

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, May 4, 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 Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved into Executive Session to conduct an interview, and to discuss individual personnel issues, and litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Councilman Patel led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all of our educators, as it is National Teacher Appreciation Week and our military, as it is Military Appreciation Month. He also asked for a special remembrance of our mothers, grandmothers, and great-grandmothers in our community as we approach Mother's Day.

INTRODUCTIONS

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

REPORT FROM THE TOWN SUPERVISOR

Supervisor Slater reported the following:

- Three new cases of COVID, which is a great improvement and the Town's numbers have continued to decline (114 active cases in Yorktown).
- Supervisor Slater displayed a vaccination dashboard from the Westchester County Department of Health showing the number of vaccinations that have been given in the Town of Yorktown.
- A major reopening announcement was made yesterday that was coordinated in partnership with the state governments of the Tri-State area. Beginning this month, hair salons, barber shops, and other personal care services will permit 75% of indoor capacity starting on May 7. Supervisor Slater announced increased capacity at other outdoor events and venues that would also begin in May.
- The John C. Hart Memorial Library and Town Hall have also opened for walk-in service. The Library is providing walk-in service with normal hours of operation. Town Hall walk-in service is available from 8:00 a.m. to 12:00 p.m. with precautions in place.
- The grant application for the Hallocks Mill Sewer District Extension has advanced to the Appropriations Committee with the support from Congressman Mondaire Jones.
- The Water Department will begin hydrant flushing on May 10 and run through June 25 for Sections 4, 5, 6, and 7. This will be noticed in the newspaper.
- Parks and Recreation Department has announced that the seasonal pool passes are now available for sale online. New I.D.'s are also being issued this year.
- Summer jobs are still available, particularly camp counselors and lifeguards. Please contact the Parks and Recreation Department for more details.
- The Hudson Valley Hospital will be sponsoring four movie nights in Yorktown this summer.

- The Senior Services and Nutrition Center received \$20,000 from Westchester County Senior Services. The Senior Services and Nutrition Center staff are exploring how to offer transportation as part of the reopening process for Town seniors.
- Supervisor Slater thanked the 86 groups that participated in last weekend's Battle of Yorktown. Collectively, 8.5 tons of litter were gathered. Supervisor Slater also thanked the Refuse & Recycling Department for their work.
- Supervisor Slater thanked those who participated in the "I Love My Parks Day" and for the work that was accomplished.
- Supervisor Slater encouraged residents to shop our local farms that are a pivotal piece of not only our economy, but the Town's history as well.
- Yorktown's Garden Club will be holding their annual Mother's Day Plant sale this coming Saturday beginning at 8:00 a.m. in front of Suburban Wine & Liquor in the Yorktown Green Shopping Center. All proceeds go back to supporting their efforts in planting around Yorktown.
- He wished Happy Mother's Day to all mothers.

REPORTS FROM TOWN COUNCIL

Councilwoman Roker said even if you do not live here but work here, the Supervisor's office will help you find a vaccination location in Town.

Councilman Patel said anyone who is a New York State resident is eligible to receive a vaccination in Yorktown. He also reminded people to try to keep their drains clean and clog free – it has become a problem with the sewer lines. He cautioned people to not allow fats and cooking oils down the drain; freeze them first and dispose of them in the garbage.

Councilman Lachterman announced the following:

- Both the Yorktown Lions Club and Support Connection have their golf outings on June 7
- My Brother Vinny's Walk-A-Thon will be held virtually on June 13.
- The Yorktown Chamber of Commerce will be doing a Summer Fest on June 19 behind the firehouse.
- The Yorktown Lions will continue their summer concert series this summer starting on June 27. There are a total of 6 concerts that will be held.
- He mentioned the Road Knights event that took place last weekend.

Councilman Diana announced the following:

- The event that the Road Knights held raised money for a handicapped woman. The Road Knights are classic car owners who raise money for people in need.

REPORT FROM THE HIGHWAY SUPERINTENDENT

Highway Superintendent Dave Paganelli said potholes, trees, catch basins, and paving preparation are all on the schedule. He encouraged residents to contact his department with any issues. He said 73% of the Town has been swept and is confident that they will be able to sweep the Town twice this year.

PROCLAMATION - MENTAL HEALTH AWARENESS MONTH

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

WHEREAS, May is recognized as Mental Health Awareness Month; and

WHEREAS, mental illness is defined as a medical condition that disrupts a person's thinking, feeling, mood, ability to relate to others and daily functioning and can affect persons of any age, race, religion or socioeconomic status; and

WHEREAS, statistics show that one in four American adults experiences an episode of mental illness each year and it is estimated four million children and adolescents in America suffer from a serious mental disorder; and

WHEREAS, with treatment recovery from serious mental illness is not only possible but probable; and

WHEREAS, the Town of Yorktown is proud to work with advocacy organizations such as NAMI of Westchester to break down the barriers, stigma and fear of discrimination that keep

many from seeking help through available mental health services; and

WHEREAS, good mental health as promoted by local organizations such as the Alliance for Safe Kids is critical to the well-being of our families, communities, schools and businesses; and

WHEREAS, early intervention has proven to enhance learning, communication, social skills and underlying brain development; NOW, THEREFORE;

BE IT RESOLVED, the Town of Yorktown recognizes and celebrates May as Mental Health Awareness Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown urges all members of our communities, businesses and civic organizations to assist in increase awareness and understanding of mental illnesses; and

BE IT FUTHER RESOLVED, the Town of Yorktown recommits to enhancing local services that further assist our residents achieve recovery from mental illness.

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

Members of the Town Board talked about the necessity of reaching out for help when needed and the importance of community support.

APPOINT KAITY HSIU LIBRARIAN I AS A LATERAL TRANSFER FROM THE TUCKAHOE PUBLIC LIBRARY
RESOLUTION #182

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

BE IT RESOLVED that Kaity Hsiu is hereby appointed Librarian I, job class code 0224-01, as a lateral transfer from the Tuckahoe Public Library to the John C. Hart Memorial Library, effective May 20, 2021, to be paid from the Yorktown CSEA Salary Schedule A-1, Group XI, step 1 which is \$63,683 annually.

BE IT RESOLVED, employment is contingent upon successful completion of a drug test and reference checks; now therefore

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on May 20, 2021.

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

REAPPOINT TOM SCHMITT TO THE TREE CONSERVATION ADVISORY COMMISSION
RESOLUTION #183

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

BE IT RESOLVED, that Tom Schmitt is hereby reappointed as a member of the Tree Conservation Advisory Commission for a three-year term expiring on October 31, 2023.

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

ACCEPT RESIGNATION RECEIVED FROM JOHN KINCART FROM THE PLANNING BOARD WITH THANKS FOR HIS MANY YEARS OF SERVICE TO THE TOWN
RESOLUTION #184

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

Resolved, that the Town Board accepts the resignation received from John Kincart from the Planning Board with thanks for his many years of service to the Town.

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

POET LAUREATE

Poet Laureate John McMullen read his original poem.

COURTESY OF THE FLOOR

The following members of the public spoke:

Tim Glass, resident, spoke about the resignation of John Kincart from the Planning Board. Mr. Glass said the events that preceded the resignation are worthy of noting as they concern the integrity of appointed Town Boards. He said he was the author of the complaint submitted to the Ethics Board on November 17, 2020. He said that the Ethics Board, after 5 months of investigation, found that a local realtor used his role as a Planning Board member to “fish” for potential listings. He said that this is not too complicated – a Yorktown Planning Board member participated in discussions and resolutions regarding a subdivision project on 11 separate occasions over 7 years. Mr. Glass said this board member officiated in granting the project a negative SEQRA declaration in May 2018, thereby enabling this project to move forward and seek approvals from the DEP and DEC. Mr. Glass said that the board member, 2 years later, suddenly recuses himself with no explanation before the final vote. The subdivision was approved and 3 days later, the same Planning Board member becomes the listing agent for the property. Mr. Glass said this is all out there in the minutes and videos of past meetings. Mr. Glass said if the Town Board accepts this, makes excuses for it, or deals with it with a “simple slap on the wrist,” then the Town Board is, in effect, condoning this behavior. He said the Town Board is saying this is “business as usual” in Yorktown and that the Board is okay with appointed board volunteers casually mixing their professional lives and their public positions and that this will surely happen again; the money is too good for those willing to take the risk. Mr. Glass asked that the Town Board take this for the serious infringement on the residents’ trust that it is. Mr. Glass mentioned ideas to remedy this situation. One: He said that now that the Ethics Board report is complete, its findings should be published, as this is Town business. Two: He also said that there should be no realtors on the Planning Board moving forward. He said that allowing this presents an inherent, unavoidable conflict of interest. Three: adhere to the Town Code. He said that the Town Code makes quite clear (which he cited chapter and verse in his complaint) the violations that occurred in this situation. He said that the Code does not have to be amended; just adhered to. There should be no comingling of private income with public business. *(At this point, Town Clerk Diana Quast informed Mr. Glass that his time was up.)* He said the Town Code clearly states this.

Susan Siegel, resident, spoke about an exchange that Supervisor Slater had with resident Paul Moskowitz at the last Courtesy of the Floor regarding the need to assess the potential environmental impacts of the overlay law. She said that the Supervisor agreed that the environmental impacts needed to be reviewed. Ms. Siegel said she understood the Supervisor to say that the environmental reviews would be done when site-specific applications were received. Ms. Siegel said that SEQRA (State Environmental Quality Review Act) procedures need to be followed before adopting major changes to the zoning ordinance (like to overlay law). She said that local laws can and have been dismissed by the courts for not following SEQRA procedures. She spoke of a memo she emailed to the Town Board and the Director of Planning that included links to DEC SEQRA guidelines and a list of SEQRA court decisions and she read two excerpts from her memo. Ms. Siegel said the residents are entitled to the answers to three questions: 1) is the Town Board following the required SEQRA procedures prior to the enactment of the overlay law; 2) if yes, please explain how; and 3) if not, please explain going forward how the Town plans to comply with SEQRA. Ms. Siegel asked if the Town Board has considered going back to in-person meetings since the Governor has eased restrictions.

Tony Grasso, resident, spoke about the Underhill Farms project. He said he met with a representative of the farm to find out what their plans are for the property. The property would consist of rentals, condominiums, and townhouses and would have walking trails and swimming pools. He said he was told a traffic study was done and the intersection would be redone to handle extra traffic in the morning and evening hours. He also mentioned that it would be senior-friendly in all respects and that as part of the HUD deal for the Senior Center, there would be parking on the farm property. The farm owners are also providing access for emergency vehicles and equipment. He suggested this project should go to the Planning Board first and then the Town Board.

