

Meeting of the Town Board, Town of Yorktown held on Tuesday, November 13, 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 Lachterman, Councilman

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

EXECUTIVE SESSION

Upon motion made by Councilwoman Roker, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel issues regarding particular individuals. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

TOWN BOARD MEETING

Supervisor Ilan Gilbert called the meeting to order.

UPDATE ON PROPOSED GROUP HOME AT 2364 VISTA COURT

Mr. Dan Lockett, Chairman of the Group Home Committee, came before the Town Board to give an update to the October 15th YAI Agency's written request to establish a home for six young men, 21 years old, who have aged out of residential schools and who now need a permanent home for their adulthood. The home is to be located at 2364 Vista Court. The receipt of that request triggers a 40 day window during which the Town has four options: 1) Town Board approves the application; 2) do nothing, which if the 40 days expires, is considered tantamount to an approval; 3) nominate an alternative site within the boundaries of Yorktown. If the alternate site meets the requesting agency's criteria, the agency must use that site. If the alternate site has neighbors who object, the Town is basically trading in one group of dissatisfied neighbors for another. And 4) the Town may appeal to the State Commissioner of Health to make a claim that putting this particular group in that particular location at that particular time would result in a high concentration of similar facilities such that the character of the Town would be altered. Mr. Lockett admitted that the law is not very clear but to his knowledge and that no town has ever succeeded with such an appeal. Yorktown had tried it in the past, spent considerable money, only to be refused.

A letter was sent to area residents to invite them to an informational meeting, which was well attended. Mr. Lockett said there was a good discussion and residents were patient and attentive, but many were not pleased that the group home was going to be established. Mr. Lockett said he made sure they understood the options – primarily the one of finding an alternate site. He informed them if the Town had to find an alternate site, they would ask the Vista Court community to locate it. Mr. Lockett said he sent the residents a follow up letter detailing the process and the rationale. He said he received calls from some of the neighborhood representatives and does not think there will be an issue. Many of the residents are eager to discuss and meet with the requesting agency so they can understand the operations of the home and the needs of the residents. They have a November 24 deadline.

Mr. Lockett said the Town Board could pre-emptively issue the approval but does not recommend this at this time until it is determined there is no vigorous objection to the request.

The Town Board thanked Mr. Lockett for all of his work as liaison for the Town, the residents, and the applicant.

Supervisor Gilbert said the Board would entertain approving the application at the November 20, 2018 Town Board Meeting if there were no vigorous objections.

CELESTIAL ROUTE 6 LLC REZONING REQUEST

Mr. Dan Richmond - Attorney from Zarin & Steinmetz, Diego Villareal - JMC, and Marc Edelman, Principal for Celestial Route 6 LLC, came before the Board to further discuss their request for rezoning of a parcel from Office Zone to Commercial Zone which is consistent with zoning in the

area. Since they last appeared before the Town Board, they have appeared before the Planning Board and the Conservation Board. They would like to move the process ahead. They understand that when an actual tenant would be found for this location, it will again go through the site plan process with the Planning Board.

Supervisor Gilbert said this will require the SEQRA process before the Planning Board. They will be scheduled for a public hearing on December 18, 2018.

AWARD BID FOR THE REMOVAL AND REPLACEMENT OF BOILER #3 AT THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER
RESOLUTION #397

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

WHEREAS, invitation to bid for the Installation of a Dual Fuel-Fired Boiler in Direct Replacement of Existing Steam Boiler #3 located at the Albert A. Capellini Community and Cultural Center was duly advertised, and

WHEREAS, said bids were received and opened on the 8th day of November 2018, with the bid amounts for the above-referenced project summarized as follows:

<u>Bidder</u>	<u>Amount</u>
Joe Lombardo Plumbing & Heating of Rockland, Inc.	\$91,800.00
Pearl River Plumbing Heating & Electric Inc.	\$96,966.00
Peak Performance & Service, Inc.	\$134,500.00
Valco Energy Systems	\$137,400.00

