

Meeting of the Town Board, Town of Yorktown held on August 6, 2013 at the Brian J. Slavin Aquatic Facility, 2800 Sunnyside Street, Shrub Oak, New York 10588.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

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

WELCOME – BRIAN GRAY, SUPERINTENDENT OF PARKS AND RECREATION

Brian Gray, Parks and Recreation Superintendent welcomed everyone to the Brian J. Slavin Aquatic Facility. He stated that this is another beautiful park located in the Town of Yorktown. The outdoor Town Board meetings provide not only the Town Board but the residents of Yorktown the opportunity to visit a few facilities that they may not frequent during their daily lives. Superintendent Brian Gray stated that it gives him the chance a few times a year to speak about the numerous facilities, programs and services offered and maintained by the Yorktown Parks and Recreation Department.

The Department of Parks and Recreation provides a very important service to the residents of the community. Parks and recreation programming plays a critical role in the lifestyles of residents and often plays an important role in one's decision to live in a particular community. Parks and recreation programming provide opportunities for socialization, fitness, mental stimulation and/or relaxation, and the enjoyment of nature. All of these aspects help to contribute to a better quality of life.

Parks and Recreation Superintendent Brain Gray stated that the Parks Department has a total of 12 employees who maintain over 50 parcels of land and facilities daily. He ventured to say that their tireless work normally goes unnoticed by our numerous park users and he would welcome anyone who visits a facility anywhere, to think about the maintenance and manpower it takes to keep that facility up and running to the highest of standards.

Superintendent Gray stated that the residents of Yorktown are lucky to have not one, but two beautiful pool facilities. The Parks Department performs all work consistent with operating these aquatic facilities and begins work on these complexes in March and doesn't put them to bed for the season until November.

During March the Parks Department works on revitalizing our athletic fields from the long winter and from April through November they are prepping as many as 25 athletic fields a day throughout town for our youth and adults to enjoy.

This summer a primary focus of the Department has been re-mulching the safety surface on 6 of the Towns 22 playgrounds. Work consists of hand digging and removing the existing 8 to 12 inches of decomposing mulch and pea-gravel and replacing with 12 inches of new Fibar safety surface. In a few cases like Walden Woods Playground on Curry Street they replaced rotten railroad ties to give the playground not only a safer area for children to play but the park received a nice facelift as well.

The work of the Parks and Recreation Department goes hand in hand throughout the year with program and event offerings. Anyone who has participated in over 100 programs offered by the Department annually; or have had the opportunity to attend one of the special events co-sponsored and put on by the Recreation Department such as the Movie in the Park, Halloween Parade and Carnival, Community Day, Summer Concert Series, Relay for Life, Battle of the Bands or the annual egg hunt you have been impacted by a member of the Parks and Recreation staff. Stages do not set up and breakdown themselves, garbage doesn't empty itself and rooms aren't magically ready for program participants. A lot of logistics goes into running the amount of programs and events the Parks and Recreation Department offers both daily and throughout the year.

Superintendent Brian Gray stated that the Recreation side of the Department has 3 Recreational Professionals and 2 and a half office staff.

The Department's Assistant Superintendent, Todd Orłowski, oversees our pool facilities which requires hiring approximately 70 staff for the summer. He also likes to refer to him as our field guru as he is the conduit between the athletic clubs and the Department and handles the field scheduling throughout the seasons – which is a full time job in itself.

One of Todd's most demanding jobs is overseeing our adult softball, basketball and flag football leagues which host 80 teams combined. Scheduling, updating scores, checking the legality of bats, rescheduling rain-outs is just a small sample of the daily duties associated with running these leagues.

The Department's Recreation Supervisor, Erin Riedel, begins preparing for camp in January; scheduling trips, ordering supplies and reviewing staff for our; 2 full day, 2 half day, Travel and Adventure, Pre-school and extended day camp programs. The Department hires approximately 175 camp staff for these 5 weeks and I am happy to say this past July we registered 114 more campers than 2012 yielding \$110,000 more in revenue than last year. Erin who has been with the Department for just over a year has also scheduled numerous week long camps at the beginning of June and throughout the month of August which have had a great response from participants and most have a waiting list.

