

Zoom Video Conference Meeting of the Town Board, Town of Yorktown held on Tuesday, December 28, 2021, Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Edward Lachterman, Councilman
Thomas P. Diana, Councilman
Alice E. Roker, Councilwoman

Absent: Vishnu Patel, Councilman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman 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.

PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember all of our frontline workers who continue to work during the holiday season to keep us all safe – our hospital workers, our doctors, and nurses, our healthcare workers at our local pharmacies, and urgent care centers. He asked to keep in our thoughts and prayers our first responders who also continue to work during this holiday season – our police officer, firefighters, and ambulance workers. He asked to also remember those in the armed forces who continue to protect our freedoms during the holiday season and who cannot be home with their families.

INTRODUCTIONS

Supervisor Slater introduced Town Board Members, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez. Supervisor Slater said Councilman Patel was absent this evening and wished him the best and thanked him for his years of service to the community and wished him and his family well in this next chapter of his life.

SUPERVISOR'S REPORT TO THE TOWN

Supervisor Slater said Derrick Anderson, Executive Director for Northern Westchester Hospital gave a COVID update earlier today. He said it was a great conversation that pinpointed not just the severity of what we are all dealing with but also the positive news that more treatments are being approved by the FDA that will be released to the hospitals, including the Pfizer pill that has an 88% effectiveness. He said the hospitalization rates are not at the same level as they were this time last year. He said the active caseload is much higher than where we were but that is also proof that the vaccine is working and the best weapon that we have. Supervisor Slater mentioned the many clinics that have been held in Yorktown and the pharmacies who are collaborating with the Town on booster clinics. He said that he and Senator Harekham and County Executive George Latimer have been working diligently and collectively to advocate to the State to open a regional drive-through testing site at FDR State Park. He said the logistical requirements are incredible but they are working hard to try to get this done because the testing demand is so high.

Supervisor Slater said the County Center has been opened for testing and the link to that site is posted on the Town's website. He said Mr. Anderson said they are increasing their testing capacity at the site of the old Reader's Digest facility in Chappaqua. The link will also be added to the Town's website.

Supervisor Slater said the Town would be receiving a shipment of KN-95 masks and these will be provided to our local businesses. He said there is a portal on the Town's COVID-19 Impact Dashboard that businesses can request masks and the Town will do its best to accommodate them, depending on the size of the shipment.

Supervisor Slater personally thanked Councilwoman Roker for her service to the Yorktown community, as this is her last Town Board meeting. He thanked her for all she has done, both in her role as Town Clerk and as Councilwoman. He said he was deeply appreciative of her friendship and mentorship.

REPORTS FROM THE TOWN COUNCIL

Councilman Diana thanked Councilwoman Roker for her service and said he had learned much from her.

Councilman Lachterman echoed Councilman Diana's sentiments.

Councilwoman Roker thanked the Board for their well wishes and said she would be working in the Yorktown Museum to make sure we are adhering to state requirements, which will be a challenge but she is looking forward to it.

WIRELESS CAPACITY STUDY RESULTS

Supervisor Slater said Susan Rabold, from CityScape Consultants, has been working with the Town on the Wireless Capacity Study and is here this evening to present the results of a poll and provide next steps. A study/survey was done in local communities asking questions about cell phone service and capacity, as well as preferences of the types of cell towers and infrastructure used in communities. Supervisor Slater mentioned that Yorktown was one of the top participants in the study.

Ms. Rabold said the last time she met with the Town Board they discussed the number of sites and reviewed some propagation studies and tonight she would like to discuss the next steps they have taken since that meeting, which is the poll and its results and how that could influence changes the Town might want to look at in its zoning. Ms. Rabold said there are 95 total sites in the wireless study area. (*Displayed presentation*)

- The poll was created and designed to promote open engagement from residents, staff, elected officials and all citizenry of the Town.
- The poll consisted of 23 questions along with a forum for comments. The results are intended to inform and guide the development of the Wireless Master Plan reflecting the preferences of the community. The preferences will also guide the Town Code update to reflect current conditions and federal guidelines.
- The poll had 929 respondents in total.