NOW, THEREFORE BE IT RESOLVED, that the Town Board awards the bid to Joe Lombardo Plumbing & Heating of Rockland, Inc. in the amount of \$91,800.00. This will be charged to Capital Contingency A1990.499.1.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE REQUEST FOR PROPOSALS FOR THE REHABILITATION OF FOUR WASTEWATER PUMP STATIONS IN THE HALLOCKS MILL SEWER DISTRICT
RESOLUTION #398

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

RESOLVED, the Town Board authorizes the Town Clerk to advertise Request for Proposals for the Rehabilitation of Four Wastewater Pump Stations in the Hallocks Mill Sewer District: Crystal Lake, Hanover East, Mohansic, and Salem Pump Stations.

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

PAYOUT OF VACATION TIME – TODD ORLOWSKI
RESOLUTION #399

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

BE IT RESOLVED, that the Comptroller is hereby authorized to process payment to Todd Orłowski for five (5) vacation days on Payroll #24, December 6, 2018.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR REMOVAL AND REPLACEMENT OF RETAINING WALL
RESOLUTION #400

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

RESOLVED, that the Town Board authorizes the Town Clerk to Advertise for Bids for the Removal and Replacement of the Retaining Wall located at the intersection of Underhill Avenue and Highbrook Street.

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

AUTHORIZE THE TOWN COMPTROLLER TO RELEASE ESCROW FOR DRIVEWAY PERMIT AND STREET OPENING PERMIT – 322 KEAR LLC
RESOLUTION #401

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

RESOLVED, that, after inspection by a member of the Highway Department found the work to be completed satisfactorily; the Town Board authorizes the Town Comptroller to release the following escrow deposits:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund To</u>
Driveway	1205	\$500.00	322 Kear St	322 Kear LLC 200 Business Pk Dr Ste 203 Armonk, NY 10504
Street Opening	016-015A	\$2000.0	322 Kear St	Same as above

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

AUTHORIZE THE SUPERVISOR TO SIGN AN AGREEMENT WITH TRANSUNION, LLC TO PROVIDE INVESTIGATIVE RESEARCH SERVICES TO POLICE DEPARTMENT
RESOLUTION #402

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

RESOLVED, that the Town Supervisor is authorized to sign an agreement with TransUnion, LLC to provide investigative research services to the Yorktown Police Department at a cost of \$1800 per year, for a period of three years, commencing January 1, 2019.

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

AUTHORIZE COMPTROLLER TO REFUND THE FOLLOWING DUPLICATE TAX PAYMENTS
RESOLUTION #403

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

RESOLVED, that the Comptroller is authorized to refund the following duplicate tax payments:

<u>Account No.</u>	<u>Amount</u>	
2494070	\$3,356.47	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
2916000	\$3,800.46	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0542571	\$588.09	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0774500	\$519.26	REF DUP FIRST 1/2 2018/19 SCHOOL TAX
0155500	\$3,957.16	REF DUP FIRST 1/2 2018/19 SCHOOL TAX

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

AUTHORIZATION FOR TOWN OF YORKTOWN REFUSE & RECYCLING DEPARTMENT
TO PURCHASE ONE 2019 F350XL PICKUP TRUCK
RESOLUTION #404

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

WHEREAS, Ford F350XLs were listed as part of the New York State Office of General Services mini bid #T18100006 / contract #PC67290, and

WHEREAS, monies have been allocated in the 2018 Refuse budget line SR.7210.200 (Equipment), and

WHEREAS, the lowest price bidder was Beyer Ford LLC located in Morristown, NJ; now

THEREFORE BE IT RESOLVED, the Town Board authorizes the Town of Yorktown Refuse & Recycling Department to purchase one (1) 2019 F350XL Pickup Truck as specified in the NYS OGS competitive mini-bid #T18100006 awarded to Beyer Ford LLC for a total amount of \$41,746.29.