The programs he mentioned just scratches the surface of the offerings of the Recreation Department. As stated before we offer more than 100 programs annually consisting of programs for Toddlers through Seniors and everything in between. We strive to keep our finger on the pulse of program trends and continually change and add programs and events to keep on pace with the ever changing demands of our residents.

I would like to highlight our second annual, award winning, Holiday Lights Parade Spectacular and tree lighting. While December is only a few months away it will be here before we know it. Please mark your calendars now for Saturday, December 7th for what is sure to be an event bigger and brighter than last year.

Superintendent Brian Gray stated he is proud to be at the helm of the Parks and Recreation Department and an integral part of making the residents of Yorktown's lives more enriched by what the Department offers.

He stated that the Fall/Winter Brochure will be in your mailbox at the beginning of September. He encourages everyone to look through it and take full advantage of what the Town has to offer. He hopes to see everyone soon at one of our special events or programs, mountain biking or hiking the over 20 miles of multi-use trails, or simply enjoying a game of catch with your son or daughter at one of our over 15 playing fields throughout town.

APPOINTMENT – POLICE DEPARTMENT -JASON PAYNE – POLICE OFFICER
RESOLUTION #327

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

BE IT RESOLVED, that Jason Payne is hereby appointed Police Officer in the Town of Yorktown effective August 19, 2013 to be paid \$49,565.00 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

PROCLAMATION – PURPLE HEART TOWN

Supervisor Grace read the following Proclamation:

***WHEREAS**, the Purple Heart is awarded to any member of the United States Armed forces who was wounded or killed in combat with a declared enemy of the United States of America; and,*

***WHEREAS**, Veterans have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; and,*

***WHEREAS**, the contributions and sacrifices of the men and women from Yorktown who served in the Armed Forces have been vital in maintaining the freedoms and way of life enjoyed by our citizens; and,*

***WHEREAS**, many men and women in uniform have given their lives while serving in the Armed Forces; and,*

***WHEREAS**, many citizens of our community have earned the Purple Heart Medal as a result of being wounded while engaged in combat with an enemy force, construed as a singularly meritorious act of essential service; and*

***WHEREAS**, August 7, 2013 has officially been designated as the day in the Town of Yorktown to remember and recognize veterans who are recipients of the Purple Heart Medal.*

***NOW, THEREFORE, BE IT RESOLVED**, that I, Michael J. Grace, Supervisor of the Town of Yorktown, along with the members of the Town Board, hereby proclaim Town of Yorktown as a **Purple Heart** Town, honoring the service and sacrifice of our nations' men and women in uniform wounded or killed by the enemy while serving to protect the freedoms enjoyed by all Americans.*

PRESENTATION – RELOCATION OF HIGHWAY GARAGE

Supervisor Grace gave a presentation regarding the relocation of the Highway garage to the Greenwood Street Waste Water Treatment Plant site. Supervisor Grace stated that with the elimination of the sludge at the wastewater treatment plant there would be a lot of space opened up to place two butler buildings, one for the Highway department and one for the Parks department. The buildings would enclose all of the vehicles and equipment from both departments and this will help with longevity of the Town's vehicles and equipment.

Supervisor Grace stated that if the Town moves the Highway Department then the Town could reclaim the property and create a linear park setting linking three parks together and add a parking area and flag plaza. A Request for Proposals would be needed to get some cost estimates for the Phase 2 Environmental Study and for architectural services.

Councilman Bianco stated that he likes the concept but is not sure about moving the Highway garage as of yet, he would like to see some cost estimates first. He does agree that the sludge should be removed.

Councilman Paganelli would also like to see the cost of the project.

Supervisor Grace stated that solar panels could be placed on the roof of the new butler buildings.

Councilman Bianco stated that this project may need to be bonded. We should get rid of the sludge first and then take a look at moving the Highway garage.

Councilman Murphy asked if this is just for the Highway garage.

Councilman Paganelli stated that this is a multifaceted request for both architectural services and the Phase 2 Environmental Study.

Councilman Paganelli would like to know if the NYC DEP and NYS DEC would allow both garages to be placed at the Greenwood Street Plant.

Supervisor Grace stated that the Town already has two large cement bases there and the buildings would be placed on them.

