

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, October 27, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu V. Patel, Councilman

Absent: Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

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

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked all to join him in a moment of silence to remember the brave men and women overseas protecting our freedoms, the over 210,000 lives lost to the coronavirus, the more than 1200 residents who have active cases of the coronavirus, and the brave first responders, front liners, and police. Supervisor Slater asked for a special prayer for our country as we prepare to exercise our right to vote in the next few days.

Town Clerk Diana Quast announced that the Board of Elections has extended the voting hours by one hour for the remainder of the early voting period. She said to add another hour on to each day of early voting.

Supervisor Slater reminded people that if you have an absentee ballot, you do not need to wait in line but can go to door and they will receive the ballot there. He also thanked the Board of Elections, the election workers, and the Town Clerk's office and Town Clerk Diana Quast who has been overseeing the early voting process in Yorktown, which has been inspiring to see the amount of people exercising their right to vote.

CROTON OVERLOOK

Supervisor Slater introduced Jody Cross, Matt Matthews, and David Steinmetz, the applicants and representatives for the project. He also introduced Director of Planning, John Tegeder, and the members of the Town Board.

Mr. Steinmetz, Zarin & Steinmetz, said that about 7 or 8 years ago he and Jody Cross handled a rezoning application in front of the Town Board and Planning Board in connection with what was then known as Croton Overlook. Croton Overlook is an approximately 60-65 acre parcel of land at the intersection of Route 100 and Route 134, just south of the "T" intersection. He said they had processed a rezoning application for an active adult residential multi-family townhouse community. Mr. Steinmetz said they were successful and the project was approved. He said, unfortunately, his client died before the five-year period that included a "sunset" or termination of the approvals. As a result, a number of issues came up, and no one really assumed control of the property. He said the rezoning lapsed and Matt Matthews is now the owner of the property. He summarized what they previously went through with the Town Board: the property was zoned R1-60, they secured a successfully rezoning to the RSP-1, they went through a full SEQRA process, and secured a rezoning for what was then a 70 unit project – a 55 and over age restricted product, there were 46 acres of permanently preserved and protected open space between the project's development pad and the immediate adjacent large lot owners. The property consisted of 72 different lots – one lot of each of the 70 units, one lot for the 46 acres of open space, and one lot for the wastewater treatment system. Mr. Steinmetz

said the project has gotten smaller – they lost about 1.5 acres of a small adjacent lot that then developer T.J. Muldoon was in contract to acquire. The project has dropped from 70 units to 62 units – still an age-restricted product. Mr. Steinmetz said he and Mr. Matthews feel that this product is sorely needed in the Town; there is a genuine dearth of age-restricted, high quality residential units for sale and they are excited to come back. Mr. Steinmetz said that as far as they are concerned, there really are no changed circumstances – there is nothing different to today from an environmental, traffic, etc. standpoint and this should preclude them from obtaining the rezoning that they were able to obtain a number of years ago. Mr. Steinmetz shared his screen to show the plans for the project, which he then discussed. They have not yet filed anything formally at this point because he wanted to reintroduce the project.

Supervisor Slater asked for the process to be explained for the public.

Mr. Steinmetz said they are now R1-60 and would need to file a petition for a rezone to re-map the property into the RSP-1 zone. This would be filed along with the proposed subdivision plat and site plan and environmental assessment form, supporting studies, and then come back before the Town Board for rezoning approval and the Planning Board for subdivision and site plan approval. Both Boards would have to determine which board wishes to serve as lead agency under SEQRA, which they would have to go through this process again. Mr. Steinmetz said there might be the possibility that they would be able to go through an abbreviated SEQRA process. He said they are ready to deal with NYS DOT, NYC DEP, and Westchester County Planning – all of the agencies that they originally dealt with several years ago.

John Tegeder said the rezoning was done and reiterated that the residential site plan under the RSP-1 in front of the Planning Board was not done; it had never gotten to that point. Ms. Cross confirmed this. He said he suspected that some of the splitting up of the lots also was not done. He said he agreed with the description of the process and the key is the SEQRA record – he said it has to be opened up to see what has changed or is different and deal with it from that perspective. He said he would go along with a petition if that were what Mr. Steinmetz wants.

Mr. Steinmetz said the project is more than 10 percent reduced in terms of its overall size; therefore, the vehicular count, the effluent flow, and stormwater in terms of coverage is also reduced. He said if there are changes, he thinks empirically that he will be able to work with the client to establish that their impacts are less. He said this is an entirely revenue beneficial project to the Town of Yorktown (minimal services, no school impact since it is age-restricted).

Councilman Diana asked if this were for sale or rent and Mr. Steinmetz said they are for sale. Councilman Diana asked if the ponds on the property would be draftable for fire department use or are they standing water. Mr. Steinmetz said he thinks they are for stormwater retention and not draftable. Councilman Diana asked if there was town water in the location. Mr. Tegeder said there is water there but it is from the Town of New Castle – our residents buy water that comes from New Castle.

Mr. Steinmetz said he would like to file an application and get this project going.

Supervisor Slater said the Board is excited to see what they bring back to the table and agreed to the beginning of the rezoning process.

CSC TASK FORCE

Supervisor Slater introduced members of the Climate Smart Communities Task Force: Robert DeAngelis, Keith Holmes, Paul Moskowitz, Swarnav Pujari, Sarah Wilson. He said the members were here to discuss two issues: Waste & Energy Provision in government contracts and the Environmentally Preferable Purchasing Policy.

Bob DeAngelis spoke about the procurement policy (environmentally preferable purchasing policy) and said the Town should add some new language to its policy so that when we purchase things we consider the environment and energy. He cited changes that the Town of Bedford made that Yorktown could adopt with some slight modifications. It would not only do something good for the Town and improve our procurement, but it would also get us “points” towards being a Climate Smart Community.

Supervisor Slater asked Mr. DeAngelis to explain a little more what Bedford has for the public's benefit.

Mr. DeAngelis said Bedford has a green purchasing policy that talks about energy use, giving priority to products that consume the least amount of energy through their life cycle. They refer to Energy Star, sustainable materials, environmental and health impacts in this policy.

Supervisor Slater said that he believed that the Town of Mamaroneck and the Village of Croton had similar policies in place, as well, and are climate smart communities that are recognized in Westchester County. He asked Councilman Patel if he had any thoughts on this policy.

Councilman Patel said anything we can do help the environment would be helpful and you can count on his support. He thanked each of the committee members for their work.

Supervisor Slater clarified with Adam Rodriguez, Town Attorney, that this would not require a town law but a simple resolution amending the Town's procurement policy.

Councilman Diana asked Mr. DeAngelis to forward the Bedford document to Town Attorney Rodriguez for him to review.

Supervisor Slater raised the second discussion item: the Waste and Energy Provision in government contracts.

Sarah Wilson said this provision basically says when we enter into contracts, energy efficiency standards and waste handling requirements are incorporated as standard specifications in our Town contracts. For example, when engaging a contractor, they need to be subject to those requirements like separating waste so we may recycle. If we are procuring equipment, we would specify energy provisions.

AAA CARTING

Supervisor Slater introduced Pat Cartalemi from AAA Carting and asked Town Attorney Adam Rodriguez to give a briefing as the state of the current garbage contract and what was required by the Town moving forward in order to discuss next steps with Pat Cartalemi.

Town Attorney Adam Rodriguez:

So there's a contract that expires at the end of the year and it's up for renewal. There's a series of one year renewals available. So if the Board is so inclined, we need to pass a resolution authorizing the exercise of the renewal option.

Supervisor Matt Slater :

Okay, and I wanted to have the Board talk with Pat to gauge what our inclination is to move that forward.

Councilman Tom Diana:

Pat, we've come up with a solution for that cardboard problem we had, right? Rather than the totes? I spoke to Matt briefly about it. Maybe you want to explain that to the listening public out there so that they're aware of what you're going to doing for the condos?

Pat Cartalemi, AAA Carting:

Yes, there are a couple issues with some condos and this stems back to actually the awarding of the contract where containers were provided for recyclables when trucks are not capable of dumping them that are used with a contract. So we seem to have come up with a solution. It worked last week and it will work again this week, so that we will not have that issue anymore with Old Yorktown Village.

Councilman Tom Diana:

All right, do you want to explain how that is going to work just so that the people know out there that they are actually going to have a fairly empty dumpster at some point.

Pat Cartalemi, AAA Carting:

So what we will be doing is we are going to be providing twice-a-week service for that condo complex because the containers are hand picked out and there is not a truck to be able to dump them. We will be doing this twice a week so that we can get the container empty for the condo complex. We got an

email from the Supervisor last week and from Old Yorktown Village that it worked out perfectly fine last week, and it will work again this week, and it will work from now on.

Councilman Vishnu Patel:

The cardboard is a problem, I understand, because everything is delivered at home, you know, and sometimes the boxes are bigger than what's inside. Everybody should say something and maybe we can just try to help you and ourselves to manage this cardboard issue.

Supervisor Matt Slater:

In addition to that, can you also provide some insight into the increased loads that your your staff have been picking up throughout town?

Pat Cartalemi, AAA Carting:

Cardboard has been up for the last couple of years and trash obviously has been up over the last six months because of everybody being home because of the pandemic. The biggest issue that there is with cardboard is breaking it down and stacking it. There are a lot of residents that we will come up to and there's just a mound of cardboard outside. It's not broken down. It's not put into other boxes. It is a lot of time for us to pick it up and throw it into the back to the truck. So just one of the things that we would ask for is just that cardboard be broken down; boxes put in boxes is usually the easiest way. If you cut it and tie it, that works as well. But condensing it just as much as possible is the best for us. Also one of the other big things is no bags. The recycling cannot be in bags, whether it's the commingle or it's the cardboard or paper it cannot be in plastic bags, shredded paper can be in paper bags. Just the paper and the cardboard needs to be separate from the co-mingle, which is your glass bottles and tin cans. Those are the couple of issues that we have with recycling out on the routes.

Councilman Vishnu Patel:

I agree with you but when you have the newspaper and heavy rain comes in, I don't know whether the paper bag can hold it and then it will increase the weight of the waste. I don't know which is really the right thing to do. Maybe it should be done with plastic bags over it so it doesn't make all the newspaper wet. I know the plastic is not very good way to go, but maybe you pick up a little plastic and put it over it and maybe you can just push it back in a container or something.

Pat Cartalemi, AAA Carting:

So the bag regulation is actually a county regulation. The stations and the sorting facilities at the Yonkers transfer station don't have the baggers there. So, everything actually has to physically be opened if it's put in bags. So that's why the county recommends nothing to be put in bags, it streamlines the process and makes it easier for the county to process the material.

Councilman Vishnu Patel:

Yeah, because the plastic messes up all the equipment, you know, that's another problem, right?

Pat Cartalemi, AAA Carting:

Yes, sir.

Supervisor Matt Slater:

I have an email from a resident from Old Yorktown Village. If you wouldn't mind just taking another peek on that. I believe there. We said they were Wednesday and Friday, correct?

Pat Cartalemi, AAA Carting:

No, Tuesday and Friday. So today it should have been handpicked and Friday that container will be dumped.

