

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, January 26, 2021 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.

EXECUTIVE SESSION

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, the Town Board moved into Executive Session to conduct interviews for the Arts & Culture Committee and to discuss departmental personnel issues. Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all those who lost their lives around the globe due to COVID-19. He asked to remember our frontline workers, first responders, teachers, and all those who continue to perform essential services during this time. He also asked to remember our men and women in the Armed Forces who risk their lives protecting our freedoms.

INTRODUCTIONS

Supervisor Slater introduced members of the Town Board, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

Supervisor Slater announced that Underhill Farms would not be presenting this evening, as was listed on the agenda.

PROPOSED OVERLAY DISTRICT LEGISLATION

John Tegeder, Director of Planning, spoke about the planning process of how overlay districts work. He gave a brief history of what his department does and how the process begins. (*Flowchart of the Planning Board Review process was displayed.*) He explained the steps of how an applicant brings an application to his department and how next steps are discussed during the pre-application meeting, and then referred to the Planning Board. He explained it could be a daunting process and the more information the Planning Board gets in front of them on a project, the better. Supervisor Slater suggested this flow chart be posted on the Town website, as he found it helpful information and Mr. Tegeder said that applicants also receive this in their application packet. He gave examples of speaking with developers about their projects and how zoning variances are frequently required (IBM solar parking area). Mr. Tegeder said they also get involved in helping applicants and developers work through zoning issues to be able to help them achieve their goals and facilitate their projects (CubeSmart and the old Toys R Us building).

Mr. Tegeder said in 2010 an overlay zone was created for a hotel or country inn in the Barger Street area. It was in the Comprehensive Plan along with the Bear Mountain Triangle and Lake Osceola. Overlay Zones were never adopted or written but they are in the Comprehensive Plan and recognized, as the types of areas that might need some special look.

Councilwoman Roker asked how an overlay zone is chosen and Mr. Tegeder said in the case of Barger Street, it was the fact that the Town Board did not want to lay down the zone that allows hotels because it was a commercial zone; they did not want to have the retail because it would

have attracted too much traffic. This was about impacts, so they put an office zone there because office there would be at the interchange but it does not generate the type of retail traffic that you would get on the weekends. They put the overlay zone for the hotel to be able to modify and design that site so the hotel could work over top of the underlying zone. He said in the case of Lake Osceola, it is because it needs investment – it does not have sewers – it has an environmental resource there that is important, so the overlay zone would facilitate the economic development while at the same time protecting the aspects of the lake that are important.

In the case of the Bear Mountain Triangle, Mr. Tegeder said it taken as an opportunity to strengthen the Crompond hamlet by designing a small “Main Street” type development in the area and some of that was actually done through Crompond Crossing and the rezone for the Mandalay, which had some commercial in the front and some housing in the back.

Mr. Tegeder said they are looking at Yorktown Heights today because there are stresses because of vacancies, stresses due to the Amazon effect, and there is also pressure in finding the development market that is leaning towards apartments. All of these three taken together makes it a likely candidate for an overlay zone so that it has the flexibility to manage the design appropriately and not have a typical zoning code, which is very flat and has no flexibility in it and precludes many things that you would hope to do.

Mr. Tegeder spoke about the beginnings of overlay district legislation and the various amendments that occurred over time and the different focus of the amendments.

Councilman Patel mentioned that the public should be notified of the process and who is looking to develop in Town.

Supervisor Slater stated that many of the meetings in the beginning of the planning process are purely conceptual and it is not until they are committed enough, does the public see what the developer is proposing. Only a minority of proposals make it to the Planning Board because, for whatever reason, they fall apart. Mr. Tegeder said many developers do not want to make their plans public until they have the proper investment in the project. He said there are many layers to the process. Supervisor Slater said he has sat in on meetings where the projects would not be a good fit and so, before they invest all the money up front to get the application prepared only to go to get smacked by the Planning Board, we are really providing a service to them by being honest. Supervisor Slater said in those cases, he believes the applicant has appreciated the honesty.