Acting Town Engineer Sharon Robinson stated that NYS DEP will be adding more stringent regulations next year and by dewatering the sludge and having it trucked out, there will be a cost savings to the Town.

Councilman Paganelli asked how much sludge is generated in a week.

Acting Town Engineer Sharon Robinson stated twenty tons per week.

Councilman Patel would also like to see some cost estimates on the project.

Supervisor Grace stated that he would work on getting the cost estimates for the August 13, 2013 Town Board Work Session Meeting.

RESOLUTIONS FROM THE MEETING OF 7/16/2013

RESOLUTION #328

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Resolved, that the Town Board Meeting Resolutions for July 16, 2013 are approved by the Town Board.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WSP SELLS FOR
ADDITIONAL DESIGN ENGINEERING SERVICES FOR BAPTIST CHURCH
ROAD CULVERT PROJECT AND GREENWOOD STREET CULVERT
REHABILITATION PROJECT

RESOLUTION #329

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with WSP Sells for additional design engineering services, including permitting, soil sampling, and surveying for the Baptist Church Road Culvert Project, in the amount of \$22,000.00, and, BE IT FURTHER

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an amendment to the existing agreement with WSP Sells for engineering services, to perform a design serviced during construction of the Greenwood Street Culvert Rehabilitation Project in the amount of \$12,600.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE EROSION CONTROL BOND PERMIT #WP-013-13
FARMWALK ROAD

RESOLUTION #330

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

WHEREAS, Linda Hirsch as applicant, posted Check No.4753 in the amount of \$300.00, which was deposited into the T33 Account on March 29, 2013, covering permit #013-13, for work performed at the Farmwalk Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Ms. Linda Hirsch, 2823 Farmwalk Road, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE EROSION CONTROL BOND #WP-069-12
CROTON LAKE ROAD
RESOLUTION #331

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

WHEREAS, Thomas Bodkin, as applicant, posted Check No. 123 in the amount of \$300.00, which was deposited into the T33 Account on September 11, 2012, covering Wetland Permit #069-12, for work performed at his Croton Lake Road residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Mr. Thomas Bodkin, 1535 Croton Lake Road, Yorktown Heights, NY 10598.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE EROSION CONTROL BOND #WP-037-13
SARA COURT
RESOLUTION #332

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

WHEREAS, New City Maintenance Corp., as applicant for Matsa, posted Check No. 21594 in the amount of \$300.00, which was deposited into the T33 Account on June 28, 2013, covering Wetland Permit #037-13, for work performed at the Sara Court residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to New City Maintenance Corp., 26 N. Route 9W, Congers, NY 10920.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER
A.1420.101 IN THE AMOUNT OF \$7,200 TO A.6772.110
RESOLUTION #333

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Be it resolved that the Town Board authorizes the Comptroller to transfer \$7,200.00 from A.1420.101 (Legal – Salary) to A.6772.110 (Nutrition – Temp Help) for the purpose of hiring an Assistant Cook from September 1, 2013 through December 31, 2013.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER
A.909.8 IN THE AMOUNT OF \$10,289.98 TO A.6772.108
RESOLUTION #334

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Be it resolved that the Town Board authorizes the Comptroller to transfer \$10,289.98 from The General Fund –Fund Balance A.909.8 (Reserve for Employee Accrued Benefits) to Nutrition Lump Sum Payments A.6772.108 for the purpose of payment at retirement for Leola Specht which was processed during Payroll #3, February 14, 2013.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER
A.1420.101 IN THE AMOUNT OF \$13,002.95 TO A.7310.110
RESOLUTION #335

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Be it resolved that the Town Board authorizes the Comptroller to transfer \$13,002.95 from A.1420.101 (Legal – Salary) to A.7310.110 (Camp Programs – Temp Help) for the purpose of hiring additional camp counselors to cover the increase in camp enrollment for the 2013 Summer Camp programs.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER
D.5142.403 IN THE AMOUNT OF \$119,181.00 TO D.5112.205
RESOLUTION #336

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

RESOLVED, the Town Board approves the transfer of \$119,181.00 from D.5142.403 (supplies & materials: salt) to D.5112.205 (equipment)

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE BID FOR THE JOHN C. HART MEMORIAL LIBRARY FOR
TEMPORARY LIBRARY RELOCATION SERVICES
RESOLUTION #337

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 10:00 a.m., Friday, August 23, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Temporary Library Relocation Services at the John C. Hart Memorial Library, 1130 East Main Street, Shrub Oak, New York 10588.