Supervisor Matt Slater:

If you can just check on Cromwell Place in Old Yorktown Village to just see what the status is of the pickup there. I know that you worked very closely with our former Refuse & Recycling Director Kim Gage and we engaging in the process of finding a replacement since her retirement. You are currently working with Kristin Scherrer, who has taken over a lot of the responsibilities over there. I want to thank you for your cooperation in in addressing some of the many needs of the community with regards to our garbage pickup. I never realized, and she's not here, but Councilwoman Roker, and I often joke, that you can have so many conversations about trash. It's the truth and I understand it. Residents, obviously, have especially during the COVID pandemic, relied more heavily on reliable trash pickup than ever before. The other thing I wanted to see is if you could provide some insight on what I spoke

to you about. We did have a conversation about another complex where I think your crews are running the compactors. Would you be able to explain to the public what happens when those compactors are run? And if they see liquid coming out, what does that mean?

Pat Cartalemi, AAA Carting:

It is something that the trucks are built to keep in a certain amount of liquid. Obviously, from food waste, from garbage, from everything, there's going to be a certain amount of liquid that is generated. I think what is happening at one of the condo complexes, is that it was serviced at the end of the day. What happens is the truck is already pretty full and there are seals in the back of the trucks that only go about halfway up the back. So what will happen at certain times is some liquid trash will come out. It happens mostly in the condo complexes because we're compacting a lot of trash at once. So that's why that happens. We have switched a lot of the condo complexes to earlier in the morning so that won't happen because we won't be compacting as much trash. It might not happen as much in front of a residential house, because it's only one or two bags each time. We switched the condo complexes to the morning to avoid the truck being full and any garbage streams that might come out of it.

Supervisor Matt Slater:

I want to make sure that we're clear here, though. So, it's not that you've got holes in the bottom of your truck that can't hold the garbage, correct?

Pat Cartalemi, AAA Carting:

Correct, and I'm going to be realistic when I talk to you guys and tell you that there are misses, there are issues that happen out on the route, we're not perfect. We are doing roughly 30,000 collections a week, three times to everybody's house. So while there are issues, there will be misses, there will be problems, just feel free to call us and we will handle it. We do apologize if there are misses, there are skips, but we will get to it within the next 24 hours, if any have any issues.

Supervisor Matt Slater:

What is the number that residents should call if they are skipped? Or they are having an issue with AAA?

Pat Cartalemi, AAA Carting:

Yes, the phone number for the office is 914-739-9527. You can feel free to ask for me or there's about eight or ten other people in the office that can also help you out.

Supervisor Matt Slater:

I'm looking ahead if the Board was amenable to renewing the contract. Do you see any shortcomings that you would like to see addressed?

Pat Cartalemi, AAA Carting:

The only thing that I think needs to be addressed and it's not during this renewal and I've had discussion with you before the condo complexes. I know that was a big issue from the beginning of the contract, even the last contract, and I think it's something that the Board really needs to look into for the next contract.

Supervisor Matt Slater:

That's not part of the renewal. I just want to be clear on that.

Pat Cartalemi, AAA Carting:

No, when our contract went out, there's an appendix - I think it's Appendix C in our contract that lists the condos and their services. Some condos have signed up directly with us, over and above what they have in the contract, which condo complexes can, but I think that it needs to be looked into more when the contract does come out to bid again.

Supervisor Matt Slater:

Okay. Thoughts and questions from the Town Board?

Councilman Tom Diana:

I think we have to engage with Kim in the Assessor's Office and come up with a solution on that due to the way that the garbage rates are laid out. I think that's where it's going to start and then we'll move from there.

Supervisor Matt Slater:

Okay. Any thoughts or questions for Pat on renewing the renewal of the contract?

Councilman Ed Lachterman:

I just appreciate the fact he has taken the time to get things done and anything fix anything that needed to be fixed. As long as we keep up the relationship going. I don't. I don't personally see much issue with that.

Supervisor Matt Slater:

I do want to let the residents know that Pat and I are meeting monthly to review any concerns that are being voiced that we hear from our Refuse and Recycling Department. They are involved in these conversations, and they do provide that feedback to Pat and I to make sure that the performance of AAA is of the standard that Yorktown residents expect and deserve. We do have these conversations monthly, if but we don't always wait for monthly meetings. Obviously, if we get residents contacting my office, which you're able to, or contact the Refuse and Recycling Department, we deal with them immediately. We then review comprehensively any concerns or issues that came up in the previous month and make sure that we have a permanent solution to rectify them. Case in point is the recycling of the cardboard issue up in Old Yorktown Village. We hope to hear that this continues to perform at the level that we expect and so this Friday, for those that don't know Old Yorktown Village, or any of the bins that were not completely emptied, because again, the bins that are there cannot be lifted into the truck because of the dual stream truck that's sent during recycling days. AAA is sending a separate truck on Friday to fully empty any bins that may still be full and any cardboard bins that still may be full. Correct, Pat?

Pat Cartalemi, AAA Carting:

That is correct.

Supervisor Matt Slater:

Mr. Rodriguez, our town attorney, anything you may want to add to this?

Town Attorney Adam Rodriguez:

No.

Supervisor Matt Slater:

Okay, then we will move along with our agenda. Pat, thank you for your time.

Pat Cartalemi, AAA Carting:

Thank you.

GARDEN OF HOPE

Supervisor Slater introduced the Garden of Hope Project regarding its proposed plan and license agreement. He introduced Parks and Recreation Superintendent Jim Martorano, Planning Director John Tegeder, Town Engineer Michael Quinn, and Paul Silverman, as well as Bruce Barber.

John Tegeder, Planning Director:

(Visual shown.) So this is Willow Park and this is what you're looking at now. If you look at the pond here, and you see this little funny shape, that is where the butterfly garden is and has been planted. I don't think it's that big yet. But that's where it's been planted. We have been talking about ways to get in there and this is just a gravel drive in concept. Down here is conceptually adding a few parking spaces. This is an area that was proposed for flowers. All of that is conceptual, it is an actual monarch butterfly garden. And this here shows where the location and the size of the Garden of Hope. So this size, I know it's hard to see, is 180 by 240 roughly. You can also see that there's the possibility to do a tree nursery that the Tree Commission and other town folks have been interested in doing, but this is just about one acre and it mimics the size that currently exists and has been operated by the Garden of Hope folks up at what was the Church of the Nazarene on White Hill Road. I don't think that it's the Church of the Nazarene any longer; it's another church. So this is the same size. The idea here is to swap out the same operation from one location to this location. Right here, you can see the existing baseball field just in terms of orientation. This over here is Curry Street.

Supervisor Matt Slater:

I just want to point out a couple of things. Willow Park, for those of you who don't know, is on the corner of Curry and Tulip. To John's point, earlier this year we planted the beginning of the monarch

butterfly garden, which is a great asset for the Town. I also do want to point out that many of the things that you see on this right now, these conceptual plans - you see the pavilion, the walkway, the flowers - these are not going to happen overnight, these aren't going to happen in our first shot. I think we're viewing this as a multi-phase project. The first item, obviously, is the monarch butterfly garden, which our friends Greg Brown, Andrew Drews have been taking the lead on. I think Phyllis Bock is also involved in that, as we mentioned earlier, and is a friend from Teatown. So the Garden of Hope needs to be swapped out of its current location. There is a landlord-tenant issue going on there so that needs to find a new home.

Supervisor Matt Slater:

Jimmy (Martorano), why don't you walk us through for the public what the Garden of Hope currently is, and how it is going to be, hopefully, at Willow Park.

Jim Martorano, Parks & Recreation:

I think you already mentioned pretty well what it currently is, but we are about the future, and what we are looking for now is for it to be a multi faith project. A lot of people that live in that neighborhood should just understand that it's not going to be this full scale that you're seeing here, there is not going to be a pavilion in your backyard and a road in the next couple weeks or months. This would be a final look at this project. We are looking to start in that back third of the existing park if you are looking at that picture, and then working our way up from there. We do intend to cut out a little portion of that right field of the existing sandlot baseball field that exists. Kids in the community can still play and utilize that field. We do also have specialty soccer and other activities that take place in that field, so I don't want to completely give up that space - that space will still be utilized for recreation.

Councilman Tom Diana:

The little ball field will still remain though, correct?

Jim Martorano, Parks & Recreation:

Yes. I know some of the neighbors there were concerned, as well.

Councilman Tom Diana:

Yes. It's a little wet in that area, isn't it? Isn't that why they don't utilize it as often?

Jim Martorano, Parks & Recreation:

Yes, it does, from time to time, get a little bit soggy, which should be good for a garden but maybe not good for a field.

John Tegeder, Planning Director:

In fact, you know, much of this field qualifies as US state wetland.

Supervisor Matt Slater:

I think we have Mike Quinn on.

Town Engineer Michael Quinn:

Yes, Supervisor, we have spoken to the DEC about this location, and for the early work that's shown here as a community garden, we did confirm that we did not need to get state wetland permits. I think we said the pavilion is a future plan and just to create a garden and some pathways would not require any state permits. We'll certainly circle back to the contact we have just to make sure or to get a written confirmation that we will not need to be getting state permits for this.

Supervisor Matt Slater:

That's great. I was hoping Paul Silverman would be on to provide more information about the purpose of the Garden of Hope and why we feel it is important to preserve the services that the Garden of Hope provides. I have visited the Garden of Hope with some of the board members and other leaders of our community. Of the many things that it does, it also provides benefits for our local food pantries, I know that they grow some they grow food there. Our scouts are very involved and our food pantries re very involved. It is a true community garden that offers an educational opportunity in a variety of ways. It also has a direct benefit, as I said earlier, to our food pantries - considering that we have a Food Security Task Force that we are trying to get off the ground here. Continuing that service to our food pantries is, of course, critically important. That is one of the reasons we want to make sure that we preserve the Garden of Hope, I believe - Jimmy or John, if you remember, correct me if I am wrong - but I believe that the name comes from the fact it was managed by all of the houses of worship.

John Tegeder, Planning Director:
I believe. So, yes.

Supervisor Matt Slater:

I know that many are still involved, but I also know that we've seen a very large influx of support from our local scouts, which is great to see as well. Any questions from the Town Board? I also do want to just go back to something that John Tegeder pointed out, which is that there is a tree nursery on the left side of the of the Garden of Hope. I did meet with the Tree Commission and they have made the point that we would love to squeak in the tree nursery for the Town of Yorktown. They made a point to also say that they were eyeing this property and to have a piece to begin their tree nursery that would replace dead or diseased trees that we have in the Town in public spaces. This would also be in the Tree Law that has been in place now for a little less than a year. Anything else that you all want to add? Unfortunately, Paul Silverman doesn't seem to be joining. Paul, are you there?

Paul Silverman:

Yes, I'm here. Can you see me? Can you hear me?

Supervisor Matt Slater:

I can hear you. I can see you now. Paul, we've been kind of skating waiting for you. Paul, can you talk about some of the gaps?