Ms. Rabold explained the results of the poll regarding the respondents (how many, how and why they use their wireless services, etc.) and reviewed each of the questions that were asked. She also reviewed the types of infrastructure that the respondents preferred to see in their communities.

The Gap Analysis showed that the northeastern portion of the Town has the highest population densities but not enough wireless infrastructure to support the wireless subscriber base. A large area west of the Taconic State Parkway has a large gap in network coverages because there are no wireless facilities in that geographic area. The southeastern portion of the Town has minimal infrastructure also resulting in network gaps. Yorktown Heights has several wireless infrastructure sites, but still not enough relative to the population of the area.

Ms. Rabold presented a slide pointing out some of the problems and recommended changes to the Town Code (Chapter 300 Zoning Article VII – Permitted Special Uses, Section 300-59). She said the Town could take all of the information gathered from the poll and build it into the Code so that as you fill in the gaps you get the type of infrastructure that the community said they would support, as evidenced by the poll results.

Ms. Rabold said all of this would be provided in a written document, which would provide Yorktown with their own maps and analysis to use to amend the Town Code.

Supervisor Slater thanked Ms. Rabold for all of her work on this study and presentation.

PROPOSED LEGISLATION AMENDING CHAPTER 108 (ALCOHOLIC BEVERAGES)

Supervisor Slater said this issue was raised by Superintendent Martorano, Parks & Recreation, and Councilman Lachterman who talked about experiencing in neighboring communities the ability for certain parks to allow alcohol for specific events. He said Adam Rodriguez, Town Attorney and Superintendent Martorano collaborated on putting together a draft legislation.

Mr. Rodriguez said this is a simple amendment to Chapter 108-8(E) to specify that alcohol can be possessed and consumed and sold at specific parks.

Councilwoman Roker asked Mr. Rodriguez to explain to the public what the term “sold” means. Mr. Rodriguez said right now alcohol is prohibited in any town park but the proposed local law would allow a resident to possess and/or consume alcohol at the Downing Park Pavilion and Sparkle Lake Service Building after obtaining a permit. He said a resident could also apply for a permit to possess, consume, or sell alcohol at the Par 3 Golf Course and Railroad Park.

Supervisor Slater confirmed that these are the only locations where this could happen and that a permit is required. Superintendent Martorano said yes and that sales could only occur in two of the four parks. Supervisor Slater said that if the Town finds there is a shortfall in the law or a reason to enhance it, the Board could always come back to amend the legislation.

REFER PROPOSED LEGISLATION ALLOWING ALCOHOL IN SELECT TOWN PARKS RESOLUTION #525

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the proposed legislation amending Chapter 108 entitled “Alcoholic Beverages.”

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted

INCLUSIVE PLAYGROUND – PUBLIC PRIVATE PARTNERSHIP FOR FENCE

Supervisor Slater introduced Superintendent Martorano, Ana Mandara, and Jamie Collins to discuss the inclusive playground at Granite Knolls.

Supervisor Slater said we have begun to receive pieces of the playground for Granite Knolls and have met with Ray Michaels, who is going to be installing the playground but because of the winter weather he cannot do it yet. He said it looks like it will be a spring installation, roughly mid to end of March, depending on the weather. This gives the Town about 3 months to take the next steps. Supervisor Slater said the Parks & Recreation Commission clearly wanted a fence to be included. He said that after hearing from Mrs. Mandara and Mrs. Collins as parents and advocates of children with special needs, it would be good to incorporate some different aspects into the fence; mostly, the idea of putting planters into the fence area. Supervisor Slater said Mrs. Mandara and Mrs. Collins are working through a not for profit that would be able to fund the creation of the planters, as well as the installation of the planters and the fence. He said the Town would purchase the fence and the components for the gate. He said this is a public private partnership. Mrs. Collins confirmed this, adding the Town also would be paying for the mechanism that attaches the fencing to the planters.

