

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, December 21, 2021 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu Patel, Councilman

Absent: Alice E. Roker, Councilwoman

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 the employment of a particular person and litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember our frontline heroes, our healthcare heroes, and those battling the surge of COVID-19, as well as our families and neighbors especially during the holiday season.

#### INTRODUCTIONS

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

#### DURING REPORTS FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater reported on recent Town events and updates, including the following:

- COVID update (significant increase)
- COVID Vaccine and testing update
- Resolution for COVID testing (details to follow)
- Town Hall construction and the closing of Town Hall due to COVID
- Town Board Meeting for January 28
- The Town has received 3 grants: the Hudson Valley Greenway Grant for \$15,000 for a wetland inventory; \$5,000 from NYSERDA for being a clean energy community due to the efforts of the Climate Smart Communities Task Force; New York State's Water Quality Improvement Program awarded Yorktown a \$5.7 million grant to put towards pump station remediation.

#### DURING REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

Councilman Diana spoke about the oil spill from the tank at Town Hall and its cleanup – 100 tons of contaminated soil has been removed. He spoke about the new handicapped accessible ramp that has been installed in order to remain ADA compliant. He said that temporary steps would be constructed for the front of the building. Councilman Diana said there would be a rebuild of the front of Town Hall to include landscaping and a new look.

#### POET LAUREATE

John McMullen, Poet Laureate, read his original poem December 7<sup>th</sup> – Pearl Harbor Day and Bob Dole.

APPOINT DOMENICO J. DINOTTE TO THE POSITION OF POLICE OFFICER IN THE YORKTOWN POLICE DEPARTMENT  
RESOLUTION #521

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

BE IT RESOLVED, that Domenico J. Dinotte of Yorktown Heights, New York is hereby appointed permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 60-194, effective December 29, 2021 to be paid the contractual salary of \$58,253.00 annually,

BE IT RESOLVED, contingent upon successful completion of the required medical and psychological examination,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 72 weeks, commencing on the first date of appointment on December 29, 2021.

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

AUTHORIZE JEFFREY DAHLKE TO CARRY OVER ACCRUED TIME FROM 2021 TO 2022  
RESOLUTION #522

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

WHEREAS, the following employee has requested to carry 2021 accrued time for use in 2022, and

WHEREAS, the Comptroller has confirmed the available balance, now

THEREFORE, BE IT RESOLVED, the following employee may carry the time balance listed below:

<u>Name</u>	<u># Hours</u>
Jeffrey Dahlke	45

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

AUTHORIZE EXECUTION OF LABORATORY SERVICES/ACCESS AGREEMENT WITH RIDGEWOOD DIAGNOSTIC LAB  
RESOLUTION #523

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

RESOLVED, the Supervisor is authorized to execute a laboratory services/access agreement with Ridgewood Diagnostic Lab (“RDL”) for the provision of a COVID-19 testing site, on an as needed basis, at the Granite Knolls Sports Complex.

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

DURING COURTESY OF THE FLOOR

The following members of the public spoke:

- Susan Siegel, resident, congratulated the Town Board on the grants. She asked for an update on the solar moratorium and the amendments to the solar law. She asked for clarification on the construction happening on Broad Street south of Granite Springs Road. She said she understood that one of the lots there was supposed to be deeded to the Town and, if true, why was a building permit issued for that lot.
- Sergio Esposito, Councilman-elect, announced that the New Year’s Eve Ball Drop has been cancelled due to the COVID numbers. He said that the opportunity arose to bring an additional COVID testing facility to Town and they are proposing to set up a testing trailer at Granite Knolls.

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

Members of the Town Board addressed questions/issues raised during Courtesy of the Floor.

PUBLIC HEARING TO CONSIDER A WETLANDS, STORMWATER MANAGEMENT, AND TREE PERMIT SUBMITTED BY HEITOR ALMEIDA FOR PROPERTY LOCATED AT 1875 BROOKDALE STREET

Supervisor Slater convened a public hearing to consider a Wetlands, Stormwater Management, and Tree Permit submitted by Heitor Almeida for property located at 1875 Brookdale Street in order to expand existing usable yard area.

Town Clerk Diana Quast displayed the Affidavit of Publication for the public hearing.

Supervisor Slater introduced Town Engineer Dan Ciarcia, Joe Riina – project engineer, Heitor Almeida – property owner.

Mr. Riina displayed the site plan and said in May 2020 Mr. Almeida was issued a tree permit to remove 77 trees on his property, mainly on the south side (left side of the home and driveway). Mr. Riina said of the 77 removed, 51 of the trees were regulation size, 41 were non-native trees, and 3 were dead. Mr. Riina said the area was less than 10,000 square feet and not considered woodlands and was issued a tree permit under those conditions. He said that the north side of the home is a town wetland and Mr. Almeida exceeded the limits of the wetland in the work he was doing when cleaning up his property. Mr. Riina said the purpose of entering the wetland was to remove dead trees and fallen leaves, and litter. Mr. Almeida went into the wetland using a small backhoe to remove stumps and additionally expanded the footprint of fill in the wetland. After meeting with the Conservation Board, Mr. Almeida is going to pull back out of the wetland and reduce the footprint. Mr. Riina displayed a montage of photographs of the wooded area and wetland. He continued to describe the rest of the site plan, as well as landscaping plans. Mr. Riina proceeded to describe the stormwater plan for the property. Mr. Riina reviewed the mitigation plan Mr. Almeida would follow, including the planting of 69 shrubs and 17 trees to replace cut trees, and re-establish a shrub layer.

Town Board members questioned Mr. Riina about the plans and the conditions on the site (flooding and stormwater, tree replacement).

The following members of the public spoke:

- Liz Sheeran, resident and neighbor of the subject property, said she has sent many emails over the past several months and has been very upset about the problems Mr. Almeida's project has caused when the 77+ trees were taken down. Ms. Sheeran said she did not understand the reason for taking so many trees down. She also said all of his water is going to drain towards her home. Ms. Sheeran said the property is left in extremely poor condition and appears as if it is a vacant lot. Ms. Sheeran said this piece of property was a wetland for more than 70 years and a habitat was living there, which is now gone.
- Susan Siegel, resident, said this has been going on for a year and a half and is a result of a lack of code enforcement in the Town and the lack of taking proper action. Ms. Siegel said the applicant appeared before the Planning Board in January 2021 and was supposed to have the remediation plan (under a prior engineer) – a year has gone by and nothing has been done. She also raised the subject of drainage issues that were supposed to be addressed. She suggested the applicant must do all the remediation first before his project could move forward.
- Diego Cardillo, resident and neighbor of the applicant's property, said that when the house was first built they did a good job on the drainage. He said that many of the trees Mr. Almeida removed were already dead and were dangerous. Mr. Cardillo said all Mr. Almeida wants to do is improve his property.
- Ryan Weiyls, resident and neighbor of the applicant's property, said he wanted to echo Mr. Cardillo's comments. He said that the area Mr. Almeida cleared looked unhealthy and overgrown. He considered the work Mr. Almeida did to be an improvement.
- Liz Sheeran sent pictures of the house when it was built and what it looked like to Town Clerk Diana Quast. Clerk Quast sent the photos to Supervisor Slater who shared them onscreen.

- Mr. Mayor, resident and neighbor of the applicant's property, said he thought that Mr. Almeida was doing a good job and was only trying to improve his house.

Town Engineer Dan Ciarcia said the draining issues are fairly straightforward. He said that the applicant got infiltrators to address the additional runoff. He said that this project is now coming down to the mitigation. Mr. Ciarcia said that he would lean heavily on the comments from the Conservation Board and the TCAC to give an assessment as to what is appropriate mitigation. The amount of wetland disturbance has increased quite a bit from the original application. He said that, as far as the engineering requirements, it is now fairly straightforward.

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

Slater, Diana, Lachterman	Voting Aye
Patel	Voting Nay

The public hearing was closed.

PUBLIC HEARING TO CONSIDER THE APPLICATION FOR A WETLAND PERMIT, MS4 STORMWATER MANAGEMENT PERMIT, AND TREE PERMIT SUBMITTED BY THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE BRIDGE REPLACEMENT ON BAPTIST CHURCH ROAD

Supervisor Matthew Slater convened a public hearing to consider the application for a Wetland Permit, MS4 Stormwater Management Permit, and Tree Permit submitted by the New York City Department of Environmental Protection for the bridge replacement on Baptist Church Road. The proposed work involves the complete replacement of the Baptist Church Road Bridge over Hunter Brook adjacent to the New Croton Reservoir.

Town Clerk Diana Quast displayed the Affidavit of Publication for the public hearing.

Adam Bosch from the NYC Department of Environmental Conservation gave a verbal description of the project to replace the Baptist Church Road Bridge with a small concrete arch bridge that runs over a finger of the New Croton Reservoir. It is one of four bridge replacement projects that the DEP is doing across the water supply. All of the bridges that are being replaced were built in the years 1905 to 1915. He said that the DEP is responsible for 57 bridges and 99 miles of road north of NYC. Mr. Bosch said that when it comes to their bridges, the DEP tries to replace them on a schedule that prevents them from falling into a DOT rating that requires them to be load restricted or red flagged. This bridge is currently rated fair; structurally deficient is the next rating. He said that the new bridge is meant to be faithful to the design and materials used when the bridge was originally built in 1905 and has already been approved by the State Historic Preservation Office and Public Design Commission. The granite copingstones that are on top of the existing bridge are going to be salvaged, cleaned, and used on the new bridge. He explained the reasons for replacing the bridge and its current condition. Mr. Bosch spoke about the plans that are in place for the replacement, including roadwork and equipment needed. The time line for the project would be approximately 18 months. He said that the DEP met with the Huntersville Homeowners Association to address their concerns. Mr. Bosch said the new bridge is slightly widened to meet current DOT regulations.

Supervisor Slater said that, to his recollection, the project would not start until the spring and Mr. Bosch said that the project is going out to bid the end of 2022 and construction would not begin until 2023.

Councilman Diana said that the Highway Superintendent had concerns about heavy equipment travelling over the road and asked if this had been addressed. Mr. Bosch said that the DEP does a good job of surveying and photo documentation of road conditions, both before and after.

Megan Young from Hardesty & Hanover (design firm) said that they are including in the job specification the need to do a pre-road closure video documentation and photo documentation of before and after pictures. The contractor would be required to repair anything that is damaged during the time period of the project.

Paul Costa from the DEP confirmed this information.

Town Engineer Dan Ciarcia said the best thing to do is video document the road. He said that it is not just the heavy equipment on the roadway that is of concern but also the storing of the granite parts, staging of the pre-cast arches, and the construction are also the types of things that could scuff up the road. He said it is inevitable in some of the area. He said that 90 trees are being taken down and 10 of them are specimen trees. Mr. Bosch said that unfortunately the cranes cannot get into the area with the trees. He said that the DEP would mitigate this loss by replanting 15-20 trees and that the remaining seed bearing trees should do a good job in reforesting the area (as they have in other projects).

The following members of the public spoke:

- Paul Moskowitz, president of the Huntersville Homeowners Association, confirmed that they had a good meeting with DEP staff at the location of the bridge. He said that the DEP plan looks like a good one and hopes that it will come out as well as they predict. He said that the area residents are not happy about having the road closed for a year and a half.

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

Supervisor Slater said that Town Engineer Dan Ciarcia would prepare an approving resolution for the Town Board's consideration, incorporating the feedback that has been received. He said that it is important to receive TCAC's comments regarding the trees.

#### PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 168 MASTER FEE SCHEDULE

Supervisor Slater convened a public hearing to consider a proposed Local Law amending Chapter 168 of the Code of the Town of Yorktown as follows:

The Town Board shall establish, by resolution, a Master Fee Schedule setting forth the fees to be charged to applicants.

Supervisor Slater said deficiencies were found in the Master Fee Schedule as it relates to solar projects and tried several times to make the necessary adjustments and under the current code it requires a law change and changing the entire Master Fee Schedule instead of individual fees. The goal was to incorporate it into the budgetary process so that it is reviewed annually by department heads during the budget review. Supervisor Slater said that this amendment would allow flexibility in adjusting the Master Fee Schedule, as needed.

Town Attorney Adam Rodriguez said that this amendment is not just to change fees but other forms of financial security (permits, bonds, letters of credit, etc.).

Town Clerk Diana Quast said that the current Master Fee Schedule, which was passed in 2017, is the one that stands right now until the Town Board changes it by resolution if they choose to pass this local law.

The following members of the public spoke:

- Susan Siegel, resident, said she is glad to see this change that makes a lot more sense. She raised an issue with a particular fee – legal fees that are charged (\$750 to \$1,000) when the Town Attorney or Planning Board Attorney has to review certain legal documents such as easements, stormwater agreements, transfer of deeds, and variance request. Ms. Siegel said the Town is not collecting this fee. She recommended either changing the fee, get rid of the fee, or start collecting it.
- Sarah Wilson, resident, said that she supports this amendment. She said that one of the items not in the current Master Fee Schedule but proposed for the new schedule was the event fee that specifically listed events that would be “grandfathered in” and not be subject to the new fee of 50% of Town workforce expenses or \$1,000 per day at the discretion of the Chief of Police that would involve police services. Ms. Wilson said the list did not include the Grange Tractor Parade. Ms. Wilson reviewed the potential events and possible

fees that she questioned. She also discussed gatherings that represent the exercise of free speech and cautioned the Town Board that authorities should not be using the permit procedure to prevent a protest in response to breaking news events by imposing a financial penalty.

- Sergio Esposito, President of the Yorktown Chamber of Commerce, stated that the Chamber does pay fees for the Yorktown Street Fair.

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

ADOPTION OF LOCAL LAW NO. 10 AMENDING CHAPTER 168 MASTER FEE SCHEDULE RESOLUTION #524

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

RESOLVED, that the Town Board of the Town of Yorktown amends Chapter 168 of the Town Code, entitled “Fees” by replacing Section 168-1 with the following language:

The Town Board shall maintain, and may amend by resolution, a Master Fee Schedule setting forth the fees to be charged to, and bonds (or other financial guarantee) to be posted by, applicants for any permits or licenses issued by the Town Clerk, the Superintendent of Highways or any Department of the Town, as well as in connection with the review of all applications and pursuant to the laws of the Town of Yorktown. The Master Fee Schedule may also include any other fees or financial guarantee that the Town Board deems appropriate. The Master Fee Schedule shall be available for inspection in the Town Clerk’s office and available on the Town’s website.

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 10 of 2021, be and is hereby adopted.

Slater, Diana, Lachterman, Patel Voting Aye  
Local Law No. 10 of 2021 was thereupon declared adopted.

ADJOURN

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

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