monument has been a topic of controversy but stated that they felt it was the safest spot and it got the job done at little to no cost to the Town. It is now just a matter of getting the statue placed on the pedestal. Councilman Diana asked the public not to judge the Town Board by actions displayed by a couple of its members a few weeks ago. It was a case of two individuals passionate in their opinions and it has been resolved.

Councilman Patel said he attended the Association of Towns meeting. It was hosted by the Town of Ossining. He voiced his support of Support Connection. He asked the public to help maintain the community by pushing branches and debris away from storm drains.

Councilman Lachterman said that on Friday the Senior Advisory Committee will be having their monthly meeting at 1:00 pm in Town Hall. He said that attending the meeting helps the Town to understand the senior community's needs. October 20th will be United for the Troops will have their fundraiser at the Bull & Barrel in Brewster. On October 21st from 10:00 AM to 12:00 PM, the Sons of the American Legion will have a fundraiser breakfast at the American Legion Hall on Veterans Road to benefit five different charities, all veteran related. October 27th will be the Yorktown Lions and Town of Yorktown joint Halloween Parade followed by a free carnival at the AACCCC. The parade starts at 12 noon at Rexall Pharmacy. There is also a coat and food drive sponsored by My Brother Vinny on Sunday, November 4 at the Yorktown Elks Club.

DURING REPORT FROM THE HIGHWAY SUPERINTENDENT, Highway Superintendent David Paganelli stated that the Highway Department has been functioning without a generator since this past May. He has been working on it and will be delivered this coming Friday. It is imperative the Highway Department have a generator. He will be purchasing magnesium chloride and salt for the upcoming winter. He acknowledged Con Edison for their paving work done as a result of their projects and listed upcoming streets they will be working on. Mr. Paganelli said his department has been busy cutting down dead trees and branches.

Councilman Lachterman mentioned that on November 11 is the Veterans' Day Parade in Shrub Oak beginning at 2:00 pm. Any elderly veterans who would like to participate but cannot walk, they should contact him for a ride on the parade route (Councilman Lachterman gave his phone number).

Supervisor Gilbert mentioned how fortunate the Town was not to have experienced damage from the recent tornado that touched down – other municipalities were not as fortunate. He reminded the public how important it is for the Town to be prepared in these situations because they seem to be more frequent. Supervisor Gilbert said that he met with the rabbi from the Chabad who are receiving a Torah, which is being scribed and being delivered to them. There will be a celebration of the Torah and more information will be forthcoming.

DURING COURTESY OF THE FLOOR, The following members of the public spoke:

Mr. John McMullen, Yorktown Poet Laureate, read an original poem regarding technology being used as weapons. He also read a second original poem.

Mr. Jay Kopstein, resident, said he was glad Supervisor Gilbert spoke to Con Edison but also asked if he would do the same with NYSEG who seem to have more problems than Con Edison. Mr. Kopstein raised the incident that occurred on October 2nd between members of the Town Board regarding the resolution appointing the Oxman Law Firm as the firm representing the Town and its boards. He spoke about how the councilmembers should not be talking over each other while trying to express their opinions. Mr. Kopstein focused on Councilman Patel's behavior and stated that he owed a public apology to both Councilman Lachterman and Supervisor Gilbert.

Ms. Mary Rossetti, Vice President of the Yorktown Historical Society, voiced her shock and disappointment that the historical society who was the lead agency on the Pinesbridge Monument Committee was not asked to come in to talk to the Town Board about where the monument should be placed. Railroad Park does not make sense to her – it has no historical significance for this monument. Their subcommittee, the Pinesbridge Monument Committee, took it upon themselves two or three years ago to hand the project over to the Town Board, thinking it would be a great partnership. Had they known the monument would lose its historical significance and integrity, they never would have agreed. The center of Yorktown during the American Revolution is located at Downing Park. It is also where those the Town is honoring are buried across the street. It is where George Washington felt the area was significant and instrumental in winning the Revolution. To have been cut out of the process, is very disappointing. She stated that the monument has truly lost its historical significance.

Mr. Paul Martin, President of the Yorktown Historical Society, reiterated Ms. Rossetti's comments. He wanted to be on the record over the disappointment of being overlooked in the decision as to the location of the monument. During their fundraising process, they had always planned on the Downing Park location. He expressed his disappointment but said the monument is beautiful and it is a great accomplishment for having raised the funds. He appreciated the funding the Town provided, however, Mr. Martin said that the historical society should have had more input in the final placement of the monument.

