



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD
IN-PERSON/VIDEO CONFERENCE MEETING AGENDA
December 14, 2021

Albert A. Capellini Community and Cultural Center Gym
1974 Commerce Street, Yorktown Heights, New York 10598
(please enter from the Veterans Road entrance to the back of the building)

6:00 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Personnel

Police Department

Litigation and Negotiations

Town Attorney

7:00 PM TELEVISED TOWN BOARD MEETING

1. **PLEDGE OF ALLEGIANCE**
2. **MOMENT OF SILENCE**
3. **PRESENTATIONS**
4. **RESOLUTIONS**

Authorize Supervisor to sign an agreement with TransUnion, LLC to provide investigative research services to the Yorktown Police Department

Be It Resolved, that the Town Board of the Town of Yorktown hereby authorizes the Town Supervisor to sign an agreement with TransUnion, LLC to provide investigative research services to the Yorktown Police Department at a cost of \$2,100.00 per year, for a period of three years, commencing January 1, 2022.

Authorize Supervisor to enter into an agreement with Liro GIS Inc., for two years of tax map maintenance

Resolved, that the Supervisor is authorized to enter into an agreement with Liro GIS Inc., for two years of tax map maintenance (January 1, 2022 – December 31, 2023), in a total amount not to exceed \$21,375.

Authorize Town Clerk to advertise Bid for Seat Replacement at the Yorktown Stage Theatre

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 11:00 A.M. on December 30, 2021, at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Seat Replacement - Yorktown Stage Theater.

Authorize Town Clerk to advertise Bid for Boiler Replacement and Installation of a Ventilation System at the Yorktown Highway Department

NOTICE IS HERE GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Yorktown, NY until 11:00 A.M. on December 30, 2021, at Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Boiler Replacement and Installation of a Ventilation System at the Yorktown Highway Department.

Authorize Comptroller to release Stormwater Permit #BSWPPP-060-19 in the amount of \$250.00 f- 1718 Emma Lane (Ghosh)

WHEREAS, Sankha & Monali Ghosh, as applicants, posted check #2484 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on October 30, 2019 for Stormwater Permit #BSWPPP-060-19, and

WHEREAS, the applicant has requested his 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. Ghosh, 1718 Emma Lane, Mohegan Lake, NY 10547.

Authorize Comptroller to release the following Stormwater Permit #BSWPPP-053-19 in the amount of \$250.00 – 336 Homestead Road (Pizzarello)

WHEREAS, Dominick Pizzarello, as applicant, paid \$250 in cash to serve as the Performance Bond which was deposited to the T33 account on October 21, 2019 for Stormwater Permit #BSWPPP-053-19, and

WHEREAS, the applicant has requested his 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. Dominick Pizzarello, 336 Homestead Road, Yorktown Heights, NY 10598.

Authorize Comptroller to release the following Stormwater Permit #BSWPPP-071-18 in the amount of \$250.00 – 102 Dorchester Dr. (Duncan)

WHEREAS, JMS Engineering Services dba Resreal Designs and as applicant for Duncan, posted check #288 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on January 17, 2019 for Stormwater Permit #BSWPPP-071-18, and

WHEREAS, the applicant has requested his 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 JMS Engineering Services dba Resreal Designs, 361 Route 202, Somers, NY 10589.

Authorize Comptroller to release the following Stormwater Permit #BSWPPP-054-19 in the amount of \$250.00 – 34576 Curry Street (Berard)

WHEREAS, Robert Berard, Jr., as applicant, posted check #128 in the amount of \$250 to serve as the Performance Bond which was deposited to the T33 account on December 3, 2019 for Stormwater Permit #BSWPPP-054-19, and

WHEREAS, the applicant has requested his 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. Robert Berard, Jr., 3457 Curry Street, Yorktown Heights, NY 10598.

Authorize Supervisor to sign the proposal submitted by Arthur J Gallagher Risk Management Services, Inc.

BE IT RESOLVED, that the Town Supervisor is authorized to sign the proposal submitted by Arthur J Gallagher Risk Management Services, Inc to provide insurance coverage for the Town of Yorktown for the 2022 calendar year, in an amount not to exceed \$924,898.34.

Authorize Comptroller to process the following budget transfer for Sodium Hydroxide

RESOLVED that the Town Comptroller is authorized to transfer \$9,500 from YS.8130.0101 to YS.8130.0456 for sodium hydroxide.