Supervisor Slater said the Town is going to be able to provide a safe place for all of our children of all abilities to play and also make sure we have all of the safety components in place and do it in a very understanding way. Supervisor Slater said the fencing and the playground would be installed together so Mr. Michaels can manage the installation of the fence. Mrs. Collins said the contractor who is doing the installation of the fence and the planters has agreed and committed himself to be there for 4 to 5 weeks to make sure that he is there to install the fence in tandem with the flooring.

Councilwoman Roker said she is so impressed with Mrs. Mandara and Mrs. Collins. She said they had this idea, which sometimes went “sideways,” but thankfully they were able to get it to where everyone is comfortable. She said she is so proud that the Town is moving toward giving kids with disabilities a place that they can call their own.

Mrs. Collins said there has been much discussion, work, and time addressing the comfort levels of all involved. Mrs. Mandara said she is happy that everything has been resolved to everyone’s satisfaction. She said this will be a dynamic and exciting place.

Councilman Diana said Mrs. Mandara and Mrs. Collins have been a pleasure to work with and this is a wonderful private public partnership. He said he is looking forward to the second phase of the project – the sensory garden. This will be a place not just for the physically disabled, but would serve the seniors and veterans. It will serve everyone and anyone with special needs.

Superintendent Martorano asked for the name of the not for profit organization they are working through. Mrs. Collins said they are working through SEPTA (Special Education Parent-Teacher Association) but are looking into developing their own not for profit. Mrs. Mandara said once they get the go-ahead to move forward, they will update the Board on all of the information from this point forward. Supervisor Slater said they have the go-ahead to move forward and the Town Board is supportive and committed to doing their part.

PARTNERSHIP WITH YORKTOWN & LAKELAND SEPTA TO ESTABLISH THE INCLUSIVE PLAYGROUND PHASE 1 WILL BE THE FENCE, GATE AND PLANTERS AND PHASE 2 WILL BE THE SENSORY GARDEN AT GRANITE KNOLLS
RESOLUTION #526

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

RESOLVED, that the Town of Yorktown will partner with the Yorktown SEPTA and Lakeland SEPTA (Special Education Parent-Teacher Association) to establish the inclusive playground at Granite Knolls. Phase I will be the fence, gate, and planters surrounding the inclusive playground. Phase II will be the Sensory Garden.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

RECONVENE PUBLIC HEARING ON THE REVISIONS TO THE SECTION 8 ADMINISTRATIVE PLAN

Supervisor Matthew Slater reconvened a public hearing to allow comment on revisions to the Section 8 Administrative Plan. He introduced Section 8 Director Sandrine Nseng. Supervisor Slater said this began on November 9 and had to be held open for 45 days.

No members of the public spoke.

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

ADOPT THE REVISIONS OF THE SECTION 8 ADMINISTRATIVE PLAN DATED MARCH 1, 2021
RESOLUTION #527

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

RESOLVED, that following a duly noticed hearing that was held on November 9, 2021, the Town Board hereby adopts the revisions of the Section 8 Administrative Plan dated March 1, 2021, a copy which is on file with the Town Clerk Office, the Yorktown Section 8 Office as well as posted on the Town Of Yorktown’s website www.yorktownny.org. Such revisions are subject to approval by the U.S. department of Housing and Urban Renewal.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

APPROVED EXPIRATION OF THE CORONAVIRUS AID RELIEF AND ECONOMIC SECURITY (CARES) ACT, COVID-19 STATUTORY AND REGULATORY WAIVERS FOR PUBLIC HOUSING AGENCIES (PHA)
RESOLUTION #528

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

WHEREAS, the Town Board approved the adoption of Coronavirus Aid Relief and Economic Security (CARES) Act, COVID-19 Statutory and Regulatory Waivers for Public Housing Agencies (PHA), published in notice PIH 2020-05 on April 10, 2020.

These waivers provided administrative relief and allowed for alternative approaches to various aspects of public housing authority (PHA) operations to continue to house families, keep families in their homes and conduct critical operations that can be done remotely and safely.

WHEREAS, subsequently as a result of PIH 2020-13(HA), REV-1 and PIH 2020-33(HA), REV-2, these waivers/alternative requirements had been extended through December 31, 2021.

BE IT RESOLVED, that the Town Board is hereby authorizing the expiration of the waivers as required by HUD. Some of the waivers have been included in the updated administrative plan.

The HCV (Section 8) program is funded by Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”) and is at no cost to the Town of Yorktown.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

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

Town Engineer Dan Ciarcia said he still had to review this resolution.

Councilwoman Roker asked about the letters received from the neighbors on this application. Mr. Ciarcia said the applicant would like to move ahead with the project based upon what could be completed during this time of year and the landscaping could be done in the early spring. He said this would be the Town Board’s decision to allow the applicant to proceed prior to completing the mitigation. Mr. Ciarcia said much of the mitigation is cleaning up the site because there is debris all over.

Councilwoman Roker said, quite frankly, she has never seen an applicant do as much damage to the property as this person has. She does not blame the neighbors for complaining and does not know how he got the right to take down all of the trees. She said the Town Board needs to consider that when they have an applicant who does something that is very harmful to the community there should be a penalty, rather than say, “don’t do it again.” Mr. Ciarcia said he does not disagree, but this is where we are at and mitigation needs to be key to putting this site back together.

Supervisor Slater said he would like to put the brakes on this until the Town Board has a resolution from him to review. He said he does think the public hearing shed some light on the fact that, while he agrees with Councilwoman Roker and this is an instance of “ask for forgiveness rather than permission” after the deed is done, they did hear from several neighbors who said that some of the steps that the applicant took actually improved the property in some way and that needs to be taken into consideration. Supervisor Slater said that the mitigation should happen before the improvements are made.

Mr. Ciarcia said if that is the case, then nothing happens for the next few months so does it make more sense to advance what the applicant can do through the winter and perhaps put a bond in place or something to ensure that the mitigation plan that has been presented is implemented in a timely fashion. Mr. Ciarcia suggested that this situation be discussed at a future work session.

Joe Riina, Site Design Consultants, joined the conversation.

Supervisor Slater said that at this point the Town Board is not prepared to pass a resolution on this for several reasons; the biggest one being that they are not in agreement on some of the conditions that should be included. He said that the Board received the applicant's correspondence articulating why the mitigation would not first make economic sense and may delay some of the improvements to the overall community, but the problem is that he still went beyond the bounds of a permit. He said there is a permit process in place for a reason and if we are not enforcing the permit process, what is the point in having one.

Mr. Riina said the only thing he has to offer is the idea of the bonding of that work and if he puts a cash bond in place, that is something the Town has in its control. He said it makes sense from a sequence point of view to get the major infrastructure done first and come in at the end to do the finishing touches of landscaping and mitigation. He said with the safety net of the bond in place, it would protect the Town to ensure that work is getting done; otherwise, the property would sit in its current state until at least April.

Town Attorney Adam Rodriguez said holding this over to give the Board time to work through the issues and come back with a recommendation.

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

Supervisor Slater read the end of the resolution prepared by Town Engineer Dan Ciarcia that granted the permits.

Supervisor Slater asked Mr. Ciarcia if one year was sufficient and Mr. Ciarcia said the Supervisor was correct and that the DEP did mention that their construction schedule is for about two years and suggested it could be done as a three-year permit. Supervisor Slater asked for an amendment to the resolution.

Supervisor Slater continued to review the resolution and Mr. Rodriguez said there are some other "RESOLVED" sections he sent that need to be included. Supervisor Slater reviewed them.

Mr. Ciarcia asked if Mr. Rodriguez would send him those inclusions and he would then forward the resolution to the Town Clerk.

The application for a wetland, stormwater, and tree removal permit submitted by the New York City Department of Environmental Protection for the bridge replacement on Baptist Church Road was approved. The resolution, as amended, is to be submitted to the Town Clerk's office by the Town Engineer.

APPROVAL OF THE APPLICATION FOR A WETLAND PERMIT, MS4 STORMWATER MANAGEMENT PERMIT, AND TREE PERMIT SUBMITTED BY THE NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE BRIDGE REPLACEMENT ON BAPTIST CHURCH ROAD
RESOLUTION #529

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

WHEREAS, the New York City Department of Environmental Protection ("Applicant") applied to the Town Board of the Town of Yorktown for the permits necessary to reconstruct the Baptist Church Road Bridge (BIN 2-26243-0); and

WHEREAS, the proposed activity requires a MS4 Stormwater Management Permit pursuant to Chapter 248, a wetlands permit pursuant to chapter 178, and a tree removal permit pursuant to chapter 270 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to reconstruct a bridge that carries Baptist Church Road over Hunter Brook which will require the disturbance of 0.45 acres within a wetlands and

wetlands buffer, 3,600 cubic yards of unclassified excavation, 350 cubic yards of rock excavation, and removing 89 trees including 10 specimen; and

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

WHEREAS, pursuant to Chapters 178, 248, and 270 of the Town of Yorktown Town Code the respective permits are required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown MS4 Stormwater Management and Tree Removal permit application FSWPP-053-21, dated July 16, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 29, 2021, and

WHEREAS, the applicant submitted a design report entitled “Application for Town of Yorktown Permits” dated August 2021; and

WHEREAS, the Town Board referred the application to various boards and agencies on October 15, 2021 and received and considered the following responses:

Conservation Board - October 21, 2021
Westchester County Planning Department – email dated October 21, 2021; and

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

WHEREAS, the applicant has developed a tree mitigation plan pursuant to chapter 270 of the Town code; and

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

THEREFORE BE IT RESOLVED THAT, that a negative declaration is pursuant to the State Environmental Quality Review Act (SEQRA) is adopted; and

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

- Stormwater Pollution Prevention Plan prepared by Entech Engineering, P.C., dated September 2021;
- A set of plans consisting of 51 sheets entitled “Capital Project WM-30 Replacement of Baptist Church Road Bridge” dated October 26, 2021, (90% Design Submittal); and

BE IT FURTHER RESOLVED THAT, this permit is granted subject to the issuance of permits by the following agencies:

- New York City Public Design Commission
- New York City Department of Environmental Protection – SWPPP
- United States Army COE – Nationwide Permit #3
- New York State Department of Environmental Conservation
 - Stream Disturbance
 - Protection of Waters Permit - fill in navigable waters
 - 401 Water Quality Certification
 - Coverage for stormwater general permit GP-0-20-001 SWPPP
 - Beneficial Use Determination; and

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of three (3)

years from date of this resolution and that all work associated with the Permit shall be conducted in strict compliance with the approved plans; and

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

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

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

1. A construction monitoring fee in the amount of \$5,000 must be submitted to the Engineering Department Clerk.

Conditions of the Stormwater, Wetlands, and Tree, Permit that must be met during construction

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
3. A pre-construction meeting with the applicant's contractors and the Town Staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.
4. The entire scope of work is shown on the engineering plans referenced herein; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
5. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each workday, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
6. No soil storage outside the limit of disturbance line is permitted.
7. Road in front of property must be kept broom clean at all times.
8. A copy of the waste manifest for material exported from or imported to the site shall be provided to the Engineering Department.
9. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed.
10. The applicant shall provide video documentation of pre-construction road conditions to insure pavement restoration to pre-construction condition upon project completion.

Conditions that must be met after project completion.

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of any discrepancies from the approved plans or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is stabilized and erosion control practices have been removed, the applicant shall notify the Engineering Department and schedule a final inspection.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

Before beginning the next decision, Councilwoman Roker said she needed to apologize because there was someone who felt she was disrespectful to seniors in her comments regarding the overlay districts. She said this is not something she would ever do and if anyone was hurt by her comment, she would like to explain what she meant to say. Councilwoman Roker said she mostly talked about the Town of Yorktown needed to get younger people and younger families. She said when companies think about relocating to another area, one of the first things they do is look at demographics and they look for the demographic of ages approximately 25 to 45. She said that is all she was trying to say. The fact that there would be rentals in these districts will give the Town more diverse housing than it has right now.

ADOPT LEAD AGENCY, NEGATIVE DECLARATION AND SEQRA FOR AMENDING CHAPTER 300, TO ADOPT THE AMENDED PLANNED DESIGN DISTRICT OVERLAY ZONES AND REZONE PORTIONS OF THE ZONING MAP
RESOLUTION #530

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

WHEREAS, the Town Board is considering an amendment to Chapter 300, entitled “ZONING,” by repealing and replacing in its entirety Article XXXI, entitled “Planned Design District Overlay Zones” (“Action”); and

WHEREAS, the Town Board determined that the Action was a Type I action under SEQRA, and exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”) in accordance with SEQRA; and

WHEREAS, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume lead agency status (“Lead Agency”) in connection with the SEQRA review of the Action; and (ii) the Town circulated a Lead Agency coordination letter amongst the various Involved Agencies (“Notice of Intent”), together with Full Environmental Assessment Forms (“FEAFs”) for both the Yorktown Heights and Lake Osceola Planned Design District Overlay Zones proposed as part of this action; and

WHEREAS, the Town duly transmitted the FEAFs to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to serve as Lead Agency with respect to the review of the Action, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town’s transmittal of the aforementioned documentation, and no other Involved Agency has objected to the Town Board serving as Lead Agency in connection with the SEQRA review of the Action; and

WHEREAS, the Town Board, in its capacity as Lead Agency, engaged the services of BFJ Planning to perform an analysis of the environmental impacts of the Action, including the scope of potential future development, population trends, fiscal impacts, transportation impacts, and utility impacts;

WHEREAS, the Town Board convened a public hearing on the 14th day of December, 2021 pursuant to notice duly published as required by law to consider the Action;

WHEREAS, BFJ Planning presented its Environmental Assessment findings to the Town Board in both written and oral form during that public hearing, which findings incorporated herein by reference;

WHEREAS, the Town Board has considered the environmental record, including the BFJ Planning findings, the comments received from the referred to and Involved Agencies, and the comments at the public hearing; and

WHEREAS, The Town Board’s review has resulted in a determination that the Action will NOT result in any significant impact and, therefore, is one which will not have a significant negative impact on the environment;

NOW THEREFORE BE IT RESOLVED, THAT: 1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action. 2. That the Town of Yorktown shall adopt in its determination of significance this NEGATIVE DECLARATION, indicating that information provided in the environmental record has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

ADOPTION OF LOCAL LAW #11 OF 2021 TO AMEND CHAPTER 300, TO ADOPT THE AMENDED PLANNED DESIGN DISTRICT OVERLAY ZONES AND REZONE PORTIONS OF THE ZONING MAP
RESOLUTION #531

Upon motion made by Supervisor Slater, seconded by Councilman Diana,

WHEREAS, a public hearing was held on the 14th day of December, 2021 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING,” by deleting in its entirety Article XXXI entitled “Planned Design District Overlay Zones” and replacing it and Rezoning Portions of the Zoning Map, now therefore be it

RESOLVED that Local Law #11/2021, as annexed hereto, be and is hereby adopted.

The question of the adoption of the foregoing Local Law was duly put to a vote on roll-call, which resulted as follows:

Supervisor Slater	Voting Aye
Councilman Diana	Voting Aye
Councilman Lachterman	Voting Aye
Councilwoman Roker	Voting Aye

Local Law #11/2021 was thereupon declared adopted.

Supervisor Slater said that this is an exciting night for the future of Yorktown and wanted to thank the Town Board, the Planning Department, the Legal Department, and the consultants who worked so diligently on this proposal. He said everyone knows that the Yorktown’s commercial tax base has suffered over the years and, time and again, residents have pointed out empty storefronts and dilapidated buildings while demanding government take action to address the situation. These properties have become chronic eyesores and have impacted neighboring property values and represent a lost opportunity to ease the burden on Yorktown property taxpayers. He said that because of the Town’s lack of commercial tax base, Yorktown residential property taxpayers bear a larger share of the local property tax burden than many other towns in Westchester County. Supervisor Slater said that the action the Town Board is taking tonight to pass the overlay districts is the most important thing they can do to correct this situation. Supervisor Slater said that when he became Supervisor, he pledged to protect residential property taxpayers and to find a way for local government to respond to the blight and deterioration of our hamlets and our business districts. He said he is proud they succeeded in cutting property taxes for the first time in 27 years, but to continue easing the burden on homeowners we need to utilize tools that usher in smart growth, which is exactly what the overlay district does. He said that within his first 6 weeks in office he met with the Westchester Business Council about the state of our business hamlets, the chronic blight of neglected properties, and the ongoing deterioration of Yorktown’s commercial tax base. The Westchester Business Council presented the idea of overlay districts as a solution to these problems – a solution that the Town’s Comprehensive Plan identified a decade ago. He said, here we are, nearly two years after that meeting, having fully vetted the two proposed overlay districts. He said the Town Board assured the residents they would take their time, bring in the experts, and create a transparent process that would give the public a voice in the future of Yorktown. Supervisor Slater said that he believes they have been true to their word. He said,

to be clear, the action tonight does not approve any potential project. There will be a separate and public review, as dictated by the law, for any application that comes forward. He said, as the consultants explained, not every proposal comes to fruition. Additionally, as the law is written, it protects and ensures all of the pre-existing environmental protection laws, historical preservation laws, and the role of the Planning Board remain in place.

Supervisor Slater thanked everyone who provided input on this proposal over the course of the last 18 months. He said the Town Board has listened, made adjustments that they thought made sense for our community. A public hearing was held earlier this month, at which they received helpful feedback. He said every comment was taken into consideration, such as those that focused on sustainability and renewable energy. He thanked the commercial property owner who they met with at the end of September. He said these are people who know the challenges our local business are facing and understand the importance of economic vitality for the community. They all were passionately in support of the overlay proposal and recognize that it is the start of a new chapter for our great Town. Supervisor Slater said that from all the feedback they received, it was abundantly clear that standing still is not an option and moving this legislation forward is imperative. He said during the countless COVID-19 updates over the past 18 months, he proudly declared that Yorktown leads from the front, and the passage of this legislation, once again, shines the light on Yorktown as a model community that is forward thinking in finding innovative ways to manage the changing world.

Supervisor Slater, once again, thanked all who were involved in the process: Councilwoman Roker, Councilman Diana, Councilman Lachterman, and the residents of Yorktown for engaging in the process and bringing great ideas forward. He said we all want to see the community succeed and we will do so without compromising the core values of Yorktown. Supervisor Slater said that he truly believes they have put the Town on a forward trajectory and is excited for the next chapter.

Councilwoman Roker said she had said in the past that the Town did not have a choice but to do something like this legislation, especially given the state of the economy. She said that if there are tweaks to be made, the Town Board can amend the law, as they do any other type of legislation.

Councilman Diana voiced his support of the legislation and echoed Councilwoman Roker and Supervisor Slater's comments. Councilman Lachterman said from reading the letters and comments that came in, there is a disconnect with what they are passing tonight and what some people are portraying it to be. He said this is unfortunate because some of those people actually know what the differential is. He recommended that if anyone has a question, that is what your elected officials are for – to answer residents' questions. He said that his personal hope for this legislation is that it puts Yorktown at the forefront of blending commercial and affordable rentals and housing where our children could move back into the area.

Councilwoman Roker and Supervisor Slater thanked Director of Planning John Tegeder for his guidance and assistance throughout the process. Supervisor Slater thanked both Mr. Tegeder and Robyn Steinberg with help in answering their many questions and assisting them in understanding the process.

AUTHORIZE THE TOWN CLERK TO ADVERTISE BID
RESOLUTION #532

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

RESOLVED, that the Town Clerk is hereby authorized to advertise a bid for Parks & Recreation Department's Semi-Annual Program Brochures - 2022.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

AUTHORIZE SUPERVISOR TO EXECUTE ALS CONTRACT
RESOLUTION #533

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

RESOLVED, the Supervisor is authorized to enter a three-year contract (with two, one-year

options) with Empress Ambulance Service, LLC, for the provision of Advanced Life Support Services in the Town.

Slater, Diana, Lachterman, Roker Voting Aye
Resolution Adopted.

ADJOURN MEETING

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

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