Jennie Menton, resident, repeated much of what Mr. Grasso said. She said that this project for senior living is a long time coming. She and her husband, Mr. Grasso, are two of the seniors who are looking to downsize but want to remain in Yorktown and this would provide them with an option. She said that she was initially concerned about the farmhouse on the property but after hearing what they are planning, she is in favor of the project moving forward. Ms. Menton said

this would provide options for everyone. She said that without this project, there would be no Senior Center and would provide new housing for the Parks & Recreation Department. She said that they met weekly with the representatives of the project and many questions were answered and all were impressed with what they heard.

Jenny Sunshine, resident, spoke on behalf of herself and her husband in favor of preserving the history of the Underhill Estate, which would be ruined with the proposed project. She said that once 21st century buildings are built on the land then you would be ruining the historical treasure that is the land and the building. She that once it is destroyed, it can never be recovered. Ms. Sunshine said the Underhill property is Yorktown's crown jewel; it is Yorktown's living history; it is Yorktown's White House or Monticello. Ms. Sunshine said it is morally right to leave the Underhill property as it is. She encouraged the Town Board and Unicorn to find other ways to preserve the property.

Sergio Esposito, resident and president of the Yorktown Chamber of Commerce, announced the legislative committee of the Chamber met and discussed the overlay legislation. He said that the Chamber felt the legislation would have a positive impact and provide revitalization to the Town. He said that the Board of Directors stands behind the overlay legislation and is in favor of the Town Board moving forward. He said that the also reviewed the proposed project at Underhill Farms and the benefits of developing the property and making it senior friendly. He said that pairing it up with Beaver Ridge would have a positive impact on the Town, as well. Mr. Esposito said the Chamber would be returning to in-person business socials/networking meetings fairly soon. He mentioned Summer Fest would have a commemorative event for Juneteenth. Mr. Esposito said more information would be given at next week's meeting.

Ilan Gilbert, resident and former Town Supervisor, said he was very happy that the Hallocks Mill Sewer Extension project is moving forward and thanked all who have been working on this, along with the County and Federal level officials who have assisted. Mr. Gilbert commented on the Derek Chauvin verdict (George Floyd case) that although a dark chapter in our history has been closed, the book is still open. Mr. Gilbert spoke about mental health and his appreciation for the proclamation.

Patricia Sullivan-Rothberg, resident, spoke about last week's discussion on the overlay law. Ms. Sullivan-Rothberg said instead of reviewing the comments received regarding the overlay law, the Town Board spent much of the time discussing why the Town needs the overlay zoning – legislation that had already been adopted last November. She said she requested copies of the comments and said the boards were in support of the law but had specific feedback and suggestions that could clear up some confusing provisions and strengthen the law. She said that both ABACA and the Heritage Preservation Commission raised issues concerning the listing of historic and unique structures in the law; including this list in the law renders the law regularly out of date, as this list is fluid through attrition, demolition, and other factors. She said that the Heritage Preservation Commission asked why the law proposes to a) set up a duplicate and redundant route to historic designation within a design district overlay zone when the local Preservation Code 198 spells out how designation occurs today; b) the Commission asked why the law proposes an additional designating entity (the Town Board and referrals from ABACA) versus the established role of the Heritage Preservation Commission; and c) why another designation type (unique buildings) versus the existing landmarks and homes of historic distinction is being proposed. Ms. Sullivan-Rothberg said the Planning Board raised several serious procedural issues regarding potentially conflicting and duplicitous roles of the Town Board and the Planning Board. She said that both the Community Housing Board and the Westchester County Planning Board suggested that the law include a set-aside for affordable housing. She said the Conservation Board specifically requested that the Soundview property (Underhill Farm) be removed from the proposed Yorktown Heights Overlay District because its development would result in “a full build-out of the property would have significant adverse environmental impacts.” She said that it is the Town Board's job, as leaders of the Town, to lead a thoughtful discussion about the comments, the implications, and recommendations from the numerous agencies weighing in on this proposed law that is most likely the most significant piece of legislation the Town has considered in decades. She said that the Town Board did acknowledge that the Town is “tired, out of date, and has seen better days,” and asked where is the Board's demonstration of leadership and thoughtful analysis to create a law that has the potential to change the future look of and feel of the community.

Upon motion made by Councilman Diana, seconded by Councilman Diana, Courtesy of the Floor was closed.

Councilwoman Roker, addressing Ms. Sullivan-Rothberg, said all of the comments received would have to be read during a public hearing for the local law. She said the discussion last week was purely a discussion amongst board members. Councilman Lachterman said Councilwoman Roker asked the Director of Planning to put all of the comments into a PowerPoint presentation in order to prepare for the public hearing.

Councilman Patel said the Town Board can still accept public comment if anyone chooses to submit one. Councilman Diana said the public is welcome to contact the project's representatives to review their plans. Councilman Lachterman acknowledged how special the property is but that there is much that has fallen into disrepair.

Supervisor Slater, addressing Ms. Siegel, acknowledged receipt of her memo and assured her that he and Town staff are working to ensure that all necessary procedures are followed. Regarding in-person Town Board meeting, Supervisor Slater said there is still the 6-foot social distancing restriction, which would limit the capacity inside the Town Board Room.

Councilwoman Roker asked Director of Planning John Tegeder if he submitted an EAF (Environmental Assessment Form) on the overlay legislation and he said yes, the Board received an EAF.

DECISION TO CONSIDER THE PETITION FOR ZONING AND SITE PLAN AMENDMENTS SUBMITTED BY CUDDY & FEDER ON BEHALF OF KITCHAWAN BARNS, LLC

Supervisor Slater asked if Mr. Tegeder had anything more to add to the decision. Mr. Tegeder pointed out a typo in the list of drawings (change from 1 of 3, etc. to 1 of 5, etc.) as well as the addition of the lot width at front yard (1115.27 ft) in both resolutions. He also spoke of a provision in the resolution approving the zoning change that should minor additions be needed, only a site plan resolution be required and not a transitional zoning resolution. Mr. Tegeder proposed an additional change to the same paragraph, to which the Board agreed.

Councilman Patel asked why this information was not given to Mr. Tegeder in advance and Mr. Tegeder said these are minor adjustments that he wanted to bring to the Board's attention. He said that should the Board be uncomfortable with the changes, it would not affect the resolutions. He said the aim of making these changes is to make any future changes more efficient.

Town Engineer Dan Ciarcia said an erosion control bond requirement should be added. (This was added as #10 of the site plan approval resolution)

The following resolution was passed, as amended.

712 KITCHAWAN ROAD TRANSITIONAL ZONE AMENDMENT - LEAD AGENCY AND SEQRA RESOLUTION #185

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

WHEREAS, Steven Spiro & Michael Katz, now known as Kitchawan Barns LLC (the "Applicants") as contract vendees, by their attorneys Cuddy & Feder LLP, applied to amend the parameters of the Transitional Zone established by the Town Board by Resolution dated November 15, 2017, for the 14.70 acre parcel located at 712 Kitchawan Road in the Town of Yorktown, also known as Section 70.06, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown (the "Property"); and

WHEREAS, the proposed amendments to Transitional Zone will allow the Property to be improved with the construction of a minor addition to the existing office building in the general location of the former greenhouse on the Property, which will be used in support of the existing for-profit office and flex space, including a digital printing/cutting/laminating business which was established by the Transitional Zone approved by the Town Board on November 15, 2017; and

WHEREAS, the proposed minor addition is a refinement to the addition that the Town Board previously approved for the Property by Resolution dated November 15, 2017; and

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on April 6, 2021 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on April 20, 2021; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated March 2, 2021 together with supporting documentation evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency for the environmental review process in accordance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the Applicants and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties that have unique characteristics that make them difficult to develop under their zoning designation; and

WHEREAS, the Transitional Zoning designation considers the unique characteristics of these specific parcels and establishes area and bulk requirements to assure compatibility with the surrounding uses and character of the immediate neighborhood; and

WHEREAS, the Property is surrounded by the Kitchawan Preserve, a 208-acre natural preserve owned by Westchester County, which was formerly part of the same site when the entirety of both properties were owned and used as a research facility by the Brooklyn Botanic Garden (the “Garden”); and

WHEREAS, when the Garden sold the 208-acre parcel to Westchester County, it retained its adjoining 14.70-acre parcel (“Retained Property”) and granted the County a right of first refusal to purchase the Retained Property if the Garden entered into an agreement to sell the Retained Property to a third party; and

WHEREAS, at the same time, the County granted the Garden, its successors and assigns, a vehicular and pedestrian easement on, over and across the existing entrance road of the Kitchawan Preserve in order to provide access to and from the Retained Property and NYS Route 134, Kitchawan Road; and

WHEREAS, the Town Board qualified this property as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code and approved a transitional zone on this property in 2017; and :

WHEREAS, the Planning Board reviewed the Applicants’ site plan submittal at its March 22, 2021 meeting and recommended the approval of the Transitional Zone amendment request by memorandum dated March 31, 2021; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The construction of the proposed addition to the existing office building continues and supports the use of the subject Property compatible with the Transitional Zone established by the Town Board on November 15, 2017, and is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The construction of the proposed addition to the existing office building is compatible with the environmental constraints of the site; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the petition to amend the Schedule of Regulations regarding the bulk and area parameters of the Transitional Zone established by the Town Board on the subject Property is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be amended and corrected as follows:

PERMITTED USES:

1. All permitted uses, accessory uses, and special permit uses are as set forth in the transitional zone as established by the Town Board as approved on November 15, 2017.

SCHEDULE OF REGULATIONS

TRANSITIONAL ZONE PROPOSED BULK REGULATIONS

Lot area	14.70 ac
Lot width at front yard	1115.27 ft
Front yard	160.03 ft
Side yard	95.22 ft and 555.49 ft;
Rear yard	299.85 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	15,112 sq ft (2.4%)
Off street parking	Office: 43 parking spaces existing to remain

AND BE IT FURTHER RESOLVED, if the Applicant should propose to construct additional site improvements to the existing building or as a detached accessory structure of up to 1,000 sq. ft. of lot coverage, such improvements may be authorized by amended site plan approval from the Town Board without the need for a zoning amendment. If the Applicant proposes additional site improvements between 1,001 and 3,000 sq. ft. of lot coverage, the Town Board shall have the sole discretion to determine if the additional improvements may be authorized by site plan amendment only or if a zoning amendment is also necessary. In the case where the additional site improvements proposed are for a detached accessory structure, the detached accessory structure shall only be located north or east of the existing building, and the accessory structure must be setback a minimum of 150' from the side yard and rear yard lot lines. The front yard setback for a detached accessory structure shall be a minimum of 160.03.

AND BE IT FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws; and

AND BE IT FURTHER RESOLVED that all other requirements, conditions, and parameters of the rezoning of the Property to transitional zone by the Town board dated November 15, 2017, shall remain in full force and effect unless otherwise modified herein.

