

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Thursday, November 5, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Edward Lachterman, Councilman
Vishnu Patel, Councilman
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk
David Paganelli, Superintendent of Highways
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

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 veterans who have defended our freedoms, and for the 33,000 plus individuals lost to the COVID virus. Supervisor Slater added a special prayer for our nation, as we emerge from yet another election. He thanked the election workers and voters who participated in the election process.

REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Town Supervisor Slater gave an update on COVID in the community. There are currently 38 active cases (the number of individuals who are currently contagious, having tested positive in the last two weeks). He met with Westchester County Commission of Health, Dr. Sherlita Ambler to gain insight as to what these numbers mean. He said his meeting with Dr. Ambler may be viewed on the Town's website, as well as on the Town's YouTube page. Supervisor Slater emphasized mask wearing, social distancing, and hand washing as preventive measures. He said that numbers continue to climb in Westchester County, which is now at an infection rate of 2.5% and Yorktown is now at the same level and are supporting the same active cases daily as in May. Supervisor Slater said we were warned about a potential second wave as the weather became colder and more indoor activities took place. Many health care providers in Yorktown are providing both the rapid COVID and the PCR test.

Supervisor Slater said a new flagpole was installed recently at Veterans Field and thanked Town Clerk Diana Quast, Highway Superintendent David Paganelli, and the Parks and Recreation staff who assisted in its installation. He also announced Yorktown's "reverse" Veterans Day Parade would take place on Sunday. He thanked Paul Martin for coming up with a very creative way for the Town to give a proper salute and thank you to our veterans. Veterans are going to be socially distanced, spread out in front of the American Legion and VFW. He said for anyone wishing to join them, they will be meeting behind the Acme Shopping Center and proceed in a car parade up Maple Hill Road and turn right onto Veterans Road in order to salute the men and women of Yorktown

Supervisor Slater announced Fall Farm Weekend coming this weekend. He said it has been recognized by Westchester Magazine as one of the top things to do this weekend. There are eight participating farms across Yorktown. There will be a passport for children that they can get stamped at each one of the farms they attend. Each of the farms has activities, and each has some specific items that they're going to be highlighting. The kick off will be held at Fable Farm on Saturday at 11:00 a.m. Fable Farm and Thompson Cider Mill are going to be teaming up this entire fall season. Thompson Cider Mill is going to have their apple cider for sale at Fable Farm off Route 134, Kitchawan Road – one of the gems of Yorktown.

Supervisor Slater reminded everyone that the Coalition on Community Safety and Engagement is meeting again next Thursday, November 12. Another work group has been scheduled as well as another presentation from Chief Robert Noble.

Supervisor Slater said two letters were sent to the Department of Transportation in the last two weeks. One requesting their review of the traffic lights on Route 202 by the Taconic by Lowe's. He said the Town wants to make sure that those traffic safety controls and the synchronization of the lights are continuing. A letter regarding this was sent to the Region 8 Director, Lance McMillan, for his assistance. Supervisor Slater said that earlier today another letter was sent, per a constituent's request, requesting that DOT perform an investigation into a potential traffic light on Route 34 and Quaker Church Road, which is a very challenging T-intersection, especially more complicated when people are utilizing the North County Trailway. Supervisor Slater said the Town wants to make sure that automobiles are safe and to make sure that pedestrians are safe, as well as cyclists.

Supervisor Slater announced that the John C. Hart Library has expanded its operating hours. There will be the porch pickup window service, which is on Monday, 1:00 to 4:00 p.m., Tuesday and Wednesday, from 10:00 a.m. to 2:00 p.m., Thursday from 3:00 to 7:00 p.m., and Saturday from 1:00 to 4:00 p.m. The building will now be open Tuesday and Wednesday from 10:00 a.m. to 2:00 p.m. and Saturdays from 9:30 a.m. to 12:00 p.m. Supervisor Slater expressed his appreciation to Pat Barresi and the library staff for finding more ways to serve our community.

Supervisor Slater reminded everyone that on November 7 and November 14, as part of the Revolutionary War 250th Anniversary, the Yorktown Heritage Preservation Commission will be hosting a recorded performance on the government access channel entitled "Washington and His Spies." This will be recorded at the landmarked Community Church of Yorktown and the program is being done by the award-winning duo, Ann and Ridley Winslow, and will be broadcasted twice on the Yorktown television channels, which are Optimum Channel 35 and Channel 33 on consecutive Saturdays, November 7 and November 14 at 7:30 p.m.