Paul Silverman:

Absolutely. Thanks, Matt. I heard the end of your presentation - well done. I just wanted to say that many of you are familiar with this - it has been around for eight years. I sort of took over two years ago; I will just say when I took over participation was about 30 something percent and it wasn't doing too well. When I took over, we pivoted big time to make it Yorktown- centric. The Yorktown Interfaith Council rolled up their sleeves and got involved in a big way. Last year in 2019, we went from about 30% participation up to about 60% participation and, as you mentioned, we started including Cub Scouts. Our yield last year for fresh organic produce delivered to our local families in need was one and a half tons. This year, it's interesting that with COVID, one would think it would be significantly less - indeed, some of the churches did drop off for obvious reasons - but the scouts had no place to go. There's no summer camp. So this is a great place for them to come and spend the summer, particularly the Girl Scouts. Our participation jumped from 60% to over 90%. As we finish out the season right now, we have calculated that we have grown and distributed two and a half tons of fresh produce to our local pantries, including First Presbyterian and St. Mary's. In the face of this crisis, Yorktown has really shown its best. We are really looking forward to continuing that trend in a new space.

Supervisor Matt Slater:

Great. Paul, if you could give us what your thoughts are for the next step.

Paul Silverman:

So this is not rocket science. It's also not the first time anyone's ever tried anything like this and that's good, because we don't have to reinvent the wheel. We have the garden and the internet, and the Interfaith Council, for that matter, has been fairly informal since its inception. But we realized we had to be a formalized organization in order to go into contract. So we have formalized the garden, the official name is the Yorktown Omni Garden of Hope because we see the vision of it being not just growing fresh produce, but also being an education center and a place where community comes together, where we build community by running all kinds of workshops, from composting to pickling, to beekeeping, and sustainable gardening, etc. So we are now a formal not for profit incorporated entity and we can go into contract. We've also worked with Jason Angel, who does a lot of this kind of work, and he's given us two templates that he's contracted with two other towns - I think it's Poughkeepsie and maybe Peekskill. So we actually have contracts that someone else already paid for essentially, that all we need to do is modify and we're ready to go - all of the churches and whole councils fit into it. I know the issue of finances come up a little bit. I'm sure you all have good relationships with your clergy, and one thing I'm sure you all realize about them is, we're pretty frugal bunch and we figure out how to get stuff done for nothing. To date, we've managed to run this thing on almost nothing. I anticipate that, although there will be certain costs increases, when we all join hands, I just don't anticipate that being a big obstacle to us. As you can see from John's design, we're still leaving plenty of area there for folks to go out and kick a ball or throw a ball or whatever. So the local community can still enjoy that part of it. But we're hoping with all this new activity, it's going to draw all sorts of new young people to the area. I will tell you frankly, one of the things I'm most proud

of, that gives me the most joy, is on any given day that you go there, you're going find three generations of folks working side by side, living their faith, living their values. You're going to find grandparents and kids and the middle generation, all having a ball outside doing good, and you just don't see that anywhere anymore. I think that's a tremendous thing that brings me a lot of joy. To be perfectly honest, the Girl Scouts and the young people, for many of them, it's the first time they've ever done any gardening and to be really honest, they do a crappy job most of the time. But that's okay. That's another kind of seed we're planting, we're getting these kids, their first time getting their hands dirty and having fun and they will grow up loving, hopefully, this kind of community work and volunteerism, but also gardening. We're really building and bringing together three generations to really develop the next generation of wonderful Yorktown residents. So we are ready to go. We are ready to sign the contracts. There's lots of we've done - we've done soil testing already so we already know how we have to treat the soil. We'd like to get rolling so we can have it all ready for spring.

Supervisor Matt Slater:
Yes. All right.

Paul Silverman:
So you know, one of the one of the goals of the garden is to be a monarch butterfly sanctuary and there's been a lot of talk about how you finance that. Well, that's something that the Garden of Hope has been working on for years. I was there this week and these are pods that have come out of the milkweeds, which are the main monarch pollinator. So as you can see here, any one of these pods has hundreds of seeds in them. I've collected dozens of these, which we are going to plant over the winter. So what you are looking at right now is the new monarch sanctuary at essentially zero cost to the town. There are also enough seeds here that my goal is to be able to plant them so next year we will be able to give the kids free milkweed seedlings to be able to go home and plant. So in a way, we're pollinating the entire town with the seeds for basically no cost and really getting a lot of momentum on this sanctuary butterfly sanctuary concept. So there's ways to be innovative, and really entrepreneurial, at basically no cost, which I'm very excited about.

Supervisor Matt Slater:
I see that. We are also joined by Bruce Barber, who's also involved.

Bruce Barber:
Good evening, everybody. How are you doing?

Supervisor Matt Slater:
I understand in order for us to proceed, we are going to have to provide a license agreement for your work on the park. Jim, have we had a conversation with the Commission on this?

Jim Martorano, Parks & Recreation:
We have not had a formal discussion as far as the length of stay would be.

Supervisor Matt Slater:
Did we discuss with the Commissioners, though, what the concept is about moving them over to Woodland Park?

Jim Martorano, Parks & Recreation:
Correct. Yes.

Supervisor Matt Slater:
That's great. And their response was supportive?

Jim Martorano, Parks & Recreation:
It was favorable, depending on the size of the Garden of Hope. You know, they didn't want to see the field be completely taken out.

Supervisor Matt Slater:
The baseball field?

Jim Martorano, Parks & Recreation:
Correct.

Supervisor Matt Slater:

So assuming we are able to protect the baseball diamond, the Commission would be supportive.

Jim Martorano, Parks & Recreation:

Yes. I can't speak for the Commission, obviously. But, yes - in what we discussed, that was one of the main factors.

Supervisor Matt Slater:

Okay. We're working off that premise, then. Again, going back to what I was saying earlier, we are going to have to come up with a license agreement for the Garden of Hope. Adam, you want to chime in on this?

Town Attorney Adam Rodriguez:

Yes, I've had discussions with the organization. There were some impediments to doing something that wasn't in the form of a license agreement, which I think were passed. But we did discuss the issues at a higher level and now we can certainly move forward to getting more granular and developing everything.

Supervisor Matt Slater:

Is there any objection from the Town Board to having Adam engage in a license agreement with the Garden of Hope?

Councilman Tom Diana:

No, just that the Commission is going to be okay with the baseball field, etc. and the whole licensing agreement. I have no problem at all.

Jim Martorano, Parks & Recreation:

I think part of the issue is the look and, as we they mentioned before, the financing - will they be able to buy a new fence? Will it look proper, or will they be bringing in fence in that isn't quite up to snuff? I think that's a big part of this project, especially in its infancy that we will need to address,

Councilman Tom Diana:

I know the fencing might be an issue, if the ball field is utilized. I know that it may have to have a protective top rail similar to what is at Legacy field for any flyballs that may be kicked, thrown, etc. if it's a chain link style.

Jim Martorano, Parks & Recreation:

That's obviously not cheap and my budget does not have this park in it, or any upgrades to this park. So, certainly, we'll have to get clever with how we can pull off that fencing.

John Tegeder, Planning Director:

I recommend that we get out there, Jim, and maybe Paul, Bruce, and Mike and anyone else and pace this stuff off so we can put some stakes in the ground. Everyone can come down and have an idea of what is left of the baseball field because it is taking up a lot of the outfield. I just want everybody to thoroughly understand what the implications are.

Councilman Tom Diana:

Is there a possibility that it could be shrunk down just a little bit, so it wouldn't take up so much of that?

Jim Martorano, Parks & Recreation:

In the original concept, we actually had what is called the right field sliver cut out, and it looked more like a "T" than an actual square. And that's what was originally shown to the Commission.

Councilman Tom Diana:

I think John is right.

John Tegeder, Planning Director:

Yeah, I can make it a shape. We can draw any shape, just as long as first the Garden of Hope can function in whatever that shape ends up being; and secondly, that the Recreation Commission believes that the field is still utilized for some type of ball.

Supervisor Matt Slater:

Paul, from your standpoint, how does the size or shape alter what you're planning on doing there?

Paul Silverman:

Well, the goal, of course, is to initially use basically the same footprint that we're in now, which is around an acre. Particularly given that our future plans are to incorporate even more community organizations, including the veterans, the Rotary and the Chamber of Commerce. So, the more we can get, the better. The "T" thing, I understand it and am fully on board; I'm just not certain how that works in terms of setting up crops, and being able to work around them and giving everyone access to that. A big square kind of makes more sense. But you know, we're very flexible and amenable. We'll work with whatever we get, but I would like to ensure we have a minimum of the amount of land we have now to work with, because we're already at over 90% capacity. And I can see that sort of exceeding that in the very near future, which is a good thing.

Councilman Ed Lachterman:

The part of the tree garden - I thought the tree nursery was supposed to be on Hilltop Hanover? John, do you remember that?

John Tegeder, Planning Director:

Yes, we looked at Hilltop Hanover. They had a little bit of a management change and the new manager did not feel that that was a direction to take immediately, so we started looking elsewhere.

Supervisor Matt Slater:

John Tegeder, when do you think you guys can stake this thing out? Jimmy, I'm wondering if we can get the Parks Commission to go take a site visit? They can take a look and make sure that it's suitable for them, and if there are any alterations they want to make, they get us that feedback.

Jim Martorano, Parks & Recreation:

Great.

John Tegeder, Planning Director:

I think we can find some time, hopefully, based on everyone's schedules by the end of the week, I think.

Jim Martorano, Parks & Recreation:

John, do you want to take a lead on getting the word out to at least Paul?

John Tegeder, Planning Director:

I'll send an email out to everyone.

Jim Martorano, Parks & Recreation:

I'll bring the Commission in.

Paul Silverman:

How does the Council see the timeline working on this?

Supervisor Matt Slater:

Let's get John to peg it out, and then we'll get the commission over to get a look and make sure that they have no significant objections, or things that we can't work through. I live right down the street, so I'll be checking it out myself.

Jim Martorano, Parks & Recreation:

I think on parallel tracks, you might want to also work on that agreement, as well.

Supervisor Matt Slater:

I was about to say we'll be working on the agreement with Adam to license your use of the field again, assuming that there's no major objection from the Parks Commission.

Town Attorney Adam Rodriguez:

Are you hiring an attorney?

Paul Silverman:

We'd like not to, if that's possible.

Town Attorney Adam Rodriguez:

Well, that's completely up to you. I just want to know if there's going to be a counterpart that I should be working with.

Supervisor Matt Slater:

Adam, if you can just work with Paul directly on the agreement and then we can get it staked out and get the commission down there. Also, if any of the board members want to go check it out. I just want to reconfirm one more time with Michael Quinn from a DEC perspective that no permitting is required at this time.

Town Engineer Michael Quinn:

That's correct. Once we have the stakes up, we may reach out to him again and we'll try to get in writing this time, but yes.

Supervisor Matt Slater:

Okay. Great. Does that work for you, Paul?

Paul Silverman:

Absolutely. Very excited about it, guys.

Supervisor Matt Slater:

Bruce, does that work for you?

Bruce Barber:

Very nice. Thank you, guys.