Ms. Elise Graham, resident, thanked the Board for arranging the October 23 joint work session regarding the new tree law and hopes for a public hearing in the near future. She mentioned that the very "stark optics" of the Murphy's location has created somewhat of stir among her friends and neighbors. They seem most enraged by the fact that the taking down of the trees was perfectly legal under the current law – this just makes having a new tree law more imperative. She spoke about requiring developers to do a comprehensive inventory of existing trees and creating a viable mitigation plan for those trees that are taken down. She asked why is having an ordinance that is strong and comprehensive being dismissed because it has "too many words" or "too many definitions"? How can explain to our grandchildren and future residents that the trees and woodlands that graced our streets and properties in 2018 are gone because the law that could have saved them was too long to read?

Mr. Ken Belfer, Mohegan Lake Improvement District, spoke about how, in early 2018, Governor Cuomo announced an initiative to try to address some of the problems regarding lakes in New York State. In February, the Mohegan Lake Improvement District put in a request to the Governor and the Commissioner of the Department of Environmental Conservation to use Mohegan Lake as a pilot study. New York State does not do permitting for nutrient inactivation – the application of chemicals that will inactivate the phosphorous in lakes, which Mohegan Lake has excessive amount of that, in turn, cause algae blooms that can be harmful. This is the pilot program that the Improvement District asked for and was accepted. Over the summer DEC visited the lake and contractors were doing scientific data collection to make sure that it was suitable for nutrient inactivation and would benefit from the application. Two weeks ago, he signed the paperwork on behalf of the Improvement District to allow the DEC to apply the treatment; he is hoping for late November or possibly next spring. Mr. Belfer is hoping that this will make a positive improvement in the water quality in the lake for the next summer season.

Mr. Paul Moskowitz, resident, spoke about climate change and the effects on our weather (hurricanes, tornadoes, etc.) He said that we have an opportunity to make a change in Yorktown through our tree law. Under the present law (which has no mitigation in place), the problem like

what occurred at Murphy's was allowed to happen. He would like to speak on behalf of the Advisory Committee on Open Space at the October 23rd joint work session.

Mr. Ed Ciffone, President of the United Taxpayers of Yorktown, read portions of a letter he wrote regarding how the Town Board needs to work together. He wanted to know the date the budget will come out – October 20th? Town Clerk Diana Quast said the budget has to be filed with the Town Clerk by October 31st and the Finance Department has 5 or 6 days beyond that to get copies out. Supervisor Gilbert said it will be out before October 31st. Mr. Ciffone said that in the past, with the exception of the last 6 years, when the budget was reviewed it was done line by line. He asks that this be done again. Mr. Ciffone also said the San Gennaro Festival should not be five days – it is too long and affects some of the businesses and residents in the area. He then spoke about some issues with the cable television programming. Mr. Ciffone told the Board to not start capital projects unless the funds exist. He asked if Granite Knolls was going to come in at \$6.1 million or over budget and was told it would be brought in or under budget. He cautioned to not forget about adding in salaries of extra personnel for the sports complex.

Mr. John Tegeder, Director of Planning, asked to speak about the Pinesbridge Monument Committee. Many years ago, Michael Kahn – a Yorktown police officer and amateur history buff – came to him to for help with the Pinesbridge project. John agreed and in a very short time, they had formed a committee that consisted of himself, Michael Kahn, Linda Cooper, James Stropoli, Lorraine DeSisto, Paul Martin, and Monica Dougherty. This committee was the heart and the driver of the project. The location of the monument was the most difficult decision to make. They worked very hard for a number of years as to how to get a design, select an artist, etc., which became a nation-wide search. This was prior to the involvement of the Yorktown Historical Society. Once they had selected a design, they had to think of fundraising and where to place the monument. They asked the Yorktown Historical Society to be the caretakers of their money – that was the extent of their involvement. The Pinesbridge Committee has always followed the passion of Michael Kahn, the leaders, and the drivers of the Pinesbridge Monument. There was displeasure no matter where the monument was to be placed. When the Town took over the contract for the artist that was in the hands of the historical society, it moved the project at a very quick speed. The artist had the statues completed early summer with the expectation that it would be erected in the summer. The artist graciously agreed to hold on to the statue since we did not have the final location picked out nor the funding for the construction of the pedestal. Mr. Tegeder came to the Board a couple of months ago after having a meeting with the remaining members of the Pinesbridge Monument Committee to discuss a contractor who would do the pedestal construction at no cost provided the statue was placed in Yorktown Heights. His recollection is that the committee agreed to this. There were two locations discussed: Patriot Park and Railroad Park. Mr. Tegeder believes it is not accurate that the historical society did not know that Railroad Park became the designated location. He is a little surprised that there is a claim that nobody knew what was going on, and that there is such displeasure over the location.