Councilwoman Roker commended the Planning Board for the work they do. A good businessperson is going to go to the Planning Board and talk to them before they invest money. They want to see if what they are proposing fits or do something to make it fit. Mr. Tegeder cited Mohegan Motors as an example of this. He said the owner was very thankful for the Town’s input and believed we made it better. The owner felt that his corporate headquarters did not have the right plans for this location. Supervisor Slater repeated a statement made by Mr. Tegeder that the Planning Department never considers an application to be complete until it gets its final approval from the Planning Board; so even if an applicant comes in with what they believe to be the greatest project to ever come to the Town of Yorktown, there is still a full process they have to go through, including a full review from the Planning Board and a number of agencies that have to weigh in. The Planning Board only considers completion when the entire process on the flowchart has been followed.

Councilwoman Roker asked Mr. Tegeder what the next steps are for the Town Board regarding the proposed overlay zones. Mr. Tegeder said the Board is getting close to a referral. He also suggested taking a look at the next project on the agenda and the Soundview project to make sure that there is nothing that would cause any desired amendment to the proposed law. Councilwoman Roker said the Board has not accepted the proposed map of the overlay districts yet.

Supervisor Slater asked Mr. Tegeder to explain whom this would be referred to for comment. Mr. Tegeder said the Board would have to declare an intent to be Lead Agency and sent to neighboring towns, agencies in Town that would be connected with the laws, as well as interested agencies from whom the Board would welcome comment. There is typically a 30-day response time followed by a public hearing or the Board may decide to discuss the proposed law further based on comments received.

Councilwoman Roker said that right now there are three areas in Yorktown that have overlay zones and have been there since 2010. Mr. Tegeder said that this was corrected but they are unadopted.

Councilman Patel asked if it is negotiated between the developer and the Town Board/Planning Board for the number of units a project may have. Mr. Tegeder said the existing zoning code has requirements, minimums, and unit count restrictions. He explained unit counts in single-family development and multi-family development, and the approach the Planning Board takes towards each. A discussion ensued regarding proposed multiple unit dwellings in Town.

PROPOSED REDEVELOPMENT OF YORKTOWN GREEN (AKA K-MART)

Freddy Almeyda, Gerry Gesario, Tim Huttleston, Matthew Jarmel, Eden Kongoli, Jane Oster, Randy Sinise, Darius Chafizadeh, Robyn Steinberg, Town Planner; John Tegeder, Director of Planning

Supervisor Slater welcomed a number of individuals (named above) to discuss a parcel of land, known as Yorktown Green (a/k/a K-Mart, a/k/a Food Emporium) that would be included in one of the proposed overlay districts.

Darius Chafizadeh from the law firm of Harris Beach, spoke on behalf of the developer, Oster Properties, thanked the Board for the opportunity to speak. He said they have what they believe to be an exciting project to introduce. He said the K-Mart and Food Emporium site has been out of business for several years and they have brought site plans and renderings to show the Board, particularly for the re-development of the K-Mart site. The plan is to demolish the building and construct a mixed-use structure; retail on the bottom level, residential on top, with a courtyard in the middle. The plan is also to have a new tenant come in to the existing supermarket, which has also been empty for a number of years. Mr. Chafizadeh gave a brief background on the developer, Oster Properties, who has owned the site for a several years. They are a large developer and own and operate approximately 2 million square feet of commercial development in northern New Jersey; they also own properties in Rockland County and New York City. They currently have under management 500 apartment units in their portfolio. He said his point is this is a very seasoned developer coming in to re-develop this site. He introduced the architectural team of Jarmel Kizel, specifically Matt Jarmel, who will present the details of the plan, which will show their vision for the site. Mr. Chafizadeh also introduced Tim Huttleston from Oster who has worked on this project for a number of years.

Mr. Chafizadeh said the plan proposes 150 residential units and retail space on the bottom; he then turned the discussion over to Matt Jarmel, architect.

Mr. Jarmel displayed a Google map of the shopping center and said it was an area of approximately 15 acres and pointed out the current layout of the buildings. He displayed a rendering of the multi-family housing/retail space that would replace the old K-Mart building. Their current plan is for high-end luxury type apartments consisting of 84 one bedroom and 66 two bedroom apartments. The ground floor of the building is proposed to be a combination of retail tenants and covered parking. The upper floors would be the apartments. The materials to be used are considered to be high-end. Mr. Jarmel displayed the site plan for the multi-family/retail building showing the meeting courtyard in the center.

Councilman Patel said this is a high-end project; however, not all residents in Yorktown could afford these units and asked if there would be more affordable units available.

