

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
November 18, 2014

PLACE: TOWN HALL
TIME: 7:30pm

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. REPORT TO THE TOWN FROM SUPERVISOR GRACE

Reschedule Budget Hearing to December 9, 2014.
4. REPORTS FROM TOWN COUNCIL
5. RESOLUTIONS FROM the October 21, 2014 Meeting
6. COURTESY OF THE FLOOR
7. PUBLIC HEARINGS

Reconvene:

To consider the application received from Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598.

Convene:

Proposed local law amending Chapter 280 of the code of Yorktown entitled "Water" concerning payment of water bills

8. REFERRALS

Request for wetlands permit at 3721 Gomer Street by Jody Bellamy

RESOLVED, that the Town Clerk is hereby authorized to refer the application for a Wetlands Permit for the construction of a new home at 3721 Gomer Street, Yorktown, NY. The application was filed by Jody Bellamy, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency, and be it further

RESOLVED, that notice is hereby given that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 2nd day of December, 2014 at 7:30 o'clock PM to consider the application for a wetlands permit to provide for the installation of a

water service line through the town wetland buffer along an existing driveway located at 3721 Gomer Street, Yorktown Heights, NY.

Costco - Request for a Special Use Permit for a gasoline filling station

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Retail Store Construction Co., Inc. for a Special Use Permit to build a “gasoline filling station” the site of the Proposed Costco Wholesale Club, Section 26.18 Block 1, Lot 17, 18, & 19 – Route 202 and the Taconic State Parkway to the agencies listed below for their review and/or recommendation, and

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendation by December 9, 2014, and

BE IT FURTHER RESOLVED that a Public Hearing will be held on December 16, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598.

9. ADVERTISING

Bids:

Sherry Drive Pipe Relining Project – Highway Department

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 10:00 A.M., on December 15, 2014, for a contract to FURNISH AND INSTALL 200’ OF 30” CURED-IN-PLACE PIPE (CIPP) on the Town-owned drainage easement located in the front yard of private property located at 2403 Sherry Drive, Yorktown Heights, New York.

Plans, Specifications and standard proposals for the work proposed may be obtained at the office of the Town Clerk at said Town Hall.

Purchase and installation of boiler at Water Department, 1080 Spillway Road, Shrub Oak, NY

WHEREAS bids were duly advertised in the Yorktown News on October 29, 2014, and WHEREAS no bids were received.

RESOLVED, the Town Clerk is hereby authorized to rebid the work.

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 11:00 A.M., on December 1, 2014, for a contract to furnish and install a New Hot Water Oil-Fired Burner at the Water Department Main Office Building. Contractor must provide the following; all labor, materials, equipment, plumbing, electrical, and supervision necessary for installation at the Town’s Water Department office located on 1080 Spillway Road Shrub Oak, NY 10588.

Public Hearings:

BJ's Yorktown/Staples Plaza Redevelopment

RESOLVED that notice be given that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY on the 16th day of December, 2014 at 7:30 o'clock PM to consider a petition filed by BJ's Wholesale Club, Inc. ("BJ's") and UB Yorktown, LLC ("UB") seeking the following:

A zoning map amendment to rezone from the existing C-1 Zoning District to the C-3 Zoning District; a total of approximately 10.1 acres encompassing the entire 7.3 acre BJ's Lot (i.e., Lot 75), as well as a 2.8 acre portion of the 15.7 acre adjoining Shopping Center (i.e. Lot 76) (the Subject Area), and

A special permit for a proposed gasoline filling station to be associated with the existing BJ's, and constructed in the rezoned portion of Lot 76.

10. AWARD BIDS

Electrical Work for – YCCC Generator – Buildings and Ground Dept.

Bids were received on November 6th, 2014 for Electrical Work to connect Emergency Generator at the YCCC, Bid #14-01, and are summarized as follows:

Hanover Electric	\$54,975.00
PRM Electric, Inc.	\$56,000.00
A-AMP Electric Corp.	\$47,361.00

RESOLVED, that the bid for Electrical Work to connect Emergency Generator at the YCCC, be awarded to A-AMP Electric Corporation , at a total bid price of \$47,361.00.

Disinfection System Ultraviolet Lamp Replacement for the Water Pollution Control Plant, Bid #14-6.

Bids were received on October 20, 2014 for the Ultraviolet Lamp Replacement for the Disinfection System for the Water Pollution Control Plant, Bid #14-6, and are summarized as follows:

Bendlin Incorporated	\$17,536.00
North American UV Inc.	\$33,280.00
UltraTech Systems, Inc.	\$43,584.00
Macan Deve Engineers, D.P.C.	\$56,704.00
Fleet Pump & Service Group, Inc.	\$56,704.00

RESOLVED, that the bid for the Ultraviolet Lamp Replacement for the Disinfection System for the Water Pollution Control Facility, be awarded to Bendlin Incorporated, at a total bid price of \$17,536.00.