Specifications for work proposed may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown.

Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked "**Bid – Temporary Library Relocation Services**".

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE JUSTICE COURT TO REFUND \$250.00 TO DOCKET #11080292
RESOLUTION #338

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

Authorize refund check in the amount of \$250.00, to Docket #11080292, due to a wrongfully levied fine.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ADVERTISE SUPERVISOR TO SIGN CONTRACT WITH SHRUB OAK ATHLETIC
CLUB FOR 2013 BASKETBALL PROGRAM
RESOLUTION #339

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

RESOLVED, that the Town Supervisor is authorized to sign a contract with Shrub Oak Athletic Club, Inc., retroactive to January 1, 2013, in the amount of \$44,000, to provide a youth basketball program to the Town in 2013 to benefit Town residents.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENTS WITH WESTCHESTER
COUNTY FOR TITLE 111B TRANSPORTATION
RESOLUTION #340

Upon motion made by Councilman Murphy, seconded by Councilman Bianco,

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement for Title 111B Transportation for the program year 2013 in the amount of \$11,237 with a local match of \$7,809.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

THE TOWN BOARD ACCEPTED THE MONTHLY REPORTS FROM THE
FOLLOWING DEPARTMENTS:

The Town Board accepted the Monthly Reports from the Receiver of Taxes and Building Inspector for July 2013.

DECISION – AMEND FLEXIBILTY AUTHORIZATION
CATUCCI AKA FIELDSTONE MANOR
RESOLUTION #341

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

WHEREAS, the Yorktown Planning Board is currently reviewing the application of Lake Mohegan Mansion, L.L.C., (hereinafter the "Applicant") for approval of the proposed Fieldstone Manor subdivision, known on the Town of Yorktown tax map as Section 15.11 Block 1 lot 17; and

WHEREAS, on September 18, 2012, by resolution number 412, the Yorktown Town Board granted the request of the Planning Board for permission to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, and said resolution allowed the Applicant to partition the Field Mansion into two units, each having about 5,000 square feet, thereby preserving the building, which is cited in the 2010 Yorktown Comprehensive Plan as a historic resource; and

WHEREAS, the Planning Board is the lead agency with respect to SEQRA; and

WHEREAS, the Applicant seeks to increase the number of proposed units within the Field Mansion so as to make them proportionate in size compared to the other homes proposed for the subdivision, and has developed plans to accommodate 5, 6, or 7 units inside the mansion, with units ranging in size from 565 to 2,847 square feet, and has submitted said plans to the Planning Board; and

WHEREAS, after review and evaluation of the revised plans, the Planning Board has determined that allowing these additional units will provide a better opportunity for the building to be preserved and supported by the subdivision's home owner's association, and has requested the Town Board to amend its September 18, 2012 resolution, to allow the Planning Board to apply the flexibility standards of Section 300-22 to approve up to five additional units in the Field Mansion; and

WHEREAS, a public hearing to consider these requests was convened on July 16, 2013, and August 6, 2013, during which public hearing the applicant presented information and arguments in favor of granting the request of the Planning Board to allow it to use the flexibility standards of section 300-22 to allow the Applicant to create five additional units in the Field Mansion, and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express their views concerning the application; and

WHEREAS, the Applicant has advised the Town Board that no other changes to density or bulk are sought for this subdivision; NOW THEREFORE, be it hereby

RESOLVED, that the request of the Planning Board to amend Resolution 412 of September 18, 2012, is granted, and permission is granted to the Planning Board to use flexibility standards of §300-22 to allow for five additional units in the Field Mansion within the Fieldstone Manor Subdivision.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

**PUBLIC HEARING WETLANDS PERMIT – ENGINEERING DEPARTMENT
GREENWOOD STREET BRIDGE CULVERT**

Supervisor Grace reconvened a public hearing to consider a Wetlands permit application to place sheet piling in order to repair defects in the culverts on Greenwood Street. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Acting Town Engineer Sharon Robinson explained the project and stated that the Greenwood Street Bridge Culvert has been yellow flagged by the NYS DOT. The project will take four to five months to complete but most of that time will be the permit approval process. The road will not be closed during the project.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Murphy.