Mr. Jarmel said the client would be best to answer this question; however, he said they are in the process of working with their marketing department doing studies to find out what the appropriate price points are for the area. Mr. Jarmel said they, of course, would be discussing with the Town Board whether there would be a requirement for a set-aside of affordable units. At this point, it has not been thought about, but there are certainly opportunities to do that.

Mr. Chafizadeh said the point or concept of this is to provide alternatives to empty-nesters or young millennials to have a place to live where they either cannot afford their house anymore or do not want to pay high taxes. This would allow them to stay in the Town or for younger people to come back to Yorktown to live and be able to afford it.

Councilman Patel asked if the tax revenue generated for the Town to be higher. Mr. Chafizadeh said they believe it will definitely maintain the tax base for the Town, if not raise it.

Councilman Diana asked if there is a price point for these units and Mr. Chafizadeh said that they are doing marketing studies now and would provide that information shortly. Councilman Diana asked if there would be any set-asides for our seniors. Mr. Chafizadeh said that could be discussed with the owner and the Board.

Supervisor Slater addressed Mr. Jarmel and his mention of the importance of having the population directly on site to support the retail and restaurants. He asked if they manage other similar properties. Mr. Jarmel said he is an architect and does not manage properties; however, he said that there is a rethinking of how retail spaces are designed to service the world. We live in an e-commerce situation; this K-Mart is empty because of e-commerce. He said what they see as architects and planners is that many retail centers and large shopping centers are being repositioned to be mixed use. He said, from a planning standpoint, you now want to put people where they shop. There are things that e-commerce cannot deliver certain things that people like to do, such as restaurants and grocery stores. Retail is changing to a more service oriented type of service where it is less retail goods and more services like restaurant, fitness, childcare, etc. Mr. Jarmel said the retail footprint is becoming smaller but by bringing people here into 150 units, you could have potentially 300 +/- people living here that are now also consumers to the community.

Councilwoman Roker said she agrees with Mr. Jarmel regarding his comments on e-commerce. She does not believe we will ever again see stores, i.e., malls, as we had in the past.

Supervisor Slater asked if they were planning to keep the old Food Emporium building as one building or are they subdividing that for multiple tenants.

Timothy Huttleston replied that it will be one building, one tenant and the façade will be renovated to keep in line with the rest of the renovation.

Supervisor Slater said he thinks it is important for the residents to understand how the economy is changing and why, when people keep asking about traditional retail sites in the Town being empty, they cannot be filled. If we are going to adapt to the new economy, these types of mixed-use projects are really what is driving the development in towns.

Mr. Jarmel said the apartment building would also have amenities for the tenants: an internal lounge, fitness center, personal storage lockers to rent. He spoke about the reasoning behind developers leaning towards one and two bedroom apartments. He spoke of empty nesters, millennials, and how this space also tends to limit the amount of children, which is a concern for school districts. He said these types of buildings have been found to be “stepping stones” for a young family starting out who may have one child before moving on to a single-family home.

Councilman Patel asked if they had any plans for green energy use at the site. Supervisor Slater said that in the overly district legislation there are requirements that they will have to meet. Mr. Jarmel said one of the things he likes about redevelopment projects is that you do not cut down trees; they tend to be very environmentally friendly. They are reusing infrastructure that is already in place. This location already has a storm system design in place that functions well and not only will they be utilizing that, but they will improving and reducing the amount of runoff by creating this green plaza. There are many green features that go into a redevelopment project like this one. Each unit in this development will have its own HVAC and heating system, which is great if there are vacancies or if people are not home, you do not have to run a plant for the entire building. Tenants can adjust their temperatures to their own liking. The HVAC systems are modern and energy efficient. The windows will also be heat effective. He said they have talked about solar but have not decided if it makes sense for this project. They have reduced the roof area of the K-Mart building by almost 50% and it is a sloping roof so there is not a tremendous opportunity to do solar in terms of where to put it. Each tenant will also have their own gas and electric meter, which does not lend itself to solar; it would be very hard to divvy up to determine how solar would work. They are exploring ways to make this building energy efficient.

Supervisor Slater asked Mr. Jarmel if there is any sense of how this building will look from Route 118 and Mr. Jarmel said their intent is to utilize the same materials as they wrap the building. The

same quality that would be used in the front would be used in the back. It will be as visually appealing from the back as the front.