Mr. Dan Strauss, resident, thanked the Town Board for the lunch for seniors and for the day. He said Yorktown is an event town. He went on to talk about dog owners not cleaning up after their dogs. He talked about cleaning up the Town and requested help in his efforts to clean up the Heights section and the other hamlets. He said to speak to Kim Gage at Refuse and Recycling Department. Mr. Strauss said the Town Board should do more to make homeowners and businesses on street fronts to keep their property clean. The Town Board should also do more to make the streets and roads safer. He said that \$7 million dollars has been granted to repave the trailway from down county to Putnam County. He said this is an opportunity to clean up the Town's parking areas near the trailway. Mr. Strauss said there was no reason to change the Tree Law to the extent that was done. All it did was allow people to cut trees down without impunity.

Another resident spoke to the Board about their behavior at the October 2nd meeting and said an apology should have been given to the Town by Councilman Patel.

Mr. Howard Frank, resident, spoke about Homeland Towers request to lease town-owned property to erect a monopole cell tower. He said it is like giving them a free pass. He talked about 5G technology and how this should be requested of all cell towers coming into Town since it is so much faster and more powerful than 4G. Mr. Frank said that the property on Quinlan that Homeland wants to lease is very valuable property and this is a complete giveaway. He also talked about how the Town has a serious issue with wi-fi service for emergency purposes. An RFP should be done for legitimate cell tower providers.

Mr. Tony Grasso, resident, said that, as council member, he put the two first cell towers in the Town for car-to-car communications for the police department. The towers were property of Yorktown and any company that wanted to use our towers had to pay significantly. Towers are very important for towns. He said that the old tree ordinance was too wordy and that a property owner should be able to cut down a tree on his/her own property. If the government wants a property owner to pay for a permit, then the government should have to pay for the tree.

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

Supervisor Gilbert said he appreciates the comments made by Ms. Rossetti, Mr. Martin, and Mr. Tegeder regarding the Pinesbridge Monument. Supervisor Gilbert said that they are encouraging businesses to help make the Town a more attractive place and to help beautify the Town.

Councilman Lachterman said that he also appreciates Mr. Martin's and Ms. Rossetti's comments and said no disrespect was made by their decision regarding the location of the monument. Councilman Lachterman once again apologized for his actions at the October 2nd Board meeting and for letting the moment get the best of him. He also addressed the Granite Knolls statements and talked about the approximately 53 pocket parks that the Parks & Recreation Department need to maintain. The Town Board must address how to maintain the new Granite Knolls complex and these are the types of services that make Yorktown the town it is.

Councilman Diana thanked the Yorktown Historical Society for the work they have done. It was not the Board's intention to omit anyone from the process. The Town Board felt they picked the best spot by taking into consideration the safety of the statue and where it will be fully viewed. He also appealed to the public to assist Dan Strauss in his cleanup operations.

PUBLIC HEARING TO CONSIDER THE REQUEST OF THE LANDMARKS PRESERVATION COMMISSION TO LAND MARK THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER

Supervisor Gilbert convened a public hearing to consider the request of the Yorktown Landmarks Preservation Commission to landmark the Albert A. Capellini Community and Cultural Center for designation as a historical landmark.

Ms. Lynn Briggs, Chairman of the Landmarks Preservation Commission, said they are hear tonight to discuss the last step of the land marking process and application. She gave a presentation that discussed the Commission's reasons for wanting to landmark the AACCCC, including the following: property information, site description, building description, land marking criteria, qualifications, and recommendation. The building meets all of the criteria and the Commission welcomes the Board's support in land marking it.

Councilman Patel asked Ms. Briggs to explain the difference between land marking a home and land marking a building.

Supervisor Gilbert read a letter from Susan Siegel regarding the land marking of the AACCC and how it was initially proposed that it would only be for the exterior of the building. According to her, that is not what is indicated in the Town Code: the criteria for approval of Certificate of Appropriateness in passing upon an application for a Certificate of Appropriateness, the Landmarks Commission shall not consider changes to the interior spaces unless the spaces are open to the public – the space at the AACCCC is open to the public. Supervisor Gilbert asked Ms. Briggs how she would respond to this.

Ms. Briggs said in the case of private residences they receive the Certificate of Appropriateness and would go to outside experts when a request is made to change the interior. Since this is a town-owned property, they would refer to the Town since the Town knows the condition, maintenance, and status of the building. They would refer any requests for modification to the Town to help them make a decision. Supervisor Gilbert asked that even though it may change the "ambiance" of the interior, the Landmarks Commission would still be willing to accept that if the Town Board felt they needed to modify the building in some way, i.e., security measures.

Ms. Briggs said that, yes, they would. If someone wanted to modify the windows, for example, they would seek Town counsel as well as expert opinion.

Councilman Patel asked what consideration is given to the Yorktown Stage Building and Ms. Briggs told him that they see the AACCCC and the Yorktown Stage as one building.

Supervisor Gilbert said that Ms. Briggs had answered all of the questions posed in Ms. Siegel's letter, which is public record.

The Town Board congratulated Ms. Briggs on her presentation and her thoroughness in her preparation of the land marking.

Councilwoman Roker asked Ms. Briggs why did the Landmark Commission feel it was necessary to land mark this building. Ms. Briggs said the AACCCC represents so much our history (social, political, education) that it would be a shame to not land mark it. It has been sitting there as a jewel for so long, we need to take advantage of it at this time.

The following members of the public spoke:

Mr. Jay Kopstein, resident, said he is afraid that the Town may preclude things that have to be done at a reasonable cost. For example, window air conditioners that need to be replaced that are permanently affixed to the building with structural supports drilled into the structure – is this considered a modification that the Town will not be able to do in the future? Wiring that is attached to the wall – will this be precluded in order to put air conditioning in? He also asked about wi-fi service requirements that may need antennas. Will outside lighting (which LED is now considered current state of the art) be permitted? Mr. Kopstein also raised the question about the AACCCC's use as a sheltering location.

Ms. Briggs said her best response is that each situation would have to be answered on a case-by-case basis.

Supervisor Gilbert said that their track record of interior modifications being taken on a case-by-case basis would be even more critical regarding this building rather than in a private home.

Mr. Paul Martin, President of the Yorktown Historical Society, voiced his support of Ms. Briggs' request to land mark the AACCCC.

Mr. John Tegeder, Director of Planning, said the interior now bears no resemblance to its original design. The core of what the building once was like is obvious, the room locations and corridors, etc. Many modifications have already taken place over the years and feels that there is no real fear that any modernizing or interior projects would alter anything in a significant way.

Ms. Linda Miller, resident, said her understanding is that it is only the building be land marked, but also said the landscaping of the outside should be remodeled and carefully thought out so that it complements the building.

Ms. Elise Graham, resident, asked if in the future the theater wanted to update its entrance or modernize it, would that be prohibited. Ms. Briggs said no; a Certificate of Appropriateness would need to be obtained and it would be placed under consideration.

Supervisor Gilbert said that at this point, the questions raised by the public and the response that modifications would be considered in a reasonable manner by the Commission, may be sufficient now but there may be a time when Ms. Briggs is not on the Commission and the response may not be the same. It is important for the Board to get legal opinion or something written in the resolution that this is our understanding. Town Attorney Richard Abbate told the Supervisor that the Board may approve the resolution with conditions.

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

PUBLIC HEARING TO CONSIDER THE REQUEST OF JOHN DEVITO, THE CONTRACT VENDEE, FOR A PETITION TO REZONE THE WEYANT PROPERTY LOCATED AT 2040 CROMPOND ROAD

Supervisor Ilan Gilbert convened a public hearing to consider the petition made by John DeVito, the contract vendee for property owned by the Laura F. Weyant Revocable Living Trust, for an

amendment to the Zoning Map for property located at 2040 Crompond Road, also known as Section 37.14, Block 2, Lot 32. The petition is for a Change of Zone from R1-20 to Transitional Zone in order to demolish the existing structures and construct rental townhouses. The proposed local law will amend the Town of Yorktown zoning map as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to Transitional Zoning District:

Section 37.14, Block 2, Lot 32 (37.14-2-32) (2.6 acres)

