

Meeting of the Town Board, Town of Yorktown held on November 25, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman

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

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved into Executive Session to discuss negotiations.

Upon motion made by Councilman Murphy, seconded by Councilman Patel, the Town Board moved out of Executive Session.

FREEDOM GARDENS, 1680 STRAWBERRY STREET – INSTALLATION OF STREET LIGHT AT NO COST

Members of the Board from Freedom Gardens were present to request that a Street Light be placed on Foothill Road where it intersects with Strawberry Road. The Town Board agreed to site visit and place a street light in this location.

HOUSING CHOICE VOUCHER PROGRAM - SECTION 8 SOFTWARE USERS CONFERENCE – KARREN PEREZ PROGRAM DIRECTOR RESOLUTION #479

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

WHEREAS, the Housing Choice Voucher Program (Section 8) Program must upgrade its HAPPY software program to HAPPY Housing Pro as the vendor will no longer support the current version after 2015, and

WHEREAS, the cost for the HAPPY Housing Pro upgrade has been quoted as \$4,467.50, but does not include on site system training expense quoted at a minimum of \$3,000.00 and up, depending on hours needed, for which the total upgrade will be at no cost to the Town of Yorktown, and

WHEREAS, training for the new software application is required, HAPPY has agreed to provide training via its Users' Conference in lieu of traditional on site training, realizing a savings of a minimum of \$2,000.00 for the total upgrade cost, NOW THEREFORE BE IT

RESOLVED, that the Town Board approves Section 8 Program Director Karren Perez to attend the 2015 HAPPY Software Users' Conference tentatively scheduled for May 2015 for three days in Saratoga Springs, New York at total cost not to exceed \$1,137.00 which will be at no cost to the Town of Yorktown.

The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development ("HUD").

Grace, Murphy, Patel Voting Aye
Resolution adopted.

BRODIES PUB – REQUEST TO TEMPORARILY HOOK INTO THE YORKTOWN SANITARY SEWER SYSTEM

Mr. and Mrs. Moriarty were present to request that the Town Board consider allowing them a temporary connection of Brodies Pub to the Yorktown Sanitary Sewer System. Brodies Pub is located in the Town of Cortlandt and recently the Town Board allowed a temporary hook

up for the Mohegan Manor Nursing Home. Brodies Pub would like to hook up into the same sewer system.

Supervisor Grace stated that he would like to speak with Mohegan Manor Nursing Home and Brodies Pub at the same time to discuss this further.

The Town Board was in favor of moving forward with the request for a temporary hook up but would like to speak with the Town Engineer and Mohegan Manor Nursing Home first.

3415 MOHEGAN AVENUE

The Town Board discussed a request from Mr. Lester Rosenbaum to donate a parcel of property located at 3415 Mohegan Avenue to the Town.

Supervisor Grace stated that the Town could take it and revert it to the Mohegan Lake Beach Association as it abuts the beach area.

Mr. Ken Belfer, President of the Mohegan Lake Beach Association stated that they were looking at this piece of property to expand the beach area and will do a site visit of the property.

Supervisor Grace suggested a draft resolution to accept the donation of the property be placed on the December 2, 2014 Town Board agenda.

WETLAND PERMIT REQUEST TO BUILD A HOME – 3211 LAKESHORE DRIVE RESOLUTION #480

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

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 6th day of January, 2015 at 7:30 o'clock PM to consider the application filed by Robert Panny, on behalf of the owners Linda and Michael Wolski for a wetlands permit for the construction of a new home at 3211 Lakeshore Drive, Yorktown Heights, NY.

A copy of said proposal is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

WETLAND PERMIT REQUEST - 3721 GOMER STREET

Mr. Bruce Barber, Environmental Consultant was present to discuss this project with the Town Board. The Town Board asked Mr. Barber to draft a resolution for their review on December 2, 2014.

DISPUTED WATER CHARGES – 3900 FAWN COURT – MCDONOUGH RESOLUTION #481

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

Resolved, that the Town Board authorizes the credit of \$500.00 to Water Account # 41-0209390-0.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

REQUEST FOR A WETLANDS PERMIT - CON EDISON VEGETATIVE MANAGEMENT PLAN RESOLUTION #482

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

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Petitioner: Con Edison in connection with property known on the Yorktown Tax Rolls as Section, Parcel and lots 69.13-1-5, 69.14-1-2, 69.18-1-1 for a Wetlands Permit to do Routine Vegetation Management along overhead electrical transmission Rights-of-Way in the Town of Yorktown to the agencies listed below for their review and/or recommendation, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations by December 29, 2014, and

BE IT FURTHER RESOLVED, that a Public Hearing is scheduled for January 20, 2015.

New York State DOT, Region 8
New York State DEC, Region 3

New York City DEP

Westchester County Public Works

Town of Cortlandt – Town Clerk
Town of New Castle – Town Clerk

Town of Yorktown Agencies:
Conservation Board
Environmental Consultant
Wetlands Code Inspector
Town Attorney
Town Board
Town Engineer

Grace, Murphy, Patel Voting Aye
Resolution adopted.

REZONING REQUEST - CROMPOND TERRACES

Mr. Dan Ciarcia, Engineer for applicant discussed a request from Mandalay Builders to rezone a total of 19.6 acres along Old Crompond Road. The property is currently zoned R1-20 and they would like to rezone it to 15.1 acres to RSP1 and 4.5 acres to C2.

Mrs. Anne Kutter, representing applicant stated that Crompond Terraces is planned as a green community with 80 age restricted housing units. There would also be 35,000 sq. ft. of commercial development.

Supervisor Grace stated that every multi-family in the last three years has been age restricted. He asked the applicant to consider not restricting the age.

Mrs. Kutter stated that they would reconsider that and get back to the Town Board.

The Town Board decided to place this issue on the December 2, 2014 Town Board agenda.

REQUEST TO CREATE A NEW SCHOOL BUS STOP ON FOXHALL STREET YORKTOWN CENTRAL SCHOOL DISTRICT RESOLUTION #483

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

Resolved, that the Town Board authorizes the Yorktown Central School District to create a Bus Stop on Foxhall Street in the Town's easement area and requests that the Highway Superintendent place a "School Bus Stop Ahead" sign near the approach to the bus stop location. Cost of sign and post will be paid by the Yorktown Central School District.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

REQUEST ENRICHMENT CENTER FOR A REDUCED RATE TO RENT ROOM 16 AT THE YORKTOWN COMMUNITY CULTURAL CENTER

Ms. Minard from the Enrichment School was present to discuss with the Town Board the possibility of getting a reduced rate for use of a room at the Yorktown Community Cultural Center. The Town Board agreed to discuss a negotiable rate.

REQUEST TO WAIVE FEES FOR USE OF YCCC ROOMS
AARP – TAX ASSISTANCE PROGRAM
RESOLUTION #484

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

Request from Mr. Alfano, (AARP) to waive fees for use of Room 1 for 21 sessions to provide income tax assistance to the seniors. The total cost to be waived is \$1,449.84.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

REQUEST TO A REDUCED RATE TO RENT ROOMS AT THE YCCC
ENRICHMENT CENTER
RESOLUTION #485

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

Request from Ms. Minard (Enrichment Center) for a reduced rate to rent Room 16 from 2:15-6:00 p.m. on School Days.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

BUDGET TRANSFER – SHRUB OAK PARK DISTRICT
RESOLUTION #486

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

Request from Town Comptroller for Town Board to authorize Budget Transfer in the amount of \$9,000.00 for the Shrub Oak Community Park Beach Association in order to disburse payment in the amount of \$8,832.00 to American Iron Works Corp. the only contractor willing to quote for work to be performed to repair damage caused by erosion to the Sluice gate in order to contain water at the lake. (SC.909 to SC.7180.416)

Grace, Murphy, Patel Voting Aye
Resolution adopted.

BUDGET TRANSFER – HIGHWAY DEPARTMENT
RESOLUTION #487

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

Request form Town Comptroller for Town Board to authorize Budget Transfer in the amount of \$10,000. 00 from 2014 Highway Department D5110.810 (Medical Insurance) to D5142.0200 (Snow Removal Equipment)

Grace, Murphy, Patel Voting Aye
Resolution adopted.

REQUEST FROM NOR-WEST TO WAIVE FEE FOR USE OF ROOMS AT THE YCCC
RESOLUTION #488

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

Request from Parks and Recreation for Town Board to waive the rent fee of \$1,116.00 for use of the YCCC gymnasium by Nor-West for their winter and spring session.

Grace, Murphy, Patel Voting Aye
Resolution adopted.

SPECIAL ELECTION

Supervisor Grace spoke about Councilman Bianco's Council seat which has been vacated since October and asked if the consensus of the Town Board is to appoint a replacement or hold a special election.

Councilman Murphy stated that he preferred an appointment be made but if the consensus is not there then a special election should be held.

Councilman Patel stated that he firmly believes in holding a special election so that the People can decide but he would be open to appointments. He further stated that one possibility is to have each party appoint one person to fill each spot.

Councilman Murphy stated that we should look towards the future and talk about filling both seats.

Deputy Town Clerk Diana Quast advised the Town Board that it cannot discuss a potential vacant Council seat because it is not vacant at this time. The Town Board can only discuss the current vacant Council seat.

Deputy Town Clerk Diana Quast left the table for the rest of the discussion.

ACCEPT PERFORMANCE BOND – VALLEY COMMONS AKA PEG REALTY/GALAXY BOWL – HILL BLVD, INC.

The Town Board decided not to pass this resolution at this time.

REFER OUT REQUEST FROM RICHARD HUDEC
TREE ON TOWN PROPERTY
RESOLUTION #489

Upon motion made by Councilman Murphy, seconded by Supervisor Grace,

Resolved, that the request from Richard Hudec regarding a tree on Town Property be referred to the following agencies. The Supervisor suggested selling this property to the adjacent homeowner and would like your recommendations/comments by December 23, 2014.

Conservation Board
Highway Department
Open Space Committee
Parks and Recreation Commission
Tree Conservation Advisory Commission
Town Attorney

Grace, Murphy, Patel Voting Aye
Resolution adopted.

COMPASS WESTCHESTER

Supervisor Grace invited Councilwoman-Elect Susan Siegel to participate in the discussion. He further stated that there are three options that the Town Board can take regarding this application. We can approve the request with or without conditions or deny the application.

Mrs. Susan Siegel stated that she had several questions regarding this application. She would like the Building Inspector to check that all violations were taken care of. She would also like to know if this building follows single or multi-family building codes.

Supervisor Grace stated that there needs to be a legal basis to deny the application, the Town Attorney is not present tonight but I would suggest we listen to her advice on this before deciding on the application.

Mrs. Siegel asked why this application did not fall under the Zoning Board of Appeals or the Planning Board.

Supervisor Grace stated that when the Town Code does not designate which board is the approval authority it reverts to the Town Board. He would like to have an approving Resolution drafted for the next Town Board meeting.

Mrs. Siegel stated that she felt it was premature to draft an approving resolution for this application and would like to have some clarification on many issues she has before voting on this application.

ADJOURN

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

The Town Board Meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown