

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, November 16, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Councilwoman

Absent: Thomas P. Diana, Councilman

Also Present: Diana L. Quast, Town Clerk  
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 Councilman Patel, the Town Board moved into Executive Session to discuss 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

Supervisor Slater led the Pledge of Allegiance.

### MOMENT OF SILENCE

Supervisor Slater asked if everyone would join him in a moment of silence to remember our brave and courageous veterans who we celebrated this past weekend. He also asked to keep in our thoughts and prayers our frontline workers and first responders who continue to battle COVID, as well as those members of the United States military who protect and fight for our freedom. Supervisor Slater also remembered Police Officer Marschhauser who passed away earlier today.

### INTRODUCTIONS

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

### DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater announced the following:

- He thanked Paul Martin and the committee who hosted the Veterans' Day Parade on Sunday.
- The Holiday Lights Parade is scheduled for December 4<sup>th</sup>.
- The Yorktown Stage will be hosting "A Christmas Carol" that runs from November 26 through 28; December 26, 30, and 31. The set was designed and brought in from Europe. The production is being directed by a local resident.
- This Saturday, November 20, is the Great Fall Cleanup. If you would like to participate, please contact the Refuse & Recycling Department. This past April's Battle of Yorktown had 86 groups of approximately 500 volunteers who picked up more than 17,000 pounds of roadside litter and debris.
- The pediatric Pfizer vaccination clinic for 5-11 year olds will be held on Saturday from 2-6 p.m. at the Capellini Center. You must register for a vaccination on the Town's website.
- The next booster vaccination clinic will be held on Tuesday, November 23 from 2-4 p.m. Registration is required – see the Town's website.
- The Hanukkah Menorah Lighting will be November 28 at 4:00 p.m. at Veterans' Field. The Hanukkah Car Parade will be the same day at 3:20 p.m. If you wish to participate in the Car Parade, please meet at the Chabad, 2629 Old Yorktown Road.
- The Hudson Valley Turkey Trot will be held on Thanksgiving morning, sponsored by the Roadrunners Club. All proceeds will go to local food pantries and United for the Troops.

## REPORTS FROM TOWN COUNCIL

Councilman Patel said the Veterans' Parade was wonderful and expressed his appreciation for veterans and their service. Supervisor thanked Councilman Patel's children for their military service.

Councilwoman Roker said we cannot say thank you enough to our veterans. She said the Senior Advisory Committee will hold a discussion this Friday on the confusing and annoying commercials about open enrollment for Medicare. These commercials are connected to private companies. The county has staff who can answer any questions without being locked into a private company that may charge a resident.

Councilman Lachterman said residents also needed to be aware of people calling regarding Medicare enrollment. He also thanked everyone who came out to celebrate our veterans. The Sons of the American Legion held a free breakfast that morning for all veterans. He said it was one of their best-attended breakfasts. He also thanked Paul Martin for all of his work during the weekend. Thirteen new flags were erected in front of Railroad Depot. The flags were dedicated to the thirteen soldiers who lost their lives in Afghanistan and will remain up through the year and will be replaced as often as needed. Councilman Lachterman also thanked the police, fire, and Parks & Recreation Department for their assistance. He said the Yorktown Teen Center would be open this Friday and will have the use of the gym for basketball and pizza.

Supervisor Slater also thanked Anthony DeVito of the DeVito Foundation and our friends at the Yorktown Lions Club for their work on the renovation of the gazebo at the Jack DeVito Veterans Field. They should be finished by this weekend.

## POET LAUREATE

John McMullen, Poet Laureate, read his original poem regarding October 3, 2021 – the day Facebook went down.

## PRESENTATION

Supervisor Slater introduced Director of Planning John Tegeder and Town Planner Robyn Steinberg. He introduced members of the BFJ consulting team who were present: Frank Fish, Taylor Young, and Sarah Yackel. He also introduced Scott Le Vine from the Transpo Group.

Supervisor Slater said this presentation is regarding the Proposed Overlay Districts that the Town has been working on. As a recap, he said the Town has been working on this since last summer trying to put the legislation together and engaging members of the community and ultimately bringing on, whom they believe, are some of the best planning experts they could find (BFJ), as well as Transpo for transportation consulting. He said they are working together to prepare an Environmental Assessment Form (EAF) for the two proposed districts: Yorktown Heights and Osceola. These are the two districts the Town is focused on; not any particular projects.

Mr. Tegeder said tonight is about presenting the “meat and potatoes” that this team has put together through their investigation and subsequent to that, sometime next week, the EAF in its final form would be in the Board's hands in order for a public hearing to be set.

Supervisor Slater thanked the Planning Department and BFJ and Transpo consultants for their work. He introduced Frank Fish from BFJ to begin the presentation.

Mr. Fish gave a brief introduction on the team members and the work they are doing on the project. Taylor Young shared his screen display the presentation. Mr. Fish spoke to the following slides.

Slide 1: What are we doing? SEQR Review of two zoning overlays:

- Yorktown Heights
- Lake Osceola
- Separate full Environment Assessment Forms (EAF) for each rezoning area

Slide 2: What is SEQR (State Environmental Quality Review)?

SEQR requires that all State and local agencies assess environmental effects of discretionary actions. It takes into consideration the following factors: Transportation Needs, Public Input, Economic Impacts, Environmental Impacts, and Social Impacts

- Slide 3: What is an Environmental Assessment Form?
- Part 1 – Information about the action and potential environmental effects.
  - Part 2 – Assess impacts and magnitude
  - Part 3 – Assess significance of impacts (Negative Declaration)

- Slide 4: Yorktown Heights Zoning Overlay (shows map)
- SEQR Process reviews potential future development with rezoning area.
  - Does not review projects that have already been approved.
  - New zoning permits mixed-use buildings up to 3 stories tall on most parcels. (Buildings can be 4 stories tall on parcels 10 acres or larger.)

Mr. Fish said they would not be reviewing projects that have been approved by the Board. They have put into the process projects that have been submitted to the Town and what are called “soft sites” – vacant sites that have the potential to be developed.

Supervisor Slater asked Mr. Tegeder to identify the approved projects. Mr. Tegeder said one project is the Weyant. He said projects that have been proposed are projects that have come to the Town Board either for a first-look discussion or possibly have been formally applied for; such as the K-Mart site and the Soundview School. There was at least one presentation on the property at Commerce Street and Veterans Drive that has been proposed as a small boutique hotel. He said that the Town Board also saw the proposed project at the Roma Building, which was before the Board for a significant amount of time and while that project is inactive, he thought it would be looked at in terms of what that proposal was putting forth at the time.

Supervisor Slater asked for a pause due to technical difficulties.

Councilman Patel asked if there were hardcopies of the presentation and Mr. Tegeder said hardcopies would be available.

Mr. Fish continued with the presentation.

- Slide 5: Lake Osceola Zoning Overlay (shows map)  
Same SEQR approach as Yorktown Heights. Two options are studied: No sewer system (septic) and Sewer System. Mr. Fish said, in general, no sewer exists in the area.

- Slide 6: Area-wide vs. Site-specific Actions (Mr. Fish turned this slide over to Ms. Yackel)
- Area-wide (generic) actions: Law, policies, or plans that refer to larger areas and do not mandate any development (i.e., zoning changes, adoption of comprehensive plans)
  - Site-specific actions: Development on a known site (i.e., a new school, highway, apartment building)

Ms. Yackel said this slide is important because of the EAF the Board will receive; there is some nuance in the form and how it is filled out depending on the type of action before you. She said the proposed overlay districts are area-wide actions. Once the zoning is in place, there are no shovel-in-the-ground impacts that result from an area wide action. Ms. Yackel said this is different from a site-specific action, which is an actual development project and would follow on from the EAF and SEQR process. She said following the adoption of the overlay districts, any property owner wishing to opt in to that district to develop under the new regulations would be required to submit a site plan application to the Planning Board and prepare a site-specific environmental assessment form. She said that their analysis is much more generic and would be reflected in their EAF. Ms. Yackel explained how the EAF is completed from their area-wide perspective. At Supervisor Slater’s request, Ms. Yackel described the process under which a property owner with a site-specific application would go through.

- Slide 7: Area-wide vs. Site-specific Actions (continued)
- Area-wide review is more general and conceptual in nature. Looks at the order of magnitude of potential future impacts.

- Site-specific review considers impacts related to development on a specific parcel.
- Site-specific review occurs during site plan review of a project, not the rezoning of an area.

Slide 8: What is in each EAF?

- Introduction and Project Description
- State Environmental Assessment Form – Part 1
- Attachments: Development Projection, School Children Projection, Traffic, Water and Sewer

Taylor Young presented the next slide(s):

Slide 9: Yorktown Heights Development Projection

(Development Projection = Known Developments + ‘Soft Sites’)

- Known Developments: Underhill Farms, Yorktown Green, Roma Development, Boutique Hotel
- Soft Sites: Projection of future development

Mr. Taylor spoke about the development types, residential units involved, and commercial square footage. The projections are based on development over the next ten years:

- Known Development Sites project 345 residential units plus 18 hotel rooms, reduction of commercial square feet – 85,597
  - Soft Site projections project 60 residential units, reduction of commercial square feet – 6,867
  - Totals: 405 residential units, 18 hotel rooms, reduction of commercial square feet – 92,464\*
- \*the reduction is mostly due to the K-Mart site

Slide 10: Yorktown Heights School Age Children Projection (within 10 years)

Data Source: Rutgers and BFJ Planning (different multipliers for townhomes and apartments)

- Rutgers data projected 54 townhomes with 15 children and 351 apartments with 34 children for a total of 49 children
- BFJ data projected 54 townhomes with 15 children and 351 apartments with 25 children for a total of 40 children

Mr. Fish said many times not every proposed development is built. He said they have taken a fairly conservative approach with these numbers.

Slide 11: Yorktown Heights School Enrollment

- Total School Enrollment is Down from 2011-12 School Year
- Mid-Range Projection is 186 fewer students than in 2011-2012

Slide 12: Yorktown Heights School Enrollment (continued)

- Trends in Birth Rates (going down) – CDC chart/national numbers

Scott Le Vine presented the next slide.

Slide 13: Background: Traffic/Transportation

- Transportation analysis touches on a range of topics: traffic volumes, crash history, transit, bike/pedestrian activity
- How would implementing the Overlay Zoning impact the overall amount of travel (number of trips)? Will the creation of the overlay district add to increased travel during certain times of the day and weekend?
- This does not replace the need for site-specific analyses (driveways, access, etc.) of individual development applications.

Slide 14: Background: Traffic/Transportation

- 10 year reasonably expected Incremental Development is the key input.
- Sensitive to whether or not sewer is brought to Lake Osceola.

- Considered all time periods for which suitable “trip generation” data are available: Weekdays (24 hours, AM and PM peak hours) and Saturdays (peak hour)
- Graph showing incremental development to the amount of travel and trips generated.

Mr. Le Vine said Yorktown Heights and Lake Osceola have different sets of issues. Yorktown Heights is a question of balancing between the increase of residential units versus the decrease in commercial space.

Slide 15: Yorktown Heights: Net Change in Number of Trips

This slide showed the output of the trip generation analysis for the Heights. There is a large decrease in commercial space, mainly associated with Yorktown Green (K-Mart) space. On balance, the increase in residential units is outweighed by the decrease in commercial space. Over the course of a typical weekday, there would be a total of approximately 3,500 fewer trips would be made versus the number if that site were to be occupied. He reviewed the numbers at different times of the day. He said the conclusion in the Heights was that there would be a decrease in the trips because of the replacement of commercial with more residential space.

Mr. Young addressed the next slide.

Slide 16: Lake Osceola Development Projection (Development Projection = Soft Sites Only)

- Two projections were made: Septic System (10 townhomes, 42 apartments) and Sewer System (28 townhomes, 111 apartments)

Slide 17: Lake Osceola School Age Children Projection (Range of School Age Children: Septic and Sewer)

- Data Sources: Rutgers and BFJ Planning

Septic Systems:

Rutgers data projected 10 townhomes with 3 children and 42 apartments with 4 children for a total of 7 children

BFJ data projected 10 townhomes with 3 children and 42 apartments with 3 children for a total of 6 children

Sewer Systems:

Rutgers data projected 28 townhomes with 8 children and 111 apartments with 10 children for a total of 18 children.

BFJ data projected 28 townhomes with 8 children and 111 apartments with 8 children for a total of 16 children.

Slide 18: Lake Osceola School Age Children Projection

- Total School Enrollment is Down from 2011-12 School Year
- Elementary, Middle, and High School enrollment is down across the board

Mr. Le Vine addressed the next slide.

Slide 19: Lake Osceola: Net Change in Number of Trips

Mr. Le Vine said there is basically a wash in the commercial space. There is very little projected change in the amount of commercial space but it does have the increase in residential units. Therefore, the conclusion in Lake Osceola is an increase in trip making using the same criteria (days and times of week) as in the Heights district.

Slide 20: Traffic Levels on Roadways in Vicinity of Lake Osceola

- East Main Street (between Wood and Perry): 10,000 vehicles/day
- Route 6 (between Hill and Curry): 20,000 vehicles/day

- Without sewer, vehicles would increase by ~1% (i.e., impact of Overlay Zoning). If sewer is brought to Lake Osceola, vehicle trips would increase ~3%

Mr. Fish summarized key dates for the zoning of the Overlay Districts:

November 16 (tonight) -	Town Board Briefing
November 23 -	Town Board accepts EAF Part 1, sets public hearing date and refers out the EAF to interested and involved agencies
December 7 -	Town Board holds a Public Hearing on the zoning overlays

Supervisor Slater thanked Mr. Fish and the team for the presentation.

Councilman Patel felt the dates were too aggressive. Mr. Fish said that SEQR anticipates the ability for most agencies to come to a determination of significance in 20 days from the point that you have the full EAF and a full application. He said this is what the State law suggests, although not mandatory in any way. He said it is up to the Town Board.

Councilman Lachterman said he is in favor of moving ahead with setting a public hearing. He said that the Town Board has been sitting on this law long enough and thinks it is time to get some public comment on the EAF.

Councilwoman Roker said she is anxious to hear from the public regarding their considerations. She feels that there would be a lot of questions regarding the traffic analysis.

Mr. Tegeder said this is a process that is very interesting and telling and it is accurate. He said the numbers are very interesting but they bear out when you think about what the Town is doing and what the zoning allows and offers. He said in terms of the process getting the EAF out to the public is correct, followed by the public hearing.

Councilwoman Roker asked Mr. Tegeder if this process is similar to the process they went through for the Comprehensive Plan and Mr. Tegeder said they are similar in terms of looking from a broad, generic standpoint. The one difference is that the Town did a full EIS for the Comprehensive Plan.

Supervisor Slater asked Town Clerk Quast about setting a December 14<sup>th</sup> public hearing. She requested a resolution authorizing her to advertise for the public hearing for December 14<sup>th</sup>.

AUTHORIZATION TO SET PUBLIC HEARING FOR PROPOSED OVERLAY ZONING DISTRICTS

RESOLUTION #459

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

RESOLVED, the Town Clerk is authorized to advertise that a public hearing will be convened to consider the proposed Overlay Zoning Districts on the 14<sup>th</sup> of December, 2022.

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

Supervisor Slater said the gym in the Capellini Center would be used for the public hearing in order to accommodate the public.

A discussion took place regarding the logistics of the public hearing (seating, spacing out, social distancing, etc.)

Councilman Patel expressed concern about the public hearing regarding inclement weather.

COURTESY OF THE FLOOR

The following members of the public spoke:

Dan Strauss, resident, said it is very disheartening that the meeting is not in person. He spoke about the solar farms and how it is outrageous that the Town is considering projects that will allow

1500-2000 trees to be clear-cut. These projects should be stopped and moratorium put in place. The tree law needs to be looked at and changed and make it impossible for developers who cannot put in houses to switch to putting in solar farms. Mr. Strauss said he is favor of solar farms in commercial areas but not residential areas. He said the mitigation that developers said will take the place of cutting down hundreds of trees is “hogwash.” He said there is a gas station across the street from the Strawberry Road proposed solar project that has not been in compliance for four years. He said the owner was asked to put in 15 shrubs and they are all dead and no one has followed up on this. Mr. Strauss does not believe the 200 shrubs that are to be planted at the solar farm location will take place. He said there seems to be contest between housing and solar farms. The solar farm business is an assault on the beauty and fabric of Yorktown and there should be a moratorium.

Jenny Sunshine, resident, congratulated the new Board and recognized that they are business friendly and is eager to work with landlords and developers. She did hope that the Board would be able to do a few things to make residents’ lives a little bit better in Yorktown; namely, working with the landlords of the Triangle Building and the Roma Building to do three things: improve the facades of the buildings or remodel the buildings; communicate and negotiate with the landlords to be more fair with their rental fees for their tenants (she said it was very sad to see Mrs. Greens and Panera leave); work to fill the empty storefronts with new businesses that we want and need. She said that all Yorktowners would love to see new developers build in footprinted areas first (areas already having empty buildings or previously cleared land). Ms. Sunshine said this does two great things at once: puts the goods and services where people need them; and it fixes the blight or unsightliness of dilapidated buildings. She said if we make progress, we have to do the preservation: 1) consider reinstalling the Open Space Fund; 2) enforce the Tree Law or consider ways to encourage homeowners to keep important trees on their property or, at least, plant new trees. Ms. Sunshine said she agreed with Mr. Strauss that there should be no trees cut down for solar projects. She said that everyone supports business and wants development that makes sense; however, farms, history, open space, parks, nature, trees, habitat and animals must be preserved. If not, it will be forever gone and Yorktown will move from a suburban landscape to an urban landscape. Ms. Sunshine said that she believed that this can be accomplished in a smart way and progress can be achieved alongside of preservation. We must actively work hard to seek that balance.

Mel Tanzman, resident, expressed his concern of the continuation of virtual meetings. He said virtual meetings are great for people who cannot come to Town Hall but it has become clear that the technical problems and difficulties in hearing and the loss of the one-on-one ability to communicate with the Board is a real loss for the community. He said he did not understand the decision to go back to virtual meetings, other than that one councilmember did not want to wear a mask and that was his choice (he could attend virtually). Mr. Tanzman said he did not understand why proof of vaccination could not be required when other places, like restaurants and theaters, can ask for it. Mr. Tanzman said he was very interested in the impact statement regarding the overlay districts. He said they based their predictions on market rate only housing. He strongly encouraged that 10 percent of any new housing units be set aside for affordable housing in these overlay districts.

Susan Siegel, resident, thanked the Board for having the overlay public hearing in person but asked the Board to go back to in-person meetings. She said she is concerned about the overlay district public hearing in terms of capacity. She said one solution would be a hybrid meeting – both Zoom and in person. Ms. Siegel said the hearing on December 14 would be on the overlay law, not just the EAF. If that is correct, were there any procedural changes made to the overlay law because that would be the time to go public with any changes. She asked if at next week’s meeting the EAF would be referred out and what is the time frame for a response? Is there adequate time for a response before the public hearing?

Sergio Esposito, resident and Yorktown Chamber of Commerce President, said he was pleased to hear that all of the different projects were considered but we do not know if any of the projects would be done and that is important to keep in mind. He responded to the mention of the loss of Panera. He said that most of the issue in them leaving was that the Panera corporate business wanted the owner to revamp and remodel and the cost was too great for the owner. He said the landlord did try to work with the owner of Panera but it did not work out. He announced Small Business Saturday is coming up and they are going to do some kind of a tour. If anyone has any suggestions for a tour, the Chamber would be happy to go to the business and interview them and

give them free publicity. He said their second Jobs Fair would be coming on November 30 – details to follow. It will be held at the Capellini building. There will be a Shop Local Initiative to encourage local shopping for the holidays. He said he is trying to bring back the ball drop for New Year's Eve.

John McMullen, resident, spoke about traffic issues that were raised during the presentation. He wanted to know if the plan would look at various places and do reconstruction of the roads. He said that solar farms have environmental value in reducing fossil fuel use and there needs to be a balanced approach.

Upon motion made by Councilman Lachterman, seconded by Councilwoman Roker, Courtesy of the Floor was closed.

Councilman Lachterman said he agreed with Mr. McMullen regarding a balanced approach to solar farms. He said, as liaison to the Planning Board, he has been very impressed with the work and detail that has been taken to make sure there is an appropriate site and that is properly screened. He said they have been extremely responsible in their response to what has been happening with solar. He said, regarding Panera's, that Mr. Esposito was correct in his explanation. He said they were asked to close their White Plains location the year before. He said this is a common occurrence when it comes to franchises. He said there were quite a few vendors at the last Job Fair and said there is room for the next one. Councilman Lachterman said they have not much luck with hybrid meetings. Councilman Lachterman said he recalled there was an issue with the County regarding clustering and the 10 percent set aside (ex. a set aside at the Underhill Farm location clustered next to Beaver Ridge). Town Attorney Adam Rodriguez said, in general, clustering is frowned upon.

Councilwoman Roker said she agreed Councilman Lachterman regarding hybrid meetings. She said her fear is that if they went by regulation and only let a certain amount of people into the Town Board Room, we would be left with many angry people, and she would not blame them because this is a public building. Councilwoman Roker said the initial legislation passed on solar farms was good but never thought what would happen did happen – if you are doing a farm, it is a money maker for some people. She said pausing on the projects to take a look at the effects of the current law may be needed. She mentioned that Cortlandt is in the middle of a moratorium for similar reasons – the number of trees being cut down is a problem. She said Councilman Diana is going to proceed with proposed legislation regarding a moratorium. Addressing Ms. Sunshine, Councilwoman Roker said some of the things that do not go away with the overlay districts are the current laws that are in place. You still have to respect the features of an area. The overlay zoning speaks to this in its language. Councilwoman Roker said the overlay zoning is appropriate for 2021 and looks forward to moving overlay zoning ahead.

Supervisor Slater said he spoke to the owners of the Triangle Center and said they are planning a façade remodel. He said they assured him that this property would remain a commercial center; they are not contemplating residential development. He said that the Board is also in contact with owners of the Roma Building – their project is currently on hold, which is why the Town pushed for them to repair their parking lot. He remarked that the Faulkenberg property (old Cablevision site) is now completely full with businesses. He said upgrading the zoning regulations and the code would enable more creative and better products in Town. Ms. Sunshine had raised the issue of the Windmill property on Route 202 as being unsightly and Mr. Tegeder said the Planning Board had met with an applicant with a concept proposal, which was a building in an “L” shape with retail in the front and rental space in the back. The suggestion was made to save at least the upper portion of the windmill since it has become an iconic piece of architecture.

Supervisor Slater addressed the issue of returning to in-person meetings. He said that he wished the Town Board were situated in a 21<sup>st</sup> century town hall facility, but that is not the case. As much as everyone would like to have in-person meetings, the Town Board has to make sure that everyone is safe – Board members, guests and residents – and it is a real challenge. Supervisor Slater said they will continue to try to innovate new ways to accommodate people, but it has to be done in a safe manner. He said despite how much people might want to downplay COVID, the numbers are on the rise.

Supervisor Slater thanked everyone for the comments during Courtesy of the Floor.



AUTHORIZE TOWN TO APPLY FOR NEW YORK STATE ENVIRONMENTAL FACILITIES CORPORATION (EFC) GRANT FUNDING UNDER ITS NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT (NYWIIA) IN SUPPORT OF THE 'NYWIIA CLEANING AND CEMENT MORTAR LINING OF WATER MAIN PROJECT' RESOLUTION # 460

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

WHEREAS, the Town of Yorktown (Yorktown) Town Board, acting as the Yorktown Consolidated Water District, is proposing to undertake a 'NYWIIA Cleaning and Cement Mortar Lining of Water Main Project'; and

WHEREAS, the Yorktown Town Board seeks to apply for external funding assistance through the NYSEFC Water Infrastructure Improvement Act (NYWIIA) grant program for the Town of Yorktown Cleaning and Cement Mortar Lining of Water Main Project; and

WHEREAS, the Yorktown Cleaning & Cement Mortar Lining of Water Main Project targets State grant assistance to leverage cleaning and relining of existing water mains on Strawberry Road, Hanover Street, Underhill Avenue, and Front Street, all of which are select parts of roughly 22,000 Linear Feet of existing six (6) and eight (8) inch Ductile Iron Pipe waterline infrastructure that is eventually proposed for cleaning and relining, inclusive also of parts of Baldwin Road, Dogwood Drive, Granite Springs Road, Sarles Drive, Windmill Drive, Sunrise Street and Knoll Place, and as all are addressed in the Preliminary Engineering Report (PER) entitled 'Cement Lining Project EFC Report', by Weston & Sampson, PE, LS, LA, PC; and

WHEREAS, on October 19, 2021, the Yorktown Town Board authorized the Town Supervisor to act as representative for this Cleaning and Cement Mortar Lining of Water Main Project; and

WHEREAS, on October 19, 2021, the Yorktown Town Board also consented to applying for NYSEFC NYWIIA funding aid of up to 60% of total project costs for the Cleaning and Cement Mortar Lining of Water Main Project; and

WHEREAS, on October 19, 2021, the Yorktown Town Board also determined that the 'Cleaning and Cement Mortar Lining of Water Main' Project is a Type II Action per 6 NYCRR Section 617.5.c, the State Environmental Quality Review Act (SEQRA), and it confirmed that such action will not have a significant impact on the environment;

NOW, THEREFORE, BE IT RESOLVED, the Town Board acknowledges that the current budget and estimated cost to complete this select project involving cleaning and relining of existing water mains plus undertaking the appurtenant defined work to upgrade the existing water mains on Strawberry Road, Hanover Street, Underhill Avenue, and Front Street, is two million four hundred and seventy-three thousand five hundred fifty dollars (\$2,473,550); and

BE IT FURTHER RESOLVED, that the Town Board's plan of financing for the Project (including costs preliminary and incidental thereto) consists of requesting NYSEFC NYWIIA Grant Financing of sixty percent (60%) of the current estimated cost of this Project, which equates to one million four hundred eighty four thousand one hundred thirty dollars (\$1,484,130), and the Town Board hereby agrees to obligate necessary matching funds in order to finance the remainder of the cost of the select Project, which match is currently estimated to equal to nine hundred eighty nine thousand four hundred twenty dollars (\$989,420); and

BE IT FURTHER RESOLVED, the Town Board's plan of financing for the Project, outside of the anticipated NYSEFC NYWIIA grant funding, is pledged to be underwritten by municipal contributions, and this \$989,420 local match will be comprised of a combination of American Rescue Plan Act (ARPA) funding that has been received by the Town from the U.S. Treasury and which is being committed for this capital improvement, plus an additional Town allocation in order to complete the local match that will be drawn from the Town Water Dept. Fund Balance; and

BE IT FURTHER RESOLVED, the Town Board's plan of financing for this total \$989,420 local match will be comprised of three hundred eighty-nine thousand four hundred twenty dollars (\$389,420) in ARPA funding which is currently residing in the Town's General fund, plus the remaining six hundred thousand dollars (\$600,000) to be committed from the Town's existing Water Dept. Fund Balance;

BE IT FURTHER RESOLVED, that the Town Board recognizes that this currently estimated NYSEFC NYWIIA grant request of \$1,484,130 is the maximum grant amount threshold from EFC for the NYWIIA Cleaning and Cement Mortar Lining of Water Main Project, and, therefore, any costs of the Project not paid for from the grant, including any unforeseen costs will be the responsibility of the Town; and

BE IT FURTHER RESOLVED, that the Town Supervisor is hereby authorized to execute and deliver on behalf of the Town all such documents and instruments as EFC may require in order to finalize such grant, including, without limitation, the application and project contractual agreements and documents.

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

AUTHORIZE SUPERVISOR TO EXECUTE THE AMENDMENT TO THE AUGUST 26, 2016 AGREEMENT WITH NEW YORK SMSA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS  
RESOLUTION #461

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

RESOLVED, that the Supervisor is authorized to execute the amendment to the August 26, 2016 agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless for a portion of the property at 2281 Crompond Road; the amendment will allow Verizon Wireless to make certain ground space additions and removals; monthly rent under the agreement will increase \$200/month.

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

AUTHORIZE COMPTROLLER TO PAY EDWARD MAHONEY THE CASH VALUE OF UNUSED TIME AS OF HIS DATE OF RETIREMENT  
RESOLUTION #462

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Edward Mahoney the cash value of unused time as of his date of retirement:

Rate of Pay:	\$46.0582				
Sick	1500 hours	@	50%	=	750.00 hours
	750.00 hours	x	\$46.0582	=	\$34,543.65
Comp Time	11.75 hours	x	\$46.0582	=	\$ 541.19
Longevity					
	\$1,600 / 261 days = \$6.13 per day				
	09/02/21-10/22/21 = 38 days				
	38 days	x	\$6.13	=	\$ 232.94
Total					\$35,317.78

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:	YS909.8 Sewer Reserve Employee Accrued Benefits	\$19,064.01
	YS8130.101 Sewer Salary	\$15,479.64
To:	T905.1 Medical, Dental, Vision Premium Trust	\$34,543.65
From:	YS.8130.101 Sewer Salary	\$ 774.13
To:	YS8130.108 Sewer Lump Sum Payments	\$ 774.13

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER  
RESOLUTION #463

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

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

From: C.1002	Open Space Fund Balance	\$3,000.00
To: C.9700.0490	Open Space Professional Services	\$3,000.00

for Payment to Valuation Plus for a Stony Street appraisal.

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

AUTHORIZE RELEASE OF PERFORMANCE BOND FOR STORMWATER PERMIT  
#BSWPPP-062-19 IN THE AMOUNT OF \$250.00 FOR WORK DONE AT 2795 QUINLAN  
STREET  
RESOLUTION #464

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

WHEREAS, Michael & Theresa Delvecchio as applicants, posted check #108 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account in October of 2019 for Stormwater Permit #BSWPPP-062-19, and

WHEREAS, the applicants have requested their money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced bond be released to Mr. & Mrs. Michael Delvecchio, 2795 Quinlan Street, Yorktown Heights, NY 10598.

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

ADJOURN

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

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