Councilwoman Roker said she feels this is a smart development both from a commercial and residential point of view because this is where we are heading for now.

Councilman Lachterman said he owns a business that is not e-commerce (massage) and he said this is a development that he would consider bringing his type of business. He said a traffic study should be considered for this redevelopment to make sure there are no issues.

Supervisor Slater said there is no application at this time. Mr. Chafizadeh said they are finalizing their application and could be ready to get something in to the Town in two weeks. Supervisor Slater made clear that this location is not in the overlay district yet, as the legislation has not been passed. Mr. Chafizadeh said they are waiting for that legislation but would be prepared to submit an application, in any event.

Councilman Lachterman stated that, in full disclosure, he is the liaison to the Senior Advisory Committee and Councilwoman Roker disclosed that she is the liaison to the Housing Committee. They are both eager to see the progression of this redevelopment.

Supervisor Slater asked Planning Director John Tegeder and Town Planner Robyn Steinberg if they had any comments. Mr. Tegeder said his comments are positive. He worked with Mr. Jarmel and his team while he was developing the concept and feels they did a very nice job.

CROTON OVERLOOK

Matt Matthews, David Steinmetz, Jody Cross, Whit Matthews, Robyn Steinberg, Town Planner; John Tegeder, Director of Planning

David Steinmetz, attorney for Matt and Whit Matthews, said they have formerly filed their application. He reminded the Board that he and Jody Cross took this property through an approval process about 7 or 8 years ago – a full blown SEQRA, DEIS, FEIS, rezoning – and then their client did not continue forward, passed away, and now the project has formally changed hands. The location is 62 acres, presently in the R160 zone. Unless the last project, this is a “for sale” residential project. It has, however, been reduced in size from the original 68 units to 62 units. The building pad is the same size. It is a 62-acre property and about 20-25 acres would be impacted by the development. He said they have approximately 40 acres of permanently preserved, dedicated open space. They have been working with a neighbor and his attorney to iron out any issues he had and, thus far, they have been amenable. Mr. Steinmetz said this project is proposed with geothermal heating and are hoping to bring sustainable measures to the project.

Mr. Steinmetz said he and his clients are present this evening seeking a rezoning to the RSP1 zoning district, which they were in but has now lapsed and the previous project never got site plan approval. They have filed a rezoning petition and are back for a determination as to which Board, Town Board or Planning Board, would serve as Lead Agency. As far as utilities are concerned, their intention is to connect to municipal water through Route 100, south of the property. Sewage effluent would be handled by an onsite sewage treatment plant. A short environmental assessment form has been submitted along with the rezoning application, with the intention of completing a full environmental assessment form. He said nothing has changed from the previous project, except the impact has been reduced. Mr. Steinmetz presented a drawing of the proposed project and reviewed it with the Board.

Supervisor Slater said that since this is a rezone request, it would fall under the Town Board. He asked Planning Director John Tegeder for confirmation, who agreed. Supervisor Slater said that obviously the Planning Board would have to approve the site plan and asked Mr. Tegeder if that is something they can do in tandem. Mr. Tegeder said yes. Mr. Tegeder said if the Planning Board were Lead Agency, it would be reviewed in tandem more efficiently, whereas before when the Town Board was Lead Agency and approved the rezoning, the whole process of the Planning Board review was done after the approval, which never really occurred. He said that after the SEQRA process ends for this project, the Town Board would be able to approve the rezoning, and the Planning Board could continue on to whatever length they need to finish the site plan. This would be a lot less than if they were starting at one or two steps in.

Mr. Steinmetz then said that within the last ten days, his clients have received some very significant interest in looking at this site as a solar array installation. He is aware of the Town's adoption of the solar law and wanted to know how this would be received by the Board and their interest level. He said his clients would be happy to entertain that possibility. The solar array concept would be almost identical to the footprint to the residential project – approximately a 20-acre installation – on the most buildable portion of the property. The solar company reached the same conclusion.

Councilwoman Roker said she had lived in the area at one time and thinks the residential project is a wonderful development that people would want.

Councilman Lachterman said if they are already going geothermal on the project, they could add solar panels to the roof and get the best of both worlds. He thinks there are great opportunities on the housing side.