AND BE IT FURTHER RESOLVED that unless a building permit is obtained within 1 year of the date of this resolution, the resolution shall be null and void.

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

The following resolution was passed, as amended.

APPROVE AMENDED SITE PLAN FOR A MINOR ADDITION TO PROPERTY LOCATED AT 712 KITCHAWAN ROAD – KITCHAWAN BARNS, LLC
RESOLUTION #186

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

WHEREAS, Steven Spiro and Michael Katz, now known as Kitchawan Barns LLC, (the “Applicants”) as contract vendees, by their attorneys, Cuddy & Feder LLP, applied to the Town Board of the Town of Yorktown for Amended Site Plan approval under Article XVII of the Zoning Code of the Town of Yorktown; and

WHEREAS, the subject site is a 14.70 acre parcel located at 712 Kitchawan Road in the Ossining area of the Town of Yorktown that is classified in the Transitional Zone, and known as Section 70.06 Parcel 1 Lot 4 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. A drawing, titled "Site Plan," Sheet 1 of 5, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021;
2. A drawing, titled "Proposed Elevations," Sheet 2 of 5, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021; and
3. A drawing, titled "Proposed Floor Plans," Sheet 3 of 5, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021;
4. A drawing, titled "Grading, Erosion & Sediment Control Plan," Sheet 4 of 5, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 29, 2021;
5. A drawing, titled "Erosion Control Details," Sheet 5 of 5, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 29, 2021;
6. A report, titled Basic Stormwater Pollution Prevention Plan for Kitchawan Barns, LLC, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 28, 2021; and

WHEREAS, the Applicants obtained Site Plan Approval in connection with the Town Board's approval to rezone the Property into the Transitional Zone, which Site Plan Approval and Zoning Amendment Approval were approved for the Property by the Town Board by Resolutions, both dated November 15, 2017; and

WHEREAS, the proposed minor addition is a refinement to the addition that the Town Board previously approved for the Property by Resolution dated November 15, 2017; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated March 2, 2021, together with supporting documentation evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency for the environmental review process in accordance with the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board	03/31/2021
Conservation Board	03/18/2021
ABACA	04/01/2021
Town Engineer	04/06/2021
Westchester County Planning	03/26/2021
NYC DEP	04/08/2021

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on April 6, 2021 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on April 20, 2021; and

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, on April 20, 2021 the Town Board approved the Applicant's verified petition to amend the Schedule of Regulations regarding the bulk and area parameters of the Transitional Zone established by the Town Board on the subject Property; and now therefore

BE IT HEREBY RESOLVED that amended site plan approval is hereby granted for construction of the proposed addition to the existing office building in the general location of the former greenhouse on the Property, which will be in support of the existing for-profit office, including a digital printing/cutting/laminating business on the Property. The Property shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as listed in the Site Plan Approval and Zoning Amendment Approval Resolutions that granted approval to rezone of the 712 Kitchawan Road Property in the Transitional Zone, both dated November 15, 2017 (the "Rezoning Resolutions"); and
2. The following bulk regulations, as established by the Town Board at the rezoning stage and corrected from the Rezoning Resolutions dated November 15, 2017, shall be met by the proposed addition as shown on the site plan drawings enumerated herein and as listed below:

Lot area	14.70 ac
Lot width at front yard	1115.27 ft.
Front yard	160.03 ft.
Side yard	295.22 ft. and 555.49 ft;
Rear yard	299.85 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	15,112 sq ft (2.4%)
Off street parking	Office: 43 parking spaces existing to remain

3. Requests to use the property for more than 30 employees shall require Town Board approval;
4. There are 43 pre-existing parking spaces on the Premises that will remain gravel and macadam as shown on the Site Plan. This does not limit repairs of the parking areas using the same or similar materials, or other pervious pavers;
5. The proposed exterior material of the proposed storage building shall be in accordance with the ABACA memo dated April 1, 2021 and their final recommendation;
6. Lighting shall be consistent with the lighting shown on the Site Plan;
7. "Thuja Green Giant" arborvitae screening trees will be installed per the Town Engineer and shown on the plans and are to be maintained by the owner of the Property;
8. Any required approvals of New York City Department of Environmental Protection and any other agencies shall be obtained prior to commencement of any work or issuance of a building permit; and
9. Entrance signage will be consistent in size and style with existing signage.
10. Submission of an erosion and sediment control bond in the amount of \$2,500.

FURTHER RESOLVED, the Applicant shall submit copies of the approved site plan for signature by the Town Supervisor prior to the issuance of any building permit; and

AND BE IT FURTHER RESOLVED that all other requirements, conditions, and parameters of the site plan approval by the Town Board dated November 14, 2017 shall remain in full force and effect unless otherwise modified herein; and

AND BE IT FURTHER RESOLVED that unless a building permit is obtained within 1 year of the date of this resolution, the resolution shall be null and void.

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

DECISION TO CONSIDER THE WETLANDS/STORMWATER PERMIT APPLICATION
SUBMITTED BY CHRISTOPHER & AMANDA COLLIER FOR THE CONSTRUCTION OF
A NEW HOUSE ON PROPERTY LOCATED AT 2572 GREGORY STREET
RESOLUTION #187

Supervisor Slater asked Mr. Tegeder and Mr. Ciarcia if they had any comments regarding this project and both said no. They both said they believed everything was covered in the resolution.