Joe Riina, Site Design Consultants, came before the Board to formally present the petition to rezone the property at 2040 Crompond Road. The petition was filed on April 21, 2017 and is to rezone from R1-20 to Transitional Zone. The Transitional Zone is a stand-alone section of the Code, which allows which gives the Town Board the ability to adopt a creative development of unique property situated between commercial and residential development zones. It is both a planning and zoning tool which a Town Board is, essentially, looking at a blank canvass to approve a final product which complements both zones. He stated that this site is one of those unique properties. The site is 2.6 acres situated at Compond Road and Hamblyn Street. Mr. Riina explained described the background to the project and how it evolved from two three-story buildings of 36 apartment units into the plan. A mini Master Plan and Traffic Study was done which resulted in the decision to develop a 23-unit townhouse development with a mix of two and three bedroom units, some of which will be single story and ADA accessible. A common access point onto Route 202/Crompond Road will be created that will suit both this development and the Roma Building. This plan is the one most favored by the NYS Department of Transportation. As he was speaking, Mr. Riina showed plans for the development.

Dr. Phil Greeley, Maser Consulting, spoke about the traffic study for the project that his firm prepared. The original project only considered the Weyant Project but as the project progressed they looked at the mini Master Plan which considered this property and the Roma property, as well as discussion with the NYS DOT to provide relief at the Triangle Shopping Center intersection. This will require land acquisition and land dedication to allow for future widening. He proceeded to explain how the traffic study was done and what was taken into consideration, i.e., the amount of traffic during peak and off-peak times relative to both projects and the surrounding businesses. They are now in the process of getting the permit for the final access point that may require some transfer or easement to the town. The traffic plan also takes into account future development with surrounding properties.

The Town Board asked questions of both Mr. Riina and Dr. Greeley regarding the project. Councilman Lachterman stated that the DOT may seem to have liked the idea but what if they do not want to do the work or drag it out. Dr. Greeley said the Weyant project can still be built as a stand-alone project with DOT approval, even if the Roma project took longer to occur. The Master Plan can be done in pieces, not necessarily all together.

Councilwoman Roker asked about the frontage of the project – will the front of the townhouses be facing Crompond Road? Mr. Riina said that the units will be facing outward. She also asked Dr. Greeley if he was in touch with the Roma people to explain road dedication and DOT's process. Dr. Greeley said the DOT's primary goal is to limit the number of curb cuts and close curb cuts around the Roma Building area. He said they then went to the Roma people and explained what DOT is going to require regarding land dedication. They are aware of the significant land dedication and are on board. Mr. Riina said that the last plan the Town Board saw on the Roma Building incorporated all of the land dedications, sidewalks, and additional turning lanes, etc. and will be on their upcoming plans to be presented to the Board.

Councilman Patel asked how many units with the property have and Mr. Riina told him it will be 23 units with at least 4 ADA accessible units.

Councilwoman Roker said she spoke to Director of Planning John Tegeder about making an appointment with DOT so they can talk to them about not only this side of Route 202/35 but also

Route 202 down by BJ's and what their plans are for that area, as well. Mr. Tegeder confirmed that he will make the appointment.

The following members of the public spoke:

Ms. Barbara Morton, Hamblyn Street resident, asked if Hamblyn Street will be taken care of before all of these approvals come through, i.e., the turn lane on their street. Councilman Lachterman said no, that has been part of the plan from the beginning.

Mr. Jay Kopstein, resident, asked to see on the site plan where pedestrian crossings will be. Councilwoman Roker said they cannot show the crossings yet because the Roma Building plans have not been brought in yet, although Dr. Greeley had addressed pedestrian crossings in a conceptual plan.

Mr. Howard Frank, resident, said the Town Board should be looking at other townhouse developments in Town for comparison and addressed the width of roadways and zero-line houses.

Mr. Ken McGevena, whose property abuts this project, questioned Dr. Greeley about the numbers he spoke of regarding the number of traffic trips from the project. He doubts the number of trips in and out of the project is as little as Dr. Greeley mentioned, especially considering that most of the people targeted for the complex are driving to work.

Dr. Greeley said the original traffic study that was done was based on 36 trips in an hour; the updated study is 24 trips per hour. The 12 trips was the latest data the state was using.

Mr. Dan Strauss, resident, questioned the traffic plan for the area. Dr. Greeley explained that the plan is to keep one lane of traffic in each direction, but providing turn lanes so that someone making a turn does not hold up traffic. He demonstrated this to Mr. Strauss on the conceptual plan.

Mrs. Donna McGevena, resident, said she met with some real estate people to find out if her property value would go down due to this project. They stated that the most important thing was to ensure that their privacy would not be compromised by the project. Mrs. McGevena said she asks the developer to take into consideration that proper landscaping and fencing would be done to maintain proper privacy. She questioned having egress points and garages so close to the property lines. She also gave her opinions regarding marketing possibilities for the development.