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

ADVERTISE PUBLIC HEARING FOR PROPOSED LEASE OF TOWN-OWNED PROPERTY
FOR A PROPOSED PUBLIC UTILITY WIRELESS TELECOMMUNICATIONS FACILITY –
SUBJECT TO PERMISSIVE REFERENDUM
RESOLUTION #405

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 20th day of November 2018 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed lease of town-owned property located at 3101 Quinlan Street, Yorktown Heights, NY, also known on the Yorktown Tax Rolls as Section 27.05, Block 1, Lot 16 for a proposed public utility wireless telecommunication facility. The facility is designed to replace two existing towers at the property and support the co-location of the Town emergency services facilities and wire carriers. The proposed action consists of a 135-foot monopole with antennas, access driveway, together with related equipment within an approximate 2,560 square foot compound. This application is subject to Permissive Referendum.

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

AUTHORIZE TOWN CLERK TO CIRCULATE LEAD AGENCY LETTER AND REFER OUT
THE REZONING PETITION REQUEST RECEIVED FROM CONCRETE VENTURES FOR
THE ROMA BUILDING SITE TO INVOLVED AGENCIES
RESOLUTION #406

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

WHEREAS, Concrete Ventures, LLC (“Concrete Ventures”) is the developer of certain real property located at 2038 Saw Mill River Road in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 37.14, Block 2, Lot 33 totaling approximately 1.34 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned C-3; and

WHEREAS, on or about October 23, 2018, Concrete Ventures filed a Petition for a rezoning of the subject Property from the C-3 Zoning District into the Transitional Zone (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, Concrete Ventures has proposed constructing a four-story mix-used development consisting of high-end rental units, and approximately 9,300 square feet of retail on the ground level (the “Project,” and together with the Rezoning, the “Action”); and

WHEREAS, Concrete Ventures has submitted a full Environmental Assessment Form (“EAF”) under SEQRA and associated materials evaluating whether the Action would result in any significant adverse environmental impacts; and

WHEREAS, on October 30, 2018, at a work session meeting of the Town Board, the Board reviewed the Action and discussed the processing of this application under SEQRA; and

WHEREAS, the Town Board desires to assume Lead Agency status (“Lead Agency”) and conduct a coordinated review of 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); and

WHEREAS, the Town Board also desires to commence the formal review of the Petition and Project in accordance with Article XVII of the Town Zoning Code, including referring the Petition and Project to the Town Planning Board, the Town Planning Department, the Town Engineer, Town Building Inspector and Town Attorney for review and comment, as well as referring the Action to any other local, county and state agencies required under the New York State General Municipal and Town Law.

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 implanting regulations, a Lead Agency coordination letter be circulated amongst the various Involved and Interested Agencies, together with a distribution package, including the EAF, the Plan, and such other relevant information submitted by Concrete Ventures, notifying them that a Lead Agency must be agreed 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 its review and recommendation, as well as to the Planning Department, the Town Engineer, the Town Building Department, and the Town Attorney, in accordance with Town Code Section 300-169.
6. The Town Board further directs that this Action be referred to the Westchester County Planning Board and Planning Department for comment pursuant to Section 239-m(3)(a)(ii) of the New York State General Municipal Law.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID FOR THE PURCHASE OF (3) NEW AND/OR LOW MILEAGE VEHICLES FOR TOWN USE
RESOLUTION #407

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

RESOLVED, that the Town Board authorizes the Town Clerk to Advertise Bid for the purchase of Three (3) new and/or low mileage vehicles for Town use.

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

CONSTRUCTION INSPECTION SERVICES: BRIDGE REPLACEMENT HILL BOULEVARD OVER TRIBUTARY TO BARGER BROOK (PIN 8761.66) AND CULVERT REPLACEMENT VETERANS ROAD OVER HALLOCKS MILL BROOK (PIN 8761.71)

Supervisor Gilbert said this was work that had already been awarded. The Town had a price quote but did not have an inspection done on the progress of the project. The State came up with qualified individuals and told the Town to go forward with the most qualified. Highway Superintendent David Paganelli and Town Engineer Michael Quinn did this and WSP Sells is being awarded the RFQ, which will be done at a future Town Board Meeting.

ADJOURN

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

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