Supervisor Slater thanked the owners of Club Fit for their partnership with the Town in finding new ways to engage our seniors and make sure they remain as healthy as they can be during these challenging times. They have been able to arrange for a recording of chair yoga sessions for seniors and our elderly that the Town is going to broadcast next week. There will be a secondary cardio session. Supervisor Slater also thanked Noreen O'Driscoll, Director of the Senior Nutrition Center and RoseMarie Panio, Chairperson of the Senior Advisory Committee for helping to put this together.

REPORTS FROM TOWN COUNCIL

Councilwoman Roker shared a portion of a letter she received from a young man who is going for his Eagle Scout designation. His name is Ben Brown, and he is a member of Troop 164.

"I'm writing to tell you all about my Boy Scout Eagle project, honoring Tuskegee Airman James Russian, who is buried in Yorktown Heights, New York. The Tuskegee Airmen were a heroic and groundbreaking group of African American pilots known for their courage during World War 2 and we are honored that Mr. Russian called Yorktown home. After Mr. Russian's service with the airmen, he went on to become a member of the NYPD narcotics squad. When he was buried, he was only issued a standard military plaque. He had no headstone. James is a national and local hero and deserves our recognition and honor. For my project, I will be purchasing a three by four headstone, as well as constructing and installing a weatherproof information box at the grave. The box will feature his life as an airman and a decorated NYPD detective."

He goes on to say "as part of my Eagle project, I'm doing my own fundraising. I hope you'll help me with my efforts to give Mr. Russian the honor and recognition he deserves. The budget for the project is \$4,000 and any donation would be very much appreciated." Councilwoman Roker said if anyone wishes to contribute, they may contact Town Clerk Diana Quast at Town Hall. Councilwoman Roker said she loves Yorktown's Eagle Scouts and the projects they do. She said they are hoping to raise the headstone on November 14th at 3:00 p.m. at Amawalk Cemetery. She thanked Ben for sending her the letter and said she will be contributing.

Councilman Diana commended the Boy Scouts and Eagle Scouts for the good work they do for Yorktown and mentioned John Delvecchio, who expanded the brick pathway around the flagpole at the American Legion Hall. He said another Eagle Scout will be doing the repairs on all the benches in front of the old Rexall Pharmacy.

Councilman Vishnu Patel said the Town Board members are really doing a great job educating and people about the coronavirus and following the regulations in reference to the masks, and social distancing and credited those residents who are following the guidelines. He also urged proper disposal of masks and gloves to avoid littering. He also reported on the new signs at Veterans Field that prohibit bike riding, roller skating, and skateboarding.

Supervisor Slater thanked Councilman Patel for mentioning the new signs. He also thanked the Parks and Recreation Superintendent, Jim Martorano. He said the signs were erected to make sure that the facility remains safe and enjoyable for everyone. He also thanked the DeVito Foundation and the DeVito family for always helping the Town on these types of projects.

Councilman Lachterman also thanked the DeVito Foundation and the DeVito family. He also mentioned that if there were any Eagle Scouts looking for a project, the some of the gazebo railings at the field are going to need some repair and staining. He mentioned that he had the privilege of meeting a group of the Tuskegee Airmen about 10 years ago and said what an amazing experience it was to hear some of their stories and their fights to be treated as equals and airmen. Councilman Lachterman said that if anyone purchased a brick for the American Legion's brick memorial, the presentation and unveiling will be right after the Veterans Parade. Councilman Lachterman reminded everyone that next Sunday the American Legion Breakfast will be held at the American Legion Hall from 9:00-11:00 a.m. More information may be obtained on either the Post or the Sons of the American Legion Squad 1009 website. The price is \$8 and all proceeds go towards veteran services.

Supervisor Slater said he met with Water Superintendent Ken Rundle and Jeff Dahlke, who handles the Town's water testing and compliance. He said every three years, the Town tests for lead and copper and was happy to report a clean bill of health for the Yorktown Water District and the Kitchawan Water District. He said there was one test that in not in compliance, which is being properly addressed. He reminded everyone that a testing station was installed by the Police Department due to a test result in May. The residents were notified and it was tested immediately following the test in question. The levels came back perfectly normal. They were tested again for the third quarter levels, which came back perfectly normal. The fourth quarter test is due next week and the expectation is that it, too, will be perfectly normal. He said it was a very educational two hours with the Water Department regarding the testing that continues to happen for drinking water, which, of course, is of great priority for the Town Board.

Councilman Lachterman said the Sons of the American Legion are going to do an honor field, similar to the Town of Carmel. He said they are going to do the honor field where flags can be sponsored and put up from Memorial Day through Veterans Day. He said they are trying to kick this off by the time of the parade so that some of the sponsored flags are raised and put up for the rest of May in honor of our veterans. If anyone is interested in sponsoring a flag, information will be on n the Sons of the American Legion website shortly.

REPORT FROM HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said he would be working to get the flags up by the new flagpole for Sunday when the veterans are out there to honor them properly.

Superintendent Paganelli reported that his department as put in 370 feet of drainage pipe in two days and thanked Tom McNulty and his crew, Mike Grasso, for overseeing that project as well as the one on Granite Springs Road. He said the purpose of this was to do it prior to them paving it so that it will be paved for winter. He said everyone knows what terrible shape the south side of Granite Springs Road is in heading east towards Broad Street – it has been horrendous. He said they have been putting patches on it for years and are now trying to sequence the paving to be able to do that and get it done this winter. Regarding paving, Superintendent Paganelli said they did a very nice job in the center of town; a couple \$100,000's worth of paving and at no cost to our residents. He said there are a few low manholes that they will be addressing. He said that the milling company will be milling Broad Street and pave on Monday. He cautioned everyone to drive slowly through the area, as it is a rough road surface.

Superintendent Paganelli said they have completed paving for the year and was happy to report that they milled three roads, which would result in less cost for risers, catch basins, manholes, and water valves, as well as contribute to the longevity of the road. A milled road will last longer than an overlay. He said he is hoping to get to the point where financially it will be beneficial for them

to do roads correctly, and it would not affect the amount of roads that can be done. He said he is trying to figure out a way to take the millings that are being removed from the roads and dispose of them instead of having a contractor dispose of them; thereby saving money. He said he is looking at the possibility of getting a screener that could screen millings and then perhaps sell them to offset the cost of paving.

Supervisor Slater asked Superintendent Paganelli give an update on the Hill Boulevard and Veterans Road projects. Superintendent Paganelli said he and the Town Engineer had a discussion earlier today and their major concern is that the roads not be closed prematurely. He said he suggested that as the roadwork sequencing (particularly on Hill Boulevard) occurs, since there are two lanes heading north and two heading south, perhaps using one side – one lane northbound and one southbound. There is a safety question, but it would certainly make it easier, particularly for the residents in Jefferson Village. They are used to a particular way of travelling when they go shopping, and he does not want to add complexity to the project that is already going to be rather complex. Superintendent Paganelli said that his major concern on the Veterans Road project is the rerouting of the trips his trucks would have to make to the Hill for salt during bad weather. He is concerned about putting his trucks onto Route 35 because of the dangerous intersection at Greenwood Street. He said he believed they reached an accord with Transit (the company doing the culvert work) by doing the work during the day and plating the roads when it becomes dark, which would be from 5:00 p.m. until 6:00 a.m. He said he thought that would be a good solution with respect to winter weather activities for the Highway Department.

Councilwoman Roker asked the Superintendent to explain the work the Town is doing on Veterans Road. Superintendent Paganelli said they are basically replacing the culverts. He said Hill Boulevard was not as noticeable in terms of deterioration, but it had been in the top three or five of the list the Town Engineer and he put forward to receive New York State grants that cover bridge and culverts. It will be a full replacement. He said if you go down Veterans Road and you look to the right, before you get to Greenwood Street, you can see the road is starting to deteriorate; it's scouring away underneath. He said he is glad that we have arranged to do that one first, which is an imminent threat to public safety, as opposed to doing Hill Boulevard first. Superintendent Paganelli said they are waiting on approval from the Health Department. He said based on the meeting today, the engineering company, Sells, that's overseeing this project said that a best case scenario would be one week and a worst case scenario would be four weeks, so he does not want to close the road prematurely. He said Town Engineer Michael Quinn and he agreed with Transit that next week they could put up some signs, message boards, etc., that would say "Slow – Road Construction Ahead" just to acclimate people to the fact that this is going to be happening.

Supervisor Slater said there is a presentation on the Town's website that the Town Engineer gave at the last work session to learn more about the project and some of the additional details that are being discussed.

Councilman Diana asked the Superintendent if he had given any more thought to putting a weight limit on the road for the time being and Superintendent Paganelli said yes, that he and Officer Rohr would be having a Public Safety and Traffic meeting next Wednesday, and that would be discussed. He said he is very concerned about the buses from BOCES coming into Town and his understanding is that, based on their original site plan, they were supposed to take a different route and not come directly through Town, yet as Councilwoman Roker knows, this has been visited numerous times.

Councilman Patel asked the Superintendent about Granite Springs Road and if it would be paved this year if the drainage project is completed. Superintendent Paganelli said the drainage is 780 feet and 20-foot pipes are going to be put in. This was just started yesterday. He said they are currently at just under 400 feet. He said he is confident that the drainage would be completed by next Tuesday, if the weather holds and he will get it paved this year.

ACCEPT RESIGNATION OF SCOTT GROSS, PARKS & RECREATION DEPARTMENT
RESOLUTION #376

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

RESOLVED, the Town Board accepts the resignation of Scott Gross from the Parks and Recreation Department, effective October 30, 2020.

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

APPOINTMENT OF OFFICE ASSISTANT, AUTOMATED SYSTEMS – KYRA BRUNNER
RESOLUTION #377

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

Be It Resolved, that Kyra E. Brunner of Yorktown Heights, NY, is hereby appointed to the civil service title, Office Assistant (auto systems), job class code 0750-01, from Eligible List No. 02-140, effective November 9th, 2020, to be paid from Yorktown CSEA Salary Schedule A-1, Group 8, Step 1, which is \$52,080.00 annually, with benefits, such as sick days, personal days, and floating holidays to follow the CSEA agreement,

Be It Further Resolved, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on November 9th, 2020.

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

COURTESY OF THE FLOOR

The following members of the public spoke:

Susan Siegel, resident, asked the Town Board to table a vote on the Planned Design Overlay Districts law so that the Board has more time to correct several glaring deficiencies in the current version. She said the law needs more detail. Ms. Siegel said the law creates three overlay districts – Shrub Oak, Jefferson Valley, and the Bear Mountain Triangle - but there are no district boundaries. She asked what constitutes a Shrub Oak District from Strawberry Road to Barger Street and what the north-south boundaries would be. She said the same question applies to Jefferson Valley. She said, regarding the Standards, the law very clearly says that in applying the law, the Planning Board shall apply the standards in Sections 300-255 through 300-259, as applicable for each planned district, but there is no text in any of those sections. She said they have been told that the standards will come later, but when? What happens if a developer comes in with a plan next week or next month? What standards will apply then, in the absence of any standards for the three very different districts? The current law says that the Planning Board can vary several provisions of the Zoning Code up to 60%. Has the Board considered what a 60% variance means? What would a 60% variance look like? It means the Planning Board could approve a five-story building when three stories is the current limit. She asked if the Town Board really thinks that a five-story building is appropriate on East Main Street in Jefferson Valley or facing Route 6 in Shrub Oak. The law also allows a 60% increase in density and a reduction in the number of parking spaces, squeezing buildings together and less open space. She said it is the question of uses. The law also says that it regulates the uses within the overlay districts. But what use changes are the Board considering for each of the three districts? She said this has not been communicated and that the law says nothing. Will the Zoning Code have to be amended if there is a change in the allowed uses? Ms. Siegel stated the law says that the Planning Board can adjust the regulations and reduce procedural requirements in other town laws. Does that mean that the Planning Board can waive the requirements of the wetlands, steep slopes, or tree laws? She also asked about the law governing the requirement for public informational hearings could be waived. Will that be waived? Ms. Siegel asked if there was a developer waiting in the wings who wants a five-story building and said she is sure she is not the only person in Yorktown who remembers, all too vividly, when an application for a major development was introduced a few years ago within a month of the Town Board approving a generous tax incentive to the law. Ms. Siegel urged the Town Board to take the time, correct the many deficiencies in the current version, and come back with a law that works for Yorktown – a law that she would be very, very happy to support.

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

Councilwoman Roker said she would comment on what Ms. Siegel said. She said she has some questions about the law and said the last time the Town Board met she had asked about the timing on when Standards would be ready and was told soon. She said she agreed with Ms. Siegel that it is not the Planning Board who should have sole jurisdiction over this law. She questioned as to whether or not there were any developers who had submitted an application to take advantage of

this particular law.

Supervisor Slater said he was not personally aware of any application that had been put forth.

Councilwoman Roker said she would like to speak with Director of Planning, John Tegeder.

Councilman Lachterman said it is not an application that has been waiting in the wings but something that had been put before the Board in the past by George Roberta in the Lake Osceola area. He said that this law is about offering flexibility and thought that the Board could say they were going to be flexible to the point of ironing out every possibility; otherwise, why have the law – just change the zoning. He said this is a flexibility standard and to try to say they would take everything into consideration would create a 500-page law.

Councilwoman Roker said she agreed with Supervisor Slater in that this law is long overdue. However, when it comes to the three districts, the boundaries need to be defined.

Supervisor Slater announced that Planning Director John Tegeder was calling in and asked if he would answer a few questions. Supervisor Slater asked if there were any applications that had been submitted to take advantage of the overlay districts and Mr. Tegeder said there were none in his office. Supervisor Slater said within the overlay law they pulled in pieces from the Comprehensive Plan that labels or identifies specific hamlets in Yorktown. It also leaves room for other hamlets that were not part of the Comprehensive Plan that the Town wants to address. He asked how would the standards of what they are trying to pass (the Overlay Law) apply to the three hamlets that are listed in the law.

Councilman Patel said that the Town has to have a standard for each area included in the overlay law. He said, yes, there would be flexibility for the developer that the Board will entertain but the Board will follow the law because they are responsible before issuing permits.

Supervisor Slater asked Mr. Tegeder if the Planning Board could waive the restrictions of other Town laws (wetlands, tree, woodlands, etc.) as part of the application process, including any protections that are part of the Town Code and Mr. Tegeder said no. Mr. Tegeder said all the stand-alone sections of the Town Code - for instance the Tree Chapter, the Wetland Chapter - all have their own separate chapters and they are in full force and effect in anything that the Planning Board does.

Supervisor Slater asked if an application is before the Board and the Board decides to move forward tonight and approve what is on the agenda and an application is submitted, is the Planning Board able to entertain that application or does it have to wait until the details of the design district for that specific hamlet are approved by this Town Board. Mr. Tegeder said they would have to wait until the district is mapped and that the specific regulations for the district are developed and adopted by the Board. There is language in the version that speaks to that. There is a sentence in Paragraph B, towards the end, that says something to that effect but until those sections of code are in place and the maps are adopted by the Board, no application can go forward.

Councilman Diana said districts that would be looking to do that would probably be the ones on the Roberta property. He said there is not a lot of wiggle room except for the Bear Mountain Triangle where things could be squeezed in.

Mr. Tegeder said the Bear Mountain Triangle and the area Councilman Diana was referring to were all there in the Comprehensive Plan so they already have, theoretically, suggested mapping. Those maps will come before the Town Board at some point; they may be tweaked a little bit – you can add to them – and the Town Board is in control; they are “driving the bus” on this.

Councilman Patel asked what the hurry was if they took another two weeks or so to pass the Overlay Law. Supervisor Slater said it is not going to take two weeks to go through all the hamlets because the idea is to customize each of these design districts. He said there is a big difference between Crompond and Jefferson Valley and Yorktown Heights. He said this law allows the Board to take their time in identifying what makes each of the hamlets unique and to customize the districts to enhance them in a unique way.

Councilwoman Roker said that in all the years that she has sat at the Town Board she has never seen anything like this law and believes it is important and needed. She said doing these different overlay districts in different parts of Town may provide something great and the wisest thing to do is the law. It makes the Town more attractive to businesses and development.

Supervisor Slater said that from conversations he has had, there is a lot of interest in this and people are excited. He does not think the Town Board should be deterred from doing their duty. Councilwoman Roker agreed. He said each district would be customized to different standards and ones that complement nicely with the integrity of those hamlets and that is what they are trying to balance – protecting the integrity of neighborhoods and communities in these hamlets – and also offering the flexibility that businesses may need in order to come to Yorktown to succeed. He said that is what the Board is trying to balance out and this is the first step in the entire process.

Supervisor Slater thanked Mr. Tegeder for spending the time in the discussion. He said he knows this is something that they are going to be working through together as a Board. He said the Town has a great Planning Department who has been putting this together and believes the Town should be very excited to take this step and more excited as they take additional steps focused on those specific hamlets.

PUBLIC HEARING DECISIONS

ADOPT LEAD AGENCY, NEGATIVE DECLARATION AND SEQRA FOR AMENDING CHAPTER 300, ENTITLED “ZONING,” BY ADDING A NEW ARTICLE XXXI, ENTITLED “PLANNED DESIGN DISTRICT OVERLAY ZONES”

RESOLUTION #378

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

WHEREAS, the Town Board is considering an amendment to Chapter 300, entitled “ZONING,” by adding a new Article XXXI, entitled “Planned Design District Overlay Zones” (“Action”); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”) in accordance with SEQRA; and

WHEREAS, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume lead agency status (“Lead Agency”) in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to circulate a Lead Agency coordination letter amongst the various Involved Agencies (“Notice of Intent”), together with an Environmental Assessment Form (“EAF”); and

WHEREAS, Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to serve as Lead Agency with respect to the review of the Action, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has objected to the Town Board serving as Lead Agency in connection with the SEQRA review of the Action; and

NOW THEREFORE BE IT RESOLVED, that:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.
2. That the Town of Yorktown shall adopt in its determination of significance this NEGATIVE DECLARATION, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts.

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

Councilman Patel stated that specific standards were needed for the entirety.

Supervisor Slater said the Board is passing the general standard and then they are going into individual standards for each hamlet – that is exactly what the legislation does.

Supervisor Roker asked to have a discussion. She said she was agreeing with this because she wants to send the signal to people outside who want to move to Yorktown what the Board intends to do with the law. She said the Planning Board cannot do any work until the Town Board does their work. She said she thinks this is a signal to people to come to Yorktown.

Councilman Diana agreed and said no matter what is there (in the law), it can be tweaked when needed. He also said the Town Board is the Lead Agency on this matter.

Supervisor Slater repeated, as confirmed by Mr. Tegeder, that if there is an application put forward tomorrow, it goes nowhere. He believes the Town is making a very strong statement and, to Councilwoman Roker’s point, that the Town is being very open minded, that they want to see new and exciting projects come to Yorktown, want to modernize Yorktown, want to grow the tax base, and want to support a strong business climate.

ADOPT LOCAL LAW 13 OF 2020 AMENDING CHAPTER 300, ENTITLED “ZONING,” BY
ADDING A NEW ARTICLE XXXI, ENTITLED “PLANNED DESIGN DISTRICT OVERLAY
ZONES”

RESOLUTION #379

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

Whereas, a public hearing was held on the 20th day of October, 2020 pursuant to notice duly published as required by law to consider a proposed Local Law amending Chapter 300, entitled “ZONING,” by adding a new Article XXXI, entitled “Planned Design District Overlay Zones.”

Resolved, that Local Law 8 of 2020, amended and annexed hereto, be and is hereby adopted.

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

Councilman Patel said he supports the old district concept, but is not ready to work with this concept the way it is currently written. He would like to have specific standards before moving forward and to have everything to be in the law before moving forward.

Supervisor Slater addressed Councilman Patel and said he points out the fact that the law Councilman Patel is talking about does set the generic standards that they discussed and that it goes into specific standards for each hamlet, which is what the Board talked about earlier, and the Planning Board cannot entertain any application until those standards are passed by the Town Board for each hamlet.

Supervisor Slater moved to the next agenda item and introduced Fred Koelsch and John DeVito in case of any questions. He said this is regarding the storage law that the Board had already discussed, specifically to help fill the vacant Toys R Us building. He asked if the Town Board needed to discuss this item further. The Town Board moved to take a vote with no further discussion.

ADOPT LEAD AGENCY, NEGATIVE DECLARATION AND SEQRA FOR AMENDING
CHAPTER 300, ENTITLED “ZONING,” BY MODIFYING SECTION 300-75(A)

RESOLUTION #380

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

WHEREAS, the Town Board is considering an amendment to Chapter 300, entitled “ZONING,” by modifying Section 300-75(A) (“Action”); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”) in accordance with SEQRA; and

WHEREAS, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume lead agency status (“Lead Agency”) in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to circulate a Lead Agency coordination letter amongst the various Involved Agencies (“Notice of Intent”), together with an Environmental Assessment Form (“EAF”); and

WHEREAS, the Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to serve as Lead Agency with respect to the review of the Action, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has objected to the Town Board serving as Lead Agency in connection with the SEQRA review of the Action; and

NOW THEREFORE BE IT RESOLVED, that:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.
2. That the Town of Yorktown shall adopt in its determination of significance this NEGATIVE DECLARATION, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts.

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

ADOPT LOCAL LAW 14 OF 2020 AMENDING CHAPTER 300, ENTITLED “ZONING,” BY
MODIFYING SECTION 300-75(A)
RESOLUTION #381

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

WHEREAS, a public hearing was held on the 20th day of October, 2020 pursuant to notice duly published as required by law to consider a proposed Local Law amending Chapter 300 of the Town Code, entitled “ZONING” by modifying Section 300-75(A).

Resolved, that Local Law 14 of 2020, amended and annexed hereto, be and is hereby adopted.

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

Supervisor Slater moved to the next agenda item, which was to award the bid for the solar carport at Granite Knolls Recreation and Sports Complex. He said he wanted to specifically address some of the items in the resolution. He said this will be a 25-year license agreement with HESP Solar. He said the Town received a number of proposals and the entire Town Board feels that HESP Solar provided the most comprehensive package for the Town. This includes the construction of a solar electrical system and EV (electric vehicle) charging stations at the Granite Knolls Sports Complex. It also includes a public marketing education campaign, comprehensive outreach to local schools, and an upfront lump sum payment that will, Supervisor Slater hopes, allow the Town to pave the parking lot at Granite Knolls Sports Complex before construction commences.

Councilman Patel asked if the Town would see monthly income from this immediately and Supervisor Slater said there would be an upfront lump sum and the agreement would bring in revenue annually to the Town from HESP. The specifics will be detailed in the agreement, itself. He said the Town has negotiated in good faith, as much as they can at this point in time, and HESP is now requesting that this be awarded in order to continue negotiations. Supervisor Slater said the lump sum for payment was a request from the Parks and Recreation Commission and the Board is very happy that HESP is willing to accommodate that. He said then there will be, as was discussed before, annual revenue coming into the Town, based on the revenue from the agreement that the Town is going to have the Town Attorney negotiate further.

Councilwoman Roker said she thought this was a great project and looks forward to the spring when they will begin work. She said she appreciates the fact that HESP is going to do an education program, not just for adults, but in the schools as well.

Supervisor Slater said he agreed completely. He also pointed out the fact that at the very end of the agreement is subject to final approval by the Town Board. So once the final agreement is reached, it will be brought back to the Town Board for final approval.

AWARD BID FOR SOLAR CARPORT AT GRANITE KNOLLS RECREATION AND SPORTS COMPLEX
RESOLUTION #382

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

WHEREAS, the Town Board adopted a resolution to request proposals from qualified parties for a carport solar photovoltaic (PV) energy system;

WHEREAS, the Town Board received and reviewed proposals from En-Power Group, Sunrise Solar, DSD, Ecology Energy, SolSystems, and HESP Solar;

NOW, THEREFORE BE IT RESOLVED, that the Town Attorney is authorized to negotiate the terms of a twenty-five year license/lease agreement with HESP Solar, consistent with the terms of its July 13, 2020 proposal, for the construction of a solar electrical system and four EV charging stations at the Granite Knolls Sports Complex. The agreement shall also include a public marketing and education campaign, outreach to the local schools, and an up-front lump sum payment and no-sooner-than October 1, 2021 construction date, both to allow for potential paving of the Granite Knolls Sports Complex parking lot by the Town. This agreement shall be subject to the final approval of the Town Board.

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

Councilman Patel said this is a great thing and is a credit to the entire community and the Town Board.