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

WHEREAS, Christopher and Amanda Collier, (the “Applicants”) as owners, applied to the Town Board of the Town of Yorktown for a Stormwater permit and Wetland permit approval under Chapters 178 and 248 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a detached, 2,133 square foot (footprint) single family residence, driveway, stormwater detention and associated improvements (the action) on a 1.849 +/- acre parcel situated in an R1-40 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional wetland and wetland buffer and modify the wetland buffer in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is not required for the proposed action in which the Town Board serves as approval authority where trees are proposed to be removed from a wetland or wetland buffer, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code, trees proposed to be removed from wetlands or wetland buffers must provide mitigation for tree loss following the recommended mitigation measures found in said Chapter; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and wetland permit application WP-FWPP-12-21, dated February 11, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 17, 2020, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board
Conservation Board
ABACA
Town Engineer

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared intent to be Lead Agency on March 9, 2021 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held opened on April 6, 2021 in order to solicit comments from the public regarding the proposed action, and was adjourned to obtain additional information, and

WHEREAS, in response to public comment the applicant's consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the applicant has provided mitigation as indicated on the referenced plans which includes a conservation easement and stormwater structures which are designed to reduce discharge from the site to the wetlands, and

WHEREAS, the public hearing was reconvened on April 20, 2021, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and determined that the action will not have a significant adverse impact on the environment, and now

THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetland, Tree and Stormwater Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- A drawing entitled: "Tree & Wetland Survey, sheet 1 of 1," prepared by Rowan Land Surveying, PLLC, dated September 9, 2021 and last revised April 13, 2021
- A drawing entitled: "Site Plan, sheet AS-100, prepared by Architectural Visions, PLLC, dated February 19, 2020 and last revised April 2, 2021
- A drawing entitled: "Site Details- Drainage, sheet AS-101, prepared by Architectural Visions, PLLC dated February 9, 2020 and last revised April 2, 2021
- A drawing entitled: "Site Plan, sheet 1 of 2, prepared by J.D. Barrett& Assoc, LLC, dated January 27, 2021 and last revised April 14, 2021
- A drawing entitled: "mitigation Planting Plan, sheet 2 of 2, prepared by J.D. Barrett& Assoc, LLC, dated January 27, 2021 and last revised April 14, 2021
- A Report entitled; "Evaluation and Classification of Existing Wetland" prepared by Stephen W. Coleman, Environmental Consultants, LLC, dated January 27, 2021 with supplement dated April 7, 2021
- Document entitled, "Conservation Easement" prepared by David S. Steinmetz, undated.

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Applicant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution and the approved drawings by the end of the term of this permit, and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution or shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board; and

Conditions that must be met prior to the Supervisor signing the Plans:

1. The Town Stormwater Officer shall sign the MS4 acceptance form

2. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.
5. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be upon completion of all work in accordance with the approved plans and conditions.
6. A stormwater maintenance agreement executed by the property owner(s) shall be provided to the Town Engineer.
7. The conservation easement must be provided in form and content acceptable to the Town Attorney and recorded with the agencies as determined by the Town Attorney.
8. Curb cut and driveway detail must be approved and a permit granted by the Town of Yorktown Highway Superintendent.
9. Town of Yorktown sewer and water connection permits must be obtained.
10. Submission of a Notice of Intent (NOI) in compliance with the requirements of NYSDEC.

Conditions of the Wetland, Tree and Stormwater Permit

1. Work of any kind shall not commence prior to the issuance of a Town of Yorktown Building Permit.
2. The applicant agrees to allow periodic inspections by the Town and its consultants.
3. The Town Staff shall inspect the site at the end of construction, but prior to the issuance of a certificate of occupancy, to ensure compliance with the permit.
4. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Acting Town Engineer.
5. The location of the boundary of the disturbance line shall be marked with large boulders as shown on the approved plans prior to the issuance of a certificate of occupancy.
6. No trees shall be cut within the area of the conservation easement unless shown on the approved plan. Following issuance of the certificate of occupancy, no trees of any size shall be cut or any vegetation removed within the area of the conservation easement without prior Town approval.
7. Prior to backfilling, the applicant's design professional shall inspect all stormwater structures and provide written certification to the Town Engineer, prior to the issuance of a certificate of occupancy, that all stormwater structures have been installed in accordance with the approved plans.
8. A pre-construction meeting with the applicant's contractors and the Town Staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.
9. Prior to the issuance of a Certificate of Occupancy, the conservation easement shall be recorded to the satisfaction of the Town Attorney.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the adjoining property must be completed to the satisfaction of the Acting Town Engineer and other Town staff as required.

