

In-Person and Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, December 14, 2021, at the Albert A. Capellini Community and Cultural Center, 1974 Commerce Street, Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Edward Lachterman, Councilman
Vishnu Patel, Councilman
Thomas P. Diana, Councilman
Alice E. Roker, Councilwoman (via Zoom)

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 Diana, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

INTRODUCTIONS

Supervisor Slater introduced Board Members, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Deputy Town Clerk Maura Weissleder. Supervisor Slater thanked members of the Town staff for their assistance in setting up the meeting at the Albert A. Capellini Community and Cultural Center.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Councilman Vishnu Patel asked for a moment of silence for all of our men and women serving in the military at home and overseas, as well as all frontline workers.

PRESENTATION

Supervisor Matt Slater:

We are going to begin tonight with some presentations to recognize two extraordinary individuals. As we all know, Councilman Patel and Councilwoman Roker have been long-standing and dedicated public servants to the Town of Yorktown. They have made tremendous accomplishments and have been tremendous partners for everybody in this town. They have been incredible advocates on a number of different fronts. I know the Town Board wanted to take some time at one of our meetings to recognize their service and dedication. We wanted to make sure (and I want to thank Mark Lieberman for helping to coordinate this) to the best of our ability to do this at an in-person meeting. We appreciate everyone coming out. We want to send our best to Councilwoman Roker who is unable to join us tonight but is here via Zoom and we appreciate the Town Clerk's office in arranging the hybrid model that we've continued to utilize. I want to bring with County Legislator Vedat Gashi, who is with us via Zoom and I do have some "hardware" for Councilwoman Roker and Councilman Patel but I want to turn this over to my colleague, County Legislator Vedat Gashi of the Fourth Legislative District to say a few words.

County Legislator Vedat Gashi:

Thank you, Supervisor. I know you have a long agenda and I don't want to take up too much of your time but I do think it's important to recognize the amazing accomplishments of the outgoing council people – Vishnu Patel and Alice Roker. They have made a fantastic contribution to the Town of Yorktown and, as a resident of Yorktown, I'm a direct beneficiary; but, of course, they had long and successful careers before they got into office. Councilman Patel in science for IBM and Councilwoman Roker in television before she became a councilwoman. We're going to miss you both but because I know that you were so involved before, not only in your fields and profession, but also with the Town, I know that you're going to remain engaged and for that reason I wanted to issue a proclamation on behalf of the people

of Westchester and the Board of Legislators and we have two of them there. Looks like Supervisor Slater has them on hand (Supervisor Slater displayed the proclamations). Supervisor Slater, did you want to read them.

Supervisor Slater:

I'd be happy to read them, County Legislator. This first one goes to Councilman Patel. *(At Legislator Gashi's suggestion, Supervisor Slater read the last part of the proclamations.)*

WHEREAS, accomplishments and contributions such as those of Vishnu Patel should be properly recognized;

THEREFORE, BE IT RESOLVED, that the members of the Westchester County Board of Legislators are proud to join with their colleague, Legislator Vedat Gashi, representing the Fourth District, in honoring Vishnu Patel, and

BE IT FURTHER RESOLVED, that the text of this Proclamation be carried throughout the County for all people of good will to forever know.

(Signed Benjamin Boykin, Chairman and County Legislator Vedat Gashi)

(Supervisor Slater presented Councilman Patel with a framed proclamation.)

Supervisor Slater:

County Legislator, I'll read the next as well, which recognizes the long service of Councilwoman Alice Roker and, per your instructions, County Legislator, I'll skip right to the end and read as follows:

WHEREAS, accomplishments and contributions such as those of Alice Roker should be properly recognized;

THEREFORE, BE IT RESOLVED, that the members of the Westchester County Board of Legislators are proud to join with the colleague, Legislator Vedat Gashi, representing the Fourth District, in honoring Alice Roker, and

BE IT FURTHER RESOLVED, that the text of this Proclamation be carried throughout the County for all people of good will to forever know.

Supervisor Slater:

To our Councilwoman, Alice Roker, congratulations. *(Supervisor Slater showed Councilwoman Roker the framed proclamation, via Zoom.)* On behalf of the Town, we do have similar proclamations that, again, detail the long and incredible service of these two fine individuals. Again, to follow what County Legislator Gashi, I'm not going to read them verbatim. I just wanted to say, personally, that I've known Councilman Patel for, at this point, most of my life having grown up here in Yorktown with his kids, having graduated Yorktown High School with his son, Amit, who is just an incredible American and patriot – the same as his daughter, Amy. I know how proud you are of your children, Councilman Patel, and it has been a true honor to serve with you these past two years. You have been a great partner, you have been an incredible advocate, and I've seen how you've taken your success in the private sector at IBM and how you turned it into a great asset for the residents of Yorktown. I genuinely want to thank you for your years of service and I know that you're not going to be going too far and that you're going to keep the gardens over by Town Hall and, of course, over at the gazebo in fine shape, as well as Patriot Park; so at least I know where I can always find you. Again, sir, thank you very much for your dedication and service to our community.

Councilman Diana:

Good evening, everybody. Vishnu, we go back a long way. I actually worked for IBM for a period of time where I first met Vishnu – it has to be back in the late '70s. So I've known Councilman Patel quite a while, prior to him being a councilman and I just want to say what an honor and privilege it was to serve with you, Vishnu. Good luck to you.

Councilman Lachterman:

Councilman Patel, I thank you for the last six years of working with you on the Board. I know

we don't always see eye to eye but you give a great vision of things that differs from mine and you've been educational, to say the least. You have given a true vision of some things that you are able to clarify and we do appreciate that. I wish you luck and I'm sure we'll see you at the gazebo and around town.

Councilman Patel spoke of his history in the Town and at IBM, as well as his involvement with the Yorktown Museum and as a board member. He quoted "a winner never quits, and a quitter never wins." He said it was a special honor for him to serve the Town and was proud he was able to do many good things in the schools. He thanked everyone and wished them to be safe.

Supervisor Slater:

The County Executive is joining us, via Zoom. If I can first, just wish you a speedy recovery. You do so much for the Town of Yorktown; we appreciate your great partnership and if there's anything we can do here in the Town, please do not hesitate to reach out to us. Mr. County Executive, do you want to say a few words recognizing Councilman Patel and Councilwoman Roker? (*Technical interference*)

Well, the County Executive has been a great friend to the Town of Yorktown; he's been a great leader during these incredibly difficult times – always on the other side of the phone as we've navigated the perils of the COVID-19 pandemic and it's just great to see him. Again, on the behalf of the Town of Yorktown, we wish him a speedy recovery during this time. We wish him a very Merry Christmas, Happy New Year, and a happy holiday.

County Executive George Latimer:

Merry Christmas – it's good to be with you all.

Supervisor Slater:

It's great to see you there, County Executive. Would you like to say a few words for Councilman Patel and recognizing Councilwoman Alice Roker?

County Executive Latimer:

I'm very honored to be here with the benefit of Zoom. COVID can't stop me from being here to congratulate both of them for their outstanding service to the community, and I'm very grateful to have worked with them. I look forward to their contributions post their time on the council and we look to work together with Yorktown and accomplish things together in the new year. First, I have to kick this thing in the next week or so, but Merry Christmas, Happy Hanukkah (in retrospect), a joyous Kwanza, and we'll work together in the new year.

Supervisor Slater:

Thank you very much, Mr. County Executive. Please give the County Executive a round of applause.

We also have a proclamation for Alice Roker. I'm not going to read it verbatim but I can tell you, in my mind, Councilwoman Roker has been a trailblazer of this community. She has served with incredible passion, both in the Town Clerk's office and here on the Town Board. She has been a leader on so many initiatives that will leave a lasting impression. I know that my mom and my grandmother at the 9-11 Ceremony tracked Alice down to tell her how important she was to me and I mean that sincerely. She's been a genuine friend, a true mentor, and always has what's best for Yorktown in her heart. I know that I'm going to miss her tremendously sitting here on the dais; I'm going to make sure that on Wednesday mornings, Councilwoman, you're still going to get phone calls from me because we do talk every Wednesday morning after a Town Board meeting. Our friend, Alice Roker, is just an incredible public servant and I'm very, very excited that her service will continue for the Town of Yorktown in a new capacity. So, Alice, on behalf of the entire town, genuinely, thank you for your years of service to our community. It means so much to so many of us and we wish you the best in this next chapter.

Councilman Diana:

Alice, what can I say? You've been a friend.

Councilwoman Roker:

Matt, you'll have to let me know what is said because I can't hear.

Supervisor Slater:

I will.

Councilman Diana:

Alice, you've been a friend, you've been a leader in this community, and I'm going to miss the hell out of you. We've had a lot of good laughs and we've done a lot of good things with this Board for the Town with your guidance. Alice, thank you so much for your years of service to the Town of Yorktown.

Councilman Lachterman:

Alice, it's been a pleasure to serve with you but we go back much longer, as you signed my marriage license. When I was sworn into office, I was the last person you swore in as a Town Clerk. I used to say I don't hold either of them against you, but I don't know about the swearing me into office part! You have been a true mentor. Your historic viewpoint of what has happened in the Town of Yorktown has been invaluable. I've learned so much working on the Board with you and appreciate the perspective you bring and also the no-nonsense way you will correct an issue that you see and give us that historic perspective. Thank you so much and please don't go away. I look forward to working with you in your other capacities.

Supervisor Slater:

All right, Councilwoman Roker, the floor is yours.

Councilwoman Roker:

It is very difficult for me to hear but I do want to thank the residents of the Town of Yorktown for allowing me to work here for as long as I have. I think one of the best things you can do is to say that I've served my community and I hope I've served it well. I had a lot of fun as I went through those years and I think people who came to visit me had a lot of fun in addition to doing some meaningful work. I just want to thank everyone from the bottom of my heart for allowing me to have this job.

Supervisor Slater:

A job well done, Councilwoman Roker. Congratulations and best of luck. I know we have a few people who want to say a few quick words to our honorees tonight. If we could start with Mr. Lieberman. Mr. Lieberman, did you want to say a few words?

Mark Lieberman:

Good evening, Mr. Supervisor and members of the current and future Town Board. My name is Mark Lieberman and on behalf of my co-chair, Marni Rabin-Marron, I appreciate this opportunity in representing the Yorktown Democratic Committee to speak on behalf of council members Patel and Roker. It both pleases and saddens me to speak tonight. It pleases me because I get to speak about two outstanding people who have dedicated so much of themselves selflessly to our wonderful town. At the same time, it saddens me to lose their experience, wisdom, thoughtfulness, and kindness that they've shown for so many years. Others can talk about their biographies; I'd rather talk about their personas. Alice is a no-nonsense administrator with great knowledge of all of Yorktown's processes, rules, and regulations but don't misinterpret that and conclude that she's too rigid. In fact, she's one of the most considerate people I've met since moving here 23 years ago. Alice is compassionate and always willing to help others. I guess that's what's made her so likeable as our Town Clerk. It's very important to note for our history that when Alice was Town Clerk she uncovered the Book of Manumissions for Yorktown that is a record of all of the slaves who were owned here in Yorktown. This was a momentous moment for Alice - bringing a book of not a very proud time to light and making sure that it is being properly cared for. Alice is loving and giving and that makes her so charitable. That's also why she is central to organizations like the Rotary - what a great combination. She's more of a Gemini than I am - strong and kind at the same time. Everyone, please join me in a big round of applause for Alice.

Vishnu is one of the most dedicated people I know. He has often been misinterpreted because of differences in diction but if you're not judgmental but patient and willing to listen, you'll be rewarded with his wealth of knowledge. Having worked for IBM myself, you should be in

awe of someone qualified to be named Scientist of the Year. Here again, you'd believe that a scientist might be too objective, too fundamental in their thinking but Vishnu is nothing less than amazing.

He has brought beauty to our town with all his hard work on his hands and knees planting flowers for us. Yorktown residents find beauty throughout the town thanks to Vishnu. Vishnu's green thumb has led to awards, year after year, at the Grange Fair Flower Show. The beauty of Vishnu is also apparent in his dedication to the Scouts, to students interested in science, and to his making personal computing available to our seniors and our high schools. Please join me in a round of applause for Vishnu.

The Town Board is losing people with tremendous knowledge, tremendous commitment, and tremendous dedication but the Town will continue to have the kindness, charity, and love of both Alice and Vishnu. Supervisor Slater, Council Members Lachterman and Diana, future Council Members Esposito and Haughwout, please join me and the Town in thanking Alice and Vishnu for their service.

Supervisor Slater:
Thank you, Mr. Lieberman.

Judy Bernstein, resident:
Thank you. Alice, this is Judy Bernstein. You were the one who got our oldest daughter the marriage license and that was about 23 years ago and I've known you all this time. I tell people all about you all the time. As a result of you helping to get a marriage license for our daughter, we have two wonderful grandchildren; one just turned 21, the other just turned 20. We really appreciate all you've done. Vishnu, I will miss all the flowers you fix around the gazebo because that's where we used to go to the exercise class. Everywhere else that you go smells like beautiful flowers.

Marc Oxman, resident:
Thank you for the courtesy of the floor. I don't know if Alice can see me or hear me; if not, I'll call her in the next day or so and repeat my sentiments. It was about 35-40 years ago when a young, smart, attractive woman came into Yorktown. At the time I was the Chairman of the Yorktown Democratic Party and it was my job to recruit this person. We met at the Yorktown Diner (the first of many times) and a new career started. It was a wonderful career; Alice, you had a great run and quite frankly, I don't think I've ever made a better move in my lifetime. Alice became a Clerk here and later became a Councilperson and Vishnu and the two of them were superb. They are what is a public servant. They put the public in front of their own self-interest. It doesn't matter what your geography is, what your ethnicity is, what your politics are – these two exemplary council people would go out of their way to do whatever they could to help. It is the meaning of public service and you are going to be missed. On Tuesday nights, you're going to be home watching TV, relaxing; you're not going to have late nights any more but I predict in time you're going to get bored. You're going to miss the action, you're going to miss this. Several months from now, Alice, you're going to get a phone call from me and we're going to meet over at the Yorktown Diner again and we're going to have a little talk. Shortly after that, Vishnu, you're going to get a call from me and we're going to have a little talk. I think you will both be enticed and encouraged back into public service and we will all be better for it. Tonight, it's good to see you, it's been a great run for both of you, I'll miss you – well, I'll see you – the Town will miss you for a short while until you re-emerge. Thank you very much.