LEAD AGENCY DECLARATION REHABILITATION OF GREENWOOD STREET
CULVERT
RESOLUTION #342

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, the Town of Yorktown is seeking to rehabilitate the defects of the Greenwood Street Culvert; and

WHEREAS, Chas. H. Sells has completed the design dated July (WP-02013, developed the contract documents and drawings for public bidding purposes: and

WHEREAS, the estimated cost of the project is approximately \$150,000; and

WHEREAS, there are Town regulated wetlands and associated buffers located on the site; and

WHEREAS, a wetland permit application (WP-038-13) dated June 6, 2013 in which plans have been provided to mitigate impacts to wetland and wetland buffer areas and to prevent erosion and sediment from the leaving the site and preventing the introduction of pollutants to the wetlands has been prepared; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF), dated June 6, 2013 and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, jurisdictional permits and approvals for this project have been obtained from the New York State Department of Environmental Protection (NYSDEC), the Army Corps of Engineers (ACOE), and

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

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby adopts Lead Agency status and directs that the wetland permit application, plans and the short-form EAF be circulated for review and comment to remaining interested and involved agencies.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

NEGATIVE DECLARATION AND STATE ENVIRONMENTAL QUALITY REVIEW
ACT (SEQRA) GREENWOOD STREET BRIDGE CULVERT REPAIR
RESOLUTION #343

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Wetland Permit for the Town of Yorktown, New York.

SEQRA Status: Type 1

Unlisted

Conditioned Negative Declaration: Yes

Description of Action: The applicant is proposing to place sheet piling in order to repair defects in the culverts on Greenwood Street. The work is located within a wetland and control area of a jurisdictional Town of Yorktown wetland. Total land disturbance is less than 5,000 sq. ft. and all disturbed areas will be restored with vegetation in accordance with an approved plan. The applicant requires a Wetlands Permit from the Town Board. Approvals have been obtained from the New York State Department of Environmental Conservation (NYSDEC), and Army Corps of Engineers (ACOE).

Location: Greenwood Street in the Town of Yorktown, Westchester County, New York

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. There shall be no permanent increase in the existing footprint or impervious surface area. There shall not be any loss of wetland or wetland buffer area or function. An erosion and sediment control plan has been provided.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not

meet one or more of the criteria under 6 NYCRR 617.7(c).

12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE GREENWOOD STREET CULVERT REHABILITATION WETLANDS
PERMIT: WP-038-13 GREENWOOD STREET
RESOLUTION #344

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, the applicant proposes to repair the structural defects of the Greenwood Street culvert and,

WHEREAS, jurisdictional permits and approvals for this project have been obtained from the New York State Department of Environmental Conservation (NYSDEC) and the Army Corps of Engineers (ACOE); and

WHEREAS, there are Town regulated wetlands and associated buffers located on the site and disturbance required to install sheet piling at the discharge ends of the culverts to repair the culvert's structural defects is in part within Town of Yorktown regulated wetland buffer and temporary disturbance to a Town of Yorktown wetland will occur due to the culvert repair; and

WHEREAS, land disturbance is less than 5,000 sq. ft. will be required to complete the project; and

WHEREAS, the applicant has submitted a wetland permit application (WP-038-13) dated June 6, 2013 in which plans have been provided to mitigate impacts to wetland and wetland buffer areas, prevent erosion and sediment from leaving the site; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF), dated June 6, 2013; and,

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

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on August 6, 2013; and

WHEREAS, review comments from the Town of Yorktown Conservation Board dated July 1, 2013 have been received and fully considered; and

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

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

WHEREAS, a public hearing on the permit application was conducted on August 6, 2013; and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetlands Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Town of Yorktown Wetland Permit Application WP-038-13 dated June 6, 2013, executed by Acting Town Engineer, Sharon Robinson.
- Short-form EAF dated June 6, 2013.
- Design drawings and specifications prepared by Charles H. Sells, Inc. dated July 2013.

BE IT FURTHER RESOLVED THAT, the Wetlands Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit; and

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

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. Provide any/all approvals and permits from NYSDEC, NYCDEP, ACOE, NYSDOT and the Town of Yorktown Highway Department.
2. The Town Supervisor shall sign the EAF.

Conditions of the Wetlands Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the wetland permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Inspection reports prepared by the qualified inspector shall be furnished to the Acting Town Engineer with 3 calendar days of the date of inspection. Modifications to the approved plans shall made only with prior Town Engineer approval.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide a written report, no later than at the expiration date of the wetland permit, documenting the status of the implementation of the requirements of this resolution.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

PUBLIC HEARING

YESHIVA KEHILATH YAKOV – EXCAVATION, SWPPP AND TREE PERMIT

Supervisor Grace convened a public hearing to consider an application for the Yeshiva Kehiliath Yakov for an Excavation, SWPPP and Tree Permit to install solar panels at 340 Illington Road. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Mr. David Steinmetz, Attorney for applicant and Daniel Ciarcia, Engineer for applicant gave an overview of the project.

Mr. Russell Secor a resident of Illington Road stated that he has two pieces of properties contiguous to the Yeshiva land and would like to know what the impact to his property will be. He requested that the Town Board not close the public hearing until he could review the project details.

Mr. Howard Frank spoke about the amount of trees being removed and suggested doing a balloon test.

Mr. William Kellner, Chair, Tree Conservation Advisory Commission stated that due to the amount of trees being taken down, in lieu of onsite mitigation he would like money to go into the tree fund.

Councilman Bianco asked if you could see this property from the Taconic State Parkway.

Mr. David Tetro, Architect for the applicant stated that from the Taconic State Parkway the view of this property is only a few seconds.

Mr. Daniel Ciarcia stated that 288 trees are estimated to come down.

Mr. Russell Secor stated that he objects to the public hearing being closed and would like the Town Board to adjourn it until he can have some time to see what the impact will be to his property..

Supervisor Grace duly noted the objection.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was closed with a seven (7) day written comment period. Councilman Bianco motioned, seconded by Councilman Murphy.

PUBLIC HEARING

WETLANDS PERMIT – SYLVAN GLEN DOG PARK

Supervisor Grace convened a public hearing to consider an application for the Town of Yorktown Parks and Recreation Department for a Wetlands permit to create an off-leash, fenced in Dog Park at the Sylvan Glen Park Preserve. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Al Avitabile, Vice Chair, Parks and Recreation Commission stated that the Recreation Commission has chosen Sylvan Glen Park as the home of the Yorktown dog park. He gave an overview of the project. He further stated that this is a win-win for Yorktown.

Mr. David Rocco, Chair, Yorktown Community Dog Park stated that the Yorktown Community Dog Park supports the establishment of a dog park at Sylvan Glen and will work to make this a reality and an on-going asset to our Town.

Mr. David Rocco read a prepared statement of behalf of Jonathan Nettlefield who is in favor of the dog park at Sylvan Glen Park.

Mr. Dale Saltzman spoke against having a dog park at Sylvan Glen Park.

Mr. Ron Buehl stated that he is a member of both the Open Space Committee and Yorktown Community Dog Park and is conflicted because there is a need to have a dog park in Town but he does not think Sylvan Glen Park is the right place.

Mr. Walt Daniels stated that he is a member of the Open Space Committee and the Conservation Board and is against having a dog park at Sylvan Glen Park.

Councilman Bianco stated that the Parks and Recreation Commission has looked at many sites in the Town for a dog park and it is outlined in the comments received from the Parks and Recreation Commission.

Ms. Patricia Johnson stated that she is a Wildlife Rehabilitation Specialist and there may be endangered and or threatened species at this location. She spoke against having a dog park at Sylvan Glen.

Mr. John Schroeder spoke against having a dog park at Sylvan Glen Park Preserve.

Mr. Michael Dangling spoke against Sylvan Glen and suggested Downing Park.

Mr. Al Morales spoke in favor of the dog park at Sylvan Glen and feels that everyone can share the location together.

Mrs. Ann Kutter spoke against a dog park at Sylvan Glen.

Mr. William Kellner spoke against a dog park at Sylvan Glen.

Ms. Cheryl Ganetski spoke against having a dog park at Sylvan Glen Park.