Councilman Diana said he likes the idea of duplex, as they have more architectural character. He asked for rendering of the project and Jody Cross displayed one. Whit Matthews said the design would be a little different from the rendering; as they plan to put a master bedroom on the first floor of every home that will make the homes a little lower than what is in the rendering. They discussed accessibility for seniors in the design.

Whit Matthews asked Mr. Tegeder what he thought about the solar array option and Mr. Tegeder said that from a practical standpoint it would have a lot less impact than the residential development. Mr. Matthews said it is a "lighter touch" and for a good cause.

Supervisor Slater said he could go either way on the projects since they are still taking up the same footprint. He said it would be a great residential development for a lot of reasons but would not write off the solar array. Supervisor Slater said maybe as part of the SEQRA process they could explore this option and get a better feel for it that way.

Councilman Diana said he likes the housing option. He asked about the 40 acres in the back and Whit Matthews said it would not be touched in either option.

Mr. Tegeder asked if there would be any community facility on the property and Mr. Steinmetz said with only 62 units, there really is no room for a community room or community pool. The area will be more outdoors with walking paths and solitude. Mr. Tegeder said he believes there is a hard requirement in the RSP-1 zoning for community amenities and if you are not providing it, you may be pivoting to a different RSP. He said they have been down this road before.

Councilwoman Roker asked Supervisor Slater if the Board was going to accept their petition. Supervisor Slater said yes, they should. He addressed the Lead Agency question and asked Mr. Tegeder, the Board, and the town attorney. Mr. Tegeder said that the Planning Board should be contacted by Mr. Steinmetz and his clients to see how they feel about it. Councilwoman Roker said she is open to considering this, although she could not remember the last time this was done. Supervisor Slater said that if they can insure that the site approval can be done in tandem with the zoning approval, he has no problem with the Town Board taking Lead Agency. Mr. Steinmetz said to remember that unlike a typical rezoning, this property has already been through full SEQRA and is a much easier environmental lift than a typical rezoning – he is just trying to breathe life back into the old zoning. He said whatever is going to be the most efficient way is what they would like the Town to try to work on with them. Councilwoman Roker said if Mr. Tegeder feels that the Planning Board would be the most efficient way, she is okay with that. Councilman Diana agreed. Councilman Lachterman and Councilman Patel also agreed.

Councilwoman Roker asked Mr. Tegeder regarding the community amenities. She said if she moved there, she would not care about a community room and asked why they would have to do it. Mr. Tegeder said, as he recalled, there is requirement in this particular zone for a certain amount of community facilities. Mr. Steinmetz said he would look into this.

Supervisor Slater said the Board is amenable to having the Planning Board act as Lead Agency and this will be referred out to the appropriate agencies.

REFERRAL OF REZONING REQUEST FOR CROTON OVERLOOK
RESOLUTION #39

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the Application for Change of Zone for property known as Croton Overlook located east of the intersection of NYS Routes 100 and 134, which is presently zoned R160. B&M Management Company is seeking to restore the Property to an RSP-1 zoning designation, as previously granted by the Town Board in 2011. Town Board declares the Planning Board's intent to act as Lead Agency.

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

HALLOCKS MILL ROAD

Phil Greeley, Dave Paganelli, Highway Superintendent; Robyn Steinberg, Town Planner; John Tegeder, Director of Planning

Supervisor Slater said this is a conversation about Hallocks Mill Road – a few weeks ago a constituent came to the Town Board requesting an examination of the road and they agreed that it was important to have a professional take a look at the situation. Supervisor Slater introduced traffic consultant Dr. Phil Greeley, Maser Consultants. He asked him if he had a chance to take a look at Hallocks Mill Road.

Dr. Greeley said he is familiar with Hallocks Mill Road and the issue of cut-through traffic. He said they have some historical data of what actually happens with the cut-through traffic. He said during peak hours, cut-through traffic could be as many as a couple of hundred vehicles per hour. He said Hallocks Mill Road has issues at either end as it connects to the state highway system, which is a different issue than what the Town is focused on, which is dealing with helping to calm or reduce the amount of traffic. There are a couple of items why traffic uses Hallocks Mill – the simplest being it is the shortest distance, as well as avoiding the traffic at the Triangle Shopping Center. He said if changes are made to alleviate the situation on Hallocks Mill Road, the traffic is going to go somewhere else – most likely going through the Triangle intersection. Trying to eliminate or significantly reduce the cut-through traffic is one issue, the issue of the intersections at either end as to how they function, accident histories, etc. The intersection of Ridge Street, Hallocks Mill Road, and Saw Mill River Road is a difficult intersection and has been for a long time. This is a state highway that people are bypassing and the state should have some ownership but, as typical, they say they have no money, no plans, etc. He asked the Board to be specific about what it is that they would like him to weigh in on – speed control, eliminating traffic, etc. Dr. Greeley said the gamut of a traffic study is wide.

Supervisor Slater said the impetus of this was the cut-through traffic but also the intersection of Route 35 and Ridge Street. Highway Superintendent Dave Paganelli said the majority of the cut-through traffic is out of state.

Councilwoman Roker said what legal tools they have to tell any car they cannot be on a road. Mr. Paganelli said that is why he would like a traffic consultant to do a study and suggested having the road be made one way.

Dr. Greeley said the Supervisor mentioned the intersection at Hallocks Mill/Ridge/Saw Mill (Route 35). One of the issues there is the lack of a turning lane, which causes problems. The proximity of Ridge Street and Hallocks Mill Road in terms of conflicting movements is also an issue. There are things that could be done there to improve the safety of the situation. He mentioned a roundabout as you are coming into Town as being a solution. Right of ways would have to be researched. If you make the Hallocks Mill Road entirely one way, you are going to force the residents on that road to deal with that situation. Then you would also have to consider the effect this would have on Hamlin Street. He said, just like physics, for every action there is a reaction. Which way do you make it one way because the cut-through traffic is travelling both ways depending on the time of day? It seems to be more predominant from the east on Route 35 direction. At the other end, the problem is the left turns off the roadway because there is no left lane. Dr. Greeley discussed the options of making Hallocks Mill Road one way, which would require many diversions of the traffic. He said you really have to be careful in terms of the extent of what any one way system would be. Dr. Greeley said there are other options. For example,

you could make Hallocks Mill Road one way up to a certain point so that the people in most of the neighborhood can there can get to their homes either way. He also suggested at the intersection of Laurel Court you could make sections of it one way only in that area, which could control the cut-through traffic and not totally divert the neighborhood traffic. Highway Superintendent Paganelli discussed with Dr. Greeley the issues of where diverted traffic would go in this neighborhood and said his concern is that people are avoiding a safe, controlled intersection. He is concerned about the safety of the residents on Hallocks Mill Road and not someone having to wait at a controlled intersection. He does like Dr. Greeley's idea of two one ways in the Laurel Court area, so as not to impact the residents that live there who are asking for the Town's help. Dr. Greeley also suggested asking the state, even though they say they have no money, to assist.

Supervisor Slater asked Dr. Greeley what the next steps would be to explore some of his suggestions. Dr. Greeley suggested pulling together some of the historical data, compile some of the information on the state highway to get that moving forward, and look at some of one way solutions he presented.

Councilman Diana said that stop signs were done at East Main Street and Stony Street and are working very well. He feels the one way may be a valuable alternative for that Hallocks Mill Road.

Councilman Lachterman said he likes the idea of a temporary trial and would like input from the residents who live there so they are aware of what is going on and how they feel about the one way.

Dr. Greeley said it would be a good idea to get accident history at either end of Hallocks Mill Road, as well as accident history along Hallocks Mill Road because you want to take that into consideration when making a decision on this.

Highway Superintendent Paganelli said they would go out and put a letter in everyone's mailbox on Hallocks Mill Road to inform them of any potential changes. He also thanked Councilwoman Roker who insisted on putting \$10,000 into a budget line specifically for this issue.

Councilman Patel asked if there are any numbers as to how much traffic has increased in the last five years in the area. Highway Superintendent said he believed there was historical data through the state or possibly the police department.

Supervisor Slater asked Dr. Greeley if he would come back to the Board with a more developed plan after he pulls together the historical data and then they can put a letter together for the residents.

Dr. Greeley said he would put together a plan and be in touch with Highway Superintendent Paganelli. He will also get the historical data on the state roads from the state.

Supervisor Slater and the Town Board thanked Dr. Greeley for his time.

FEMA – REQUEST TO GO TO BID FOR LOG REMOVAL

Dave Paganelli, Highway Superintendent

Highway Superintendent Paganelli said that there are 4,500 yards of trees at the recycling yard on Greenwood Street. He had a conference call with FEMA who made them aware that could be some reimbursement to eliminate those trees due to storm damage from Hurricane Isaias in August. FEMA told him if he wanted to maximize the amount of reimbursement to get a fixed price to take care of the 4,500 yards. Superintendent Paganelli estimates that it would cost somewhere between \$40,000-\$45,000 to eliminate that material. He said his department could not do the work because the trees are very large and it is beyond the capability of his equipment. He is asking for permission to go out to bid. He does have the money in his fund balance and then he will look into FEMA reimbursement.

AUTHORIZATION TO ADVERTISE FOR THE REMOVAL AND DISPOSAL OF TREE STUMPS AND LOGS

RESOLUTION #40

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

RESOLVED, the Town Clerk is authorized to advertise a bid for the removal and disposal of tree stumps and logs.

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

PLAYGROUND SAFETY ASSESSMENT

Matt Talbert, Parks and Recreation Commissioner; James Martorano, Parks and Recreation Superintendent, Scott Ferrara

Supervisor Slater welcomed Parks & Recreation Superintendent Jim Martorano, Parks & Recreation Commissioner Matt Talbert, Parks & Recreation Assistant Superintendent Dan Walczewski, and Scott Ferreira, Parks & Recreation Staff Member who will be involved in this assessment.

Superintendent Martorano said that last year there was a discussion about what more could be done regarding playground safety. There has not been a playground audit of the Town's playground equipment in many, many years, if at all. They went out and got a quote for an audit of all the playgrounds, which was about \$10,000 to do it annually and that does not even include the monthly cost of checking on the playgrounds. They had the better idea of getting one of his own staff employees certified through the NRPA, which is the national governing body for Parks and Recreation, and get a CPSI certification (Certified Playground Safety Inspector). Scott Ferreira has completed the process and received his certification in December. The certification lasts for three years. They came up with a multi-phase plan to go through the playground. Right now, they are looking at all of the Miracle Recreation Playground equipment playgrounds; there are seven of them in Town. They are looking for three different priority levels. Priority Level 1 is high levels of safety concerns that have entanglement and entrapment issues. Any playground that has these issues has to be shut down until the issues are fixed. Priority Level 2 is structural issues that can lead into bigger issues. Priority Level 3 is minor issues that can be fixed over a period of time. Many of the playgrounds, particularly the Miracle ones, are aged. Railroad was built in 1998, Yorkhill in 1997, Sparkle Lake in 1999, Chelsea in 1991 – these four had Priority 1 issues, so they have been closed. Junior Lake, Fox Den, and Willow (Miracle equipment) are in relatively good standing with some Priority 3 issues. Scott Ferreira had come up with a plan to fix these issues and they are in the midst of getting them up to safety protocols. He is hoping that Railroad Park will reopen in early February; Sparkle Lake will open in late February; Yorkhill in mid-March. Unfortunately, Chelsea will be decommissioned. Superintendent Martorano said they had Miracle give a quote on some of the fixes at Chelsea and, unfortunately, they no longer make the parts. They still have another nine parks to review. He announced that he is losing one of the employees involved in this program, as well as being down a couple of other employees. These are staffing issues that he felt he needed to bring up.

Supervisor Slater asked to review the different priority levels. Scott Ferreira said an example of a Priority Level 1 would be like head entrapments where a child's body can fit through an opening but their head cannot. The older playgrounds were not built with that in mind. New standards were set in 2008 to include this. The playground at Chelsea has zero regard for head entrapments. Priority Level 2s are entanglements: bolts, S-hooks that connect swings. These can grab a child's shirt and cause choking. Priority Level 3s are chipping paint and rust and should be addressed in due time.

Supervisor Slater asked about the decommissioning of the Chelsea Playground. Superintendent Martorano said, essentially, they would have to demolish the playground and start looking at new, appropriate replacements for a new playground. He said this is something he will have to discuss with the Commission in a formal manner. The commissioners have been informed of the situation but they have not met yet in a formal meeting.

Supervisor Slater said that from what we know, this has been an issue for quite some time but we now finally have a plan that we are putting in place using one of our employees to tackle it head on. Superintendent Martorano said the plan going forward is creating a maintenance schedule and chipping away at the issues. He said one of the things he was told by Miracle that if Yorktown had a yearly \$1,000 fix and had more of a schedule, we would not be in this situation. This is what he plans on doing in the years to come in order to do this in the smartest way possible.

Supervisor Slater said the first priority is to make sure the children are safe and agrees with putting the parks on a schedule. Superintendent Martorano said the Town needs to be proactive and not reactive.

Councilwoman Roker said this needs to be put in the capital plan every year since it is infrastructure.

Scott Ferreira said they would work out a plan to put the playgrounds into a priority list and then work off that list of how often the playgrounds are looked at. Places with heavy traffic, heavy vandalism incidents will be looked at more versus pocket parks that do not get used as much. He said they have to distinguish which playgrounds are looked at weekly, bi-weekly, and monthly. He has done training rosters, so if there is a part-time employee doing garbage checks or anything of that nature, he can train the part-timer to look at basic safety issues (vandalism, loose structures, missing mulch). It would be filed that they have been trained, they will fill out a checklist, and that list is filed for that day.

Supervisor Slater thanked Scott Ferreira and Superintendent Martorano for their help and leadership on this. He asked Commissioner Talbert if he had any comments.

Commissioner Talbert said the biggest problem they will have is the financing. He said Superintendent Martorano does not have it in his budget and they are going to have to reach out to the Town Board for financing. Supervisor Slater said the Board is aware of this and that there really is no choice because this is for the safety of the children. He said they would work collaboratively in an effort to make sure that whatever needs to be done to make sure the children are protected on the Town's playgrounds is taken care of.

Councilman Patel said this would also reduce the Town's liability.

Councilman Diana asked for temporary signs to be made up for these parks warning people the parks are closed due to safety reasons. Superintendent Martorano said this has already been done.

Supervisor Slater said he wants people to understand why the parks are closed and that the plans are to reopen them.

Councilwoman Roker said this should be added to the website.

Councilman Patel raised the issue of past vandalism at Granite Knolls. Commissioner Talbert said they caught someone who damaged the goals. He said the cameras there have helped quite a bit but it is difficult because there is not someone there all the time.

Councilman Lachterman said he is glad that Scott was able to step up and do this for the Town. He said having someone trained in this and then passing basic training on to other workers would help us not get into this situation again.

Supervisor Slater said he would like to see a budget with the decommissioning and replacement of the Chelsea Playground so they can see what the needs are and then work with the Commission, Finance Department, and Town Board so Parks & Recreation can get the work done. Superintendent Martorano said the fixes are going to be more concrete, price-wise, at Railroad, Yorkhill, and Sparkle versus Chelsea because that is a complete restart. It is choosing a piece of equipment that the Town wants that fits the space best and that price range may be from \$15,000 up to \$50,000.

Commissioner Talbert said Scott has closed down the Miracle parks but there are still nine other parks that need to be reviewed. Since Scott is in the process of trying to reopen the closed playgrounds, he cannot continue doing the inspections. He said they could not get a total budget together until they know the condition of the other nine parks. He said another issue they might run into is the four to six week lead-time for ordering replacement equipment. They have estimates now. If Chelsea is taken out of the picture, you are in the \$25,000 - \$30,000 range.

Supervisor Slater said this does not surprise him, given how long it has been that this equipment has been replaced. Commissioner Talbert requested at least \$25,000 and was told to put through the documentation so the Board can review.

ACCEPT RETIREMENT OF DON MESUDA
RESOLUTION #41

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

RESOLVED, the town board accepts the retirement of Don Mesuda effective Friday, January 29, 2021.

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

AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH WESTON & SAMPSON
RESOLUTION #42

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

RESOLVED, that the Supervisor is authorized to enter into an agreement with Weston & Sampson, to provide a Licensed Professional Engineer with expertise and experience in water engineering to provide technical support to the Water Department, in an amount not to exceed \$15,000, for the term of January 1, 2021 – December 31, 2021.

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

AUTHORIZE THE COMPTROLLER TO RELEASE THE ESCROW DEPOSIT FOR DRIVEWAY PERMIT #DR1231
RESOLUTION #43

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

RESOLVED, the Comptroller is authorized the release the escrow deposit for Driveway Permit #DR1231 in the amount of \$500.00 to Jam Real Estate Development, LLC for work done on Old Crompond Road. A representative of the Highway Department has made an inspection of the site and found work to be completed satisfactorily.

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

ADJOURN MEETING

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board meeting was adjourned.

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