11. RESOLUTIONS

Requests from the Engineering Department:

Authorize the Release of

#WP-063-14 – Old Yorktown Road

WHEREAS, Richard Bauer Contracting, as applicant, posted check #6380 in the amount of \$300.00 which was deposited into the T33 Account on October 14, 2014, covering Wetland Permit #063-14 for work performed at the Old Yorktown Road location, 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 Control Bond in the amount of \$300.00, be and is hereby released to Richard Bauer Contracting, 2640 Windmill Drive, Yorktown Heights, NY 10598, Attn: Mr. Richard Bauer.

#BSWPPP – 056-13

WHEREAS, Audrey Lin, as applicant for Desrosiers, posted check #165 in the amount of \$300.00 which was deposited into the T33 Account on August 9, 2013, covering Stormwater Permit #056-13 for work performed at the Baldwin Road location, 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 Control Bond in the amount of \$300.00, be and is hereby released to Audrey Lin, 1203 Baldwin Road, Yorktown Heights, NY 10598.

#BSWPPP-02-14 – Gay Ridge Road

WHEREAS, Richard Cohen, as applicant, posted check #1066 in the amount of \$300.00 which was deposited into the T33 Account on May 30, 2014, covering Stormwater Permit #021-14 for work performed at the Gay Ridge Road location, 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 Control Bond in the amount of \$300.00, be and is hereby released to Richard Cohen, 23 Gay Ridge Road, Yorktown Heights, NY 10598.

Request from the Finance Department:

Authorize the Supervisor to sign a contract with Arthur J. Gallagher & Co.

Whereas, the Town Board hereby authorized the Supervisor to contract with Arthur J Gallagher & Co, 2 Westchester Park Drive, Suite 300, White Plains, NY 10604 to provide the services of insurance broker for the Town of Yorktown effective January 1, 2015

Whereas the Town Board hereby authorizes the Supervisor to sign an agreement authorizing payment of \$39,200 annual fee for procurement of insurance product(s) for fiscal year 2015.

Request from the Police Department/Traffic Safety Committee:

Policy relating to traffic calming devices

RESOLVED, upon the recommendation of the Highway Superintendent and the Public Safety Officer of the Police Department, the Town Board hereby enacts the following policies regarding the installation of speed humps (also known as speed bumps):

A. A road eligible for the installation of a speed bump shall have the following characteristics:

1. The road is owned by the Town.
2. The road has a daily motor vehicle volume greater than 1000 and less than 3000 vehicles/day (cumulatively in both directions).
3. The road has a posted speed of 30MPH or less.
4. Measurement of vehicle speed by the Police Department on the relevant segment of road establishes that the 85th percentile speed of the vehicles traveling in that location exceeds the posted speed limit by at least 20%. (i.e., greater than 36MPH on a 30MPH roadway)
5. The grade of the road where the speed humps are to be installed is less than 6%.
6. The road is not a major thru-way, county bus route or primary emergency response route.

B. The specifications of any speed bump installed by the Town shall meet nationally standardized design criteria and signage standards posted in the Federal Highway Administration's Manual of Uniform Traffic Control Devices.

Requests from the Legal Department

Authorize the Supervisor to sign an agreement with the SPCA:

RESOLVED, that the Town Supervisor is authorized to sign a one-year contract with the SPCA in the amount of \$21,633.96 for the period January 1, 2015 through December 31, 2015, payable in monthly installments of \$1,802.83.

Authorize the sale of in-rem properties:

WHEREAS, The Town of Yorktown is the owner of eight (8) properties located at the addresses listed below, all of which were acquired by tax lien foreclosure, and the Town has determined that said properties are not needed for Town use, and should therefore be sold; and

WHEREAS, a public auction was held on November 8, 2014 in Town Hall, 363 Underhill Avenue, Yorktown Heights, New York,;

NOW, THEREFORE BE IT RESOLVED that the Town Board does hereby accept the bids of the respective bidders listed below to purchase the said respective properties, in the amount listed next to each bidder's name; and be it further

RESOLVED, that the Town attorney is hereby authorized to prepare and have executed all documents necessary to effectuate the sale of the properties located at the addresses and Tax Map Numbers listed below, subject to the following conditions:

The Town will convey each parcel by Quit-Claim Deed, subject to any and all conditions, restrictions, zoning, actions of Town and/or building inspectors, etc. affecting the said parcel or premises and to such facts as would be disclosed by a survey and inspection; the Town further will make no warranty or representation as to the condition, dimensions, location or physical existence of the property described herein, or to the marketability of its title, and the purchaser will assume all risk thereof.

Auction Parcel No.	Sec/block/lot	Street Address	Bid Price	Buyer
1	6.17-1-8	3805 Nelson Avenue	\$10,600	John Kincart
2	6.18-1-26	3850 Mahopac St	\$5,000	Bruce Adler
3	17.05-1-2	441 E. Main St	\$100	John Kincart
4	35.08-1-24	No # Crompond Rd	\$100	Bruce Adler
5	37.14-1-63	2004 Gilbert St	[No bids]	
6	16.17-1-76	3324 Lookout St (house)	\$100,000	Noorudien Kabuli
7	25.12-1-20	1687 Amazon Rd (house)	\$83,000	John O'Neill, Francesco Picone, Cliff Mascarehas
8	47.18-1-13	1487 Hayes Dr	\$130,000	Yolanda Gonzalez, Samuel Gonzalez

Accept road, road widening strips and release bond for Cranberry Hill Subdivision

WHEREAS, Daniel Munsell, applicant and developer of the Cranberry Hill subdivision, has informed the Acting Town Engineer that the construction of the subdivision is complete, and has requested the bond monies be returned and the deeds of dedication for the roads and road widening strip, and easements for general utilities, drainage, and conservation, be accepted; and

WHEREAS, Daniel Munsell paid a cash bond in the amount of \$244,515.00, which amount was deposited into the T33 account on July 5, 2005, to serve as the Performance Bond for the Cranberry Hill Subdivision, which bond was reduced by Town Board resolution on January 17, 2012 to \$14,900.00; and

WHEREAS, Timothy Cronin, Jr., as applicant on behalf of Cranberry Hill, Inc., provided the Town with a cash bond in the amount of \$10,000.00, which amount was deposited into a trust account, to serve as the Wetland Bond required by Planning Board as a condition of approval of Wetland Permit #WP-009-05, and

WHEREAS, Cranberry Hill, Inc., as applicant, provided the Town with a cash bond in the amount of \$25,000.00, which amount was deposited into a trust account, to serve as the Erosion Control Bond required by Planning Board as a condition of approval of Excavation Permit #E-010-05, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the subdivision and determined that all public improvements for the subdivision have been completed; and

WHEREAS, the developer made an offer of dedication of the following parcels of land to the Town for highway purposes as shown on the Cranberry Hill subdivision map filed June 30, 2005 with the Westchester County Clerk (Map No. 27575),

Cranberry Lane,
(Section 16.5,Block 1, Lot #1.11 – Old Lot #.002),

Road widening strip over Mill Street

(Section 5.17-1-1.11 – Old Lot #.001),

and

WHEREAS, Highway Superintendent David Paganelli reports that road construction has been completed to his satisfaction and has recommended acceptance of said parcels for dedication for highway purposes; and

WHEREAS, the Town Attorney has approved an abstract of title, and has ordered a policy of title insurance relating thereto,

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Yorktown in regular session duly convened, in accordance with the provisions of section 171 of the Highway Law of the State of New York, that consent is given to the Highway Superintendent to issue an order laying out the aforesaid town highways, to consist of the lands described in the deed of dedication, and be it further

RESOLVED that upon notification from the Town Attorney that the title insurance policy has been issued, the Town Board agrees to accept the deed of dedication on the road known as Cranberry Lane, and the deed of dedication of the road widening strip on the road known as Mill Street, and directs the Town Attorney to record the same in the Westchester County Clerk's Office; and be it further

RESOLVED, that the Town accepts the general utility, drainage and conservation easements from the developer, and the Town Clerk or Town Attorney is authorized and directed to record such easements in the Westchester County Clerk's Office; and be it further

RESOLVED, that the \$10,000 wetland bond be released to Timothy Cronin, Jr., 39 Arlo Lane, Cortlandt Manor, NY 10567; that the \$25,000 erosion control bond be released to Cranberry Hill Inc., 20 Kramers Pond Road, Putnam Valley, NY 10579; and that the \$14,900 performance bond be returned to Daniel Munsell, 20 Kramers Pond Road, Putnam Valley, NY 10579.

Request from the Recreation Commission

Authorize the Expenditure of funds from TE 37 Account:

Be It Resolved, that the Parks & Recreation Commission is authorized to spend up to \$15,500 from TE37 Parkland Trust to have Casa Verde Corp provide screening of materials at the Holland Sporting Club.

12. REFUNDS

RESOLVED, that pursuant to the invoice filed by the Receiver of Taxes, duplicate tax payments are refunded to the following:

	<u>Account Number</u>
Lehman	559500
Wells Fargo Real Estate Tax	4314525

13. MONTHLY REPORTS

Building Department – October, 2014
Receiver of Taxes

14. ADJOURN

Alice E. Roker
Town Clerk
Town of Yorktown

Date: November 18, 2014

The Town Board's Televised Meeting begins at 7:30PM

See a list of outstanding bids and on-going applications before the Town Board on the Town Clerk's page, Town of Yorktown's website: www.yorktownny.org

List of Available Bid Documents:

Plumbing Work for the Emergency Generator at the YCCC – Due Back November 26, 2014

On Call Grit Removal and Disposal for the Yorktown Heights Sewage Treatment Plant, Bid #14-7. – Due Back December 8, 2014

Membrane Filtration Module Replacement for the Yorktown Heights Sewage Treatment Plant, Bid #14-8. – Due Back December 8, 2014