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

AUTHORIZE TOWN CLERK TO REFER OUT ALL NECESSARY DOCUMENTS FOR THE PROPOSED ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION PHASE 1, DECLARE LEAD AGENCY STATUS AND SEQRA RESOLUTION #188

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

WHEREAS, The Town of Yorktown proposes to extend sanitary sewer service to unsewered areas within the Hallock's Mill Sewer District (HMSD) by constructing gravity sewers and low-pressure sewer systems (hereafter referred to as, "Proposed Action"); and

WHEREAS, the location of the proposed sewers and properties to benefit from the improvements are shown in a report prepared for the Proposed Action entitled "Hallocks Mill Sewer District Extension Phase 1 Map, Plan and Report" dated October 16, 2019; and

WHEREAS, the Proposed Project intends to extend sewer service to 315 parcels designated as the Birch Street Sub-Area (220 parcels, the Sparkle Lake Sub-Area (69 parcels), and the Sunrise Street Sub-Area (26 parcels); and

WHEREAS, the Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617; and

WHEREAS, the Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5; and

WHEREAS, multiple regulatory agencies have approval or funding authority over the Proposed Action; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.6(b)(3) calls for coordinated review of Unlisted Actions; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review be established prior to a determination of significance; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required"; and

WHEREAS, the Town of Yorktown intends to act as Lead Agency in the coordinated review of said Actions as Unlisted Action under SEQRA and further intends to implement and complete all responsibilities of that office,

NOW THEREFORE BE IT RESOLVED that the Town Board declares its intent to act as Lead Agency for this Unlisted Action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of the Proposed Action under SEQRA.

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

ADOPT NOTICE OF PUBLIC HEARING FOR THE PROPOSED ESTABLISHMENT OF THE HALLOCKS MILL SEWER DISTRICT EXTENSION RESOLUTION #189

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

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hallocks Mill Sewer District Extension in the Town of Yorktown (the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where

the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of the construction of a sanitary sewer system at a maximum estimated cost of \$14,300,000; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension is \$5,850; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$1,494 in the first year in which operation, maintenance, debt service and other charges and expenses are to be paid (\$782 for a typical property not connected); and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject matter thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 15th day of June, 2021, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hallocks Mill Sewer District Extension, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in The Yorktown News, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

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

AUTHORIZE SUPERVISOR TO EXECUTE A LEASE AGREEMENT WITH YORKTOWN GRANGE TO PROVIDE FACILITIES FOR THE PARKS AND RECREATION DEPARTMENT'S SUMMER CAMP PROGRAMS AT A RENT OF \$6,000 RESOLUTION #190

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

WHEREAS, the Town wishes to obtain space for a period of five (5) weeks in which to operate a full day summer camp program under the Department of Parks and Recreation,

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, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Grange, landlord, at 99 Moseman Road, Yorktown Heights, NY, from June 29, 2021 through July 30, 2021, at a rent of \$6,000.00, to provide facilities for the Parks and Recreation Department's full day and extended day summer camp programs.

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

AUTHORIZE SUPERVISOR TO SIGN A REVOCABLE LICENSE WITH ROBERT DEROSSO (LICENSEE) OWNER OF THE ICE CREAM FOOD TRUCK (THE DOG HOUSE) TO ENTER UPON A PORTION OF THE TOWN PROPERTY FOR THE PURPOSE OF CONNECTING TO POWER

RESOLUTION #191

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

RESOLVED, that the Supervisor is authorized to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck (the Dog House) authorizing Licensee to enter upon a portion of the Town Property near the Gazebo located at the Jack DeVito Veterans Memorial Field, for the purpose of connecting a power cord to the electrical service located at the Gazebo on the Town property to supply electricity to the Licensee's Property for the amount of FIFTY (\$50.00) per month. This Revocable License shall be for a period commencing on May 1, 2021 and ending on October 31, 2021.

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

AUTHORIZE SUPERVISOR TO EXECUTE AN AGREEMENT WITH MIDATLANTIC SOLID WASTE CONSULTANTS TO PERFORM AN ANALYSIS FOR THE TOWN TO POTENTIALLY PERFORM REFUSE AND RECYCLING SERVICES INTERNALLY

RESOLUTION #192

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

RESOLVED, the Supervisor is authorized to execute an agreement with MidAtlantic Solid Waste Consultants to perform an analysis for the Town to potentially perform refuse and recycling services internally, for an amount not to exceed \$29,300, and

Be It Further Resolved, that the Town received three quotes for Professional Services and MidAtlantic Solid Waste Consultants was able to perform all tasks requested.

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

AUTHORIZE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH YORKTOWN BEFORE & AFTER FOR THE USE OF SPACE IN THE ALBERT A. CAPELLINI COMMUNITY & CULTURAL CENTER

RESOLUTION #193

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

RESOLVED, that the Supervisor is authorized to execute a license agreement with Yorktown Before & After for the use of space in the Albert A. Capellini Community & Cultural Center from May 1, 2021 through April 30, 2022. The fee will be \$800 for May 2021 through August 2021, and \$21,326.66 for September 2021 through April 2022.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE AMAZON PARK DISTRICT

RESOLUTION #194

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

Be It Resolved, that the Town Board authorizes the following Budget Transfer for the Amazon Park - Park District:

From:
AP.909 Fund Balance \$3,200.00
To:
AP7180.416 Property Maintenance \$3,200.00

for the purpose of removal of a dangerous tree threatening to fall on the clubhouse.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS
FOR THE PARKS AND RECREATION DEPARTMENT
RESOLUTION #195

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

Resolved, the Comptroller is hereby authorized to process the following budget transfers:

From: A7310.447	Camp Programs – Transportation	\$16,200
To: A7310.425	Camp Programs – Contractual Services	\$16,200

for the purpose of renting tents for 3 summer camp locations.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS
FOR THE PARKS AND RECREATION DEPARTMENT
RESOLUTION #196

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

Resolved, the Comptroller is hereby authorized to process the following budget transfers:

From: A7310.448	Camp Programs – Trip Booking	\$14,600
To: A7110.201	Parks – Equipment	\$14,600

for the purchase of a Dump Trailer, Still Power Broom, and Security Surveillance Equipment.