Supervisor Slater:
Thank you, Mr. Oxman. I'd like to thank everyone for coming to celebrate the public service of two great Yorktown residents. We do have some business to handle and, again, we are rearranging the agenda and I appreciate everyone's patience. We're just going to jump right into resolutions quickly to the Town Board and we'll take these in one motion. The resolutions are:

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH TRANSUNION, LLC TO PROVIDE INVESTIGATIVE RESEARCH SERVICES TO THE YORKTOWN POLICE DEPARTMENT

RESOLUTION #502

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

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.

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

AUTHORIZE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH LIRO GIS INC., FOR TWO YEARS OF TAX MAP MAINTENANCE

RESOLUTION #503

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

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.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR SEAT REPLACEMENT AT THE YORKTOWN STAGE THEATRE

RESOLUTION #504

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

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.

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

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR BOILER REPLACEMENT AND INSTALLATION OF A VENTILATION SYSTEM AT THE YORKTOWN HIGHWAY DEPARTMENT

RESOLUTION #505

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

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.

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

AUTHORIZE COMPTROLLER TO RELEASE STORMWATER PERMIT #BSWPPP-060-19 IN THE AMOUNT OF \$250.00 F- 1718 EMMA LANE (GHOSH)

RESOLUTION #506

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

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.

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

AUTHORIZE COMPTROLLER TO RELEASE THE FOLLOWING STORMWATER PERMIT #BSWPPP-053-19 IN THE AMOUNT OF \$250.00 – 336 HOMESTEAD ROAD (PIZZARELLO)
RESOLUTION #507

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

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.

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

AUTHORIZE COMPTROLLER TO RELEASE THE FOLLOWING STORMWATER PERMIT #BSWPPP-071-18 IN THE AMOUNT OF \$250.00 – 102 DORCHESTER DR. (DUNCAN)
RESOLUTION #508

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

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.

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

AUTHORIZE COMPTROLLER TO RELEASE THE FOLLOWING STORMWATER PERMIT #BSWPPP-054-19 IN THE AMOUNT OF \$250.00 – 34576 CURRY STREET (BERARD)
RESOLUTION #509

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

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.

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

AUTHORIZE SUPERVISOR TO SIGN THE PROPOSAL SUBMITTED BY ARTHUR J GALLAGHER RISK MANAGEMENT SERVICES, INC.
RESOLUTION #510

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

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.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR SODIUM HYDROXIDE
RESOLUTION #511

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

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

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

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
RESOLUTION #512

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

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.

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

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
RESOLUTION #513

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

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.

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

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
RESOLUTION #514

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

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

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

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.

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

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
RESOLUTION #515

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

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.

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

AUTHORIZE BUILDING INSPECTOR TO WAIVE ALL FEES ASSOCIATED WITH THE TOWN HALL OIL TANK REMOVAL AND REMEDIATION CAPITAL PROJECT RESOLUTION #516

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

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

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

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 RESOLUTION #517

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

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.

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

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 RESOLUTION #518

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

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.

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

BUDGET TRANSFER – PARKS & RECREATION (BALLFIELD MACHINE, SAFETY EQUIPMENT, PARTS, AND MATERIALS) RESOLUTION #519

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

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.

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

REJECTION OF STATION GLO OF NEW ENGLAND'S PROPOSED POLE SIGN AT
3205 CROMPOND ROAD
RESOLUTION #520

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

WHEREAS, the Town of Yorktown has produced design standards for signage within the town of Yorktown; and

WHEREAS, these standards are set forth in the Yorktown Sign Ordinance Manual adopted in 2003; and

WHEREAS, the manual recommends the use of low-rise monument signs wherever possible within the Town; and

WHEREAS the Mobil gasoline filling station located at 3205 Crompond Road is proposing a total refit of its signage scheme at said property and have proposed the reuse of an existing high-rise freestanding pole sign; and

WHEREAS this is in contradiction of the recommendation of the Sign Ordinance Manual; therefore be it now

RESOLVED, that the Supervisor of the Town of Yorktown is authorized to transmit a letter to Station Glo of New England, the sign permit applicant, a letter rejecting the proposed pole sign and requesting the submission of a monument sign for the Mobil gasoline filling station located at 3205 Crompond Road.

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

Councilman Patel:

I have a question. In reference to the \$444,450.66 – does this include both of them? All the litigation, everything – this is all of this money?

Supervisor Slater:

Where is Dan Ciarcia? Dan, a quick explanation. I know that we've talked about this, but I believe this is for Transit, correct?

Dan Ciarcia, Town Engineer:

Yes, this is for the Hill Boulevard and Veterans Road culverts. There were a variety of issues related to additional conditions imposed on us by the County Health Department, as well as additional quantities that were needed. They were depicted in the plans but were not properly tabulated in the bid document. This is the last of the construction of those projects and that closes it out for what we owe this contractor.

Supervisor Slater:

So that would be for both projects.

Councilman Patel:

Thank you. What year's budget will this be shown in – this year's or 2022?

Dan Ciarcia, Town Engineer:

It's set up to be paid this year but it's coming out of the fund balance so it doesn't impact our operating budget.

PUBLIC HEARING - PLANNED DESIGN DISTRICT OVERLAY ZONES

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

- A) 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.

Supervisor Slater:

This is a public hearing to consider the adoption of the proposed local law amending Chapter 300 of the Code of the Town of Yorktown essentially establishing Planned Design District Overlay Zones for two parts of our community. We have the notice by the Town Clerk. As we see, there are quite a number of people tonight so we will be limiting testimony to 3 minutes. We ask that you do not repeat comments that were already stated before you. If you agree with Mr. Smith, you can just say you agree with the testimony of Mr. Smith. If you are unable to complete your testimony, you are always able and welcome to submit written testimony through the Town Clerk's office and it will be added and included as part of the public record. We also do ask that all public comments, again, are kept in a respectful tone. We are here to listen to your comments and process those comments. We do have a couple of presentations that we're going to begin with and I'm going to turn this over to our Director of Planning, John Tegeder.

Planning Director John Tegeder:

Thank you, Supervisor. We are here tonight to commence the public hearing on the Planned Design District Overlay Zones. Just by way of introduction, I'm John Tegeder, the Director of Planning for the Town of Yorktown. You will be hearing from me tonight; I will be going through the characteristics of the law. I'm going to attempt to be brief because there are a lot of people here so we want to get to those comments. You will also be hearing from our planning consultants, Frank Fish and Taylor Young, from Buckhurst, Fish, and Jacquemart (BFJ Planning). We hired them to do the analysis of the impacts associated with the adoption of this law. You will also be hearing from Scott Levine of Transpo who is our traffic consultant who also did an analysis relative to the impacts of the law.

(Slide Presentation)

Just to be clear, 13 months ago the front section of this law was actually adopted by the Board, so sections 300-248 through 300-254 are actually codified as we speak. What we are doing tonight is associated mostly with adopting the actual mapping of the zones in two areas: one being Yorktown Heights, the second being Lake Osceola. Along with that comes much of the detailed requirements for each of those areas in the written body of the law. Also, in the section that has been adopted, there are some modifications that came to light that the Board requested pursuant to some commentary that was discussed throughout this past year - since we've now been working on this close to a year and a half, even close to two years. I just want to remind everybody there are copies of the law here and copies of each map of the actual zones of the Lake Osceola zone and Yorktown Heights zone. On the screen you see the maps of the two areas. The heavy line describes the areas we are looking at and, as I said, the map is here for you to look at for yourselves.

So what is an overlay zone? As its title indicates, it is an actual zoning district - it has requirements as any other zoning district would; however, it lays over top of existing zoning districts (either one or more) - in both of these cases, it overlays more than one particular

zoning district. The underlying zoning is still available to property owners, as will be, if adoption is completed, the characteristics of this overlay will also be available to those property owners.

The purpose and intent to enact the law, and some people may have heard this before during our discussions in the past year, is current trends are having a deleterious effect on commercial areas in Town, in Westchester County, in the region, in the state, and in the nation. We call it the Amazon Effect – a lot of retail closings are affected by that. The pandemic has caused urban flight. There is a demographic shift in lifestyle – younger people do not chose often the same living style that single family residential necessarily affords. They like to be closer in walking distance, often close to transit opportunities, etc. Some of those things lead to deficiencies in the fabric of the Town – we have commercial vacancies; we’ve had them for many years. We have some big box stores that are empty. There is a lack of diversity of housing types and there’s a changing commercial landscape, as effected by Amazon, COVID, etc. Also, our neighbors around us know these trends and they will be acting on them, too, and so we do not want to miss opportunities in maintaining our commercial infrastructure and our commercial base within the Town and the health of our village areas and hamlet areas.

What does the Overlay District do? Its intent is to tract development and redevelopment, encourage a high quality of design to focus on each area’s particular architectural context, encourage pedestrian connections and walkability and enhance those that we already have, encourage green methods and materials and the usage of them. It also allows mixed commercial and residential uses within these two areas.

The Overlay District does not anticipate or allow conversion to a city-like area. It does not promote urbanity or urban fabric. It does not remove the current zoning. It’s an overlay zone – it will lay over what is already there. It does not approve individual projects nor does it guarantee any desired density or a desired level of reduced or increased bulk requirements, which speak to height, setback, parking requirements, things of that nature. It does not suspend any town or state laws. Our wetlands law, lighting, stormwater law, our newly minted tree law, our SEQRA law, and also our heritage preservation law will still remain in full force and effect. There will be no conflict with these. They still need to be looked at and complied with in any development application that will come through under this overlay district or any other zoning district that we have existing in the Town.

This section is really pursuant to the modification to the body of this law that was already codified a year ago. What it does is create a process which an applicant who desires to be reviewed and approved possibly under this overlay district that they first go to the Town Board and the Town Board considers the value of the project against the intent of this law and then will either authorize it or not authorize it to be considered under this law, prior to the Planning Board’s review. There are 8 items that need to be looked at:

- whether the project is consistent with the general goals of the Comprehensive Plan
- whether the project will likely be detrimental to the character of its immediate neighboring properties or the district and Town, at large
- whether the scope of the project will likely cause operational difficulties on the site that have potential to negatively affect the health, safety, and welfare of the public
- whether the Town’s infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated
- whether the project will eliminate blight or potential blight within the district
- whether the project is consistent with the goals and intent of the overlay district
- whether the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth, therein
- whether the project is likely to contribute to the economic development of the district or the Town, at large

All of those things will be considered by the Town Board when they determine whether or not to authorize a project to be reviewed under this overlay law.

Once, and if, a project is authorized by the Town Board, it will then be referred to the Planning Board for site plan review and potential approval. At that time, the Planning Board will conduct its typical site plan review, which includes the state environmental quality review act

and all of the law that I mentioned before (wetlands, stormwater, and others). The zone gives the Planning Board the ability to vary bulk regulations of the underlying zone up to 60 percent. It allows, as we said before, mixed use within these areas. It allows three stories limitation unless there is a property that has 10 acres or more and then it will allow four stories. In cases of the three stories height limitation of 30 or 35 feet, which is the limitation in most of our underlying zones, the Planning Board will be able to vary that by up to 25 percent.

As part of the law, it requires the Planning Board and the Town Board and the developer to consider architectural requirements. These are things such as design cohesiveness, using better materials, the appropriate use of decorative details, proper window and door configuration, attractive functional signage that doesn't detract from building character. There is a whole host of requirements and suggestions within the law that put the developer on notice the very first day that the Town is very desirous of having attractive development.

It requires consideration of pedestrian amenities, proper screening for loading areas, contribution to adjacent public spaces and streetscapes, proper landscaping, parking being discouraged in the front yard (shared parking, conservation parking), and sidewalks must be provided and, of course, maintained.

It also cites certain buildings that are determined by the Board to have a unique character. They can be either historic or unique for their architecture and those buildings are cited by address and name so that the developer who is interested in that particular property knows that those are important components of the fabric of each area that is under consideration for this overlay district. So those things need to be considered by a developer on a deeper level than you typically see in a typical site plan review process.

That concludes my overview. I'll now ask Frank Fish and Taylor Young to begin their presentation on their analysis of the impacts of the adoption of the law.

Supervisor Slater:

Thank you, Mr. Tegeder. Gentlemen, good evening. It's great to see you in person. You're much taller than I remember but that was also the Zoom box.

Frank Fish, BFJ Planning:

As John mentioned earlier, we were brought in to analyze; we did not have anything to do with the writing of this. We were brought in to analyze what are the impacts of this proposal, as best we can see, because the state law of New York called the Environmental Quality Review Act, or SEQRA for short, requires, if you do new zoning, to take an area-wide look at that.

So SEQRA, we're really looking at, as John mentioned, two different sites in the Town. One where we're in right here in Yorktown Heights, and then up on this map, Lake Osceola. So there's two different environmental impact statements – environmental assessment forms - which the Town Board has; one for here in Yorktown Heights and one for the lake area.

The Yorktown Heights overlay we're looking at new zoning, as John has just described: its heights, its densities, what can happen if developers come in and apply under that. The next slide highlights the Lake Osceola overlay. The drawings that are up here are identical to what is in the environmental assessment form. They are outlined in black on this slide. The difference with Lake Osceola is two options were considered. One option is it stays without a sewer system; stays basically on septic, only a small part of the area is currently sewer. The other option is what if a sewer system went in, which is called for in your Comprehensive Plan. So we looked at both options and what are the impacts of that.

By the way, reading an environmental assessment form can sometimes be not the most – I recommend if you want to go to sleep at night, you read it. It's a state form, so we have to fill out all of the state form and if you do read this one, I just want to mention that when it's area-wide, there's two sections of this called D and E, which specifically says "don't fill out." So if you do read this, and you say to yourself "why didn't these guys fill this out?" the answer is we're not supposed to. It's only to be filled out by a property owner or an applicant who comes in later. If this is adopted by the Town Board, if that applicant comes in, they have to fill out a site-specific environmental assessment form. These forms are aimed at the area-wide impact of this, which you'll see there are many of them but two of them we get into quite a bit and

that's two that you're probably very familiar with – traffic and schools. On this area-wide versus site specific, I just wanted to cover that if you read through these documents.

What's in each environmental assessment? We go through the whole state form, which is about a 13-page form and tonight, just to be brief, I'm going to touch on really what the impacts that we thought are major: school children, traffic, and water and sewer, i.e., what are the supporting things needed if this action were to be approved.

The next slide just goes through some ten-year development projections for each one and with that, I'm going to turn this to Taylor Young from our office and then for traffic, Scott will get up and cover that.

Taylor Young, BFJ Planning:

Good evening, everyone. As Frank said, I'm Taylor Young. So to kind of set the stage for school children projections, traffic, etc., we needed to do a rough development projection if this zoning overlay were adopted. In this, we look at development over a ten-year period because it takes time to make the plans, the approvals, buy property if you need to. So we created for Yorktown Heights a development projection using two steps. The first being what we call "known development sites." These are sites that are known to the Town and the Planning staff. A developer may have come in and said "I want to build something here but zoning doesn't permit it" and so these sites include Underhill Farms, Yorktown Green, the Roma development, and the boutique hotel. We know what these are, roughly, given from what the developers have discussed. Those add up to 345 units and 18 hotel rooms and a reduction of about 85,000 square feet of commercial space. Now for the second part, we use what are called "soft sites" thinking we have no idea, there are no plans to redevelop these sites but based on the current development – maybe vacancy status or common ownership – we think that in the future these could be developed within the next ten years but because real estate is complicated and development is complicated, we didn't take 100% of that potential – we took 25% of that potential because in our experience, 100% never gets built. So we think 25% of the potential of soft site developments could be built in the next ten years and we say that is 60 units and it's about a reduction of 7,000 square feet of commercial space. In total, over the next ten years, we're projecting 405 units and 18 hotel rooms and a reduction of 92,464 square feet of commercial space in Yorktown Heights.

So we use that as step one. Step two is projecting school children and to project school children we took those units. We used two different sources. A Rutgers analysis, which is kind of a standard in schoolchildren projections – it's a study from Rutgers University from 2018. Then we have our BFJ multipliers, which from 40 years of planning in Westchester County and the tri-state area are things that we've observed so to just to kind of get a range of schoolchildren. We know there are 54 townhomes that are proposed as one of the projected development sites. Townhomes tend to have more schoolchildren than typical multi-family apartments. We don't know the bedroom mix or anything about the development site so we used a per unit multiplier. On the lower end, we're projecting 40 schoolchildren, total. On the higher end, using the Rutgers numbers, we're projecting 49 schoolchildren, total. So that's roughly 3 to 4 students per grade.

In Yorktown Heights, total school enrollment is down from the 2011-2012 school year; the chart you see is from public New York State data and all the way to the right – we got this from the school district's enrollment projections – they are projecting that in 2027 to 2028 the enrollment will be 3,512 students, which is about the same enrollment as it was in 2013 to 2014. Enrollment has been declining in the past ten years and a projection for the future, separate from the students that we're projecting would be about the same as it was in 2013-2014. Overall, this chart just shows here the birth rate nationally and it's going down – we're at a 30 year low – that is a national birthrate. This is from the CDC in 2018. This trend holds for New York State, Westchester County, all over, and this is from 2018. There was some discussion with COVID we maybe would see a birth jump, but we've actually less. That's been in the newspapers that the birthrates have continued to fall and, actually, has gotten worse through COVID. With that, I'm going to turn it over to Scott for a quick discussion of traffic.

Scott Levine:

Thank you. Good evening, members of the Town Board, members of the public, Supervisor Slater. I'm Scott Levine and I'm going to briefly introduce the traffic component of the

expanded EAF that my colleagues have just been talking about. I was retained by the Town to look at the traffic issues, so again, I didn't write the law but we are looking at the potential impacts of the law. If you've taken the time to read through the document, you'll see that there's a number of aspects of the traffic analysis. We look at traffic volumes on the roadways – those come from the Department of Transportation. We look at crash history. We interacted with the Town's police department to look at crash history in Yorktown Heights and Lake Osceola. We looked at use of transit – the BeeLine System and MetroNorth. We looked briefly at bike and pedestrian activity, and parking as well. The main question that the EAF hinges on is what you see up there, about halfway down. How would implementing these overlay zones impact, in essence, the number of cars on the road – traffic volume to driving around? First, I'm going to talk about the Heights and in a few minutes, I'll talk about Lake Osceola.

So, the fundamental question: how many cars on the road will either increase or decrease from introducing these overlay zones? Now, the last part of this slide is very crucial. The last part of this slide makes clear that what we're talking about today is the impact of the law. This does not in any way eliminate the need for an individual developer who has a specific project to mitigate the impacts of that project. This would include turn lanes, this might the configuration of the driveways, bicycle and pedestrian treatments, how is the parking laid out, etc. Site-specific considerations are not the focus of this area-wide EIS.

We took as an input into the traffic analysis the ten-year projections of incremental development that you just heard my colleague, Taylor Young, discuss a few moments ago. The incremental development, in the case of Yorktown Heights, involves two parts. One part is the increase in development from new development that would take place – this would be the 400-odd residential units that you heard Taylor discuss. It would be in a variety of places; a bit of commercial, some office, some retail, etc. On the other side of the ledger, is a reduction in development - so this is part of that incremental development. The other side of the ledger is a reduction in the amount of commercial space. There was a fairly big reduction in the case of Yorktown Heights. It was that 85,000-90,000 square feet that you saw just a moment ago. I'll talk about Lake Osceola in a few moments when I come back up. The question "how many trips will be generated" uses a set of mathematical relationships (you can see the graph up here – I'm not going to bore you all going through the graph). It is a set of relationships that are established nationally between how many square feet of commercial development, how many numbers of units of residential developments of different types, and the amount of trips into and out of those types of land uses during morning rush hour, evening and afternoon rush hour, over the course of a 24 hour day, over the course of a Saturday, etc.

I'm first going to cover Yorktown Heights and, again, we'll talk Lake Osceola in a few moments afterwards. In Yorktown Heights, the headline numbers are the ones you see at the top. I know this might be difficult to see for those in the back of the room, so I'll walk through them. We looked at four time periods: the 24-hour typical weekday, a typical morning rush hour period, a typical afternoon/evening rush hour period on a weekday, and Saturday, which is typically which is the busiest hours – sometime in the middle of the day. The headline number over the course of a 24-hour weekday is a reduction in approximately 3800 or 3900 trips – again, over a 24-hour period. Over a morning peak period, it's minus 15; over the evening, it's minus 310, and on a Saturday it's minus 412. The reason these numbers are negative is, again, remember back to both sides of the ledger that I was mentioning a few moments ago? The incremental development includes demolition reduction of commercial space, which could be reoccupied very simply. That reduction of commercial space and its replacement a variety of these sites with some mixed use, overall it leads to a reduction in traffic generation. The big picture here is that commercial land uses generate much more traffic per unit area per acre than residential uses, which is why you see the types of changes being proposed for the Heights district lead overall to a net reduction in traffic generation. To put these numbers into perspective – what does it mean, 300 fewer trips or whatever? One trip a minute, 60 trips an hour would be one trip a minute and a busy lane of the Taconic Parkway can carry about 1800 vehicles an hour and Route 202 and Route 118 can carry on the order of 600-800 vehicles per hour, per direction. So that give you a context for the numbers you see up here.

I'm going to hand back to Taylor Young who's going to talk about Lake Osceola.

Taylor Young:

So, with Lake Osceola, it's similar and different than Yorktown Heights. It's different in that we do not know of any known development sites. We are unaware of any developer proposing anything for Lake Osceola. So to project development we used soft site projections. As Frank Fish mentioned earlier, there's two different development projections. One, if the whole area remains on septic, which is less attractive – you can't build as much on septic - and if the area gets a sewer system. So, we projected 20 percent of the total development potential if the area remains on septic and 40 percent of the total development potential if the area goes on sewer, reflecting that with sewer it's easier to build different things. We do not know of any developments, but we were thinking about Lake Osceola and, you know, it's not in Yorktown Heights, so maybe townhomes would be more attractive here. So we just said 20 percent of units would be townhomes just as a projection; we do not know of any specific developments, but for the purposes of projecting schoolchildren, we just assumed 20 percent of the total units would be townhomes. So, with that, we used the similar two different multiplier sources – Rutgers and BFJ. If the area stays on septic, we project 8 to 9 schoolchildren (less than 1 per grade) and if the area has a sewer system, 16 to 18 is the range we're projecting, which is less than 2 children per grade. So looking at the enrollment for the past ten years – again, this is New York State data – enrollment is down in the Lakeland Central School District for every year in the elementary, middle, and high school levels. We'll bring Scott back up to discuss traffic.

Scott Levine:

In Lake Osceola, the two scenarios – the overlay zoning without the sewer extension and with the sewer extension. Again, the same sorts of numbers but the numbers vary. Without the sewer, meaning do the overlay and do not do the sewer, there's an increase in traffic here. Again, it's because the other side of the ledger – the amount of commercial space being reduced – is much different here in Lake Osceola than it is in the Heights. I believe it's Osceola Manor, the former wedding venue, there's a bit of commercial space on the west side of Hill Boulevard that would be potentially redeveloped, so that's reduced, but there's less of that. So the numbers here are positive. The numbers are small; they're on the number of 30 to 33 trips per hour, morning and evening rush hour on a weekday without the sewers. Then something like 60 with the sewer. To put these numbers into perspective and the potential increase of traffic in and around Lake Osceola on East Main Street, on Route 6, etc. You've got those two main corridors, East Main Street and Route 6 running east/west connecting right over to the Taconic. East Main Street carries on the order of 10,000 trips per day; Route 6 between Hill Boulevard and Curry Street, just to the south of the lake, carries about 20,000 trips per day, so to put those 30 to 60 trips per hour (300 – 700 trips per day) into perspective without introducing sewer, you would be increasing the potential amount of cars on the road by something like one percent. If sewer were to be introduced, that becomes something like three percent rather than one percent without having the sewer extension. Let me hand back over to Frank Fish who will wrap up our presentation for the evening.

Frank Fish:

This is our last slide so it's just to go over actually what we see the next steps are, really, and that hear what the public has to say – their comments. Eventually, when and if the Board closes the hearing, you need to evaluate those comments and see if anything affects the environmental studies we've done and then the Board would be in a position to do what's called make a Determination of Significance. You can tell, I think, from the public school children, generation in traffic, we don't see what's called under SEQRA a significant adverse impact. It doesn't say there are no impacts. The environmental assessment does go over those impacts; we do not think they are significant and adverse, which is the key test of SEQRA as to whether you can move forward on this proposal. Thank you.

Supervisor Slater:

Thank you, Mr. Fish. Thank you again to our consultants. Thank you again to the Planning Department for their diligent work on this project. We, as a Board, told the residents of Yorktown we were going to take our time on this, that we were going to bring in help on this, that we were going to explore all the different possibilities of the impacts of what we're trying to accomplish here and bringing on Frank Fish and Taylor and Scott, I think, is a tribute to that commitment. Again, to all of you, thank you for your hard work and due diligence. At this point we're going to open the public hearing and I want to remind everyone that your comments are going to be limited to 3 minutes, that you will have one opportunity to speak. This is not

an open debate – this is just us seeking comment from you. Please direct your comments to the Town Board. We cannot accede time to another speaker, and again, if anyone cannot complete their testimony, they are more than able and welcome to submit their written comment. We have received written comments from several residents in Town. We have received updated comments from the Planning Board and the Community Housing Board. We've heard from John Tompkins about the preservation of the Underhill House. We've heard from Mary Jane Kilian about the importance of renewable energy and the EV car chargers. We heard from Grace Osterman opposing the Soundview Property development. We've heard from Grace Siciliano also regarding the Underhill Farms proposal. We've heard from Christine Gogola asking for properties to clean up properties before their projects are approved. We have written comment from Paul Valero who explained details of the Underhill Farm's proposal. We have comment from Stephen Tvert supporting the overlay as a tool to update business hamlets, and also a letter from Ally O'Brien also supporting the overlay districts to help revitalize vacancies. Those are some of the written comments we've received. Again, if anyone does not complete their testimony in the three minutes, they're more than able to submit their written comment to the Town Board. So, with that, I will turn it over to the Town Clerk. We have a list of people who signed up to testify and we will hand it over to Diana.

Town Clerk Quast:

Will you handle the timer?

Supervisor Slater:

I'll handle the time, sure. There will be a timer that I will set once someone begins speaking at the podium.

Town Clerk Quast:

Our first speaker is Paul Moskowitz.

Supervisor Slater:

If everyone could just introduce themselves for the record.

Paul Moskowitz:

Thank you. Paul Moskowitz, Hunterbrook Road. I must be the winner of a lottery tonight. So, what do I wish to speak about? Energy considerations. I believe that energy is going to be the dominant subject for environmental action in the 21st century. I've read that our supervisor wants to move Yorktown into the 21st century but I've none of it here in these presentations. For instance, in the proposed law, Section 253 offers benefits to developers for building green buildings, green housing, and it suggests several standards. If it's worth doing, it should be compulsory, not just voluntary. If the benefits are also worth doing, they should be given and the builders required to build green housing. The major, immediate impact that I see has to do with a transition from fossil fuels to renewable energy. It's been predicted that by 2030 half of the vehicles in the United States will be electric vehicles. In order for individual homeowners, or owners of condos or renters, to be able to make use of their electric vehicles, they're going to need charging outlets. These have to be placed at ground level and they have to be adjacent to parking areas; you can't have a parking area 300 feet away and charging outlets on the houses. I think that this is an important thing to build into the law. Finally, there's a question of where do you get the electricity for charging these cars. Since the Town Board passed the solar law, we have seen an explosion of solar energy developments in the Town of Yorktown. I think it would be a mistake to ignore solar energy in this law. Specifically, I believe that builders should design roofs and have their orientation such that they can make the best use of the sun to provide solar energy so that all these 400 housing units can have their automobiles charges without having to depend on fossil fuel. I just want to add that I'm a member of Yorktown100 and you'll probably hear other board members, if they haven't fallen asleep yet, and I've heard many good ideas out in the hallway but I'm not going to speak about them. I know other people are going to talk about affordable housing set-asides and historic preservation. These are important, but I'm just doing energy. Thank you.

Bob DeAngelis:

Good evening, thanks for your time. My name is Bob DeAngelis. I've lived in Yorktown since 1981 and raised my family here. I retired from IBM about 3 years ago. I never saw

myself as a climate activist, but I am now. You study and you read enough and you care and there really is no choice. So I formed Yorktown100 – a group of volunteers that have a singular goal of reducing our carbon footprint to zero in 20 years. I believe the overlay district can present a real opportunity to do something good for our environment. We have the opportunity to be leaders here; to do something different. What can we do? It's really not that hard. I think we can require in these new developments that these buildings be carbon free. How do you do that? I'm going to recommend three steps: 1) heat and cool using clean energy. The primary amount of greenhouse gasses that come out of a building like this is from heating it, so you heat it using electricity that's generated in a clean fashion like solar or wind power and you use a heat pump. And if you want to do a really efficient heat pump, you use a geothermal heat pump. Geothermal may sound complex but it's very simple. It's like an air conditioner and a water pump – they're very efficient. They would actually cost you less to operate than oil or propane. If coupled with clean electricity, you can heat and cool these buildings for less energy and less monthly cost. It's cheaper to install this now than to retrofit it. Let's not build something that has to be torn apart and rebuilt in 15 or 20 years. We have great incentives in New York. You may not know this, but St. Patrick's Cathedral in New York City is heated and cooled with geothermal energy. The second thing we can do, and by the way if anyone wants a full seminar on geothermal energy, I would be very happy to do that. Just google Yorktown100 and let me know. We'll set it up either online or in person. The second thing we can do is leverage solar panels. What that does is creates clean electricity and it saves people money. I have solar panels on my roof; they pay off in about three to four years in Con Ed territory, and I have free electricity for the next twenty years. It's really a wonderful deal. For transportation, as you know, we're going to migrate towards electric cars, so let's put in adequate charging stations. The time to act is now; we can't wait. This is a great opportunity. So, three simple things, and we can be on our way to a safer, cleaner, and better Yorktown. Thank you.

Susan Buck:

Thank you very much. My name is Susan Buck and although I've lived in Yorktown for 20 years, I have never attended a Town meeting, let alone spoken at one. I can tell you the reason I'm here is very important to me. I have spent the better part of my life in the public schools, first through fifth grade, and raising a son who is completing his senior year this year. I'm here because I care about the future all of these children and their brothers and sisters are facing and the fear and anxiety so many of them are suffering. What I'm about to share with you, the data I'm about to share with you, is really to support what Bob just spoke about – the importance of really building toward the future in a green manner. A recent international study concluded that young people are experiencing a high level of stress from climate change and governmental inaction on the growing crisis. Almost half of the young people surveyed said that anxiety and stress surrounding the issue are affecting their daily lives and functioning. The authors of the study surveyed 10,000 young adults and teenagers, age 16 to 25, in ten different countries, including the U.S. They found that three-fourths of young folks believe that the future is frightening and that 65% of them believe their governments aren't doing enough to combat catastrophes that will be exacerbated by climate change. The study paints a "horrific picture of widespread climate anxiety in our children and young people," said Carolyn Hickman, the co-lead of the study. This is described as the first large-scale study of climate anxiety and it was assisted by human rights activists, academics, and mental health experts, including Dr. Eric Lewandowski and he lives right here in Croton and is active with Cure100, of which Yorktown100 is a member. So the study suggests for the first time high levels of psychological distress in youth are linked to government inaction. Our children's anxiety is completely rational given the inadequate responses to climate change they see from governments. So what more do governments need to hear to take action? Based on this information alone and, of course, there's plenty of science that my Yorktown100 friends are sharing, we have the opportunity here in Yorktown to make significant changes to lower our carbon footprint substantially as a community by building for the future. Let's make our children proud. Let's assure them that each of the adults here in Yorktown is willing and determined to do our part to positively impact all the lives of those who live here, as well as the planet in general, through our efforts to minimize climate change through building sustainably. Thank you very much.

Laura Kosbar:

Good evening. I'm Laura Kosbar. I've been a resident of Yorktown for over thirty years. I'm going to try to condense my comments a little bit to fit in the time and I'm going to send them

to the Board afterwards. Basically, I'm a member of Yorktown100 and I want to talk about again why this is important from a climate viewpoint. If you've been paying attention to the news this past year, there's been a lot comments about this from the Global Climate Change Conference in Glasgow to President Biden's comments last year to New York's Climate Leadership and Community Protection Act just adopted in 2019. All of them basically agree that by 2030 – 9 years from now – we need to cut our greenhouse emissions in half and by 2050 we need to be carbon neutral. We're talking a 10 to 30 year timeframe where we need to get rid of all of our carbon emissions. One big source of that is our buildings. Basically what we're talking about is converting all our buildings, commercial and residential, to efficient, electrically-powered heating systems. In light of that and the daunting task that that will be to convert existing buildings, the idea of building 400 new residential structures at this point that are based on using conventional fossil fuel heating seems unwise, short-sighted, and fiscally irresponsible because within a few years they would have to be retrofitted, too. It seems like this new overlay law allows Yorktown a really unique opportunity to incorporate sound, climate-safe building practices as a condition of the increased density that the overlay districts allow. I would like to applaud the Town in having Section 300-253 it did state that the developers were going to be offered incentives for green building standards, but we don't believe that goes far enough. We believe that requirements beyond those green certifications should be codified into the law. The three main ones are the things that have been mentioned here: basically, requiring that the heating for the buildings is an efficient electric system, of which ground source heat pumps are the most efficient; making sure that the planning and design of the buildings accommodates rooftop solar, whether or not that's built by the builder or they're just made solar ready so that the owners could add it later or it could become a community solar – this is something that Yorktown has been highly supportive of – it could become a community solar installation and benefit the entire community. As was mentioned earlier, the idea that a lot of residents will be converting to electric vehicles, we need to prepare for that by having charging stations. I recently listened to one of your earlier meetings and John Tegeuder mentioned one of the goals of these overlay districts is to attract millennials. One of the best ways to attract the younger generation is to offer them zero-carbon housing and then that, in combination, with a walkable community and the trail system would set Yorktown apart from other communities and make it a very desirable place to live. Thank you.

Jennie Menton/Anthony Grasso: *(Ms. Menton submitted her husband's statement to the Board, as he was unable to attend.)*

My statement is very brief. I know there's been many, many discussions regarding the overlay plan. How could you not know that? Every paper we picked up – there was so much written. I have lived in Yorktown for many years. I purchased a house here in the early fifties; I'm still in the same house and love Yorktown. Much has been developed and many public hearings have been had. There are always those who object, those who approve, and those who just don't care. Never, to my knowledge, have we had a public hearing where everyone agreed. I think the overlay plan was discussed many years ago and included in the Comprehensive Plan. Now is the time to really think about it. Would it be beneficial to our town? We have to think what is best for our town, not just for a few. Let me repeat that: we have to think what is best for Yorktown, not just a few people but for all. The overlay plan would bring much organization to developing our town and many questions would be answered if we had this plan. We have a beautiful town here – let's continue to develop it for the people. We would not have the population that we have if we're not a great place to live. My last sentence: just remember senior are very important to have in town; let's give them a place to live instead of sending them to another town. So I guess you can tell from what I said I definitely approve of the overlay plan, one hundred percent. Thank you.

RoseMarie Panio:

Good evening. My name is RoseMarie Panio. I've lived in Yorktown for 50 years. I've raised my children here and my grandchildren. I currently chair the Senior Advisory Committee, along with Jennie Menton who is our vice chair and Daryl (Lindholm) who is our secretary. We are very thankful for the advances in healthcare, which enable us to live longer and better. However, we must face the reality that we will not be able to do what we've done in the past. As seniors, we are attempting to make wise decisions about our futures moving forward, whether our choices have to be made to downsize, or whether they be financial. What we know, definitely, is that we want to remain in Yorktown close to our families, close to our friends and neighbors, and close to our church. The Town Board has an opportunity tonight to approve the enabling legislation that could provide some of the answers to address these

issues. We understand that any project that applies will still have to go through the usual scrutiny of our many town committees and boards. Actual surveys tell us that seniors shop within a five to six mile radius of their homes. Creating more shopping will enable seniors to shop closer to home in a safe, familiar setting. Businesses bring in much needed tax revenue – what could be millions of dollars – to offset the residential property taxes and provide goods and services. It also offers first-time employment or jobs to our young people, as well as creating housing options for our seniors. The trades will also see job opportunities. It is my hope that the Town Board will not miss the opportunity to update our zoning laws and meet the current and future needs of our community. Thank you.

Trish Sullivan-Rothberg:

Thank you for letting me speak. The proposed overlay law that the Town Board will vote on is, I believe, deeply flawed; flawed as a piece of legislation and business model to move the Town forward. I have several concerns and issues about the law getting passed and it will get passed. Here are my concerns:

One size does not fit all. While the overlay law might well be used in the Yorktown Green property where the old K-Mart building is located, it would not be a good use if it was used on, say, the Soundview property, which is a historic property. One size does not fit all. Passing this law will make that very difficult. As it's written now, the law would allow the Town Board and Planning full control of developments in the overlay maps without any public input. This is an example of government overreach. The residents should be involved in the process of the Town's development. The overlay law would place the Town Board and the developer in the front seat with the residents in the back seat with no control. There were no studies/data done or shown or provided by the Town showing or indicating that the overlay law would be beneficial to our Town for economic purposes – not one; I waited, I watched, I was hoping something came. Nothing was ever provided. So we have to ask: who does the law serve? This is the main question the public has to ask. Who benefits from the overlay law? The answer is the developer, not the people of Yorktown. Therefore, I am against passing the overlay law. The Town Board knows that in the 2010 Comp Plan the map that includes the Yorktown business hamlet, the Soundview property was never included in that map. Why, suddenly in 2020, was that map redrawn and the property included? The proposed overlay law has been an accommodation made for one developer suggested by the Town who wants to get a zoning change and who does not want to go through the traditional process. Shame on the Town Board for allowing this to happen and for lying to the public about it. We deserve better; we have advocated for better, and we know better.

Mel Tanzman:

Good evening, everybody, Supervisor Slater, council members. Mel Tanzman, 30-year resident of Mohegan Lake, and a member of the Westchester County Housing Opportunities Commission. Tonight, I support the establishment of the overlay districts, with certain conditions. Specifically, I ask that the districts be established but only with a mandate that there be 10% of all residential units meet affordable housing standards. I'm disappointed that it's not in the existing law and I urge you before passing the final law to add that provision. There are many reasons that these largely downtown districts are extremely well suited for affordable rental housing. First, it is one of the few areas of Yorktown where rental apartments are feasible and can be well integrated into the community's infrastructure. Second, you will have a symbiotic relationship with the big business infrastructure being established. People living here will shop locally and working people living in the community will find local employment very attractive. Entrepreneurs opening shops will likely find a dependable workforce if there is a locally based one. Traffic congestion can be mitigated if people can live, shop, and work in a downtown area. Downtown Yorktown can, indeed, be a very walkable community with an overlay district that is adjacent to the existing bike and walkway. Yorktown can be a more environmentally sound community and be a destination where young working families can afford and choose to live first as starter-renters, and eventually as homeowners, as they become financially able. Over the past several months, I have given my views regarding the dire need for affordable housing, as documented in the county's Housing Needs Assessment. In summary, there is a documented need for affordable housing options as a significant number of current residents are burdened by housing costs – that means paying more than 30% of the income on housing costs. Our seniors must adjust to less disposable income and our young adults, many of whom wish to remain, but find it difficult to do so. Our county has recognized affordable diverse housing as a critical high priority need. Yorktown

can be a partner in these efforts and benefit from the investment of county funds or it can be obstructionist and lose valuable resources. We can't have it both ways. Regardless of our political affiliations, I truly hope we chose wisely to work for the benefit of all Yorktowners rather than a small minority who may be resistant to change. Yorktown is at a turning point – including affordable housing in an overlay district will be a vitalizing tonic for a town we all love. Thank you. Have a great holiday.

Walt Daniels:

I'm Walt Daniels, chair of the Advisory Committee on Open Space and so this is a report from our committee. You might think that ACOS has no concerns about the overlay districts since there are no open spaces there, but we do because one of the major concerns about open space is making sure that they are connected to other open spaces. An example is the former route of the rail extension from Railroad Park to FDR along Downing Drive. Currently, there are talks about formerly marking (road striping) this route; we want to make sure that that happens and is in the overlay plans. Additionally, ACOS interacts most strongly with the Parks and Rec Department who typically "owns" most of the Town's open space. Part of the Underhill Farms proposal is a building for a senior center and office space for Parks and Rec, but that proposal is very flawed in not providing enough parking space for either or both. The overlay district should consider recommending that the entire property be purchased as parkland with the historic building being used as a senior center and Parks Department offices with ample parking for both. It should further be developed as a formal urban park featuring the pond and some trails to the north near the wetlands, or alternate limited condo or rental housing. Note: no commercial space. It might be useful to also provide space for the Planning Department making this site and Town Hall a government campus, making interactions much easier. As it stands, the Soundview property is an attractive entrance to the Town and enhancing that with more park-like landscaping would further the attractiveness of a Town that cares about preservation.

Maura Gregory:

Good evening, I'm Maura Gregory. I have lived in Yorktown for over 30 years. I'm a member of the Community Housing Board. Initially, I want to say I agree with the comments of the Yorktown100 folks who have spoken tonight; they have made some very insightful points and I can say that geothermal would be a very important to have. My home has used geothermal heating and cooling since 2009; I haven't had to buy fossil fuel since then. It's very efficient and works beautifully. The Community Housing Board has sent you a statement through our chair, Ken Belfer, who cannot be here tonight. I ask every member of the Board to please read that. He also attached to it a memo that we, on the Board, adopted in February of this year asking the Town Board to make a 10% affordable housing set aside – an important and integral part of the overlay district, and you have previously legislation from us that could be the model for that; that could be adopted right into it. But what I would really emphasize tonight is how much of an incentive already exists for developers in this overlay proposal. There's a tremendous amount of increased density of housing that is possible, that would be permitted, through the use of this overlay process. There have been past administrations and even some current members of the Town Board who have taken the position on affordable housing that while just requiring developers to build affordable housing without giving them something in return is not fair. Personally, I don't agree with that but I understand the argument and I think that this proposal is the perfect place, is the perfect vehicle, for affordable housing in this town because the increased density for the developer that is available is a tremendous incentive and there's no reason why the Town can't say "in return for that, developer, you need to give us affordable housing." As Ms. Panio mentioned, we need housing options for our seniors. As Mel mentioned, we need housing options for our young people. I have a twenty-something child living with me at home. He can't afford any place to live around here; he's thinking of leaving the state. I mean, we're losing our young people. We don't have enough affordable housing options. This proposal is the perfect place to put it. We're talking about attracting millennials – not all of them can afford market-rate housing. Many of them, like my son, cannot. Many seniors cannot. Many young families starting out cannot afford market-rate housing. It would be a tremendous benefit to the Town of Yorktown to require a minimum 10% set aside of affordable housing as part of the overlay district. Thank you.

Jane Daniels:

Good evening, Town Council. I'm Jane Daniels; with my husband, we have lived in Yorktown since 1971 – you do the math. I agree with the comments made previously with the

Yorktown100 group and with the affordable housing group. I would also like to bring up I don't like the idea of the Soundview property, is what I call it, including retail with the housing. Yes, I know it's nice to have retail near where you live, but as previously mentioned the Amazon effect, I don't know how much we want here. I'm a big proponent of open space – obviously, our household believes in it. I see the potential there of having parkland and encouraging people to live there and be able to walk for recreation; as we all know during the pandemic, trails in Yorktown were overrun, with good reason. I'm also involved with trails and I think that is a selling point for being here in Yorktown. Thank you very much, but please consider not having any retail at the Soundview property. Thank you.

Mike Mattone:

Good evening, everyone. Michael Mattone, Windmill Court. I've already shared data with the Town Board from the 2019 Housing Needs Assessment, the Hudson Valley Pattern for Progress talk about challenges we face attracting young families and small businesses. I wanted to share some additional data tonight, zip code data from the US Census website pulled from 2019, ACS survey, and census estimates. Yorktown Heights 10598 zip code is the ninth largest population out of the 73 zips in Westchester. It is 58th out of 73 and the percentage of Gen Y and Gen Z residents, 37.11% - that's people born between 1981 and 2012 – and it's 18th highest in median age out of 73 zips, with a median age of 45.5. Why I share this information is because that it's critical the design district overlay zoning law that we pass help solve this issue and make Yorktown a more viable option for both businesses and young families without any potential avenues for developers to circumvent our goals and focus on near-term profit maximization efforts based on current town demographic makeup. The affordable component that's been discussed and recommended by the Community Housing Board, which I'm member on, I am in support of. Affordable housing for young families is critical to us to accomplish our goals. I know Supervisor Slater mentioned at a previous Courtesy of the Floor that he was very fortunate to find a rental in Yorktown at an affordable rate and we think that we'd want to keep residents like Supervisor Slater in Yorktown instead of having them go other places. I know I'd love to keep Matt in Town. More importantly, no age restrictions. I believe that, for the overlay districts, it should be in writing that there's no age restrictions in housing allowed in overlay zones. With the increase in popularity of 55+ active adult communities in our area, which is hugely important, we must make sure, though, that developers do not take advantage of zoning flexibility to build housing that is age restricted and counter to the stated goals of the town related to the overlay zoning law, which is attracting more GenY and GenZ families to town. Specific to the Heights Overlay District, if the Town has not already done so, I implore the Town Board to commission a traffic impact study of potential changes that could be made to Commerce Street, Veterans Road, Downing Drive, and Kear Street to promote the Town goals of a more walkable and vibrant downtown. This may or may not include expanded sidewalks, bike lanes, partial road closures for pedestrian traffic, shade trees, and on-street parking. I moved to Yorktown in 2016, unlike many of the folks here tonight who've been in town for a long time, I came here recently because of the great prospect of raising my two young children here in Yorktown and the future that Yorktown holds, and I'm confident that with the leadership of the Town Board, Town Supervisor, and all the folks who worked on this plan, we can finalize the overlay district to become the right and best possible option to bring Yorktown into the future. Thank you very much for your time.

Jim Kashian:

Good evening, Supervisor Slater, Town Council members – proud resident of Yorktown for 21 years. I live at 63 Giordano; proud spouse of a wife who is a Yorktown “life” and proud father of 6 children; 5 of which have graduated from Yorktown High School. The American Planning Association defines an overlay zone as “a zoning district which is applied over one or more previously established zoning districts establishing additional or stricter standards or criteria for covered properties in addition to those in the underlying zoning district. Communities often use overlay zones to protect special features such as historic buildings, wetlands, steep slopes, and waterfronts. Overlay zones can also be used to promote specific development projects such as mixed-use properties and developments (waterfront developments, housing along transit corridors, and affordable housing).” Research about overlay zones in other communities around the country confirms that these tools are intended for the protection and betterment of a community. Consider the Michigan State University's extension of land use – it lists examples for the use of overlay zone tools that include scenarios such as protecting riverheads, increasing buffers on shorelines, and limiting building heights near airports. Clearly there are areas within the Town that were originally zoned for

commercial and that were built for the Yorktown of the past, a/k/a, big box stores like K-Mart. These properties might benefit from the application of an overlay zone to bring mixed uses more in keeping with today's lifestyles. Jumpstarting these areas might also be in keeping with the spirit of original town master plan, but I must ask: what exactly is the rationale for keeping other parcels that clearly differ from the abandoned downtown parcels? Where are the studies, where is the research, who will benefit? Is it the good people of Yorktown or those in it for the profit that will be advantaged? Consider a quote from a land use company in Colorado: "to implement an overlay zoning district, communities should first prepare a study or a report identifying a problem and linking the benefits of an overlay district to broader community policies and/or objectives and tying those objectives to the comprehensive plan." And from a November 8, 2021 article in the *New York Law Journal* entitled 'Overlay Zoning: A Clever Way Around Spot Zoning?' the author references some very important issues. First and foremost is that the Town's comprehensive plan should be enacted after a lengthy study with critical input from citizens of the Town. By allowing a haphazard drawing of the lines of the OZ our town leaders may, in essence, be handing over protections from local residents to what could potentially be a developer or business interest. Structures and processes for the careful consideration of the impact of the proposal could be deluded and the developer will have a streamlined process for approvals and altering the landscape and feel of our Town. We strongly ask the Town Council to reconsider the additional parcels such as Beaver Farm and, more recently, the Soundview School in the overlay project. Thank you very much.

Lynn Briggs:

First, if I could, just thank Alice and Vishnu and wish them a great journey in their life after municipality. Thank you for all your contributions to the Town and service. Good evening, I'm Lynn Briggs and I'm Chairman of the Heritage Preservation Commission. Joining me tonight are my fellow members: Adam Fetzer, Christine Sisler, Terry Naumann, and Tom McLaughlin. We are volunteers who love Yorktown and our heritage. We are appointed by the Town Board to apply the Preservation Law, collaborate with Town leaders, and residents, and the development communities to promote, restore, and reuse the buildings and sites of our past, blend old and new making Yorktown, create a sense of belonging, and shaping our understanding of who we have become. As you know, the Town motto is "Progress with Preservation." There's always tension between progress and preservation; this is natural, it's expected, it's healthy, and it's good. It helps improve our quality of life and makes Yorktown a more interesting place to live, work, and play. So as proud guardians of our heritage and after reviewing the proposed law several times, it is in this context that we submit the following recommendations into the public record:

Based on our assessments, the HPC believes several provisions in the proposed law impact the existing preservation code, Section 198 and are confusing and redundant. Specifically, the new law proposes to establish a third designation type called "unique buildings" when two already exist in the preservation code: they are the "landmark" and "homes of historic distinction." Unique Buildings are defined in the law as "existing buildings that should be retained because of their distinctive, cultural, architectural, and historical references to the Town's history, as decided by the Town Board and listed herein." Fourteen of these unique properties have been listed in the law by specific address but there are no cultural, architectural, or historic criteria or standards defined in the law for these unique buildings. There are no criteria or vetting has been applied to justify their inclusion. So the question is: why are we adding a third designation type, "unique buildings," and how does it differ from the current two, "landmark" and "homes of distinction"? What is its justification?

Adam Fetzer:

Hi, I'm Adam Fetzer, I'm a member of the Historic Preservation Commission. I'll continue the Commission's statement. In addition, the new law proposes to set up another redundant route to historic designation within the OZ, when Local Preservation Code 198 already spells out how designation occurs today. Doing so sets up two paths to designation in Yorktown: one inside the OZ and one outside the OZ. Unlike the Yorktown Preservation Code based on New York model law, the proposed law is not based on any legal standards for historic preservation efforts, including roles, accountability, process, application, approval, appeal, and enforcement. Further, the new law proposes to name the Town Board as an additional designating entity with the referrals from ABACA, when ABACA has declined this role and the HPC already plays the lead role. ABACA's referral feedback stated "ABACA does not feel it should be included in developing the criteria for such structures or trying to determine

their historical value.” Adding two more entities into the historic designation process will create unnecessary role confusion. Referrals and unique buildings will be handled by ABACA; designation of unique buildings will be done by the Town Board; recommendations for landmarks by the HPC; Designation of homes of historic distinction from the HPC; approval of landmarks from the Town Board. If the Town Board assumes this expanded role, it will need to apply the approval criteria and follow a process, including enforcement, none of which is defined in the law. As a designating entity, the Town Board will need to authenticate, propose structures through deed searches, historical research, and resolve issues about the property. The question is: does a part time Town Board have the time or skills for this role? Finally, the new overlay law proposes to establish a list of unique buildings directly in the law, rendering the law out of date as soon as the building status changes, such as with demolition. The law lists 1952 Commerce Street (the former Mulvey Realty Building) as unique – the last remaining wood Victorian home along Commerce Street, yet this very building is slated for demolition for the Gardenia Hotel project. Why would the proposed law name a property to be retained that is already scheduled for demolition? We take our jobs seriously and invested hours reviewing the law and discussing feedback that would improve each of the iterations of this proposed law. Based on our assessments, HPC believes the proposed provisions we just outlined will impact the existing 198 Preservation Code, are confusing, redundant, and will tax already limited resources. The HPC recommends the OZ be modified removing all references to unique buildings and the specific properties listed in Section 300-255 and Section 300-256 of the law. Thank you for allowing us to submit these comments into public record.

Terry Naumann:

My name is Terry Naumann. I’m also a member of the Heritage Preservation Commission. I’m going to address the Environmental Assessment Form, Part 1 (EAF) of the OZ and some of our issues with it. The EAF assessment included traffic, schools, water, and sewer and determined that there would be no significant environmental impacts associated with the planned law or anything that would lead to a negative SEQRA declaration. However, the EAF assessment did not include an examination of the law and its effects on the fourteen historic resources listed in the law, as well as community and neighborhood character or open space as required under SEQRA. Why were these areas of significance not included? There are 14 properties listed by address in Sections 255 and 256 called unique and defined by the Town as existing buildings that should be retained because of their distinctive cultural, architectural, or historical references to the Town’s history. But among the 14, two have known developmental sites in process; the Underhill Manor Estate, 370 Underhill Avenue – property of a founding family of Yorktown, which meets four out of five landmarking criteria – and the former Mulvey Realty Building, 1952 Commerce Street, the last Victorian era home along this street. In addition, the laws list two locally designated landmarks: the Albert A. Capellini Community and Cultural Center and Yorktown Railroad Station (also listed with the State and National Registers of Historic Places). The law also lists a designated home of historic distinction – the Kear Building, also known as the Grace Building – former home of civic leader and Yorktown Supervisor Edward Kear. On May 26, 2021 the Underhill Farm property was determined eligible for listing in the State and National Registers of Historic Places under criterion A and C, “the mansion, outbuildings, farm land, park-like lawns, and stone walls all contribute to the property and retain integrity.” On October 18, 2021 an Adverse Effect Finding was issued by the New York State Office of Historic Preservation under Section 14.09 of the New York State Historic Preservation Law for the Underhill Farm property, 370 Underhill Avenue with the “intensity of the construction proposed, the setting and feeling of the property would be significantly altered. We further note that the majority of outbuildings on site are proposed for removal. Under the provisions of Section 14.09 of the New York State Historic Preservation Law, demolition of historic resources is deemed an adverse effect.” Way back in 2006 the Town of Yorktown Reconnaissance Level Historic Resources Survey conducted by Neil Larsen and Associates identified Underhill Farm as a significant historic resource in the Town and a vital component of Yorktown’s heritage. HPC recommends completing the EAF Assessment of the effects of the law upon the historic resources, community, and neighborhood character and open space as required under SEQRA. Thank you.

Christine Sisler:

Hi, I’m Christine Sisler, Indian Hill Road, 27-year resident of Yorktown. I’m also a member of the Yorktown Heritage and Preservation Commission and I agree with everything my

colleagues just stated, so thank you very much for your time and for listening. Congratulations, Vishnu and congratulations, Alice.

Susan Siegel:

Before you set your timer, I'd like to say that before I was preparing my remarks I asked the Supervisor's office twice, last Friday and on Monday, if there were any time limits. I did not get any response so, going on usual practices, I planned my comments for 5 minutes and I would appreciate that time.

Supervisor Slater:

You can submit your comments to the Town Board.

Susan Siegel:

Because I did not get a response. Thank you.

Supervisor Slater:

I can also not predict the future, Mrs. Siegel, so I could not predict how many people were going to be here tonight and 3 minutes is the limit.

Ms. Siegel:

You could have responded and said 3 minutes.

Supervisor Slater:

Three minutes. You got a response from the Town Clerk. Three minutes is the time limit.

Ms. Siegel:

I agree with the Town Board on the need to revitalize Yorktown's business hamlets, especially the Yorktown Heights hamlet and like most residents, I'm very supportive of efforts that can lead to the redevelopment of Yorktown Green, but I don't agree that the overlay law, as currently written, is in the best long-term interests of our community. Here are three reasons why I urge the Town not to adopt the law again as currently written. The first reason is that the Soundview Property doesn't belong in the current Yorktown Heights Overlay District. It should be removed from the district. The Soundview Property is not, and has never been, part of the Yorktown Heights business district. The second reason is that the Town Board has not satisfied the requirements of SEQRA. Put simply, and with all due respect to our consultants, the two EAFs do not satisfy SEQRA requirements for a Negative Declaration that the Town Board is planning to adopt. The flawed SEQRA process leaves the Town vulnerable to an Article 78 lawsuit – a very strong possibility. A lawsuit that hold up the much sought after redevelopment of Yorktown Green and a lawsuit that taxpayers will have to pay for, as Article 78 lawsuits are not covered by the Town's insurance policy. The third reason not to adopt the proposed law, again, as currently written is because several sections of the law are flawed. Flawed in terms of how the Town Board authorizes the use of the overlay law for specific development projects, flawed in terms of confusion over the respective roles of the Town Board and Planning Board, and flawed on the provisions of dealing with the boutique hotel. As currently, the Town Board does not have to hold a public hearing before it grants overlay status for a development plan on a specific site. No public hearing means the public can be shut out of the process. This needs to be changed. The word "may" hold a public hearing must be changed to "shall" hold a public hearing. The public should be able to comment at a Town Board public hearing on these plans before, not after, the Town Board votes to grant overlay status. Once overlay status is granted by the Town Board and the development application moves to the Planning Board for site plan review and approval, the most critical parts of a development plan like density and allowed uses such as mixing residential and commercial, will likely have already been decided. By the time the Planning Board holds a public hearing, it will be too late for most of the important parts of the plan to be changed. The Town advisory boards, like Planning Board, Conservation Board, Tree Commission, and ABACA have also been shut out of the process. Like the Town Board public hearing provision, the word "may" needs to be changed to "shall." Finally, the boutique hotel section of the law. The section states boutique hotels will be approved in accordance with the regulations of Section 300-52 of the Zoning Code, but the provision of 300-52 are not applicable for a boutique hotel plan that has been proposed for Commerce Street. In fact, there's no definition in the Overlay Law for even the term "boutique hotel." So what exactly is a boutique hotel and how is one different

from a regular hotel? For these three reasons I ask you not to adopt the current version of the Overlay Law. The Soundview Property doesn't belong in the district and should be taken out. The EAFs do not satisfy SEQRA requirements and will leave the Town vulnerable for a lawsuit, and there are problems with several portions of the text of the law and you have ignored much of the Planning Board's previous April memo that talks about problems between the Planning Board and the Town Board. Thank you.

Rick Cipriani:

Hello. My name is Rick Cipriani. I'm a retired civil engineer, contractor, developer, grandfather enjoying myself. Forty-six years ago, I moved to Yorktown. My second son was born at that time and six months before I moved into the house, we started a sewer line for the County of Westchester at Annsville Circle in Peekskill to the proposed site for the Jefferson Valley Mall – thirteen and a half miles of pipe. What we're having here, to me, I see this as the golden opportunity for the people of Yorktown. As an example, when we did that sewer line when we went up by Lakeland High School, we found out that they weren't hooked into a sewer system, they were buying chlorine, and now there was a system and we needed fill to build the mall. So we made a deal with them – we hooked up their sewer and we built them a ballfield for a dollar. Good negotiations are key to good things. I think it's the Stony Street fields, I believe Michael Grace was the supervisor, somebody negotiated that. The Town got 3+ million dollars in work – cost nothing. My point being again, the opportunity to fix up this Town because where Kohl's and these big empty buildings and those parking lots, I think with good bargaining, if you wanted to, you could almost make – I don't want to say a “quaint village” – but there's so much we could do to improve this Town, it's terrible. And there's going to be different opinions and stuff to be brought in but that's all part of negotiating – you've got to start somewhere. So for me, I see it's income for the Town, gets rid of some really lousy looking spots. Young people may be able to live in those places, Town employees may be able to live in those places, seniors may be able to live in those places. Good negotiations, Town Supervisor, Town Board, Planning Board, can benefit the people of this Town. Thank you.

Brian Wolfson:

Good evening, Brian Wolfson. I've been a resident for 45 years. I moved to Yorktown because it was the place to come. When I moved here, I could walk downtown, I could shop. Now after many years, and my fault for not being involved, everything has been rejected – Yorktown has the reputation of the place you don't want to come, as far as business. It's time, and I commend this Board, for putting in the overlay, or proposing the overlay. As far as people saying developers are going to profit, well guess what? How many of you own a house by giving it away?

Supervisor Slater:

Please direct your comments to the Board.

Brian Wolfson:

Sorry. As far as Soundview in the overlay, it enhances it. Everybody is saying “open space.” We have open space. The Planning Board can control how that open space is maintained. It's going to add tax revenue. It's going to have minimal impact on the schools from what I heard tonight from the planners. So, I don't think there is any downside at all to this and it's going to afford people the ability to stay in Town. Thank you.

Doug Offner:

Good evening. Thank you for allowing me to speak. My name is Douglas Offer; I live in Yorktown Heights at 340 Essex Fells Court, Yorktown Heights. I'm in favor of the overlay zone and keeping Soundview part of it. The plans have been available for almost 2 years; it's an awesome plan to move Yorktown forward. Please vote on this tonight. Short, simple, and sweet. Thank you.

Jay Kopstein:

Good evening. I'll try to be quick. There are 3 groups of people in Yorktown: those who say yes to everything, those who say no to everything, and we have some reasonable people here, too – people on the Board. We lost the Cortlandt Town Center to the no's. Cortlandt got the sales tax, we got the traffic. We almost lost the mall because the no's didn't want one door added to the mall. We lost Costco. Costco would have generated more in sales tax than Lowe's

does. We lost the state infrastructure improvements on Route 202 to 6 because of the Cortland Town Center. Initially, I was concerned about including Underhill Farms, but as long as the Planning Board has the approval authority, I think we should go forward with the new overlay district. The Underhill Farms alternative might be to build, as a matter of right where we may lose access, which they told us we would have, for walking. We may lose senior citizen parking and possibly have a gated community. Incidentally, there's a gentleman standing behind me, or sitting behind me, Mr. Tegeder, who doesn't allow anything to slip by so I've got the ultimate confidence that he'll keep us straight. Thank you.

Dan Strauss:

I guess I'm just going to go for it here. Dan Strauss, 55-year resident – I think I topped everyone. Maybe I should only be a 2-year resident and 35 years old. The Winery at St. George – does everyone know it? It's up for sale on Route 6. When it was advertised in the paper, there was an article about it and said it was in a transitional zone. We have been led to believe that the Soundview Property is an ideal transitional zone - to compare the two is akin to saying the earth is flat. I do not believe that. The Soundview Property doesn't belong in the overlay zone, as far as I'm concerned. I'm just going to do a few soundbites. A lot of people don't have any money in Yorktown – I'm saying that metaphorically. I'll bet you that 25% of the people shop for groceries in Yorktown, the rest of them shop outside because they can't afford it. I believe there are myths that are spread about Yorktown. People don't have a lot of money here; you need money to come in. You'd be better off building 30 million dollar houses or \$2 million dollar houses because then those people would spend more money combined than half of the people in Yorktown in Yorktown. You don't need an overlay district to do what you need to do. There is a development coming in over on the other side of Town it's more than 5 miles - probably on Catherine Street – Toll Brothers – 160 units on 55 acres. Beautiful condos. All of the seniors who say they can afford \$600,000, \$700,000, \$800,000 for condos and \$1,000 and \$1,500 for carrying charges – you can move there. You don't need an overlay zone in the Town of Yorktown. There is a siege, an attack, and there has been since Depot Square was in the mix on the fabric of this Town. This Town is a single-family town; it is not an apartment town. You will have 1,000 apartments within 5 years in the overlay zone – right downtown Yorktown. You will have 1,000. If that's what you want, go for it. I'm going to add on one thing – one note. There's a song that was written in the 1930's; it was called "Smoke Gets In Your Eyes" – "when a lovely flame dies, smoke gets in your eyes" – those are the last two lines. It's a love song. "When a lovely flame dies, smoke gets in your eyes." So I say to the Town of Yorktown, to the people who care about it and want it to stay somewhere the way it is, don't let the smoke get in your eyes, don't let a lovely flame die.

Luciana Hauchwout:

Good evening. I'm Luciana Hauchwout. I'm 40 and have only been in Town 6 years, but I'm going to go ahead and say it's been really interesting sitting here and listening and I agree with Rick Cipriani that we have to start somewhere. I hear two facts: one is the overlay district and its development and the other is keeping, or not keeping, Soundview in it. I think the juggle here is to understand that I don't truly believe there's anything else we can do with Soundview at this time besides develop that beautiful land into something that will benefit the entire Town – its community that exists here today and the members of the community to come. It is also very important that we realize what it costs to develop this beautiful Town and how, at this point, moving it forward is reinvesting in not only what we call the fabric, but each one of us allowing the fabric of Yorktown to be developed. It is not my view, but also the view of others, that when we bring our children into Town, it's very limited in experiences, in activities, and places to wander. We are now developing these wonderful programs around our parks but when it comes to just window shopping or walking in and saying "hi" to owners, it is closed. It is time to open those doors. So, I am for the Overlay District. I am also very sensitive to what Soundview is to many, but I assure you after walking those halls, it is time we turn that beautiful area into a wonderful development. Thank you.

Jennie Sunshine:

Good evening. My name is Jennie Sunshine. I'm an eighteen-year resident but my in-laws have been here since 1969. Regarding the Overlay District, I just have three comments. While mixed-use development is a good thing for Yorktown, I think, the areas draw of the overlay districts seem arbitrary. What about our other business centers in hamlets; in Shrub Oak, Mohegan Lake, Jefferson Valley, and along 202? I think more time and more thought ought to go into creating such districts. We must be careful when bringing a great deal more density

to our area. Traffic, sewer lines, water lines, environmental impacts first need to be independently assessed and then we have to understand that more development means that we will become more urban, more dense, more possibly polluted, more stressful, and perhaps not the place that we meant to raise our families. Speaking of the density issue; however, if we do go that route, I also agree that we do need affordable housing options so that we can be a fair place for all residents who wish to live here. Now, the third thing – I believe it is vital that the Underhill/Soundview property be removed from the overlay district it is not an equal piece of property to the surrounding parcels. The Underhill/Soundview property is of extreme historical significance. The property is just a tiny sliver that is left of Mr. Edward B. Underhill's vast farm of 240 acres that extended far into Yorktown. In fact, the Railroad Station, also known as Railroad Park, that Mr. Underhill helped bring has been listed on the National Register of Historic Places since 1981. And the Underhill/Soundview property is in the process to be awarded the same status. And further, the entire Underhill family has resided here in Yorktown since prior to the Revolutionary War. History knows that Edward B. Underhill's grandfather, his name was Isaac Underhill; he actually served breakfast to Benedict Arnold and his spy associate, John Andre, on the morning of his death back in 1780. So it's clear that a comprehensive, independent, anthropological and archaeological review of this property must in due diligence be performed. So it is right and just that all of the Underhill/Soundview property needs to be removed from the Underhill [Overlay] District and its entire property preserved and maintained, as is, with the historical honor it deserves. It is living history; it is our Monticello; it is our John Jay Homestead; it is our Sunnyside. So, let's keep the Underhill/Soundview intact so that our children can understand their history and revel in the magnificence of a historic Yorktown. Thank you so much. This is the picture of the Underhill Property that exists (*holding up picture*).

Sergio Esposito: (*Mr. Esposito turned in Perry Gusikoff's comments to the Town Clerk*)

Good evening, everybody. So what, exactly, is an overlay zone? An overlay zone is a regulatory tool that creates a special zoning district placed over an existing based zone, which identifies special provisions in addition to those in the underlying base zone. It is a tool that is being used and has been heavily utilized as a game changer in many municipalities across Westchester. Is everybody happy with the way our Main Streets look? Like Commerce Street? Because if you're not and we don't do anything about it, it's not going to get any better on its own. So where does it fit into the approval process because I keep hearing about there's no public comments or public hearings. The overlay district is only one part of a multi-faceted process. Typically, but not always, a general guideline for an application approval process would follow these steps. The Town Board would approve an applicant for consideration. There would be a staff level meeting, possibly between Planning and Engineering, and this is where the project is disseminated, the viability discussed with the applicant. This request would be rigorously reviewed to determine if the property is appropriate to be considered under the overlay zone. If there is no request or if the request is denied, then the project could be considered under the base or original zone. It's not an automatic process. The applicant would then submit an application. The application would be introduced to the Planning Board. Next, the Planning Board would review the application and make suggestions, indicate possible changes, an agency would declare its Lead Agency. Next, requests for comments would be solicited by any and all relevant agencies. Comments would be welcome from inside the Planning Department, as well as outside, and a discussion would ensue. It's not over yet. As the thorough review of the application would continue, at this point, there would be an indeterminate number of steps depending on the application, what it calls for, there would be traffic studies, environmental studies. The application would be considered against the tree ordinance. There would be an architectural review. The list goes on and on. After all the necessary studies are done and it is all further thoroughly discussed and reviewed, the application is referred for a public hearing. That's right – it is referred for a public hearing. Once again, to allow for public comment from citizens voicing their concerns or support. Finally, the Planning Board makes its final determination and that is usually the case. This is just a basic rundown of the requisite steps necessary for a project to get approved. The overlay district portion is just one step in the grand scheme of things and is in no way a rubber stamp, as people are trying to allude to. Lastly, overlay districting in Yorktown is necessary and vital to our economic health. It will provide the flexibility, the enthusiasm we need in a post-pandemic environment. The business community will greatly benefit from all the revitalization attempts. Times have changed and everything is changed and we must evolve with the times. We must rethink and reinvigorate our Main Streets. Economic revitalization will also help to fill empty stores and empty offices and storefronts. This will protect our business tax base and

from landlords seeking tax reductions through the tax certioraris process. As President of the Yorktown Chamber of Commerce, I can tell you we have thoroughly reviewed and revisited this legislation. We have thoroughly discussed the vast economic benefit that this legislation will yield, and I am proud to say that the Yorktown Chamber of Commerce stands squarely behind this legislation as it is written. Lastly, I appreciate all the Town Board has done and its methodical approach to this legislation. I believe you have done your due diligence, tenfold, and it's time to move this forward. Thank you.

Daryl Lindholm:

Good evening, Board. My name is Daryl Lindholm. My husband and I have been residents for 16 years. My husband and I moved 16 years ago because the town we had been living in for 43 years didn't have senior housing. It seems Valhalla only has room for cemeteries! We have loved living here; however, it's very sad we had to leave our friends of 43 years and start over. The overlay zoning law will allow the Town Planning Board to have more flexibility in developing mixed-use of land. It will help in resolving issues in developing what is needed in a particular area. I'm hoping that seniors now living in Yorktown will be able to stay here and not have to move as we did. We have over 6,000 seniors living here; let's keep at least some of them here. Please pass the overlay law.

John Flynn:

Good evening, members of the Board and other members of Yorktown government. Let's see, other people have covered points that I have. I'm not an insider, so I didn't get the notice on the 3 minute limit so I'll just try and go through what I've got and submit in writing later on. You might mention, Supervisor Slater, where we should be submitting these things to.

Supervisor Slater:

You can submit them to the Clerk's office in person or via email.

John Flynn:

Okay, thank you. For introduction, my name is John Flynn. I live on Woods Brook Lane in the Woods II Condominiums, right on one of the boundaries of the overlay district. For people who are evaluating these proposals as they start coming in and if the law is passed, Woods II Condominiums is basically density of 6.75 dwelling units per acre. The one proposal I've seen for residential development in the overlay zone comes out to be about 150 units per acre. So that gives you an idea of what we used to consider multi-family housing in the Yorktown Heights area and what's being considered under the overlay law. The overlay law raises a number of important questions, as people have talked about here. I would say one of the first ones is mixed use by density development appropriate in the Yorktown Heights hamlet. I served on the Planning Board and the Zoning Board between 1990 and 2015 so I look at this from a planning standpoint and I would say, yes, it's a good place – no problem with the overlay tools and concepts for most of the Heights area; maybe it's oversold a little bit but we can always hope. But I do have a problem with parts of the Heights hamlet that is described as the Captain Underhill Manor and Estate in your legislation. Nearly all of the land included in the overlay district is zoned as commercial. If you want to see that, you can just look on page 8 of your agenda under Item B, look down and just see a few properties listed as residential and the bulk of them are commercial properties. The difference there is under the Underhill Estate, that one has been zoned for single family forever. Section 255 of the proposed law describes the Heights overlay zone as follows (this is the description that you guys have in your law): “this area was once the center of commerce in the town, was redeveloped during urban renewal to accommodate automobile centered life with many large commercial buildings and large paved parking areas. Many of these buildings are now vacant as lifestyles and buying habits transition to digital consumerism making this area ripe for other types of development.” In that, you've got a vision of empty commercial buildings, paved parking areas, and urban renewal. I walk my dogs on Glen Rock Street, which is one of the boundaries of the Captain Underhill property and I don't see anything that matches this description there. I see historically and architecturally significant buildings, more than half of the property is open space. The property has been used, not as a K-Mart, but a conference center and a private school for more than half a century. It anchors the southeast corner of a large residential area that stretches all the way west to the Taconic Parkway. They are two very different types of property.

Supervisor Slater:

Mr. Flynn, you're a minute over. If you could conclude your comments, please.

John Flynn:

Okay. Well, anyway, you can get my drift that I would like to see the Captain Underhill property, as it's described in the legislation, taken out of the overlay district and I'll submit written comments as soon as possible. Thank you.

Supervisor Slater:

Again, any written comments can be submitted to the Clerk's office. You can do so in person or you can email them to dquast@yorktownny.org.

Paul Martin:

Good evening, Board. Thank you this evening for your patience and thank everybody else in the room for their patience, as well. It's been a long evening so I won't take up too much more of your time – only 3 minutes, I guess. I've been a resident of Yorktown Heights now for 35 years and I'm very involved with numerous historical organizations throughout my life. I came here tonight to specifically talk about the Underhill house that's within the overlay plan that we've been discussing for the past couple of hours. I wish to voice my concerns and express my primary objective and the desire to save this historic Underhill house. The Underhill house is both a significant architectural and historical home in the heart of Yorktown in Westchester County. The virtues and importance of the house have already been detailed and discussed by experts far more knowledgeable than me, but succinctly put, the Underhill House is an extraordinary structure and landmark and the most significant building on the property and the visual gateway to the heart of Yorktown proper. Any plans and financial commitment to restore and preserve the main house should be commended and should be the ultimate goal. It is my understanding that the overlay plan proposed by the Town Board will ensure that this historic building cannot be torn down and replaced with smaller multiple modern units. Certainly, in my mind, the restoration and preservation of the main house must be the primary goal of the Town and the new landowners. I believe a realistic, common sense compromise can be reached that retains the natural beauty of the original site and conserves and restores the main house. In conclusion, it is my hope that an appropriate, well-balanced plan and compromised resolution can be reached that will satisfy everyone's needs and wishes while conserving and sustaining the Underhill house at its current location at the crossroads of Yorktown. Successfully preserving the Underhill house will produce a positive result for Yorktown and Westchester County communities, as a whole, and will preserve a significant local historical landmark for generations to come. I believe that the preservation of the Underhill house is an effort well worth undertaking and stand to assist in any way that I can. I thank you again for your consideration in this matter. Goodnight.

Patrick Murphy:

Hello, everybody. My name is Patrick Murphy; I've been a resident for 57 years in Yorktown. I think that the overlay is a good thing. I think that, honestly, it will provide potential housing for seniors and it's time for a little change. I think, honestly, if you turn around and put this together, the historical...I've heard everything about this historical thing. Has anybody talked to the developer to see what he plans on doing with it? Everybody's just assuming the worst. It's going to be a phenomenal job. The developer's the one that actually took over Murphy's Restaurant and he did a phenomenal job cleaning up that area, that corner of Yorktown. I think he's going to do a great job. This has been going on for close to 2 years and I think the Board should vote on it and I think the overlay should be including Soundview and it should be voted on. We have to move forward; we can't postpone this for another 6 months, 12 months – vote on it. You know, that's your job, okay? Goodnight - I appreciate the couple of minutes.

Bernard Keaney:

Good evening. My name is Bernard Keaney, 47-year resident of Yorktown. As long as I've lived here, this is the best project I've seen come to Yorktown in my years I've been here. I wish the Board would vote on it and no dilly-dallying around and that's all I have to say. Thank you.

Brian Duffy:

Good evening, Town Board. I am a 40-year resident of Yorktown; 15 plus years with the Yorktown Athletic Association volunteering. As a contractor, I travel the county to various towns and see tremendous development and then I come home to Yorktown and see very little.

I don't know how many more times I can come down Underhill and pass and see nothing at Soundview. This is the first thing people see in our Town when they come off of Underhill. This is the time for the Board to act and now is the time to pass the law.

Andy Walsh:

My name is Andy Walsh, 59-year resident of Yorktown. Homeowner on Allen Avenue around the corner from Soundview, property owner on Route 202. Thank you to the Board for getting 202 back up and running. I believe the overlay zone at Soundview is a great thing for the Town. We need more tax revenue; we need some senior housing, as I would like to stay and live in this Town and I think that now's the time to vote on it and move forward. Thank you for your time.

Rachel Frederick:

Hi – Rachel Frederick. I just came to listen tonight; I didn't prepare anything to say, but I do want to speak in support of a diversifying, vibrant downtown area for the young families who want to have a walkable town. I think that some of the comments that were spoken about shaded areas, walkability, vibrancy, are important and I think that affordable housing is important. I think that Yorktown has a lot of resources and love to share and nobody should be priced out of our Town. I think that – I mean people deserve an opportunity to come up – we all came up – we all have to come from somewhere. Not everybody can afford a single-family house right off the bat when they're starting their family and I think that we can support them through their hardships, through their struggles, to grow into their families and so they can stay here for 50 years and eventually go into senior housing and watch their kids and their grandkids grow up. That's all.

Supervisor Slater:

We have some folks patiently waiting on Zoom. We appreciate their time.

Town Clerk Quast:

We're going to start with Kathleen Tully.

Kathleen Tully (Zoom):

Thank you, I would like to add my congratulations to Councilman Patel and Councilwoman Roker; they have been wonderful, great friends and they have been wonderful public servants and there is none better. I am a 49-year resident of Yorktown and 41 years at Glenrock Street. So Soundview, formerly Beaver Ridge, has always been my neighbor. Many years ago when the Beaver Ridge Complex was being put in, the Town Board assured the neighbors - and I thought it was written into the zoning but maybe mistaken - that the 11 acres would be left natural in perpetuity. I am sure that they were anxious to be good neighbors (the Town Board wanted to be good neighbors), but there was also a problem of sewage and that problem remains. The complex that is already on this property has used an equivalent amount of sewage capacity that would have been put there had it been single-family houses. So we have never really extended additional sewage on Underhill Avenue and, in the Nancy Elliot period, the City wanted to put a large sewage treatment plant in the area to deal with the runoff from us - basically from Yorktown - and the agreement that was reached there was that there was up-zoning along Underhill Ave so now if you wanted to build a single family house on Underhill Avenue you would need about five acres. So it doesn't make any sense to contemplate a large residential development there on that single piece of property. Traffic is also an issue; it's very difficult to get out of Glenrock Street at certain times of day you have to be careful about people driving around the corner with the sun in their eyes because Underhill runs due west. As a former member and president of the school board in Yorktown, I would just like to point out that predictions of school usage are almost always wrong. They're based on a false premise that the children are easily divided but that depends greatly on the ages of the children who happen to live in the particular complex and the number of other students in that age group. So that is almost impossible to predict so I don't think we should do that. So for those reasons and also for the reasons of consistency and integrity that the Board has promised over the years, I would urge you to not contemplate a large residential project on that single piece of land. Thank you very much.

Tim (Zoom):

I have nothing to add, thank you.

Matthew James (Zoom):

Good Evening, I have nothing to add. Just listening, thank you.

Lanny Gilbert (Zoom):

Good evening, everyone, and good evening, Supervisor Slater and the Town Board, Alice, Vishnu, Tom, Ed and, in particular, let me also just very quickly piggyback on what was said about Alice and Vishnu and my appreciation for the time that they served with me. I have heard many comments from my neighbors why we should not vote on the law as now contemplated. I've heard comments from neighbors indicating we should. But I believe in particular that we should at least remove the Soundview Property from this contemplated overlay zone based upon what I heard from other neighbors. But I am going to concentrate on another issue and mainly a single issue, and I know John Tegeder indicated that it has been over a year since we contemplated this law, but if the work is not complete then the work is not done and not everything is good. After all Urban Renewal was considered a great concept at the time for this Town and, unfortunately, it led to our unsightly Downtown as it is now. We destroyed many historic properties in the process. But again, I am going to focus on one issue, infrastructure, infrastructure, infrastructure. As the current Board members know, while I was Supervisor the rolling average of the sewer plant three years ago was precariously close to the plant permit limit. As a matter of fact, once or twice during that time we exceeded the permit limit for a month or two. At the last presentation I heard the consultant say that there is sufficient leeway currently and the addition of the proposed units would keep us just below our permit restraints. I don't see it based upon the history I am aware of and you're aware of. I would ask that we use the words of Tom Diana who often stated during the Solar Law comments "I think we need to tap on the breaks here." I am not opposed to being proactive and addressing zoning that was formulated decades ago, but I want to make sure we do this carefully and prudently. I want to make sure that the consultants are aware of the rolling average and what it's been over the years and they did not simply look at a fixed point in time when they addressed this issue in capacity when they were looking at the EIF. I would like them to state for the record that they have examined the rolling average over the last three years and that at that point they can make the determination. Until we address the sewer capacity and its limit by the permit, we should hold off on implementing the overlay zone. This is but one issue, but it is incredibly impactful. That's all I have to say this evening, thank you all.

John McMullen (Zoom):

I am a 42-year resident of Jefferson Valley and we have to understand that this pandemic has caused people moving out of New York and they are spilling out into the counties. The education budgets, no matter how well managed, will have to go up because more and more technology is required in schools. In Jefferson Valley when I moved in, there were two beaches, a public beach and a private beach. There were two bars. There was a restaurant and a thing for wedding, and they're all gone. There was a house that had apartments that was burned in a fire. Now since then the Jefferson Valley Mall went up and was very successful for a while. There's three strip malls that have done very well where D'Agostino's (DiCicco's) is, and where the drug store is, and the pizza place is, and where the post office is. So we have to understand there is some change that is needed. Now I would love to see Jefferson Valley come up with some very, very nice improvements. They talked a long time ago about a hotel going up right by the Taconic. That would have helped the area without impacting anything but the Route 6 traffic and something would have had to be done there. But the economy on my side of Lake Osceola where the Valley Market is non-existent. The Valley Market's main business comes from people trying to beat the traffic on Route 6 by coming up 6N on to East Main Street and endangering lives coming down Perry Street. So I'm for whatever can be done in the Osceola Heights area. I have confidence in this Town Board, as I had in the last Town Board, and I will in the next Town Board; they aren't going to let things get out of hand so I am for whatever they want to do that is Overlay District in my area. I won't comment on Underhill or downtown Yorktown. Thank you very much.

Sarah Wilson (Zoom):

Hi, good evening. I am just going to make two points. I am generally in favor of the overlay zones, but just two comments. One, the intention of the overlay zones is to stimulate growth, provide for revitalization and invigoration of the Hamlet business centers and the zoning codes of each district are supposed to be in accordance with the Town of Yorktown Comprehensive Plan, and so I agree that the districts should be aligned with the goals in the comprehensive plan. But when I look at the definition of the boundaries of the Yorktown Heights business

hamlet, Figure 4.1 in Chapter 4, it clearly excludes the Soundview Property. So in the definitions the districts are identified as being in accordance with the comprehensive plan. As I've noted in previous comments, the intention is to deal with the Amazon effect; the buildings that need to be redeveloped as a result of urban renewal, the big vacant buildings. Obviously, Soundview does not fit into any of those criteria, so I would ask that the boundary lines of the overlay zone reflect the map that's in the comprehensive plan. And then my second point, as I say I am in favor of the overlay zones but, as John Tegeder stated at the beginning of the evening, we have a lack of diversity and housing types and we really need to encourage more diverse affordable housing options in our Town. So, I would again request that an affordable housing requirement be incorporated into the overlay zones especially, as the previous speaker mentioned, in exchange for higher density. It seems like the perfect time. This could be done through a set a side requirement; the community housing board has recommended the percentage be set at 10%. Yorktown really needs a broad cross section of people across all age groups and family sizes living in our community to make it more vibrant and attractive to businesses. So those are my key points, thank you very much.

Marcia Stone (Zoom): Mark Lieberman spoke for the Democratic Committee on behalf of recognizing Vishnu and Alice for their incredible service to this Town. Thank you.

Bruce Apar (Zoom):

Good evening, Bruce Apar, proud 170 minute resident of Zoom, actually. I am here as Co-Chair of the Arts and Culture Committee. Obviously, a lot of things have been said and I want to make some observations from that perspective, and I also want to add my sincere thank you to Alice Roker and Vishnu Patel for their many years of dedication to this Town. So the Arts and Culture Committee, which is a partnership of the Town of Yorktown and Yorktown Chamber of Commerce, what we want to do is create a foundation today for tomorrow's quality of life in Yorktown, and frankly we're not that particularly interested in overlay districts, which if you think about it, is sort of a geeky name to begin with. I mean what do we know about that? What we are interested in is economic revitalization and we are interested in demographic revitalization, and those two things go together. We are interested in progress with preservation, forward-looking infrastructure and forward-looking infrastructure in this case is mixed-use hubs, which is not the wave of the future; it's the wave of the present because mixed use is a magnet for the next generation of Yorktowners and we heard this already tonight. I'm talking about Millennials and after Millennials, Gen Z. Actually 62% of Millennials prefer mixed-use living and that's from a study. By 2025, 4 years from now, 75% of the workforce in this country will be Millennials. Those same Millennials include artists; they include consumers, audience members, business owners, arts advocates. So just as our committee's mission is to bring all those groups I just mentioned together to support each other and bring alive our Town's cultural life, mixed-use living brings together shelter, shopping, dining, culture, social interaction in a synergistic way that currently really does not exist in Yorktown. By the way, mixed-use architecture can provide much needed flex spaces for performances, exhibitions, and arts festivals of all types. There is a shortage of that actually throughout the county. I would just actually point to our neighbor Peekskill, which is already working pretty hard to attract a dominant demographic of Millennials. They are investing reportedly close to two million dollars into renovating the Paramount. Of course, they got 10 million dollars from the State as part of their downtown revitalization initiative, so that helps. But there is no reason that we shouldn't have ambitions to for the Yorktown Stage. There's going to be new seats in there next year, which is a great start but there's a lot more we could do for Yorktown Stage to make that a destination not just for Yorktowners, but for out of towners. Our committee, by the way, is strongly advocating and we're talking to the Supervisor about this and the Town Board for buying a high quality video projector for Yorktown Stage so movies can be shown there, too. In closing the math is simple, mixed use plus Millennials equals a vibrant future for the cultural life of all Yorktowners. Thank you and Happy Holidays to everybody.

Supervisor Slater:

Okay – is there anybody else, one last time, who has not spoken?

John Flynn:

John Schroeder from the Yorktown Land Trust was going to speak but he has left the building. Do you have his comments in writing?

Town Clerk Quast:
I have not seen them.

Supervisor Slater:
I have not seen them but he is more than able to submit comments.

John Flynn:
Okay, we'll see that you get those.

Supervisor Slater:
Alice, are you there? Councilwoman Roker, can you hear us? Thoughts, comments from the Board? Direction? We hear anything tonight that's intriguing?

Councilman Diana:
There were very interesting comments made about a lot of things and I think that we definitely have to absorb that, along with the written comments that will be coming in within the next week. We'll take a look at them and make a decision for possibly next week.

Councilman Lachterman:
You know, I think a lot of the comments were actually site specific versus the Overlay Law. So those are something we will be looking at for each site. You know, I do love geothermal, I do love the solar options and I think, if I'm not mistaken, our Planning Department has been moving towards trying to talk to people about that as they go along. John?

John Tegeder, Director of Planning:
About using green infrastructure and clean energy and so forth? Yes, we do.

Councilman Lachterman:
So, with that guidance...

Councilwoman Roker:
Can you hear me now?

Supervisor Slater:
We got you, Alice. We can hear you, Alice.

Councilwoman Roker:
The only option we have is not to do anything, and that's not going to happen. We are going to do something because something has to happen. I think we've got to move forward in getting young people in our community and the way you do that is with apartments. Matt, you and I were talking the other day about a comment someone made to us weeks ago which was "why can't you get people to come into the shopping centers that are vacant?" and the story is that the shopping center, many of them that we have, are here from the '60s. And if you're a young person and you've got a business, I don't think you want to go into a shopping center that was built in the '60s. You know, if you look at either end of our Town, you look at Cortlandt or Somers, they are moving forward. When I first started in local government, Yorktown was the leader. I don't think we can say that right now, but I'd like to be able to say that in a couple of years and I think the only way we do that is we move forward in terms of moving forward with the overlay districts. Again, I'd like to be able to comment on some of the information that people gave us but, again, I could not hear many of the speakers so I'm going to have to opt to watch it on cable, but I think that it is clear that we don't have a whole lot of options here. We have to do something to move forward. I don't know anything new that we have moved forward in many years. I think one of the things that Lanny spoke about, I agree with him, and I think you realize I wasn't really happy with the answer I received from the consultant on the sewer district or the water district because there're issues there as well. But I think moving forward is something we need to do.

Supervisor Slater:
Dan Ciarcia, do you want to comment on any of that?

Councilman Lachterman:

I had wanted to finish one comment, Matt, because Alice jumped in. I just wanted to say that thinking about one of the major themes as we were talking about how things were site specific, Paul Martin made a great point and it sort of makes me look at “progress with preservation” in a true sense on one property. He’s talking about we need progress on the other end of that property but we need to make sure we preserve the main house and that’s compromise – that mix I think is very, very important. That finished my comment.

Councilman Diana:

Like you say, Ed, we’re just site specific at that point and we’re just trying to get this overlay project in check, so to speak.

Supervisor Slater:

Dan, do you want to comment – our Town Engineer, Dan Ciarcia. Do you want to comment on anything that was raised regarding water and sewer infrastructure.

Town Engineer Dan Ciarcia:

Well, I think the important point to make is...

Councilwoman Roker:

I can’t hear you, Dan.

Supervisor Slater:

Can we get audio to Alice?

Town Clerk Quast:

You’re going to have to speak up.

Town Engineer Dan Ciarcia:

Okay. So, I think we got in the weeds a little bit on a twelve month rolling average but that really is the key to us being able to do new developments. And any new developments we do are subject to Health Department approval and every time that happens...

Councilwoman Roker:

I can’t hear you.

Supervisor Slater:

Is there a way we can get him over here to this microphone?

Town Engineer Dan Ciarcia:

Our permit is at 1.5 million gallons a day. Right now, we’re probably – it’s a rolling average – so it isn’t any one given month; it just keeps going. We analyze historically what that is. We’ve been compliant in meeting that and, generally, we’ve been doing about 1.1 – 1.2 million gallons a day. Now we have other projects pending; notably our Hallocks Mill Sewer Extension.

Councilwoman Roker:

I don’t why I can’t hear you but I can’t hear you, and that’s not my issue with the sewer district.

Supervisor Slater:

I understand, Alice. While Dan was here, I just thought he could shed some light on it. Thanks, Dan.

Councilman Patel:

The capacity to process the wastewater – there are those who are waiting around the Sparkle Lake area – are they going to be pushed back and you want to give them the new (?) first?

Town Engineer Dan Ciarcia:

I understand the question. We have the Hallocks Mill Sewer Extension the reality of how it’s going to happen is that it’s not going to happen all at once. Even if we were to get this Hallocks Mill Sewer District approved and built, it would probably over the course of ten years, as

people can afford to connect, so it's not going to be an instantaneous thing. So, there're two other factors that are very important here. First, the sewer collection system is like painting a bridge – it isn't something you put in the ground and walk away from. We have to consistently look for where the leaks in the pipes are and fix them. We always have people who are hooking up sump pumps to the system because our flow changes dramatically when there's a storm. So that's one element of what we have to do and then the other part of it is – the thing we're boxed into is really dictated by New York City. They put a prohibition of new surface discharges so we could not expand above the 1.5 million gallons a day, but there's an arrangement in place where our plant was built to handle 2.5 mgd (million gallons per day), so that's also in play. So between the capacity we have available, the continuing programs to eliminate inflow and infiltration from the system and the ability to add another million gallons in capacity, we have more than enough capacity to handle the ultimate build-out of Yorktown Heights...

Councilman Patel:
And Hallocks Mill, both together.

Town Engineer Dan Ciarcia:
The whole deal.

Councilman Patel:
Let me tell you, eight years ago the headline, "Hallocks Mill is Getting Sewer Tomorrow" – I don't want to say anything more.

Supervisor Slater:
I understand what you're saying, Councilman.

Councilman Patel:
You know, half the people don't want it and half say yes. So how are you going to get the money? Let's get together and maybe everybody should do something so we have a sewer over there because it's really good to have a sewer. Every place I went, everybody said "I'm waiting 15 years." How can I tell them? This is not just going to happen in one year, two years, even ten years. I understand – money is the problem.

Supervisor Slater:
Thank you, Dan – appreciate it. All right – any other thoughts or comments? Alice, can you hear us?

(Town Clerk Quast called Councilwoman Roker on the phone due to sound issues. Councilwoman Roker was put on speakerphone next to a microphone.)

Supervisor Slater:
Alice, can you hear us?

Councilwoman Roker:
I can.

Supervisor Slater:
This has been kicking around for quite some time and we've heard comments for the last nearly two years on it. We've heard a lot of comments tonight. I don't know how the Board feels – how do you want to move forward?

Councilman Diana:
Matt, I think I'd like to make a motion to close the public hearing.

Supervisor Slater:
I think if we want to do anything like that, I think you have to have a written comment period because Mr. Flynn needs time to get comments in to us; he's going to get the Land Trust comments in to us.

Councilman Lachterman:

Can we call that by Friday afternoon at 5 so we can try to have them to go over for the weekend?

Supervisor Slater:

I welcome input. Alice, your thoughts?

Councilwoman Roker:

I can't hear you.

Supervisor Slater:

There's a potential motion on the floor regarding closing the public hearing but allowing written comment.

Councilwoman Roker:

Well, you can't close it if you're going to accept comment. It's got to remain open if you're going to accept comment.

Supervisor Slater:

No, we can close and allow written comment up until a certain point. So that's why I'm trying to see what the Board feels about closing the public hearing and allowing for written comment. Ed had suggested Friday to allow for written comment.

Councilwoman Roker questioned the legal requirement for the number of days for written comment.

Councilman Lachterman: *(directed to Town Attorney Adam Rodriguez)*

Is there a requirement for ten days for written comment? My thought process is that we've had this for 18 months. We've had a ton of comments.

Councilwoman Roker:

You're effectively rezoning stuff and you'd better be procedurally right; otherwise, you're going to go to court.

Supervisor Slater:

No, I recognize that.

Councilman Patel:

Why don't we just adjourn it now? What is the hurry? You can do it with the new Board.

Councilman Lachterman:

It's not appropriate to wait for the new Board. We've all be sitting on this for the last few years.

Supervisor Slater:

I agree with that. I don't think it's fair for the new Board members to be asked to vote on something they haven't spent a day working on.

Councilwoman Roker:

Well, okay. As long as you guys continue to accept comment, but not for 2 days. Okay?

Supervisor Slater:

No, we're saying Friday – end of the week, Friday. Alice, we'll keep written comment open until Monday.

Councilwoman Roker:

Okay, I'm going to do what you guys want because if you guys get sued and lose, I'm going to say I told you so. Okay? Because I've never heard of comment in 3 days – ever.

Councilman Lachterman:

We just moved to 5 days, Alice.

Councilwoman Roker:
You want to do it, let's do it.

Councilman Patel:
How do you count the 5 days?

Supervisor Slater (*Directed to Town Attorney Adam Rodriguez*):
Check it. Verify that it doesn't have to be 10 days.

Town Attorney Adam Rodriguez:
You're fine.

Councilwoman Roker:
Really? Okay.

Town Attorney Adam Rodriguez:
I have no issue with it.

Councilwoman Roker:
Let's do it.

Supervisor Slater:
So, we have a motion from Councilman Lachterman to close the public hearing; I'm sorry – a motion from Tom (Diana) to close the public hearing and leaving public comment open until 5:00 Monday, December 20.

Councilman Patel:
Why don't we give people a chance to write in.

Supervisor Slater:
We've had 18 months of people having chances to write and they have. There's been plenty of comment on this. Today was very concise, very comprehensive, I appreciate everyone coming out but we can't just keep going and going and going.

Councilwoman Roker:
I think what I heard was great.

Supervisor Slater:
So do I. So we have a motion from Councilman Diana to close the public hearing with public comment being allowed to remain open until Monday, December 20th at 5:00 PM.

Councilman Lachterman:
Second.

Supervisor Slater:
Second from Councilman Lachterman

Councilwoman Roker:
I'll go along with you guys, go ahead.

Supervisor Slater:
Excuse me – written comments. Written comment open until 5:00 PM on the 20th of December.

Councilman Patel:
I have a question. What is the meaning of written comment? If you put the letter in the mail on Friday, and it doesn't come on time...

Supervisor Slater:
They can walk it in; they can email it in. Received by the Town by Monday at 5:00 PM, which is December 20th.

Councilman Patel had an issue if mail was late. Supervisor Slater said it has to be received by the Town by 5:00 PM, Monday, December 20th.

Supervisor Slater:

We have a motion, we have a second. All in favor.

Town Clerk Diana Quast requested a roll call vote. She asked each of the council members individually “how do you vote?” with the following responses:

Supervisor Slater	Voting Aye
Councilman Diana	Voting Aye
Councilman Lachterman	Voting Aye

Councilman Patel:

I have a comment. I want to understand what I’m voting on.

Supervisor Slater:

Your voting on closing the public hearing and allowing for written comment...

Councilman Patel:

What is the difference between adjourning and closing then? If you’re going to allow other people to bring in (comments), why don’t we right now adjourn and then Monday we can close and everything is done.

Supervisor Slater:

Because the motion is to close and allow for written comment to be received by the Town by Monday, the 20th, at 5:00. You can vote no then.

Councilman Patel:

I’m going to vote No then.

Town Clerk Quast:

Councilman Patel, how do you vote.

Councilman Patel:

Let the public record reflect that I have to understand the difference between adjourning now and closing. Why don’t we adjourn now and take all the paper...what is really the difference between adjourning now...

Councilman Lachterman:

Councilman, if I may? The difference is if we adjourn now and hold it open, our current Board will not have the opportunity to vote on the law and we’ll be kicking the can down the road to the next Board and it’s not fair.

Town Clerk Quast:

Hold on – Councilman Patel, how do you vote?

Councilman Patel:

I’m voting No because I’m not satisfied.

Town Clerk Quast:

Councilwoman Roker, how do you vote?

Councilwoman Roker: Aye

Town Clerk Quast:

So the public hearing is closed.

Supervisor Slater:

Thank you very much. Councilman Diana asked for a moment.

Councilman Diana:

A brief moment and then we're going to get the heck out of here. As you folks out in TV land and some of you folks here may have seen, there's been a bit of activity in front of the Town Hall and the side parking lot. Due to no fault of our own, the oil tank was compromised and did leak – most commonly known as a spill. We are now in the process of remediation and keeping in compliance with the DEC, the ADA, etc. Please bear with us during this time so that we can get this done in a timely fashion and get everything back to normal. I think everyone's going to be please once it's done. It's going to be done in a couple of phases, probably like three phases. There'll be the remediation, the construction of a ramp, which is well on its way towards ADA accessibility, and then there'll be some other phases as it goes, to include but not be limited to the landscaping in front of Town Hall, it should look very nice.

Supervisor Slater:

I do want to thank Councilman Diana because he's taken this project head on. It was an unexpected disaster and for those, if you remember from our budget hearing, who were asking questions about why it's important to have a strong fund balance, this is a great example for it. You saw in the agenda today we created a \$100,000 capital improvement project but, again, we're going to do everything in our power to expedite this as quickly as we can. I want to thank, of course, John Landi, John Tedgeder, Dan Ciarcia, Al Pisano, Phil Marino – it's all hands on deck – and to Councilman Diana for taking the lead on this, thank you.

Councilman Diana:

My team is the one that's doing it. Town Engineer Dan Ciarcia, Town Building Inspector John Landi, the Comptroller, Pat, the R&R and Building's boss, Phil Marino. You've got the Buildings and Grounds guys – Al Pisano and their crew. John DeVito, Kyra Brunner, and Adam Rodriguez. Thank you – I couldn't do it myself. I've got a great team, including the Supervisor, Councilman Lachterman, and Vishnu Patel.

Councilman Patel:

What was the issue?

Supervisor Slater:

My understanding is when there was a delivery, the tank gave out. It's been in the ground since the 1950s.

ADJOURN MEETING

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

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