Supervisor Matt Slater:

Anything else from the Board? All right. Thank you, gentlemen. Appreciate your time.

Jim Martorano, Parks & Recreation:

Have a nice night, everyone.

Paul Silverman:

Thank you all.

SARLO APPLICATION

Supervisor Slater introduced attorney Michael Grace to discuss Mr. Sarlo's Zoning Board referral.

Michael Grace:

All right. This gentleman has a piece of property on the south side of Route 129 - the old Victorian that is a multifamily (property) and in the back there, he is looking to do outdoor exterior storage. It is tucked on a little dirt road back there and it's used primarily by local small businesses. The actual use probably is now incompatible with the underlying zoning, so it is before the ZBA. It is somewhat a difficult application because it is difficult to fit it into any neat category other than probably a use variance, which would be a shame because it actually has a high threshold to achieve. But it actually is a good use for the property. So it's one of these anomalies where the use is incompatible with the underlying zoning, but the use is not offensive to the underlying zoning so it really is in the nature of a use variance or actually a special use permit because then the Zoning Board can condition it and control it and streamline it and actually police it, which would be the best solution for everyone. It was referred to you one of the choices would be to rezone, which I don't think is necessarily an attractive one, but I think that if you gave your consent, to allow them to go ahead with a special use permit to continue the use under conditions, that would be the best resolution for everyone involved.

Supervisor Matt Slater:

So just to make sure the - lots are located in both Country Commercial and an R1-200 zones, correct?

Michael Grace:

This is all in the residential zone and even if it's in the Country Commercial, the use wouldn't be permitted. It's a permitted outdoor storage; it's a special use permitted in, I think, in C-3 or C-4 zones - the least restrictive commercial zones. The area where he's looking to store has been storing for a number of years, and this is what was brought him into the ZBA was I think a Notice of Violation way

in the back. It butts up against New York City DEP property. I think if New York City DEP did not have objection to it, it really is kind of worthwhile for the Town to give it a serious look to permit it.

Supervisor Matt Slater:

I'm sorry, I don't think I have that. Did the DEP comment?

Michael Grace:

I think this is a second go-around for this application which came back because the notices were not sent out correctly is my understanding. I don't think the Planning Board liked it, but I don't think the DEP had an objection to it.

Supervisor Matt Slater:

I've reviewed the Planning Board memo to the Zoning Board. This was on September 11 of last year and was before the Town Board, I believe. Councilman Diana, you had questions about the storage that was being utilized there in relation to the DEP's environmentally sensitive areas. Do you remember this?

Councilman Tom Diana:

Yes, I walked that property probably two years ago now. He (the owner) was given direction to contact DEP and DEC site with regard to the items being stored there because I think they would basically have to be removed. I'm not 100% certain about that.

Supervisor Matt Slater:

I'm sorry, say that again. They would have to be removed?

Councilman Tom Diana:

I believe they would have to be removed. It was landscaping, fertilizers, etc., that were contained in a trailer.

Michael Grace:

Tom, you're 100% right - it was problematic. I explained to the clients, it's an uphill battle, but I think when you get back there and you take a look at what he's looking to do and has done, it really is kind of innocuous.

Councilman Tom Diana:

Yes, you can't see it from the road, really. It's interesting the way the paths go in and out and it's not a bad thing. Did you come down on that one, Ed?

Councilman Ed Lachterman:

I did. That is the one by Jennifer's (Restaurant), right?

Councilman Tom Diana:

Correct. This goes back a couple years and I said he is going to have to go in front of the Zoning and the Planning Boards and then the DEC and DEP just to give him an overview before he spends a lot of money doing something that may not be able to go through.

Michael Grace:

The way I look at it, on a legal basis based upon the code, you're always going to be trying to fit the square peg in a round hole on this one. It's just one of these anomalous situations where I was skeptical, but I went down there, took a look, and it's actually not a bad use of the property. The bottom line is it's a rare animal around here. You don't have these kind of places for people to park their equipment. You don't have it anywhere in town and it is in high demand and very rare. He (applicant) keeps a pretty tight ship down. I think that to deny it doesn't make a lot of sense. But to give it carte blanche also doesn't make a lot of sense. I think with this special use permit condition, with future policing of the sight, it actually would serve the community very well.

Councilman Tom Diana:

Yes, 100 percent. That's what it would take, Michael, at that spot. He's a very nice gentleman, by the way,

Michael Grace:

Look, like everyone, he is trying to make a living,

Councilman Tom Diana:

That's why I tried to give him the best advice I could just to try to get through those hurdles first. He would actually have to ride herd down there, so to speak, to make sure that the things were adhered to in the proper manner, so that he wouldn't have problems.

Michael Grace:

I think that can be accomplished. I think broad strokes are just incompatible with it. I think the first knee jerk reaction is going to be "what are you doing where?" but I think if you take a little closer look, it makes a lot of sense in some respects.

Supervisor Matt Slater:

John, can you just help me out here a little bit? So the Planning Board memo from 2019, if I can interpret it correctly, they did not feel that the current board felt this condition seemed to be written to prevent the exact use the applicant has been operating on. So can you help us understand why a special use permit or a full re-zone - why we would go one way or the other?

John Tegeder, Planning Director:

Well, let me first start out by saying I haven't received this current referral yet. I did reach out to Kyra. She sent it over but for some reason, I wasn't able to open it up. So I don't have it. I'm expecting to get it, as Kyra has told us that it is and has been referred, I think, for the second time. I imagine this is in front of the Board for a special permit from the Zoning Board. Is that correct, Michael?

Michael Grace:

Yes. You know, John, it's not an easy one and I'm being very up front with you all. The really only legal remedy is sort of a use variance. So the thing is it's a shame, because the notion has a lot of merit. The Town Board could change the code to allow it, but I don't think you want to do that because it opens up the door to this type of activity in places where you really don't want it.

John Tegeder, Planning Director:

I think with what you just said, I think the Planning Board was feeling the same issue - that this is a difficult fit. There's nothing in the code that fits quite well. I understand the idea of the special permit that it seems to be a little cleaner, but of course, it has to be allowed in that zone. It has to rise to the particular requirements of that section of law. I think that you just stated that we don't really have anything that fits this that well. Then in terms of a rezone, you also have to be careful for the very same reason because if you rezone it to like a C-4 or an I zone, which you may be more apt to find this type of use in a zone such as that, all of the other uses are open to the landowner or subsequent landowners in that zone. So this is a difficulty you have to be careful of.

Michael Grace:

John, I'd be hesitant to recommend that to you as well. I think the solution to it, based upon the code, and the code is a big headwind to getting anything done on this one is a special use permit. Usually, if you comply with the code, the ZBA, has no discretion but to grant it. If you if, the ZBA has no discretion but to deny it. So it's sort of like a hybrid in asking them to actually extend the reasons for the use variances and/or special use permit. What it really needs is for you to have a look at it and see whether you agree or disagree with the fact that this may be something that could fly there. Because if it does, it may really be worth your while. Our aim is to enrich our community. You have to find a place to put the ugly, so to speak.

Supervisor Matt Slater:

I haven't seen it. So I'm going to reserve the ability to do a site visit on this.

Michael Grace:

I think that is what's necessary.

Supervisor Matt Slater:

Tom, Ed, Alice, and Vishnu Patel, have you walked this site?

Councilman Vishnu Patel:

I've been there; I know where it is and have walked around on it.

Supervisor Matt Slater:

What are your thoughts on it?

Councilman Vishnu Patel:

You know, if the DEP has no objection, then they have a right to do something. If they comply with the local laws and environmental issues, then it's a good thing to do.

Michael Grace:

Thank you, Vishnu. I appreciate that.

Supervisor Matt Slater:

I still would like to go and see the property myself. I do think that having reviewed the memos from Planning and from Engineering, I think there are obvious and, to your point, Mr. Grace, I don't think this is a cut and dried case. But I'd like to see for it myself. So maybe if the Board wants to join me, they can, but before making any decision, I'd like to go see it first.

Michael Grace:

Supervisor, I'd suggest that you contact my office, I'll try to set something up for you or whoever else wants to go down and take a look at it. At this point it's just on referral from the ZBA so we have plenty of time - it's no rush. If it has to be adjourned and brought in new one more time in front of the ZBA, it's been kicking around in the ZBA for about a year now.

Supervisor Matt Slater:

In the meantime, could you send it; I don't have copies of any comment from DEP.

Michael Grace:

I will endeavor to get that to you. Absolutely.

Supervisor Matt Slater:

I think, to Councilman Patel's point, if DEP has given a positive, I think that clearly helps support their argument, but I'd like to see it and see what their comments are.

Michael Grace:

No, I agree with Vishnu 100%. I think that is the critical issue here is if the DEP doesn't like it, they can make things very difficult. If we can satisfy them because they are the real party in interest (the only party in interest) because nobody else is around them. Right. Okay.

LOWES PAD A

Supervisor Slater introduced attorney Michael Grace, Town Engineer Michael Quinn, Joe Riina – Engineer – Site Design, and Planning Director John Tegeder to discuss a license agreement with Lowe's (PAD A).

Michael Grace:

Last night the Planning Board gave the go ahead on the approval to go with the retaining wall. The issue was just getting a license in place to allow him to do the work. This is kind of a "belt and suspenders" issue in the sense that the property where they're going to be doing the work is in the public right-of-way, which everybody uses. It's not a routine thing to give out licenses for people to work in the public right-of-way, you just actually give them permits. Anyhow, in the long term, I think it was agreed that this little sliver of property that abuts the public right-of-way, which is Old Crompond Road, should be conveyed to the Yorktown Jaz, LLC. There are a little more machinations in that. The property in question abuts the Old Compond Road right-of-way, but really is not part of the right-of-way; it's excess property. So it is much in excess of what Old Compond would, by the way, have required or been mapped out to be, which is usually 50 feet. So I think that it's probably just property that was just a kind of stray add on. I think Old Crompond Road probably was not created with a subdivision, so it's probably got an ancient history. I believe that the Town is holding that property under a municipal purpose of highway purposes. So to eventually give that sliver to Jazz LLC, who would go through the machinations of abandonment, the golden suspenders approach would be to go through the process of abandoning the highway use of that piece. In the interim, we would just like the license agreement. The license agreement basically sets forth that they have the license to go on there and construct the retaining walls and that we're directed to make the progress towards conveyance and fee of this piece of property to Yorktown Jaz, LLC.

Supervisor Matt Slater:

John, can you fill us in on the Planning Board's conversation?

John Tegeder, Planning Director:

Well, the Planning Board is continuing with their review of the amendment to the original site plan to accommodate the new tenant. This being part of that - the addition of the retaining wall - the Planning Board agreed that the retaining wall, given all of the review that was done for the entire site, they feel confident enough to let the retaining wall begin construction. They are in favor of at least this licensing. I had heard in our discussions with Michael, and this is outside of the Planning Board, I wasn't sure if we were doing a license and then moving forward to fee transfer or if we're just going to write a license for the construction and for the ability of the walls to reside on the town-owned land. So not clear on that but the Planning Board is in favor of the project and it is advancing the project as we speak. Last night they gave the go-ahead for the construction of the wall to begin, whenever these issues are worked out.