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT FOR DRIVEWAY
PERMIT NO. DR1237 IN THE AMOUNT OF \$500.00 FOR WORK DONE ON MADISON
COURT
RESOLUTION #197

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

Resolved, that the Comptroller is authorized to Release the Escrow Deposit for Driveway Permit No. DR1237 in the amount of \$500.00 for work done on Madison Court to Westchester Modular Homes, 1995 Route 22, Brewster, NY 10509.

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

AUTHORIZE SUPERVISOR TO SIGN A CONTRACT WITH PRECISION FENCE &
AUTOMATED GATES TO INSTALL FENCING AROUND THE GENERATOR AT THE
FRENCH HILL PUMP STATION
RESOLUTION #198

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

WHEREAS, a new generator has been purchased for the French Hill pump station; and

WHEREAS, fencing must be installed around the generator for security purposes; and

THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Precision Fence & Automated Gates from Peekskill, NY to install fencing around the generator at the pump station located at 1814 French Hill Road.

FURTHER RESOLVED, the cost for this project is \$3,975.00 (price based on prevailing wage rate).

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

AUTHORIZE COMPTROLLER TO ACCEPT CHECK# 11445 IN THE AMOUNT OF \$5,100.00, TO SERVE AS THE REQUIRED CASH BOND FOR THE ORCHARD VIEW REALTY MAJOR SUBDIVISION
RESOLUTION #199

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

WHEREAS, Orchard View Realty Subdivision, as applicant for the project known as Orchard View Realty Major Subdivision, has completed site work on the site plan approved by Planning Board Resolution # 17-18 dated December 18, 2017; and

WHEREAS, Orchard View Realty Subdivision, Inc. has informed the Yorktown Planning Board and the Planning Board determined that, to insure the installation of the on-site landscaping, a gravel drive at a regional detention basin, and other requirements, the applicant must post a cash bond; and

WHEREAS, the amount of the cash bond has been determined to be in the amount of \$5,100.00; and

WHEREAS, Orchard View Realty Subdivision has provided the Town with check# 11445 in the amount of \$5,100.00, to serve as the required cash bond; and

NOW THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Certificate of Occupancy for the project known as Orchard View Realty Subdivision have been tendered to the Town and that the Town Comptroller is authorized to accept the above-referenced project bond for the purposes stated herein.

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

EXTENDED BID FOR THE ASPHALTIC LAID-IN-PLACE TO KECT CONSTRUCTION CORPORATION AND AWARD BID FOR THE ASPHALTIC LAID-IN-PLACE "MILLING" SECTION OF THE BID TO INTERCOUNTY PAVING COMPANY, INC.
RESOLUTION #200

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

WHEREAS, invitation to bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 7, 2020;

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Kect Construction Corporation, PO Box 201, Patterson, NY 12563, now

BE IT FURTHER RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place "MILLING" Section of the bid be and is hereby awarded to Intercounty Paving Company, Inc., PO Box 360, Carmel, NY 10512, now

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2021 to July 31, 2022.

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

EXTEND BID FOR PAVEMENT MARKINGS TO ACCENT STRIPE – HIGHWAY DEPARTMENT
RESOLUTION #201

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

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2nd, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid.

To Accent Stripe, Inc., 3275 N. Benzing Road, Orchard Park, NY.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2021 to July 31, 2022.

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

EXTEND BID FOR STREET LIGHT MAINTENANCE AND REPAIR SERVICES TO HANOVER ELECTRIC HIGHWAY DEPARTMENT
RESOLUTION #202

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

WHEREAS, invitation to bid for the Street Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 17, 2019,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2021 to August 14, 2022.

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

EXTEND BID FOR TRAFFIC LIGHT MAINTENANCE AND REPAIR TO NY-CONN CORPORATION, HIGHWAY DEPARTMENT
RESOLUTION #203

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

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 17, 2019, now

BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to NY-Conn Corporation, 5 Shelter Rock Road, Suite 8, Danbury, CT 06810, and

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2021 to August 14, 2022.

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

AWARD BID FOR T-SHIRTS AND UNIFORMS FOR USE TOWNWIDE – PARKS AND RECREATION DEPARTMENT
RESOLUTION #204

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

WHEREAS, invitation to bid for T-Shirt and Uniforms for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00am on the 16th day of April 2021, now therefore be it, and

BE IT RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder whom fully complied with the bid document, International Promotional Ideas Inc, for the items numbered PR-1 through PD-4 as outlined on the attached summary of bids, and

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis by Department.

AWARD BID FOR ASPHALT REPAIR – YORKTOWN CONSOLIDATED WATER DISTRICT
RESOLUTION #205

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

WHEREAS, the Yorktown Consolidated Water District sought bids, through a Public Works Contracts Bid, for Asphalt Repair, as needed, and

WHEREAS, on April 16, 2021 sealed bids for Asphalt Repair were opened, and

NOW THEREFORE, BE IT RESOLVED, upon recommendation of the Distribution Superintendent, that the Town Board award the bid to the lowest bidder, Morano Brothers Corp., Croton-on-Hudson, NY, in the amount of \$224.00 per ton installed. Funds for this service will come from the Water District (SW) budget.

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

MONTHLY REPORTS

The Town Board accepted the monthly reports from the following departments:

Building Department
Finance Department
Receiver of Taxes
Town Clerk

ADJOURN

Upon motion made by Councilman Lachterman, seconded by Councilperson Diana, the Town Board meeting was adjourned.

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