Supervisor Slater said he thinks this is going to be a milestone project for the state but thinks it also shows this Town Board's focus on property management. It shows the Town Board's focus on trying to come up with creative ways to raise revenue without raising taxes. It also shows the Town's commitment to helping the environment. It will also help individual utility rate payers of Con Ed because it will be a community CCA program with a community solar program. So that would allow Con Ed customers who enroll in the program to see their utility rates cut by 10 percent. Supervisor Slater said it really is a win across the board. He said in so many ways he thinks it really shows that the true intrinsic balance of the Town's motto, "progress with preservation." He said this project echoes that sentiment in many ways.

POET LAUREATE

John McMullen, Poet Laureate, read an original poem.

Supervisor Slater said they would go to the resolutions and vote on them together. Councilman Diana requested they hold off on the resolution authorizing the Town Clerk to advertise a request for proposals for professional engineering to assist the town in a sanitary sewer evaluation. Supervisor Slater suggested having the discussion first.

Councilman Diana asked how long the request for proposals would take because the Town has a clock ticking on this. Supervisor Slater said they understand the clock is ticking but as they heard from multiple presentations from the Engineering Department, the Town is not going to be able to do the work necessary until they put out an RFP because of the threshold of the procurement policy not allowing the Town to move forward in this manner without an RFP. He said they are looking at a range anywhere from \$150,000 to, potentially, \$700,000.

Councilman Diana said he agreed but was just wondering how long before they have to respond.

Councilwoman Roker said she would also like to know and asked Town Clerk Quast if she knew. Town Clerk Quast said the dates had not been picked for a response; it depends on when the Town Board approves it and when it is published in the newspaper – this all has to be taken into consideration. She said it could be brought back as soon as six days or it can be kept out for a month; this is really up to the Town Board. Councilwoman Roker said she would like to see it kept shorter, as did Councilman Diana.

Supervisor Slater said the Board is proceeding with this in an effort to have it ready for the work to be done in the spring of 2021.

CANCELLATION OF TOWN BOARD WORK SESSION MEETING SCHEDULED FOR NOVEMBER 24, 2020
RESOLUTION # 383

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

RESOLVED, that the Town Board Work Session Meeting scheduled for November 24, 2020 is hereby canceled.

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

AUTHORIZE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH YORKTOWN JAZ #2, LLC (“YJLLC”), FOR IT TO UTILIZE CERTAIN TOWN PROPERTY ABUTTING YJLLC’S PROPERTY AND OLD CROMPOND ROAD
RESOLUTION #384

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

RESOLVED, that the Supervisor is authorized to execute a license agreement with Yorktown Jaz #2, LLC (“YJLLC”), for it to utilize certain Town property abutting YJLLC’s property and Old Crompond Road for the construction of a stepped retaining wall system, which shall be subject to all necessary approvals.

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

AUTHORIZE TOWN CLERK TO ADVERTISE A REQUEST FOR PROPOSALS FOR A PROFESSIONAL ENGINEERING FIRM TO ASSIST THE TOWN WITH A SANITARY SEWER EVALUATION SURVEY
RESOLUTION #385

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

RESOLVED, that the Town Clerk is authorized to advertise a Request for Proposals for the services of a professional engineering firm to assist the Town with a sanitary sewer evaluation survey.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING TAX CERTIORARI PROCEEDINGS FOR PARCEL KNOWN AS SECTION 36.06 BLOCK 2 LOT 78.11, NO NUMBER ORCHARD VIEW COURT
RESOLUTION #386

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

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 36.06 Block 2 Lot 78.11, No Number Orchard View Court on the Tax Map of the Town of Yorktown,

NOW THEREFORE BE IT RESOLVED, that the tax certiorari proceedings affecting tax parcel 36.06 Block 2 Lot 78.11 Account Number 3229468, owned by Zappico Orchard View LLC. for assessment roll years 2019 and 2020 and are settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2019	1,100	1,100	-0-
2020	1,100	560	540

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

RELEASE OF ESCROW DEPOSIT FOR STREET OPENING PERMIT #018-015 IN THE AMOUNT OF \$2,000.00
RESOLUTION #387

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

RESOLVED, that upon the recommendation of Highway Superintendent David Paganelli, the Comptroller is authorized to release the escrow deposit for Street Opening Permit #018-015 in the amount of \$2,000.00.

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

ADJOURN

Supervisor Slater announced that the Town Board would move into an Executive Session to conduct an interview regarding the employment of a particular person and would adjourn the meeting following the Executive Session.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session and was adjourned thereafter.

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