Supervisor Matt Slater:

My recollection, from our conversations, is that it was going to be a license for them to do the work, and then add a fee transfer for them to transfer the property.

Michael Grace:

I think I think the end is, if I put my liability lawyer hat on, best served by conveying it. It really doesn't interfere with the purposes for which the town holds the property. I think if you take a look at where the property is, and vis a vis on Crompond Road, it's obviously an irregular piece; it just happens to abut Old Crompond Road. So it's really never serving municipal purpose. It's one of these pieces that would be appropriate for the town convey it out. I think we've all agreed on that. If there's going to be step retaining wall on it, the town would be better served by instead of a license agreement, by just giving a conveyance and fee.

Supervisor Matt Slater:

I know that we're also joined by Joe Riina, Civil Engineer. Joe, did you want to add anything to the conversation?

Joe Riina:

No, I think that pretty much covered it. I mean, if you like me to bring up the map, I could do that.

Supervisor Matt Slater:

Yes, why don't you show it to the other board members and the public so they know which piece we're talking about? Joe, you want to explain to us we're looking at?

Joe Riina:

So this is the proposal for Pad A, a 12,500 square foot building for a specialty grocer. This is the west entry and exit to the to the Lowe's site, where you can only make a right turn out and a right turn in. Here's Old Crompond on the corner here. This edge of the site, which is the south edge and the west edge, require retaining walls, which are these thicker, heavier lines as you can see here. As you get back further, it becomes a two tiered wall to make up the difference in the height because this is quite a drop off here. But the area that we're talking about for the license agreement is this odd shape here. This is the existing property line, this would be the new licensed line, or if there's a conveyance that occurs, this would be the permanent property line at that point. Within that, you would have these two retaining walls that support the site.

Councilman Vishnu Patel:

I have a question. What is really the purpose of having a retaining wall - to control the erosions or benefits to whom?

Michael Grace:

It benefits the site plan. In the site plan review, there were issues about moving dumpsters and moving things around on the site. So the little strip was pretty much necessary in order to accommodate the comments from the Planning Board.

John Tegeder, Planning Director:

I can round that out a little bit. The dumpster enclosures were facing Route 202 and they were attached to the back of the building in the area that Joe is waving his hand around on the drawing. The Planning Board recommendation and idea was to move all of this stuff over to the side so that it would not be facing the most public faces of the street. It requires this small trapezoidal piece of land to be used,

which belongs to the Town. I happen to think and the Planning Board feels that this is a far better solution than leaving and having to solve the garbage problem by putting it facing Route 202.

Councilman Tom Diana:

It does help with an erosion problem there as well. It would keep everything stabilized on that particular hill going down towards Old Compound Road.

Joe Riina:

Correct. Retaining walls are known to be a structural stabilization measure, but there's also extensive planting that's going to be done. I believe I have that. No, does not look like I have the plantings but there's going to be extensive plantings done in front of, in between, along the entire wall section, so it will be very stable.

Councilman Vishnu Patel:

Who will maintain it?

Joe Riina:

It will be the property owner's responsibility.

Supervisor Matt Slater:

From a timing standpoint - what are we looking at here?

Michael Grace:

I prepared a resolution for you, as well, for the Town Board to authorize you to sign the license agreement. This way that's in place for them to go ahead with the construction of the retaining wall. In that resolution, there is also direction that my office and the Town Attorney's office work together to actually work towards the conveyance as soon as practical.

Supervisor Matt Slater:

When are they planning on starting construction on the wall?

Michael Grace:

That I don't know. Joe may know better; I think there's a couple of weeks.

Joe Riina:

Yes, but I think we're talking within weeks, they would like to start, they really want to get the walls up, and everything stabilized before the winter months set in.

Michael Grace:

We also have, in conjunction with this, a prepared amended easement agreement for utilities, that would be underlying the wall - I think that was provided a couple weeks back. But that, obviously, is not critical to get done. At this point, from a legal point of view, I think the license is a redundancy because it would probably be permitted without a license anyhow, which happens all the time. But I think it's cleaner for everybody involved to do it this way.

Supervisor Matt Slater:

When you say the permit, you're referring to the building permit?

Michael Grace:

Yes, this retaining wall needs a building permit. I think the direction was that he could go ahead and do that, based upon the Planning Board's action as of last evening.

Supervisor Matt Slater:

Right.

Joe Riina:

I think that's imminent, that he's going to be filing for the building permit.

Councilman Ed Lachterman

And once we give them the okay, Matt, they want to file for it right away.

Michael Grace:

Yes, that's the whole point. I have to get a survey description, and I believe the most prudent way to approach it is to do it properly because the municipality holds property in two capacities. One is a proprietary capacity and one is a municipal capacity. Since this doesn't have a separate section/parcel/lot, nor does it have a function beyond the road, it's probably held for highway purposes. Without going through the entire history of how it got to where it was, I think the prudent thing to do is just to consider it an appurtenant to the highway and, therefore, an abandonment procedure would have to ensue, and that takes a little bit of time. We get the do at our leisure, as well, once the license is done.

Supervisor Matt Slater:

Adam Rodriguez, have you reviewed the resolution or any of the necessary documentation here?

Town Attorney Adam Rodriguez:

No, I haven't seen any of this.

Supervisor Matt Slater:

Okay, so then let's have Adam review it and then as long as he is comfortable with it, then we can move forward.

Michael Grace:

So why don't you just amend the proposed resolution I gave you? If you just adopted it with the reservation that it is subject to the Town Attorney's approval (the license agreement), at least that's all in place and we don't have to come back and revisit this. If that's okay?

Supervisor Matt Slater:

I don't think there's a difference between doing it now and letting Adam read it, right?

Michael Grace:

If you pass a resolution by the Town Board saying that you're authorized to do it upon Adam's review and approval, in essence, you will approve the concept of the details. It just will need Adam's okay, and that way, you don't have to come back and reschedule it for another Town Board meeting to pass a resolution for you to sign it. It's already been done.

Councilman Ed Lachterman:

Especially because we don't have another meeting for two weeks.

Supervisor Matt Slater:

Actually, I am going to read it in, but for our discussion in closed, we're going to be doing another one next week so I don't think there's really a big difference between now and then letting Adam read it and getting it done next week. That's what it sounds like to me.

Michael Grace:

Well, you wouldn't sign anything unless Adam approved it and we're all okay with that.

Supervisor Matt Slater:

Mike, thank you. I understand that. All right. Any other questions from the Town Board?

Councilman Vishnu Patel:

Did anyone notify those few neighbors over there? Do they have anything to say about the wall?

Michael Grace:

Vishnu, as far as I know, the only person who raised a concern was a Rose Mazola and I think that her concerns are best addressed by actually installation of the wall. I don't want to mischaracterize her objections or concerns but essentially, she would like to see an improvement to that sloped area that faces her property. This whole project, and the development of that along with the retaining wall, would go a long way to accomplish that. So I think Rose's concerns were essentially about water coming off that site at that location and the vegetative growth along that border line, and that's all going to be addressed in a much better capacity than it presently is.

Councilman Vishnu Patel:

So they won't have any problem with the drainage?

Michael Grace:

No, it actually will improve the whole situation and my client doesn't think the situation is bad, but obviously it would be a vast improvement to put the step retaining walls and to clean up the vegetative area along the east side of Old Crompond Road.

John Tegeder, Planning Director:

Yes, the Planning Board will continue to look at any drainage issues associated with the amendment and that one being included.

Supervisor Matt Slater:

Any other questions from the Board?

Councilman Tom Diana:

I'm good.

Supervisor Matt Slater:

Okay. Thank you, Michael. Appreciate your time.

Michael Grace:

I appreciate your time.

2035 SAW MILL RIVER ROAD

Supervisor Slater introduced Eric from Station-Glo of New England Inc. to discuss image upgrades to the Exxon Mobil site located at 2035 Saw Mill River Road, across from the Roma Building.

Supervisor Slater:

Eric, how are you? We understand this is installing directional pieces above pumps and it is going to be three waves and three blades and re-facing of the existing canopy to include the Mobil logo and easily illuminated light bar to the existing canopy. I know you provided the Board with some renderings. I don't know if you can share your screen and provide that to the public.

Eric, Station-Glo of New England Inc.:

I actually have nothing on my screen; I'm on my phone.

Supervisor Matt Slater:

No problem. So, for the Board members, this was included in your packet. There were sample pictures of the wave installed that we've seen in other locations. Eric, you want to walk us through?

Eric, Station-Glo of New England Inc.:

So there will be three wave apertures over the front three pumps and three blade apertures over the other three pumps horizontal to the three with the waves. The waves are held in by half-inch anchor bolts into the concrete. They have 65 miles per hour wind load and they're not illuminated just for advertising only.

Supervisor Matt Slater:

Is there a function other than advertising?

Eric, Station-Glo of New England Inc.:

No, sir.

Supervisor Matt Slater:

Okay. And how about the existing canopy - you're going to add the Mobil logo to the existing canopy, correct?

Eric, Station-Glo of New England Inc.:

You're correct. We're not changing the height of the canopy. It's just a reface with the white and blue striping in the Mobil logos, as well as a light bar on the top edge of the canopy.

Supervisor Matt Slater:

Okay. Any questions from the Town Board?

Councilman Tom Diana:
I didn't see what it looks like - I didn't get that in my packet.

Supervisor Matt Slater:
I can hold it up for you. But basically, it looks like this. This is your pump and this is the wave that comes up and around. It's got Synergy on it. Is that is that what the advertising is going to be Eric?
Yes.

Eric, Station-Glo of New England Inc.:
Yes.

Councilman Tom Diana:
Okay, that's the usual - I get it.

Supervisor Matt Slater:
Just as a point of reference, here's a picture of a pump and then the wave is over - it kind of hugs the pump here.

Councilman Tom Diana:
Got it. Not a problem.

Supervisor Matt Slater:
All right. Eric, it looks pretty easy to us.

John Tegeder, Planning Director:
Can I chime in a little bit? I apologize in advance.

Supervisor Matt Slater:
Talk to me, John. What's up, buddy?

John Tegeder, Planning Director:
So this is the Mobil that is right across from Roma, right?

Supervisor Matt Slater:
Correct. It is.

John Tegeder, Planning Director:
Okay. So there is an active or it was active approval there for a re-positioning of the entire site, if the Board recalls. It was approved by the Board in 2018. It involves demolition of the existing convenience store and construction of a new convenience store. I did receive an email from the engineer in the early part of this month and I know that earlier in the summer they received DEP approval finally. So it took them two years. But one of the things, and I don't believe that there is a signed site plan on it yet, so the project is not moving forward I don't think until that is done. But one of the conditions, among others, and I think this was either Tom or Ed were concerned with this, was that, and I'm quoting now, "the remodel canopy shall be finalized to the satisfaction of Planning and ABACA and shown on the plan." So, in other words, there was discussion about the architecture of the canopy. I think it was Todd who was suggesting some nicer treatment to it. So I would say that the redoing of the sign on the canopy is contrary to what we were talking about, possibly not contrary, but certainly something that we shouldn't go forward without understanding exactly where we're going with canopy in the future.