Mr. John DeVito, developer, for the project said that many of these issues were addressed in the original discussions. He and Mrs. McGevena discussed some of the questions she raised. Mr. DeVito said the final version has not yet been done. He feels he has addressed many of the concerns of the neighborhood. He said that the shape of the property is a bit tricky and they are giving up a lot of land to accommodate the entrance for the Roma Building.

Mr. Joe Riina said they have done countless numbers of layouts for the project. They still will be working with the Planning Board to take into account the Board's and the public's comments to give them direction. This may not be the final plan; it is a concept.

Mr. John McDonald, resident, asked about the main entrance and how it was not supposed to be fully operational until the road was widened which could take a couple of years because of DOT approval. Dr. Greeley said the land dedication process for this property is in a two year time frame right now – the access to 202 will be allowed while the process is going on. The design of the access is set up to accommodate the future widening of the roadway. The goal is to have access open within a two-year timeframe. Mr. DeVito and Dr. Greeley addressed the traffic and land dedication process with Mr. McDonald. Supervisor Gilbert spoke to him about the Town Board's role in this. John Tegeder spoke about the process the plans will go through with the Planning Board and public input.

The Board discussed the impact of the Weyant and the Roma projects with Mr. Tegeder.

Mr. Paul Moskowitz, resident, also raised the previous observation regarding crosswalks as a necessity to a walkable town. He stated that the focus should not just be about auto traffic, but pedestrian traffic. He would like to see diagrams of proposed crosswalks – this should be fundamental to the plans. Dr. Greeley addressed the proposed sidewalks and points of crossing.

Mr. Dan Strauss, resident, also addressed walkability downtown and the danger of crossing the streets. There are many kinds of vehicles in town, not just automobiles. He questioned how many people will actually walk in the proposed areas. Mr. Strauss talked about the process these developments go through and public information hearings that should be held. He feels the process should be changed.

Mr. Tony Grasso, resident, said the job of the Board is to get information and decide if they want the project or not. The next step is the Planning Board that is partially televised before their work session. He discussed how development of the Town is necessary for growth.

The Town Board voted to close the public hearing and reserve decision but after discussion voted to adjourn the public hearing instead.

The Town Board reserved their decision on this application and requested a draft resolution for the rezoning from John Tegeder who said further discussion is needed. The rezoning resolution and site plan resolution are generally done at the same time. The Board directed Mr. DeVito to continue working with the Planning Board on the site plan and come back to the Town Board for a work session to discuss the plan. A discussion ensued regarding the amount of the units and the type of units geared towards senior citizens.

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

AUTHORIZATION TO SIGN RETAINER FOR LEGAL COUNSEL FOR ETHICS BOARD
RESOLUTION #363

Upon motion made by Councilwoman Roker, seconded by Councilman Diana,

WHEREAS, the Town Board approves the retention of Legal Counsel for the benefit of the Ethics Board,

NOW, THEREFORE IT BE RESOLVED, that the Supervisor is authorized to sign a retainer agreement with the aforementioned counsel in an amount not to exceed \$5,000.00.

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

APPROVE ADDITIONAL TOWN BOARD MEETING TO BE HELD ON OCTOBER 30, 2018
RESOLUTION #364

Upon motion made by Councilman Diana, seconded by Councilwoman Roker,

RESOLVED, that a Town Board meeting will be added to the schedule of meetings for the fifth Tuesday of the month of October 2018. The meeting will take place on Tuesday, October 30, 2018.

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

REFER OUT REZONING REQUEST RECEIVED FROM CELESTIAL ROUTE 6
ASSOCIATES II, LLC AND DECLARE INTENT TO BE LEAD AGENCY
RESOLUTION #365

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

WHEREAS, Celestial Route 6 Associates II, LLC (“Celestial”) is the owner of certain real property located at the corner of Route 6 and Mohegan Avenue in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.16, Block 1, Lot 21 totaling approximately 0.83 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned O (Office); and

WHEREAS, on or about September 20, 2018, Celestial filed a Petition for a rezoning of the subject Property from the O Zoning District into the C-2 (Commercial Hamlet Center) District (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, Celestial has submitted a conceptual site plan (the “Plan”) and a full Environmental Assessment Form (“EAF”) under the State Environmental Quality Review Act (“SEQRA”) and associated materials (together with the Rezoning, hereinafter the “Action”); and

WHEREAS, on October 9, 2018, at a work session meeting of the Town Board, the Board reviewed the Action; and

WHEREAS, the Town Board desires to assume Lead Agency status (“Lead Agency”) and conduct a coordinated review with respect to the review of the Rezoning request and the Action in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR Section 617.6(b).

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Action will require review pursuant to SEQRA, and the governing regulations promulgated thereunder.
2. The proposed Action is an Unlisted Action under SEQRA.
3. The Town Board desires to assume Lead Agency status in connection with the SEQRA review of the Action.
4. The Town Board directs that, pursuant to Section 617.6(b)(3) of SEQRA’s implementing regulations, a Lead Agency coordination letter be circulated amongst the various Involved and Interested Agencies, together with a distribution package, including Part 1 of the EAF, the Plan, and a copy of Celestial’s Rezoning Petition submitted by Celestial, notifying 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.
5. The Town Board further directs that this Action be referred to the Planning Board for review and recommendation in accordance with the Town Code.

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

AUTHORIZE TAX CERTIORARI PROCEEDINGS AFFECTING TAX PARCELS 16.12-1-25
ACCOUNT NUMBERS 1884100, OWNED BY SEARS ROEBUCK AND CO. (SERITAGE FRC
FINANCE LLC)
RESOLUTION #366

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 16.12 Block 1 Lot 25, located at 600 Lee Blvd, located on the Tax Map of the Town of Yorktown, Now Therefore Be It

RESOLVED, that the tax certiorari proceedings affecting tax parcel 16.12-1-25 Account Number 1884100, owned by Sears Roebuck and Co. (Seritage FRC Finance LLC.), for assessment roll years 2016 and 2017, be settled as set forth in the proposed stipulation as follows:

Section 16.12 Block 1 Lot 25

Roll Year	Assessment From	Assessment To	Assessment Reduction
2016	255,360	255,360	-0-
2017	255,360	166,600	88,760

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye

Resolution adopted.

AWARD BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #367

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

WHEREAS:

1. The annual bid for Various Chemicals for the Water Pollution Control Plant was awarded October 17, 2017 for four (4) chemicals.
2. The Town rebid only two (2) of the four (4) chemicals as the vendors agreed to hold their prices for a one (1) year period and are summarized as follows:

CHEMICAL	BIDDER	AMOUNT
Caustic Soda 50%	Triathlon	\$2.365 / per gallon
	Main Pool & Chemical	\$3.32 / per gallon
	Surpass Chemical	\$2.694 / per gallon
	Univar USA Inc.	\$2.1947 / per gallon
	New Haven Chlor-Alkali	\$2.56 / per gallon
	JCI Jones Chemicals	\$2.20 / per gallon
	Kuehne Company	\$2.875 / per gallon
Caustic Soda 25%	Main Pool & Chemical	\$89.65 / per 55 gallon drum
	Surpass Chemical	\$99.45 / per 55 gallon drum
	Univar USA Inc.	\$187.622 / per 55 gallon drum
	New Haven Chlor-Alkali	\$148.43 / per 55 gallon drum

RESOLVED, that the bid for Caustic Soda 50% be awarded to Univar USA Inc., the low bidder, at a cost of \$2.1947/ per gallon, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Main Pool & Chemical, the low bidder, at a cost of \$89.65 /per 55 gallon drum, and be it further

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing on or about 11/1/18. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

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

AUTHORIZE COMPTROLLER TO RELEASE PERFORMANCE BOND IN THE AMOUNT OF \$250 FOR WORK COMPLETED AT 3320 CHELSEY STREET

RESOLUTION #368

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

WHEREAS:

1. Christopher Loftus as applicant posted a Performance Bond in the amount of \$250 which was deposited to the T33 account on June 26, 2018 for site work performed at the Chelsey Street location.
2. Christopher Loftus has requested his Performance Bond be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, that the above referenced Performance Bond in the amount of \$250 be and is hereby released to Mr. Christopher Loftus, 3320 Chelsey Street, Mohegan Lake, NY 10547.

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

AUTHORIZE THE FOLLOWING BUDGET TRANSFER – POLICE DEPARTMENT
RESOLUTION #369

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

BE IT RESOLVED, that the Comptroller is hereby authorized to process the following transfer:

From	\$49,500	General Fund - Fund Balance
To	\$33,500	A3120.210 Police – Vehicle
	\$16,000	A3120.210.1 Police – Vehicle Equipment

for the purchase of an additional vehicle to be utilized by the School Resource Officers stationed at the Elementary School in the Lakeland Central School District. This expenditure will be reimbursed by the Lakeland Central School District.

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

AUTHORIZE THE FOLLOWING BUDGET TRANSFER – HIGHWAY DEPARTMENT
RESOLUTION #370

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

BE IT RESOLVED that the Town Board authorizes the following budget transfer for Highway Department for the purchase of magnesium chloride

From:		
D.5110.110	Highway Salary	\$48,750.00
To:		
D5142.403	Highway Snow Supplies	\$48,750.00

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

AUTHORIZE COMPTROLLER TO TRANSFER FUNDS TO PAYOUT RETIREMENT OF
PAUL GRIEVE
RESOLUTION #371

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

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Paul Grieve the cash value of unused time as of his retirement date:

Rate of Pay: \$51.3228 hourly
\$410.58 daily

Compensatory Time	9.25 hours	x	\$ 51.3228	=	\$ 474.74
Holiday Pay	7.00 days	x	\$410.58	=	\$ 2,874.06
Personal Days	2.00 days	x	\$410.58	=	\$ 821.16
Vacation Days	8.00 days	x	\$410.58	=	\$ 3,284.64
Longevity					
	\$2,175 / 261 days = \$8.33 per day				
	08/31/18 to 09/16/18 = 16 days				
	16 days	x	\$8.33	=	\$ 133.28
			Total		\$ 7,587.88

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:	A3120.102	Police Salary Benefits	\$7,454.60
	A3120.106	Police Longevity	\$ 133.28
To:	A3120.108	Police Lump Sum	\$7,587.88

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

EXTEND BID FOR STONE, GRAVEL & CONCRETE FOR HIGHWAY DEPARTMENT
RESOLUTION #372

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

WHEREAS, invitation to bid for the Stone, Gravel, and Concrete Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 1, 2016;

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Stone, Gravel, and Concrete for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be January 1, 2019 to December 31, 2019.

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

EXTEND BID FOR STREET SWEEPING FOR THE HIGHWAY DEPARTMENT
RESOLUTION #373

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

WHEREAS, invitation to bid for the Street Sweeping Bid for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on November 15, 2015;

RESOLVED, that upon the recommendation of the Highway Superintendent, David Paganelli, the bid for the Street Sweeping for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

BE IT FURTHER RESOLVED, the dates of the extension will be January 1, 2019 to December 31, 2019.

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

APPROVE UPDATE TO THE ZONING MAP OF THE TOWN OF YORKTOWN
RESOLUTION #374

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

WHEREAS, the Town Board passed Local Law #1, #10 of 2016, Local Law #15 of 2017, and Resolution #94 of 1968, which changed the Zoning for the properties noted below requiring that the Zoning Map of the Town of Yorktown be amended accordingly:

1. Crompond Terraces – SBLs 26.18-1-11, 12, 13, 14, 15, 16; 26.18-1-9; 26.18-1-10
Approved – Local Law No. 1 of 2016 on January 19, 2016
R1-20 to C-2R and R-3
2. RPG Properties aka Mohegan Court – SBL 15.15-1-22
Approved – Local Law No. 10 of 2016 on June 7, 2016

R1-20 to R-3

3. Village Traditions – SBL 15.16-1-32
Approved – Local Law No. 15 of 2017 on October 17, 2017
C-2 to C-2R
4. Pure Salon – SBL 37.14-2-35
Approved - Resolution #94 of 1968 on February 6, 1968
R1-20 to C-2

Be It Therefore Resolved, the Town Board approves an update to the Zoning Map to indicate the rezoning of the above properties.

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

AUTHORIZE COMPTROLLER TO DO THE FOLLOWING REFUND – WATER
DEPARTMENT
RESOLUTION #375

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

RESOLVED, that the Town Board authorizes the Town Comptroller to issue a refund from Water Dept. account SW.0000.2655 due to an overpayment for water usage charges in the amount of \$9,190.44 to V.A. Spatz & Sons Construction, Inc., 91 Lone Pine Drive, Berkeley Heights, NJ 07922.

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

The Town Board accepted the Monthly Reports from the Building Department and the Receiver of Taxes for September 2018.

ADJOURN

Upon motion made by Councilwoman Roker, seconded by Councilman Diana, the meeting was adjourned.

DIANA L. QUAST, RMC, CMC
TOWN CLERK
TOWN OF YORKTOWN