Authorize Supervisor to sign a Lease Agreement with Corporate Children's Center Consultants, Inc. (Bright Beginnings) for use of Room(s) at the Albert A. Capellini Community and Cultural Center

Whereas, Corporate Children's Center Consultants Inc., a for profit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

Whereas, Town Law §64 requires that the Town's lease of real property be subject to a permissive referendum under Town Law §90 and 91; 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 Town Board hereby directs that a copy of this resolution be filed with the Town Clerk and a copy be provided to any person who has requested a copy hereof; and

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

Authorize Supervisor to sign a Lease Agreement with Yorktown Community Help for use of Room(s) at the Albert A. Capellini Community and Cultural Center

Whereas, Yorktown Community Help Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

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

Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

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

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

Authorize Supervisor to sign a Lease Agreement with Yorktown Teen Center, Inc. for use of Room(s) at the Albert A. Capellini Community and Cultural Center

Whereas, The Yorktown Teen Center Inc., a New York nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown certain room(s) within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

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

Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

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

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

Authorize Supervisor to sign a Lease Agreement with Yorktown Stage Inc. for use of Room 12 at the Albert A. Capellini Community and Cultural Center

Whereas, Yorktown Stage Inc., a nonprofit corporation (“Tenant”), wishes to lease from the Town of Yorktown Room 12 within the Albert A. Capellini Community and Cultural Center as set forth in Exhibit A of a proposed lease, which Exhibit A is on file with the Town Clerk, and the Town of Yorktown wishes to lease such space to Tenant, and

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

Therefore, Be It Resolved, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act (“SEQR”) and therefore no further review is required under SEQR; and be it

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

Further Resolved, that pursuant to NY Town Law §82 and 90, within ten (10) days from the date of this Resolution the Town Clerk shall post and publish a notice which shall set forth the date of the adoption of the Resolution, shall contain an abstract of such Resolution concisely setting forth the purpose and effect thereof, shall specify that this Resolution was adopted subject to a

permissive referendum; and shall publish such notice in The Yorktown News, a newspaper published in the County having a general circulation in the Town of Yorktown, and in addition thereto that the Town Clerk shall post or cause to be posted on the sign-board of the Town of Yorktown, a copy of such notice within ten (10) days after the date of the adoption of this Resolution.

Authorize Building Inspector to waive all fees associated with the Town Hall oil tank removal and remediation capital project

RESOLVED, the Building Inspector is authorized to waive all fees associated with the Town Hall oil tank removal and remediation capital project.

Authorize the creation of the Town Hall Entrance Renovation Capital Project in the amount of \$100,000 for the construction of an accessible entrance ramp and oil tank removal

Resolved, that the Town Board authorizes the creation of the Town Hall Entrance Renovation Capital Project with an authorized spending in the amount of \$100,000 for the construction of an accessible entrance ramp and oil tank removal, remediation and soil disposal.

Be It Further Resolved, the Comptroller is authorized to transfer \$100,000 from the General Fund – Fund Balance to fund this project.

Authorize Comptroller to process the following Change Order Number 1 for the reconstruction of the Hill Boulevard and Veterans Road culverts in the amount of \$444,450.66

WHEREAS, The Town of Yorktown was awarded Bridge NY grants for the reconstruction of the Hill Boulevard and Veterans Road culverts; and

WHEREAS, due to additional work required by the Westchester County Department of Health and an increase of unit price quantities the total construction cost has increased; and

WHEREAS, the total amount of adjustments to the contract is tabulated to be \$444,450.66 and now

THEREFORE, BE IT RESOLVED, that the Town Comptroller is authorized to transfer \$351,025.87 from the general fund balance to capital project fund HD.8130.0203, and be it;

FURTHER REOLVED, that the Town Comptroller is authorized to transfer \$93,424.79 from the general fund balance to capital project fund HE.8130.0203, and be it

FURTHER RESOLVED, change order number 1 in the amount of \$444,450.66 is hereby approved.

Authorize Comptroller to process the following Budget Transfer

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

From: A7320.0425 Athletic Club Contracts \$29,430.20

To: A7110.0201 Parks - Equipment \$29,430.20

for the purpose of the purchase of a Smithco Ballfield Machine;

From: A7320.0425 Athletic Club Contracts \$29,515.56

To: A7110.0416 Parks – Grounds Maintenance \$29,515.56

for the purchase of Playground Safety Equipment, Parts and Materials.

5. **PUBLIC HEARING**

Planned Design District Overlay Zones

Supervisor Matthew Slater will convene a public hearing to consider the adoption of a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown by:

- 1) repealing Article XXXI entitled “Planned Design District Overlay Zones” and replacing it in its entirety with a new Article XXXI entitled “Planned Design District Overlay Zones” and
- B) a proposed Local Law amending Chapter 300, Section 300-6 of the Code of the Town of Yorktown by amending the Zoning Map in the following actions:
 - 1) Rezoning from R1-10 to R1-10 and Yorktown Heights Planned Design District Overlay Zone (YHOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 37.14-1-47; 37.14-1-48; 37.14-1-51; 37.14-1-61; 37.14-1-62; 37.14-2-32
 - 2) Rezoning from R1-20 to R1-20 and Yorktown Heights Planned Design District Overlay Zone (YHOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 48.06-1-30
 - 3) Rezoning from RSP-2 to RSP-2 and Yorktown Heights Planned Design District Overlay Zone (YHOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): (a portion of) 37.18-1-50
 - 4) Rezoning from C-1 to C1 and Yorktown Heights Planned

Design District Overlay Zone (YHOD) (section/block/lot):
37.14-2-62; (a portion of) 37.14-2-49; 37.18-2-56; 37.18-2-57

- 5) Rezoning from C-2 to C-2 and Yorktown Heights Planned Design District Overlay Zone (YHOD) (section/block/lot):
37.14-2-35; 37.14-2-54; 37.14-2-55; 37.14-2-56; 37.14-2-57;
37.14-2-58; 37.14-2-59; 37.14-2-60; 37.14-2-61; 37.14-2-63;
37.14-2-64; 37.14-2-66; 37.14-2-67; 37.14-2-68; 37.18-2-49;
37.18-2-50; 37.18-2-51; 37.18-2-52; 37.18-2-53; 37.18-2-54;
37.18-2-55; 37.18-2-58; 37.18-2-59; 37.18-2-60; 37.18-2-61;
37.18-2-62; 37.18-2-63; 37.18-2-64; 37.18-2-65; 37.18-2-66;
37.18-2-67; 37.18-2-68; 37.18-2-69; 37.18-2-70; 37.18-2-71;
37.18-2-72; 37.18-2-73; 37.18-2-74; 37.18-2-75; 37.18-2-76;
37.18-2-78; 37.18-2-79; 37.18-2-80; 37.18-2-81; 37.18-2-82;
37.18-2-83; 37.18-2-84; 37.18-2-85; 37.18-2-86; 37.19-1-10;
37.19-1-11; 37.19-1-12; (a portion of)48.06-1-31; 48.06-1-32; 48.06-1-33
- 6) Rezoning from C-3 to C-3 and Yorktown Heights Planned Design District Overlay Zone (YHOD) (section/block/lot):
37.14-1-44; 37.14-1-45; 37.14-1-46; 37.14-2-33; 37.14-2-34;
37.14-2-50, (a portion of) 37.14-2-51; 37.14-2-52; 37.14-2-69; 37.14-2-70
- 7) Rezoning from R1-20 to R1-20 and Lake Osceola Planned Design District Overlay Zone (LOOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 16.08-1-3; 16.08-1-4; 16.08-1-17
- 8) Rezoning from C-2 to C-2 and Lake Osceola Planned Design District Overlay Zone (LOOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 16.08-1-2; 16.08-1-2.1; 16.08-1-1; 16.08-1-45; 16.08-1-47;
- 9) Rezoning from O to O and Lake Osceola Planned Design District Overlay Zone (LOOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): 6.17-1-24
- 10) Rezoning from CC to CC and Lake Osceola Planned Design District Overlay Zone (LOOD) the following lots on the Tax Map of the Town of Yorktown (section/block/lot): (a portion of) 5.20-1-32; (a portion of) 6.17-1-1; (a portion of) 6.17-1-2; (a portion of) 6.17-1-3; 6.17-1-4; 6.17-1-5; 6.17-1-25; 6.17-1-26; 6.17-1-26.1; 6.17-1-27; 6.17-1-28; 6.17-1-29; 6.17-1-30; 6.17-1-31; 6.17-1-32; 6.17-1-33; 6.17-1-36; 6.17-1-37; 6.17-1-38; 6.17-1-40; 6.17-1-42; 6.17-1-43;

6.17-1-44; 6.17-1-45; 6.17-1-46; 6.17-1-47; 6.17-1-48; 6.17-1-49;
6.17-1-50; 6.17-1-51; 6.17-1-52; 6.17-1-54; 6.17-1-55; 6.17-1-56;
6.17-1-71; 6.17-1-72; 6.17-2-57; 6.17-2-58; 6.17-2-59; 6.17-2-60; (a
portion of) 6.17-2-62; (a portion of) 6.17-2-64; 6.17-2-65; 6.17-2-66;
16.08-1-42; 16.08-1-43; 16.08-1-44; 16.08-1-46; 16.08-1-46.1;
17.05-1-1; 17.05-1-2; 17.05-1-3; 17.05-1-4; 17.05-1-5; 17.05-1-6;
17.05-1-7; 17.05-1-8; 17.05-1-9; 17.05-1-10; 17.05-1-11; 17.05-1-
11.1; 17.05-1-12; 17.05-1-13; 17.05-1-38.

6. ADJOURN

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

Dated: December 14, 2021

Instructions for the Public to participate in Town Board Meetings Remotely:

The Town of Yorktown will record and replay an in person/video conference Town Board meeting on Tuesday, December 14, 2021 beginning at 7:00 p.m.

Please make sure to register in advance if you would like to speak at the Public Hearing for this meeting at dquast@yorktownny.org or call me at (914) 962-8152.

Anyone wishing to speak must register with the Town Clerk before 4 p.m. on the day of the meeting.

You will need to provide your name, phone number and email address when registering so we can send a confirmation to you containing instructions on how to join the meeting via zoom, if you will not be in person. You will have an opportunity to see and hear the meeting which will be recorded and replayed on Channel 20 (Cable) or Channel 33 (Fios). If you have a computer, tablet, or smartphone, you will be able to see and hear the meeting after it is downloaded onto the town's website at yorktownny.org.

*****AGENDAS ARE SUBJECT TO CHANGE*****