Supervisor Matt Slater:
Eric, can you speak to any of that?

Eric, Station-Glo of New England Inc.:
I cannot. We're just the re-imaging company. We have nothing to do to demolition, new tanks, or new builds.

Supervisor Matt Slater:
Okay, so then we need to get the property owners in to understand how this plays into those approvals.

John Tegeder, Planning Director:

Yes. So then with the signage, in terms of the approval, there's a lot of regulations in the special permit section that will have to be looked at in terms of what this adds, along with what the signage was for the approval that was done two years ago. I'm sorry I complicated it for you guys, but that's what's on the boards there.

Councilman Tom Diana:

John, I'm glad you refreshed my memory. As a matter of fact, I think my exact wording was that they should take a look at a couple of the stations like the Gulf station over in Shrub Oak that we did where they actually matched the building, with the coping on top of the building to the coping on top of the awning so that everything would just kind of blend and it would just be a nicer aesthetic view coming into town.

John Tegeder, Planning Director:

That's my recollection as well.

Supervisor Matt Slater:

Then do we want to refer this back to the Planning Board, John, to make sure that it's within their original approval from 2018.

John Tegeder, Planning Director:

It's actually your approval.

Supervisor Matt Slater:

Actually, our approval. Okay.

Supervisor Matt Slater:

Eric, I apologize but we're going to have to get the property owner involved in this conversation as to where we're going here.

Eric, Station-Glo of New England Inc.:

All right. Before I move on, we did send in another site for you which was 3205 Crompond Road. I don't know if you have gotten that one or not. It's the same apertures and refacing of a sign. We sent that in this afternoon as well.

Supervisor Matt Slater:

I did not get that one, so we can bring you back to another meeting to discuss that one. if that's okay with you. I only have the 2035 Sawmill River Road.

John Tegeder, Planning Director:

Alright, are you going to reach out to the owner soon about this?

Supervisor Matt Slater:

We will engage the owner, if you can report back as well. But we'll be reaching out to him directly or her directly, the property owner directly, to have a better understanding as to where this fits in to the approval that was handed down by the Board previously.

Eric, Station-Glo of New England Inc.:

All right. Sounds good. Thank you.

BRIDGENY PROJECTS – HILL BOULEVARD & VETERANS ROAD

Supervisor Slater introduced Town Engineer Michael Quinn and Nicole Shute from WSP. Mr. Quinn was present to give an update on the Hill Boulevard and Veterans Road projects. Highway Superintendent Dave Paganelli also joined the discussion.

Supervisor Matt Slater:

Mike, do you want to share your screen?

Town Engineer Michael Quinn:

Yes. Does that fit in the screen or do I need to make it a little smaller? Does that work? Let me just start at the top here. We wanted to do a short presentation to the Town Board this evening to just walk through how we're going to proceed with the two Bridge New York projects. We have a location at

Hill Boulevard and a location at Veterans Road. I put together this little timeline slide. The Town received the notification in 2017 that we received two awards from the New York State DOT Bridge New York program. For the Hill Boulevard project our project was submitted at \$2.6 million and we received 95% of that through the grant. For Veterans Road, we received the project cost of \$820,000 and it covered 100% of \$820,000. The Town hired WSP in 2017 to do the design work and the right-of-way acquisition. I don't know if Board members recall, but we had to do taking of land on both project sites and that took quite some time, but the project was finished in the fall of 2019. We then submitted it for DOT approval, and we were kind of held up in some budget issues there, but we did receive their final authorization in early 2020. We went out for bids and the Town Board passed a resolution in early September 2020 to award a contract to the low bidder, which was Transit Construction, who are based in Yonkers. So it's an eight-month construction duration. They were given a notice to proceed September 25. So the contract end date is May 2021 and that's 240 days forward. Now, we do have an option to shut down the job for winter. That's something that the Town will consider, I guess, based on the conditions that occur this winter. We do have a schedule from the contractor and he's working on all his material procurement right now. A lot of the submittals and paperwork have been submitted. WSP is doing a review. We're having regular meetings to track progress there. The plan was to get all the permits and approvals prior to construction. We did most of them during design. There's a Westchester County permit and there are some DEC permits involved. I know we worked through the Army Corps of Engineers with some street modeling. But there is an approval required for the Westchester County Health Department because we are doing utility relocations of water and sewer. And I think, Nicole, you could probably speak to this, but I believe they were submitted over the summer. The Health Department is still currently reviewing the documents and we do not have their final approval, which sort of holds us up from pulling the trigger and actually starting the work in the field. Nicole, could you give us a quick update on the Health Department and the latest submission that we've made?

Nicole Shute, WSP:

Yes, I spoke to the reviewer at the Health Department. She has the draft copies - meaning final copies without signatures. We did separate the Hill Boulevard and the Veterans Road submissions to try to move along. Most likely, the Veterans Road first because it is a much simpler view. It's only one water main relocation. The signatures should be all finalized, I would think this week probably, and we're getting the checks. So everything should be ready. I'm just awaiting any other comments. I spoke to her today via email. She said she received all the documents and that she would put whatever priority she could on it. She has a lot of projects so she couldn't give me an exact timeline but I had been speaking to her somewhat regularly.

Supervisor Matt Slater:

The last we spoke though we were going to get some type of review on the two applications. Has that occurred? I know they provided over 60 comments on the original. Right?

Nicole Shute, WSP:

Correct.

Supervisor Matt Slater:

So have we made any headway in that?

Nicole Shute, WSP:

I submitted all of the responses to her. Right.

Town Engineer Michael Quinn:

You submitted an advanced copy, I believe?

Nicole Shute, WSP:

Correct.

Supervisor Matt Slater:

Was that Mike?

Town Engineer Michael Quinn:

Well, WSP submitted an advanced copy of the final documents and hopefully they're there. You know there were extensive comments here. So we're hopeful that there won't be any back and forth.

Supervisor Matt Slater:
Have we got feedback on the advanced copy?

Nicole Shute, WSP:
That was what was submitted last week. That was what I spoke to her about yesterday. That's what she's reviewing right now. She has not given us comments on that yet.

Supervisor Matt Slater:
So we're still at, I think it's like, what, 64 comments? That's where we stand right now, and so she provides feedback on what was recently submitted.

Nicole Shute, WSP:
Correct.

Town Engineer Michael Quinn:
So, the contractor is doing some preliminary work out in the field. He was actually out at Veterans Road. We did a field meeting today with Highway Superintendent Paganelli to talk about some of the utility work that will ultimately be done - they're doing some test pits to locate utilities. The current plan, or the plan that's in the contract, allows them three months of full road closure. We are working with a contractor right now and WSP and their field rep to see a couple of ideas out there that we're exploring on how we could greatly shorten that three month duration. One of the things that we talked about today was this stream that runs underneath Veterans Road. The contractor is going to do a bypass so he's basically going to put in a temporary pipe under the road and bypass the stream with some sandbags and then that will isolate the old crossing, and then they could do their removals. So he's indicated that he might be able to do that work with some temporary lane closure with plating at night, so there could be full passage. So we're pretty excited to hear how we could do that and minimize the disruption to the neighborhood there on Veterans Road. So, we'll keep the Board informed on that matter.

Councilman Tom Diana:
Hey, Mike, while we're on Veterans Road, I was out there today and I saw that they were trying to locate some some water lines, etc., that ran under and some valves and so forth. I took a real extended look at what is actually going on underneath that roadway. I think we need to put a weight restriction on that roadway. And we need to do it yesterday.

Supervisor Matt Slater:
Tom, I was out there with Dave this week. I was also out there with him last week. I know he's got some thoughts on that as well.

Councilman Tom Diana:
I wish Dave was here. I really wanted to talk to him about that and I didn't.

Supervisor Matt Slater:
When I spoke with him, we were looking directly at it. I didn't ask him about a weight restriction. I know that he felt that. Obviously they're continuing to patch up the situation, especially, and to maintain it until they get this done. Mike, I don't know if you want to speak to a weight restriction.

Town Engineer Michael Quinn:
I'd like to talk to Dave and I'm not adverse to doing that. I think that I'd like to get Dave involved in that conversation.

Councilman Tom Diana:
Absolutely.

Town Engineer Michael Quinn:
I actually wanted to pull the slide up because it shows a few pictures of what's there, and I think these pictures were actually taken more than a year ago, and, Tom, you're pointing out the conditions are worse.

Supervisor Matt Slater:
The picture to the right, I can tell you I was there as Tom was to, and there's nothing there.

Councilman Tom Diana:

There's nothing there. I actually went down in the pipe today.

Supervisor Matt Slater:

It's a serious situation. I could have grabbed some updated pictures, but I think that we need to talk to Dave before enforcing any type of weight restriction. Additionally, though, if we can get this Veterans Road piece moving, that might solve the problem totally. Well, it will solve the problem totally, but hopefully we can get this moving sooner than later.

Councilman Tom Diana:

The only reason I'm saying that because like I said, I was down in the pipe today.

Councilman Ed Lachterman:

And I was talking with Tom last week, I think, wasn't it, Tom? I'm worried about the school buses and all going over that.

Supervisor Matt Slater:

The number one concern with everything we do, without a doubt.

Councilman Tom Diana:

Yeah, and that's why I'm saying, short of closing that road, I think a weight restriction would be in order.

Nicole Shute, WSP:

I have not been on the site. But is it the side slopes that are eroding or within the pipe itself is deteriorated?

Councilman Tom Diana:

As I looked at the top, the top kind of looks like the bottom does - eroded away. And I have had an experience backing up into a driveway and having one of those type pipes collapse below my wheels. It wasn't pleasant. I was able to get out. I didn't even know the pipe was there when it did that. Not one of these pipes, not one of them in another situation. But just to to reemphasize what I was saying, short of closing the road down, which I really don't want to see happen because of the traffic that goes there, the weight restriction might be the easier to do in the short time.

Supervisor Matt Slater :

Nicole, I can tell you I was there and that the headwell was gone.

Nicole Shute, WSP:

I'm wondering if temporary kind of barriers along the edges would be, you know, also a wise decision. I mean, if the side slopes are eroding, and certainly the headwells are gone, I mean, you would think that the center section of the pipe would be a better condition at the ends, so I mean you could direct all the traffic toward ... because it's a very wide roadway.

Councilman Tom Diana:

The center is better.

Nicole Shute, WSP:

So you could put barrier along edges and taper it down to 11 feet, which is a standard temporary roadway in width.

Councilman Tom Diana:

Or make it one way or something.

Nicole Shute, WSP:

Well, if you do it one way, you'll want a signal.

Supervisor Matt Slater:

I'll revisit it with Dave tomorrow to see what he's comfortable with. But I mean, I think they're all good suggestions, without a doubt. I think we all know that the safety of our residents is always the top priority. So if we have to take additional action to mitigate any risk, whatsoever, in the short term, I'm confident that we're going to do that. So again, I can't speak towards the weight limit, because I

don't have that expertise. That's what I rely on you, Tommy, and Mike and Dave. But I think that's a conversation that we can have offline.