Mr. John Schroeder stated that the Open Space Committee is available to meet with the Parks & Recreation Commission and look through their property inventory to find an alternative location.

Mrs. Ruby Rocco spoke in favor of having a dog park at Sylvan Glen park Preserve.

Mr. Steve Gardner stated that he is in favor of a dog park being created but is not sure that Sylvan Glen Park is the place for it.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was adjourned until September 3, 2013. Supervisor Grace motioned, seconded by Councilman Murphy.

PUBLIC HEARING – AMENDED SPECIAL USE PERMIT SANCTUARY GOLF CLUB

Supervisor Grace reconvened a public hearing to consider the Amended Special Use Permit application from the Sanctuary Golf Club. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Mr. Al Capellini, Esq. Attorney for the applicant gave an overview of the Amended Special Use Permit plan.

Mr. Al Capellini stated that he had nothing to add to his previous comments.

Mr. John Schroeder stated that many issues have been addressed but there is still more that needs to be done.

Mr. Paul Moskowitz suggested doing a site visit.

Mr. Howard Frank stated that potential drainage issues should be looked at as well.

Mr. John Tegeder stated that nothing has been going on there and that the applicant has done mitigation.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was closed with a written comment period until September 3, 2013. Supervisor Grace motioned, seconded by Councilman Bianco.

PUBLIC HEARING

3438 OLD YORKTOWN ROAD – LOCAL LANDMARK DESIGNATION

Supervisor Grace convened a public hearing to consider the designation of a parcel and house located at 3438 Old Yorktown Road, Yorktown Heights (Tax Map of the Town of Yorktown as Section 16.15 Block 1 Lot 48) as an historic landmark pursuant to Chapter 198 of the Town Code. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Jean-Francois de Laperouse, Chair, Landmarks Preservation Commission spoke about former Chair Gary Corwin who recently passed away. He also encouraged the Town Board to designate 3438 Old Yorktown Road as a Local Historical Landmark.

The owner of the property stated that she was in agreement with designating her home as a Local Historical Landmark.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Paganelli.

APPROVE 3438 OLD YORKTOWN ROAD AS A LOCAL HISTORICAL LANDMARK DESIGNATION – SECTION 16.15, BLOCK 1, LOT 48 RESOLUTION #345

Upon motion made by Councilman Bianco, seconded by Councilman Murphy,

WHEREAS, the Landmark Preservation Commission has recommended that the Town Board designate the parcel and house located at 3438 Old Yorktown Road, Yorktown Heights (Tax Map of the Town of Yorktown as Section 16.15 Block 1 Lot 48) as an historic landmark pursuant to Chapter 198 of the Town Code; and

WHEREAS, property owner Sarah Galbraith executed a consent form agreeing to the designation of her house and parcel as a landmark under Chapter 198 of the Town Code; and

WHEREAS, at a duly noticed a public hearing held on August 6, 2013, the Landmark Preservation Commission documented that the house is a well-preserved and locally unique example of early Greek Revival domestic architecture ca. 1835 and that the present landscaping is consistent with the architectural character of the house, and Ms. Galbraith testified she supported the proposed designation;

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby designates the presently existing house and parcel located at 3438 Old Yorktown Road as a landmark pursuant to Chapter 198 of the Town Code of the Town of Yorktown.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mrs. Susan Siegel spoke about the proposed Depot Square and would like the Town Board to vote on this during a televised meeting.

Mrs. Ann Kutter spoke about a bed of flowers located in a triangle by Route 202 and Route 35 which the State DOT removed.

Mrs. Jane Daniels stated that she would like the Town Board to send a letter of support for a project that the Friends of FDR Park would like to do.

Councilman Bianco asked Mrs. Jane Daniels to draft a letter and he would sign it.

Mrs. Jane Daniels asked the Town Board to waive its policy on not using herbicides on Town property. She stated that there is a large amount of Japanese

Knotwood growing at the Granite Knolls property and she would like to have herbicides sprayed on it to stop it from spreading further.

Mr. Howard Frank stated that he wanted the Town Board to have a copy of a recent FOIL request that the United Taxpayers of Yorktown requested because he would like the Town Board to see the amount of water loss the Town still is incurring.

ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to adjourn the Town Board meeting.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown