

Meeting of the Town Board, Town of Yorktown held on December 16, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

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

Also Present: Alice E. Roker, Town Clerk  
Jeannette Koster, Town Attorney  
John Winter, Building Inspector  
John Tegeder, Planning Director  
Barbara Korsak, Receiver of Taxes  
Patricia Caporale, Town Comptroller  
Sharon Robinson, Acting Town Engineer

#### TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

#### PLEDGE OF ALLEGIANCE

Eagle Scout Gregory Rivera led the Pledge of Allegiance.

#### MOMENT OF SILENCE

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

DURING REPORTS FROM THE TOWN SUPERVISOR, Supervisor Grace explained that the Annual Holiday Lights Parade was capped off with the lighting of the trees on the grounds of the Yorktown Community and Cultural Center and handing out the Randy Zapakin Community Service Award. The award has been given to the Girl Scouts as well as both fire departments, Yorktown and Mohegan Lake. Supervisor Grace handed out this year's award to the Rotary Club of Yorktown.

Accepting the award on behalf of the Yorktown Rotary Club was Mrs. Isabel Kavanagh.

Supervisor Grace also handed out a Merit Award to Perry Gussoff, the owner of Yorktown Auto Body who hosted a barbecue for people participating in the Holiday Parade.

#### DURING REPORTS FROM TOWN BOARD MEMBERS:

Councilman Patel asked Gregory Rivera to speak about his Eagle Scout Project. He added that Gregory's father and brother are also Eagle Scouts.

Eagle Scout Rivera said his project was constructing two containers that can hold dry ice in the event of an Emergency.

Councilman Patel stated that one of the boxes will be placed at the Yorktown Community and Cultural Center. The other will be housed at the Police Complex.

Councilman Murphy wished everyone a happy holiday season.

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

Mr. Gil Kaufman thanked the officials of the Yorktown Central School District for adopting legislation that will provide tax relief to veterans. He was disappointed that no official from the Town of Yorktown spoke up in favor of the legislation. Mr. Kaufman also called on the Town Board to agree to hold a Special Election for the empty seats on the Town Board.

The following speakers also called on the Town Board to hold a Special Election:

David Gazetty, Patrick Murphy, Steve Polar, Mike Salazzo, Dana Polztel, Michael Chapin, Tom Diana, Matt Delascio, Andy Walsh, Kathy Imperato.

Mr. Bill Storberg asked the Town Board if they could encourage the New York State Department of Transportation to widen the ramp on Route 202 which feeds off the Taconic Parkway.

Mr. Edward Ciffone spoke about the tax exemption law adopted by the Yorktown Central School District.

**COURTESY OF THE FLOOR – CLOSED**

Members of the Town Board spoke about the legislation passed by the Town Board to hold Special Elections.

Councilwoman Siegel pointed out that while the legislation allows for a Special Election, it also gives the Town Board time to make an appointment. She is hoping that discussions between the remaining members of the Town Board will lead to an appointment.

Supervisor Grace stated that while he is open to discussions, he posed the following motion:

**HOLD SPECIAL ELECTION  
RESOLUTION #502**

Upon Motion by Supervisor Grace, seconded by Councilman Murphy,

Hold a Special Election on March 20, 2015 for the Council seat vacated by Nicholas Bianco.

Supervisor Grace	Voting Aye
Councilman Murphy	Voting Aye
Councilman Patel	Voting Nay
Councilwoman Siegel	Voting Nay

Resolution Fails

**REQUEST FOR VACATION CARRYOVER AND/OR PAYOUT  
RESOLUTION #503**

Upon Motion by Councilman Murphy, seconded by Councilman Patel,

WHEREAS, the following employees have requested and received permission from their applicable department heads to carry 2014 accrued time for use in 2015, and

WHEREAS, the comptroller has confirmed the available balances, now

THEREFORE BE IT RESOLVED, the following employees may carry over vacation time balances remaining, unless the employee has taken vacation time after 2014 Payroll 24 which would reduce the time listed below:

<b><u>Name</u></b>	<b><u># days</u></b>	<b><u># hours</u></b>
William Nehmzow	2	
Kim Penner	35	
Liz Proctor		36
Andrew Cerrato	3	
Adele Hobby		74.5
Dominic Monopoli	5	
Guido Parks	7	

Peter Goldberg	4	
Alfred Pisano	7	
Michael Hoek	9	
Anita Hecker	2	
Barry Gelbman	6	
Brian Gray	8.5	
Barbara Korsak	13	
Louise Kobiliak	5	
Margaret Gspurning	20	
Jeff Dahlke	4	
Jimmy Morgan	5	
Doug Neeson	4	
Cathy Romanych	11	
Kathie Nicholson	7	
Mary Capoccia	5	
Mary DeSilva	30	
Daniel McMahon	15	
Donna Andrews	4	
Sandy Serrano	1	
Patricia Caporale	21	
Joe Venitucci	10	
John Winter	11	
Mauren Davis		7.5
Maria Stolfi		28
Patricia Barresi		42
Karren Perez	10	
Paul Hollopeter		135
Bradley Sheppard		4.5
Charlie Vilarino		153.75
Anne Anderson		35
John Tegeder	7	
Kieran Carney	5	
Isabel Klein	20	
Maria Ricci	5	
Andy Alimonti		52.5
Jeff Bischoff		97.5
Paul Colarusso		15
Tony Cambareri		43.75
Teddy Devlin		30
Patty Cole		7.5
Joe Dellolio		60
Peter Reyes		22.5
Donald Curry		5
Daniel Moran		64.5
Adam Cerrato		72
Butch Gauthier		67.50
Ray Granata		45
Philip Klein		84
Michael Grasso		75
Robert Ireland		127.5
John Calcutti		22.5
J. John Michaud		38.75
Tom McNulty		30
Scott Mills		37.5
Joseph Muir		15

David Nikisher		33.75
Joe Pagliaro		48.75
Paul Shields		44.5
Paul Welsch		31.25

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted.

RESIGNATION  
CAROLINE MCKINLEY  
RESOLUTION #504

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

Resolved, that the Town Board accepts the resignation of Caroline McKinley who worked at the John C. Hart Library.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted.

AWARD BID – DEMOLISH AND REMOVE BARN AT GRANITE KNOLLS  
RESOLUTION #505

Upon Motion by Councilwoman Siegel, seconded by Councilman Murphy,

WHEREAS, bids were accepted on Tuesday, December 2, 2014 to demolish, remove and dispose of barn located in Granite Knolls Park on Stony Street, and

WHEREAS, bids were received by the following:

<u>Bidder</u>	<u>Total Cost of Project</u>
Capital Industries Corp. 555 Saw Mill River Road Yonkers, NY 10701	\$26,800
Acocella Contracting, Inc. 68 Gaylor Road Scarsdale, NY 10583	\$44,600
Land V Scape, Inc. 5 Dogwood Lane Katonah, NY 10536	\$55,000
Taylor Recycling Facility, LLC 350 Neelytown Road Montgomery, NY 12549	\$55,895
Con-Tech Construction Technology Inc. 28 Lakeview Drive Yorktown Heights, NY 10598	\$80,550
Landscape Unlimited, Inc. 13 Frances Drive Katonah, NY 10536	\$87,000
UAP Inc. 400 Route 22 Brewster, NY 10509	\$269,000

BE IT RESOLVED that the Parks & Recreation Commission is authorized to spend \$26,800 from TE37 Parkland Trust to demolish, remove and dispose of barn located in Granite Knolls Park on Stony Street.

RESOLVED, that the bid to demolish, remove and dispose of barn located in Granite Knolls Park on Stony Street be awarded to the lowest responsible bidder, Capital Industries Corp.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

AWARD BID – ON CALL GRIT REMOVAL AND DISPOSAL FOR YORKTOWN WATER POLLUTION CONTROL PLANT  
RESOLUTION #506

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

Bids were received on December 8, 2014 for the On Call Grit Removal & Disposal for the Water Pollution Control Plant, Bid #14-7, and are summarized as follows:

McVac Environmental Services	\$235.00 per ton
Fred A. Cook, Jr., Inc.	\$149.95 per ton

RESOLVED, that the bid for the On Call Grit Removal & Disposal for the Water Pollution Control Facility, be awarded to Fred A. Cook, Jr., Inc., at a cost of \$149.95 per ton.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

A RESOLUTION AUTHORIZING SUBJECT TO PERMISSIVE REFERENDUM THE PURCHASE OF HEAVY EQUIPMENT AND MACHINERY - \$820,000  
RESOLUTION#507

The following resolution was offered by Councilman Terrence Murphy, who moved its adoption, seconded by Councilwoman Susan Siegel, to-wit:

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE PURCHASE OF HEAVY EQUIPMENT AND MACHINERY IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$820,000 AND AUTHORIZING THE ISSUANCE OF \$820,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The purchase of heavy equipment and machinery in and for the Town of Yorktown, Westchester County, New York, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$820,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$820,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such

notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Yorktown News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael J. Grace	VOTING	AYE
Councilman Terrence P. Murphy	VOTING	AYE
Councilman Vishnubhai V. Patel	VOTING	AYE
Councilwoman Susan M. Siegel	VOTING	AYE

The resolution was thereupon declared duly adopted.

A RESOLUTION AUTHORIZING SUBJECT TO PERMISSIVE REFERENDUM  
THE RECONSTRUCTION/CONSTRUCTION OF IMPROVEMENTS TO VARIOUS  
ROADS, INCLUDING CULVERTS AND CATCH BASINS – \$1,450,000  
RESOLUTION#508

The following resolution was offered by Councilman Murphy, who moved its adoption, seconded by Councilwoman Siegel, to-wit:

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, THE RECONSTRUCTION/CONSTRUCTION OF IMPROVEMENTS TO VARIOUS ROADS, INCLUDING CULVERTS AND CATCH BASINS, IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,450,000 AND

AUTHORIZING THE ISSUANCE OF \$1,450,000 SERIAL BONDS  
OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The reconstruction/construction of improvements to various roads in and for the Town of Yorktown, Westchester County, New York, including culverts and catch basins, as well as sidewalks, curbs, gutters, drainage, landscaping and incidental costs, is hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$1,450,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,450,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 20 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Yorktown News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael J. Grace	VOTING	AYE
Councilman Terrence P. Murphy	VOTING	AYE
Councilman Vishnubhai V. Patel	VOTING	AYE
Councilwoman Susan M. Siegel	VOTING	AYE

The resolution was thereupon declared duly adopted.

A RESOLUTION AUTHORIZING SUBJECT TO PERMISSIVE REFERENDUM  
THE IMPROVEMENTS TO SPARKLE LAKE DAM - \$270,000  
RESOLUTION#509

The following resolution was offered by Councilman Murphy, who moved its adoption, seconded by Councilwoman Siegel, to-wit:

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, IMPROVEMENTS TO SPARKLE LAKE DAM IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$270,000 AND AUTHORIZING THE ISSUANCE OF \$270,000 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Improvements to Sparkle Lake Dam in and for the Town of Yorktown, Westchester County, New York, including incidental costs and expenses, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$270,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$270,000 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is fifteen years, pursuant to subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition



to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Yorktown News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael J. Grace	VOTING	AYE
Councilman Terrence P. Murphy	VOTING	AYE
Councilman Vishnubhai V. Patel	VOTING	AYE
Councilwoman Susan M. Siegel	VOTING	AYE

The resolution was thereupon declared duly adopted.

A RESOLUTION AUTHORIZING SUBJECT TO PERMISSIVE REFERENDUM  
THE IMPROVEMENTS FOR VARIOUS TOWN BUILDINGS - \$175,389  
RESOLUTION#510

The following resolution was offered by Councilman Murphy, who moved its adoption, seconded by Councilwoman Siegel, to-wit:

A RESOLUTION AUTHORIZING, SUBJECT TO PERMISSIVE REFERENDUM, IMPROVEMENTS TO VARIOUS TOWN BUILDINGS IN AND FOR THE TOWN OF YORKTOWN, WESTCHESTER COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$175,389 AND AUTHORIZING THE ISSUANCE OF \$175,389 SERIAL BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Improvements to various Town buildings in and for the Town of Yorktown, Westchester County, New York, including incidental costs and expenses, are hereby authorized, SUBJECT TO PERMISSIVE REFERENDUM, at a maximum estimated cost of \$175,389.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$175,389 serial bonds of said Town hereby authorized to be issued therefor pursuant to the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 12(a)(2) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Yorktown, Westchester County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in summary form in The Yorktown News, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Supervisor Michael J. Grace	VOTING	AYE
Councilman Terrence P. Murphy	VOTING	AYE
Councilman Vishnubhai V. Patel	VOTING	AYE
Councilwoman Susan M. Siegel	VOTING	AYE

The resolution was thereupon declared duly adopted.

APPROVE BUDGET TRANSFER SEWER DEPARTMENT  
RESOLUTION #511

Upon motion by Councilman Murphy, seconded by Councilman Patel,

BE IT RESOLVED, that the Comptroller is hereby authorized to transfer \$896,382.00 from the Sewer Fund - Fund Balance to disburse payment to Evoqua Water Technologies for the purpose of the membrane filtration module replacement

BE IT FURTHER RESOLVED, that the New York City Department of Environmental Protection (NYCDEP) will reimburse the Town of Yorktown one hundred percent for the total sum of the project as part of its agreement with the Town of Yorktown for the operation and maintenance of upgrades required by the city's watershed regulations.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE BOND RELEASE – CON EDISON - #WP-034-12  
RESOLUTION #512

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Con Ed, as applicant, posted check #0000348944 in the amount of \$300.00 which was deposited into the T33 Account on August 9, 2012 covering Wetland Permit #034-12 for work performed at the Grant Avenue 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 Con Edison, 511 Theodore Fremd Avenue, Room 356, Rye, NY 10580, Attn: Mr. Rich Perusse.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE BOND RELEASE – SARVAIDEO - #WP-042-06  
RESOLUTION #513

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Christine Sarvaideo as applicant, posted \$500 in cash which was deposited into the T33 Account on July 21, 2006, covering Wetland Permit #042-06 for work performed at her Larkspur Street 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 \$500.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$500.00, be and is hereby released to Ms. Christine Sarvaideo, 2814 Larkspur Street, Yorktown Heights, NY 10598.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE BOND RELEASE – CHOURAQUI - #BSWPPP-046-14  
RESOLUTION #514

Upon Motion by Councilman Murphy, seconded by Councilman Patel,

WHEREAS, Philippe Chouraqui as applicant, posted check #844 in the amount of \$1,000.00 which was deposited into the T33 Account on August 29, 2014, covering Stormwater Permit #046-14 for work performed at his Hayes Drive 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 \$1,000.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Wetland Bond in the amount of \$1,000.00, be and is hereby released to Mr. Phil Chouraqui, 1371 Hayes Drive, Yorktown Heights, NY 10598.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE BOND RELEASE – TERZIAN- #WP-072-14  
RESOLUTION #515

Upon Motion by Councilman Murphy, seconded by Councilman Patel,

WHEREAS, John Terzian, as applicant, posted Check #846 in the amount of \$300.00 covering Wetland Permit #072-14, for work performed at his Sultana Drive 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 wetlands may be released to the applicant, NOW, THEREFORE BE IT

RESOLVED, that the above-described monies be and is hereby released to Mr. John Terzian, 2204 Sultana Drive, Yorktown Heights, NY 10598.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

AUTHORIZE A BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT  
RESOLUTION #516

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

BE IT RESOLVED, that the Town Board authorizes the following budget transfer to disburse payment to Riverview Industries for the purchase and installation of a steel dump body on a Highway Department packer truck

From:		
D.5110.810	Medical	\$9,995.00
To:		
D5110.201	Equipment	\$9,995.00

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

AUTHORIZE A BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT  
RESOLUTION #517

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

BUE IT RESOLVED, that the Town Board authorizes a budget transfer from the General Fund ~ Fund Balance to the Snow Removal Material & Supply Line D5142.403 for the purchase of salt and magnesium chloride in the amount of \$67,205.00

Grace, Murphy, Patel, Siegel Voting Aye

Resolution adopted

AUTHORIZE PAYMENT FOR HAPPY SOFTWARE, INC. – ONE YEAR  
SOFTWARE LICENSE – SECTION 8  
RESOLUTION #518

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

RESOLVED, that the Town Comptroller is authorized to pay Happy Software, Inc. for a one year software license and software support for computer software provided to the Section 8 Office, to cover the period from February 1, 2015 through January 31, 2016. The payment amount is \$4,333.00 as shown on the invoice(s) dated December 1, 2014. 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, Siegel Voting Aye  
Resolution adopted

APPROVE BUDGET TRANSFER FOR THE TOWN ATTORNEY  
RESOLUTION #519

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

BE IT RESOLVED, the following budget transfer in the Town Attorney’s budget 2014 is hereby authorized:  
\$2,500.00 from A1420.0443.0000 (Legal Settlements) to A.1420.0426.0001 (Prosecutor)

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – MANETOO DANCE ENSEMBLE DBA  
WESTCHESTER BALLET  
RESOLUTION #520

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Manetoo Dance Ensemble, Inc. d/b/a Westchester Ballet Center, a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – YORKTOWN TEEN CENTER  
RESOLUTION #521

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, the Yorktown Teen Center a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News Journal News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – YORKTOWN COMMUNITY HELP  
RESOLUTION #522

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Yorktown Community Help, Inc. a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – WESTCHESTER COMMUNITY  
OPPORTUNITY PROGRAM, INC.  
RESOLUTION #523

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Westchester Community Opportunity Program, Inc. a New York not for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – CORPORATE CHILDREN’S CENTER AKA  
BRIGHT BEGINNINGS  
RESOLUTION #524

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Corporate Children’s Center (aka Bright Beginnings) a New York for profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE LEASE AGREEMENT – YORKTOWN STAGE  
RESOLUTION #525

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

WHEREAS, Yorktown Stage, Inc. a New York not-for-profit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & Cultural Center as set forth in Schedule A of a proposed lease, which Schedule A is annexed hereto, and the Town of Yorktown wishes to lease such space to Tenant, and

WHEREAS, Town Law § 64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §§ 90 and 91; and

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, the Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and be it

FURTHER RESOLVED, that pursuant to NY Town Law §§ 82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

SET TIME FOR THE DECEMBER 31, 2014 TOWN BOARD MEETING



RESOLUTION #526

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

The Town Board meeting of December 31, 2014 will begin at 12:00 PM

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

RELEASE STREET OPENING PERMIT –# 013-010 - \$3,200 – BRADHURST SITE CONSTRUCTION

RESOLUTION #527

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

BE IT RESOLVED, that the Comptroller is hereby authorized to release the following Escrow Deposit

Street Opening Permit #013-010 in the amount of \$3,200 for work at 3372 Old Crompond Road.

Release to: Bradhurst Site Construction  
140 Bradhurst Avenue  
Valhalla, NY 10595

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE WATER REFUND – NORTHERN WESTCHESTER JOINT WATERWORKS

RESOLUTION #528

Upon Motion by Councilman Murphy, seconded by Councilwoman Siegel,

BE IT RESOLVED, that the Comptroller is hereby authorized to refund \$638.42 for an overpayment of sewer charges to the following:

Account Number 41-1501172-2

Erika Widmann  
22 Elm Road  
Lake Peekskill, NY 10537

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

APPROVE CHANGE ORDER FOR ELECTRICAL WORK ON THE GENERATOR AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER

RESOLUTION #529

Upon Motion by Councilwoman Siegel, seconded by Councilman Patel,

RESOLVED, that Change Order No. 1 for Capital Improvement Project #14-01 in the amount of \$3,106.93 for additional work as required bringing Emergency generator system to be in compliance with current code is hereby approved.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

PUBLIC HEARING – COSTCO

Supervisor Grace convened a public hearing for a request 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. The Town Clerk presented the affidavits of publication and posting.

Albert Capellini, Attorney for the applicant explained that last night, the Yorktown Planning Board determined the FEIS Statement on this project was complete and in its findings statement says, "Whereas, the Planning Board has prepared a SEQR Findings Statement for the Project that considers the relevant environmental impacts presented in the EIS, weighs and balances such impacts with social, economic and other essential considerations, provides a rationale for the Planning Board's decision and certifies that the SEQR requirements have been met.

Mr. Nick Paniotto, a representative of TRC Engineering and lead Consultant for Retail Store Construction Company provided the Town Board with an overview of the project. The site is made up of 18.75 acres. It sits below the Taconic State Parkway. It has housed many businesses including a motel, a fence company and a gas station. They will need variances for its canopy and lighting.

Dr. Philip Greeley, a Traffic Consultant handed the Town Board a drawing outlining their Conceptual Offsite Improvements for this project which will total more than three and a half million dollars.

Mr. Paniotto stated that this project is consistent with the Town's Master Plan.

Supervisor Grace read comments from Richard Stanton, Esq., ABACA, the Building Inspector, NYS DOT, and the Conservation Board.

The following people read from prepared statements, or added their comments to this project.

Mrs. Rosemarie Panio spoke in favor of granting a Special Permit for this project. What we have now is an eyesore.

Mr. Larry Santore, a gasoline station owner opposed granting this permit stating that some of the information supplied to the Board by Costco is inaccurate.

Mr. Jonathan Nettlefield asked that the Board turn down the application for this Special Use Permit. He asked the Board to review the Town's Master Plan which he says will be orphaned if this permit is granted.

Mrs. Ann Kutter, a resident of the area spoke in favor of the project.

Ms. Ann Foray read a prepared statement which opposed the granting of this Special Use Permit.

Mr. Paul Moskowitz' comments concerned the process by which this project has been reviewed.

Mrs. Olivia Buehl read from prepared comments asking the Board to turn down this application.

Mr. Steven Steeneck also asked the Town Board to turn this application down. It violates the Town's motto of "Progress with Preservation."

Patty Peckham questioned whether Costco's gas would be cheaper in the long run. You have to pay a membership fee of \$55.

Babette Bollinger read a statement that asked that the Town Board turn down Costco's request for a Special Use Permit to run a gasoline station.

Mr. William Primavera asked the Town Board to grant this Special Use Permit

Dorothy LaScala stated that she has been a small business owner and operator for twenty five years and could understand the concerns that some of the smaller gasoline stations might be having. She believes the permit should be granted.

Mr. William LaScala also asked the Town Board to grant this Special Use Permit.

Mr. Larry Santore stated that Costco may force some gas stations to file certiorari proceedings against the Town. Or, they may simply go out of business.

The owner of a Gulf Gasoline Station in Yorktown echoed Mr. Santore's remarks.

Mr. Gregory Bernard asked the Town Board to review this project very carefully.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. They will receive written comments until Thursday, December 18, 2014. Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel.

HOLD A SPECIAL MEETING  
RESOLUTION #530

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

The Town Board will hold a Special Meeting to make a determination on this project on Friday at 12:00PM Noon.

Grace, Murphy, Patel, Siegel Voting Aye  
Resolution adopted

PUBLIC HEARING – BJ'S WHOLESALE CLUB

Supervisor Grace convened the public hearing 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. The Clerk presented the affidavits of publication and posting.

Mr. David Steinmetz, the attorney representing the applicant stated that the site is fully developed. They are seeking to add six gasoline pumps with 12 dispensing stations. The gasoline will only be sold to club members. Mr. Steinmetz presented a petition to the Town bearing 1,000 signatures from people who would like to see this project go forward.

Mr. Rob Aiello, a representative of JMC Site Development provided the Board with an overview of this project. There will be a decrease in impervious surface at the site as well as stormwater protection for this site.

A representative of the development team stated that they expect this site to sell 5 million gallons of gasoline every year. The work will be in compliance with all fire protection regulations.

Mr. Richard Pierson, a representative of JMC spoke about improvements to the site including a new traffic signal.

Mr. Steinmetz stated that the applicant needs waivers for the canopy height, and signage.

Supervisor Grace acknowledged the receipt of comments from Mr. Richard Stanton, NYC Department of Environmental Protection, ABACA, Westchester County

Planning Board, the Yorktown Police Department, the Yorktown Planning Board, the Yorktown Conservation Board, the Yorktown Land Trust.

Mr. Larry Santore read a statement opposing the application.

Mrs. Ann Kutter explained that she is supportive of this application, but has concerns regarding the internal traffic design.

Mr. Paul Moskowitz stated that this project needs a full Environmental Study. Mrs. Olivia Buehl spoke about flooding and drainage issues in the area.

Babette Bollinger spoke in opposition to this proposal.

Mr. Steven Steeneck stated that while he is a member of BJ's Wholesale Club, he opposed this project.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Upon motion made by Councilman Murphy, seconded by Councilwoman Siegel.

#### SOBER HOUSE

The Town Board members spoke about a proposed resolution from Councilwoman Siegel to deny this Special Use Permit.

#### ADJOURN

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

The Town Board meeting was adjourned.

---

Alice E. Roker, Town Clerk  
Town of Yorktown