Councilman Tom Diana:

We were on that one today. We were talking about how long it was going to close and stuff that I brought it up. I just happen to be down there and was just checking out how they were marking out.

Supervisor Matt Slater:

I mean, the headwell is gone, that's a fact.

Councilman Tom Diana:

And on the other side of the road, it leans towards the flow of the water. I know Dave and his crew has been putting blacktop there, and so we're trying to keep it stable.

Town Engineer Michael Quinn:

It's still a road and I was there, so I saw the condition. It's not good.

Supervisor Matt Slater:

That's why we're trying to get this done. That's the answer: just get this thing done.

Councilman Vishnu Patel:

The problem I just want to ask you is this: what happens when there's heavy snow and the snow plow has to go over it?

Councilman Tom Diana:

Well, they can run a lighter truck through there.

Town Engineer Michael Quinn:

So this is a quick summary of what we're doing with the new structure. Obviously, I already mentioned the stream diversion. The new structure will be precast. That should definitely help shorten the construction duration simply making it off site. We're going to eliminate that center barrel. So it's going to be just a flow through. It does include utility relocations. At Veterans Road, if there's a town water line that will be relocated, 12 foot travel lanes, six foot shoulders, and the DOT standard as far as guide rails. The hydraulic performance - so one of the things that WSP did during the design was hydraulic modeling. So it's not just getting the normal stream flows through there. They modeled the worst-case scenarios with the hurricanes and the high stream levels. So all that was done and then they add a little bit of extra at the top for freeboard when they're setting the top of the road. So those are things that will be in the new design. This is a summary of our traffic control plan. So we did put into the contract that there'll be the electronic message boards that will be set up a week or two before the work actually starts where it says on or about Monday, whatever the date, this road will be closed, follow detour signs. The detour plan is what's outlined here. We're directing traffic towards Route 35 along Greenwood Street. It's not a simple detour here, but this is what we came up with to minimize the disruption. They will be doing an adjustment to the traffic light at Commerce St./Route 202 to update some of the timings for the impact of the additional traffic coming through. So all of the signage is all up to DOT standards. The message boards will be there throughout so we could just keep the public informed about how the project is proceeding. So the plan is to do Veterans Road first, start to finish, they'll close the road, they'll do the new bridge work, they'll reopen the road, and then the contractor will move all his materials and equipment over to Hill Boulevard and Hill Boulevard again, you know, a very old structure. You can see on that picture on the right, that's the current condition. The town has received yellow flags from the DOT inspections. The state does all bridge inspections. We're getting a yellow flag assigned, which means that it's a hazardous condition, and, obviously, that's one of the reasons why we qualified for this funding allocation from the DOT. So similar to the new work, it will be a stream diversion. While all the work occurs, the new bridge will be precast. There won't be the center blockage, to keep the flow-through. This will be also with utility relocations. There was a gas line passing through here, and a few months ago Con Ed did that relocation already. Now still to be relocated is a town water line, a town sewer line, and a Somers force main sewer line. Somers has an agreement with Yorktown that I think dates back 15 years ago that allows them to run a sewer line through Yorktown to connect to a county manhole and so that utility will also be relocated. As Nicole mentioned, they're still submitting this, they're still working with the Health Department on getting the approval for their planning for the relocation. This road will have the four lanes - two lanes in each direction - 11 foot travel lanes with two foot shoulders, and again, with the standard guide rails and approaches; also, with the hydraulic modeling, to make sure that the worst case storm events can

pass underneath the road. The traffic plan for Hill Boulevard is, essentially, to route traffic on Route 6 over to Lee Boulevard. So although this will be an impact to the residents, there's not the amount of rework necessary as was done on Veterans Road.

Supervisor Matt Slater:

Mike, can I ask just quickly on this traffic plan? Can you just provide us or, I don't know if Nicole is involved in this, but can you give us the details as to the communication that's been provided to both Jefferson village residents and, what is it? High Meadow? I'm blanking on the name, but there are two other residential neighborhoods that are right there.

Town Engineer Michael Quinn:

I've been working with the Highway Department as far as actual notifications. During design with WSP, we identified all of the affected, like the school districts and the police and the fire. Jefferson Village was on that list. I think you're talking about the medical complex.

Supervisor Matt Slater:

No, further up on Hill there's that other condo complex right there. It's directly across the street from Jefferson Village.

Councilman Tom Diana:

I think you're right - High Meadow.

Town Engineer Michael Quinn:

High Meadow? Okay.

Supervisor Matt Slater:

So I'd like to know, specifically. I don't know if you're handling this, but if not, then this is something that I have to have a conversation about. What, specifically, is the communication plan to alert those residents of the traffic pattern change? Especially Jefferson Village, and especially High Meadow. I mean, they're in the main corridor there. I'm happy to work with you; I'm happy to work with Dave on it.

Town Engineer Michael Quinn:

Okay, we've got a little bit of lead time, so we will definitely work with you.

Supervisor Matt Slater:

Get a good communication plan put forth here because they need to know what happens when they pull out of their complex and an estimated time for how long - you know, the whole nine. Okay.

Town Engineer Michael Quinn:

This is just another slide of our traffic control plan. And again, we have the electronic message boards. We have the signage that will be up for the Route 6 and Lee Boulevard detour, and the traffic light at Hill and Route 6 will be modified with timings to account for the additional traffic loads as a result of this detour.

Councilman Tom Diana:

I think the good news is with Hill Boulevard is that it is Jefferson Village and they do have a curb cut, so to speak, across the island where they can get out of that lower roadway. And then the professional building - you know, it's a simple road closure, you can almost close that and it's not going to adversely affect anybody, per se, little inconvenience.

Town Engineer Michael Quinn :

Yes, I think certainly an inconvenience because they will not be able to go directly through to Route 6, but not a huge work around and we'll be signed along the way.

Supervisor Matt Slater:

Again, have you spoken to the mall? I know that they have access to Hill, as well, so does the mall know that they're not going to have any traffic coming in on that side?

Nicole Shute, WSP:

They still can have traffic coming in on that side because that roadway on the picture will still be open.

Town Engineer Michael Quinn:
Right.

Supervisor Matt Slater:
You're not coming off on Route 6 on that side?

Nicole Shute, WSP:
Not coming off Route 6 on that side.

Supervisor Matt Slater:
I'm sorry, just go back to my question. Are they aware this is happening? That was my question.

Town Engineer Michael Quinn:
I think they were not specifically advised, but I think it's a great idea. I think we need to reach out to them. We worked with them on the right-of-way acquisition, so I mean they're familiar with the project, but not the specifics of our detour plans. So I think we need to do that.

Supervisor Matt Slater:
I don't know if... Diana Quast if you're on, if you can hear us, I think Dave Paganelli is trying to get into the conversation here.

Highway Superintendent Dave Paganelli:
I'm in.

Town Clerk Diana Quast
I already let him in.

Supervisor Matt Slater:
We were talking about the Hill, just making sure that the mall and Jefferson village and High Meadow are properly informed, and so we're working on plan to make sure that that happens.

Highway Superintendent Dave Paganelli:
Absolutely. And we have to - I've already spoken to a few of the businesses around the Veterans Road closure as well. That's going to be a bit of an issue for us, particularly with respect to our salt barn location at Greenwood Street. I figure on an average snowstorm, we have between 160 and 200 trips to that barn from our vehicles, and I'm not all that comfortable with putting those vehicles through a residential neighborhood, which would be Halyan or having them coming in off Route 35 or, more importantly, going back out onto Route 35. So when we were out there this morning - I haven't tuned in so I don't know if Michael discussed this already - did you discuss what we talked about with respect to them about possibly leaving the road plated for the evenings, Michael?

Town Engineer Michael Quinn:
Yes. Dave, I did mention that we discussed that. You know, we're still working on a plan but that's something that seems like a good option here to shorten that duration of shutdown.

Highway Superintendent Dave Paganelli:
Correct, it would give us two thirds of a day where we would have access, particularly in the evening when it's dark and there are people out and about, kids playing in the snow. We really don't want to channel that much traffic in, especially in the darkness, to residential areas.

Councilman Tom Diana:
Dave, I actually happened to go down there today. They were doing some test holes for the water lines and etc., down there, and you look over the side and you can see what's going on with that whole mess there. I actually crawled down there today and looked inside the tunnels.

Highway Superintendent Dave Paganelli:
The pipes themselves aren't in bad shape. It's scouring away above the pipes.

Councilman Tom Diana:
Yes and the roof of it doesn't look real good. I was thinking that maybe we should do a weight limit. I mean, you know, the highway trucks, etc., that have to go up and down there to get salt that's one

thing, but the constant flow of the buses, etc. and I know there was a lot of traffic there but I didn't think there was as much as as I saw today - might have been because of elections.

John Tegeder, Planning Director:

I think today a lot of the traffic we're seeing is a two or three-fold increase in town traffic with respect to people exercising right to vote. Certainly, they've been on lines for hours on end. The buses, as we've discussed numerous times over the years, particularly from BOCES and their original site plan, they are not supposed to come down Veterans Road; they are supposed to go out to Route 35, and we've never been quite able to convince them to go back to. When I was on the Town Board, we were aware that it was an issue and they just don't seem to pay attention. That may be the one good thing that will come of this closure - that they will learn to go the way they're supposed to go. I'm hoping they won't go through Halyan.

Councilman Tom Diana:

Yes, that's why the light was put there to begin with, but my suggestion was that we put a weight limit on that road for any of the other traffic. I think that would be the simplest thing, and it would it would make, and I don't know, Adam, it may really relieve our liability should anything happen before and during construction.

Highway Superintendent Dave Paganelli:

Oh, yes, sir. I would not disagree with that.

Supervisor Matt Slater:

We're going to talk to you about it tomorrow, Dave, but I'm glad we got that settled.

Highway Superintendent Dave Paganelli:

Okay.

Councilman Tom Diana:

Now what were you saying, Adam? You think it would relieve some of our liability at that point?

Town Attorney Adam Rodriguez:

That'd be helpful, yes.

Councilman Tom Diana:

Yes, just in case.

Supervisor Matt Slater:

Dave, do you want to let us know what that weight limit might mean? We can talk about it offline with what that weight limit is going to be?

Highway Superintendent Dave Paganelli:

Yes, I'll work on that because then I'll figure out the weight of the school buses. I want to make sure that the weight limit is under that to make sure particularly that the children, not that we care so much about the traffic, but that the children are safe. The last thing we want is a school bus having an accident. Okay, thanks, Tom.

Town Engineer Michael Quinn:

Just to finish up here - I mean, obviously, we don't have the dates yet, but we will certainly keep the public informed on updates on the town website. We have the electronic message boards that will be in place. There's five message boards, in total: three at Veterans Road and two at Hill Boulevard. Those will be in place in the very near future, we'll do coordination, as we discussed tonight. Obviously, Dave and myself are the project contacts, and then WSP has a full time rep on site as well, and we'll be in regular communication with him as well.

Highway Superintendent Dave Paganelli:

Mike, I know we had spoken about the possibility of postponing this project, I'd gone back out there and my people and I looked at that. A couple of my guys and myself went out. And honestly, we're not all that comfortable that that road will last until March. Based on that we're going into the winter season and the deterioration we're seeing, you know, just in the last couple of weeks. So, you know, I think that we really need to move it along sooner rather than later.

Town Engineer Michael Quinn:
All right.

Supervisor Matt Slater:
I think we're bifurcating the application there with the Health Department so we get Veterans started ASAP and then transition over to Hill. Anything else? Mike?

Town Engineer Michael Quinn:
That's it.

Supervisor Matt Slater:
Mike, this is going to go up on the on the Town's website, correct?

Town Engineer Michael Quinn:
Yes, we'll put this on the Town's website. We'll put up the slides.

Supervisor Matt Slater:
Great. And Nicole, is there anything you want to add?

Nicole Shute, WSP:
I don't think so. I know Peter McDermott and he's an experienced engineer and from what I've seen working with transit thus far, I do feel like they really want to just knock it out and get it done. And so far, I've seen nothing but good things from them. It is all pre-cast, which is a much faster operation.

Supervisor Matt Slater:
Thank you all very much. We appreciate it.

Nicole Shute, WSP:
All right. Thanks, everyone.

BROAD PINES SUBDIVISION

Supervisor Slater introduced Town Engineer Michael Quinn and Planning Director John Tegeder to discuss Broad Pines Subdivision request for a Town sewer extension.

Town Engineer Michael Quinn:
So Broad Pines is a six-lot subdivision. It was approved, not exactly sure, but a couple of years ago, several years ago, and two lots of the six were built - lots three and four. This is located right off Broad Street at the intersection with Granite Springs Road. A developer wants to develop lots five and six. They're attached homes to match the two attached homes that were already built, and in order to do this next phase of the project, they want to install town sewers. So the original project was approved with a town sewer extension. Now, at the time the project was approved, the moratorium was in place, and I guess they could not proceed. So they built two houses with septic systems and the new developer will come in, he's going to install a town sewer to this lot six, and he's going to remove the septic system that's currently serving lots three and four and connect those properties to the town sewer. Then lots one and two, which currently are undeveloped will also have a connection for a future connection to town sewer. So this basically was a previously approved project, but in order to install the town sewer extension this needs Westchester County Health Department approval. The resolution that I put together authorizes the Supervisor to sign this application and that will enable the developer, his engineer is actually Joe Riina at Site Design, to work behind the scenes on all of the technical requirements. So they're ready to submit for regulatory approval. This can be a time consuming process, so they're anxious to get it in as soon as possible. And again, the resolution tonight is just authorizing the Supervisor to sign the application and that would enable them to submit.

Supervisor Matt Slater:
John Tegeder, I think there's some conditions that are still needed from the planning side before building permits would be accessible, correct?

John Tegeder, Planning Director:
Yes, and so none of these conditions would prevent this from going forward. I did speak to Mike this afternoon just to touch base, but I just want to kind of inform the board and remind the board that there are some road widening strips that need to be acquired. The owner is donating what is known as lot seven, which is an open space area, it also has a basin in it that he will be cleaning out and bringing

back to life. The open space area, I think is in Adam's and Jim Glather's hands to look at the deeds. So you will be taking that and the road widening strips are going to be taken by you I believe, by resolution. I have a call into Jim. I expect to talk to him tomorrow, but I just wanted everybody to be on the same page that those conditions should be done before building permits go out. I just want to get that on your radar screen.

Supervisor Matt Slater:

Totally understand, but there's no objection from either the Planning Department or the Planning Board on moving the sewer application forward - they can have a dual process, correct?

John Tegeder, Planning Director:

No, we've all been trying to get this thing to move forward to the way it was originally designed back in the early late early 90s, late 80s. So, yes.

Supervisor Matt Slater:

Okay. Just want to be clear. That's great. Any questions from the Town Board for either Mike Quinn or John Tegeder on this?

Councilman Ed Lachterman:

I'm pretty good with it.

Supervisor Matt Slater:

Councilman Patel?

Councilman Vishnu Patel:

I'm okay.

Supervisor Matt Slater:

All right. I appreciate everyone's time. We are 9 minutes ahead of schedule – actually, more than that, so we will move on to resolutions that are on the agenda to be passed tonight. Before I do that, there is one resolution that the Board discussed in closed that I will read into the record. The Town Clerk has a copy.

ADDITIONAL TOWN BOARD MEETING – THURSDAY, NOVEMBER 5, 2020

RESOLUTION #362

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

RESOLVED, the Town Board of the Town of Yorktown will hold an additional Town Board video conference meeting via Zoom on Thursday, November 5, 2020 beginning at 6:00 p.m., 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

RETURN TO CIVIL SERVICE TITLED POSITION OF LABORER – THOMAS R. LAGATELLA

RESOLUTION #363

Be It Resolved, that Thomas R. Lagatella will return to his previously held civil service titled position, Laborer, job class code 0425-05, within the Water Department, effective October 28, 2020.

APPOINTMENT TO MOTOR EQUIPMENT OPERATOR – THOMAS R. LAGATELLA

RESOLUTION #364

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

Be It Resolved, that Thomas R. Lagatella is hereby appointed to the civil service titled position, Motor Equipment Operator, job class code 0427-02, within the Water Department, effective October 29, 2020.

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

REAPPOINTMENT TO ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE – ROXANNE VISCONTI
RESOLUTION #365

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

Be It Resolved, that Roxanne Visconti is hereby reappointed to the Advisory Board on Architecture & Community Appearance for a term ending January 31, 2023.

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

REAPPOINTMENT TO ADVISORY BOARD ON ARCHITECTURE & COMMUNITY APPEARANCE – SEAN CONNOLLY
RESOLUTION #366

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

Be It Resolved, that Sean Connolly is hereby reappointed to the Advisory Board on Architecture & Community Appearance for a term ending May 31, 2023.

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

APPOINTMENT TO THE COMMUNITY HOUSING BOARD – SARAH WILSON
RESOLUTION #367

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

Be It Resolved, that Sarah Wilson is hereby appointed to the Community Housing Board for a term ending October 26, 2026.

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

APPOINTMENT TO THE COMMUNITY HOUSING BOARD – SONIA IDELSOHN
RESOLUTION #368

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

Be It Resolved, that Sonia Idelsohn is hereby appointed to the Community Housing Board for a term ending October 26, 2026.

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

AUTHORIZATION TO EXECUTE IMA WITH WESTCHESTER COUNTY FOR MUTUAL AID AND RAPID RESPONSE PLAN
RESOLUTION #369

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

Be It Resolved, that the Supervisor is authorized to execute an Intermunicipal Agreement with the County of Westchester to effectuate the Mutual Aid and Rapid Response plan for the Police Department of Westchester County. The term of the agreement is retroactive to July 31, 2020 through July 30, 2025.

RELEASE OF ESCROW DEPOSIT FOR STREET OPENING PERMIT – MOHEGAN LAKE MOTORS
RESOLUTION #370

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

Be It Resolved, that upon the recommendation of the Highway Superintendent, the Comptroller is authorized to release the Escrow Deposit for Street Opening Permit #019-009 in the amount of \$6000.00 to Mohegan Lake Motors, 1791 E. Main St. Mohegan Lake, NY 10547.

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

AUTHORIZATION TO EXECUTE AGREEMENT FOR SCHOOL RESOURCE OFFICER WITH
LAKELAND CENTRAL SCHOOL DISTRICT AND THE TOWN OF CORTLANDT
RESOLUTION #371

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

Be It Resolved, that the Supervisor is authorized to execute a school resource officer agreement for 2020-2023 with the Lakeland Central School District and the Town of Cortlandt.

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

AUTHORIZATION TO EXECUTE AGREEMENT FOR SCHOOL RESOURCE OFFICER WITH
YORKTOWN CENTRAL SCHOOL DISTRICT
RESOLUTION #372

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

Be It Resolved, that the Supervisor is authorized to execute a school resource officer agreement for 2020-2023 with the Yorktown Central School District.

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

AUTHORIZATION TO EXECUTE LEASE AGREEMENTS FOR THE ALBERT A. CAPELLINI
COMMUNITY & CULTURAL CENTER
RESOLUTION #373

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

Be It Resolved, the Town Supervisor is authorized to execute lease agreements, subject to permissive referendum, between the Albert A. Capellini Community & Cultural Center and the six (6) parties listed below for a period of 1 year beginning January 1, 2021 and ending December 31, 2021.

Westchester Community Opportunity Program (Head Start)
Corporate Children's Center Consultants (Bright Beginnings)
Manetoo Dance Ensemble (Westchester Ballet)
Yorktown Teen Center Inc.
Thrifty Me/Community Help
Yorktown Stage Inc. – Room 12 only

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

AUTHORIZATION TO SIGN A STORMWATER MAINTENANCE AGREEMENT WITH NEW
YORK SMSA D/B/A VERIZON WIRELESS
RESOLUTION #374

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

Whereas,

1. The Applicant, New York SMSA d/b/a Verizon Wireless recently completed construction of a cell tower located at 2281 Crompond Road. There was a Stormwater Pollution Prevention Plan (SWPPP) in place to manage stormwater during the various construction activities. As part of the SWPPP, the Applicant was also required to implement post-construction stormwater collection and treatment devices. The Town wishes to execute a Stormwater Maintenance Agreement to memorialize the responsibilities of the Applicant for long term inspection and maintenance of these devices.
2. One of the requirements of the Stormwater Maintenance Agreement is for the Applicant to file an annual compliance report with the Engineering Department. The Town needs to

track these measures as one of the conditions of our MS4 Town-wide Stormwater Management Program.

3. The agreement will be subject to the review and approval of the Town Attorney.

Now, Therefore Be It Resolved, the Town Board authorizes the Town Supervisor to sign a Stormwater Maintenance Agreement with New York SMSA d/b/a Verizon Wireless.

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

AUTHORIZATION TO SIGN LETTER OF AUTHORIZATION FOR THE LETIZIA PROJECT
RESOLUTION #375

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

Whereas,

1. The Letizia project, 309-311 Granite Springs Road has received final approval from the Yorktown Planning Board.
2. This project will require extension of the Town sewer consisting of one (1) new sewer manhole and approximately 150 linear feet of gravity sewer main along a utility easement. The new infrastructure will be installed at developer expense with inspection oversight provided by the Town.
3. Once constructed, the new sewer infrastructure will be dedicated to the Town and the Town will be responsible for long term operation and maintenance.
4. In order to submit for approval by the Westchester County Health Department, a Letter of Authorization/Signed Application from the Town is required.

Now, Therefore Be It Resolved, the Town Board authorizes the Town Supervisor to sign a Letter of Authorization for the Letizia project, 309-311 Granite Springs Road that will authorize the Applicant's Project Engineer to submit engineering plans and associated application documents for a Town sewer extension to the appropriate regulatory authorities.

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

ADJOURN MEETING

Upon motion made by Councilman Patel, seconded by Councilman Diana, the Town Board meeting was adjourned.

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK