

FINAL TOWN BOARD AGENDA
TOWN OF YORKTOWN
JULY 21, 2015

PLACE:
TOWN HALL

TIME:
6:00 P.M.

The Yorktown Town Board will hold its September 1, 2015 Meeting at MOHEGAN COLONY ASSOCIATION BEACH

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. BAPTIST CHURCH ROAD BRIDGE DISCUSSION
4. COURTESY OF THE FLOOR
5. PUBLIC HEARINGS:

Request for a Wetlands Permit for the construction of a new home at 3211 Lakeshore Drive - To consider the application filed by Robert Panny, on behalf of the owners Linda and Michael Wolski for a wetlands permit for the construction of a new home at 3211 Lakeshore Drive, Yorktown Heights, NY.

Request to amend the Special Use Permit for new signage at the Commerce Heights Foodsmart, Inc – (the Gulf Gasoline Station) located at 2001 Commerce Street - To consider the application filed by Henry Steeneck for an amended Special Use Permit. The request is to approve signs at the Commerce Heights Foodsmart, Inc. located at 2001 Commerce Street, also known as Section 37.14, Parcel 2, Lot 70 on the Tax Map of the Town of Yorktown.

Request for a Wetlands Permit – The Town of Yorktown is the applicant to be used in connection with the rehabilitation of Sparkle Lake Dam – To consider the application filed by the Town of Yorktown for a wetlands permit for the rehabilitation of The Sparkle Lake Dam, Yorktown Heights, NY.

6. ADVERTISING:

August 4, 2015 – Downing Park

Amend Special Use Permit – Northern Westchester Restorative Care
3550 Lexington Avenue

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at Downing Park, 2881 Crompond Road, Yorktown Heights, New York 10598 on the 4th day of August, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider the application to amend a Special Use Permit to construct a parking lot for an additional 27 cars and to redesign an existing trash receptacle area at the Northern Westchester Restorative Care Center located on the East side of Lexington Avenue and known as Section 15.15, parcel 1, Lot 23 on the Tax Map of the Town of Yorktown.

September 1, 2015 – MOHEGAN COLONY ASSOCIATION BEACH

Proposed Local Law amending Article III of Chapter 200

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at MOHEGAN COLONY ASSOCIATION BEACH , Mohegan Lake, New York on the 1st day of September, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Article III of Chapter 200 of the Code of the Town of Yorktown entitled “LIGHTING, OUTDOOR” to provide authority to approval board to modify and waive requirements.

Proposed Local Law amending Chapter 275

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at MOHEGAN COLONY ASSOCIATION BEACH the 1st day of September, 2015 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 275, of the Code of Yorktown by adding a Full Stop at the intersection of Summit Street and Underhill Avenue

Proposed Local Law amending Chapter 275

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at MOHEGAN COLONY ASSOCIATION BEACH the 1st day of September, 2015 at 6:00 o'clock PM or as soon thereafter as the same can be heard, to consider a proposed local law to amend Article III of Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC.” Article 1, entitled “Traffic and Parking Regulations,” adding Ivy Knolls Park to the list of park zones.

7. VOLUNTEER BOARDS

Appointments:

BE IT RESOLVED, that Gregory Bucci is hereby re-appointed as a member of the Zoning Board of Appeals for a five year term expiring December 31, 2019.

BE IT RESOLVED, that James Martorano, Jr. is hereby re-appointed as a member of the Parks and Recreation Commission for a seven year term expiring December 31, 2021.

BE IT RESOLVED, that Linda R. Briggs is hereby re-appointed as a member of the Landmarks Preservation Commission for a three year term expiring October 16, 2017.

BE IT RESOLVED, that Phyllis Bock (Co-Chair) is hereby re-appointed as a member of the Conservation Board for a three year term expiring September 30, 2017.

BE IT RESOLVED, that Barbara Santoro, is hereby re-appointed as a member of the Advance Life Support Committee for a two year term expiring March 31, 2017.

BE IT RESOLVED, that Mark Connelly, Co-Chair is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year expiring March 31, 2018.

BE IT RESOLVED, that Christopher Taormina is hereby appointed as a member of the Advisory Board of Architectural and Community Appearance (replacing David Tetro's term) expiring June 30, 2018.

BE IT RESOLVED, that William Primavera, is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance for a three year expiring March 30, 2018.

BE IT RESOLVED, that Heike Schneider is hereby re-appointed as a member of the Advisory Board of Architectural and Community Appearance expiring March 30, 2018.

BE IT RESOLVED, that David Tetro is hereby appointed as an alternate member of the Advisory Board of Architectural and Community Appearance (replacing Christopher Taormina's term) expiring June 30, 2018.

8. RESOLUTIONS

REQUEST FROM ADVANCED LIFE SUPPORT DISTRICT (ALS)

WHEREAS, a Request for Proposal (RFP) was duly advertised and opened on August 12, 2013, for Advanced Life Support Services, and

WHEREAS, the Request for Proposal (RFP) was awarded to Empress EMS beginning on January 1, 2013 through December 31, 2015, and

WHEREAS, the agreement included an option to renew for one two-year period, and

WHEREAS, the ALS District Commissioners solicited a proposal from Empress EMS for the years 2016 and 2017 detailed as follows:

2016 - \$570,429

2017 - \$598,950

Now Therefore Be It Resolved, that upon the recommendation of the ALS District Board of Commissioners, the Town Board extends the Request for Proposal for one two-year period ending on December 31, 2017.

REQUESTS FROM THE COMPTROLLER

Authorize the Comptroller to pay PO Iacona for his unused time

BE IT RESOLVED, that the Town Board hereby authorizes the Town Comptroller to pay Matthew Iacona the cash value of unused time as of his date of separation

Compensatory Time	16.01hours	x \$ 47.2414 hourly rate of pay =	\$ 756.33
Vacation Days	8.00days	x \$377.93 daily rate of pay =	\$3,023.44
Holiday Pay	2.22days	x \$377.93 daily rate of pay =	\$ 839.00
		Total	\$4,618.77

Award Bid – Computer

Whereas, the Town solicited bids for the purchase of Computer Networking Equipment for the Town's computer system, and

Whereas, three bids were timely received, and said bids was opened Thursday, July 9, 2015 pursuant to the published Notice to Bidders, and

Whereas the Bid amounts are as follows:

Apex Computer Systems -	\$33,743.12		
With the following options:	Option 1 -	\$403.88	Option 2 - \$997.55
OM Office Supply Inc -	\$33,796.00		
With the following options:	Option 1 -	\$392.50	Option 2 - \$971.00

Sullivan Data Management - \$34,476.41

With the following options: Option 1 - \$399.33 Option 2 - \$976.01

Now therefore be it resolved, that the Town Board hereby awards said bid to Apex Computer Systems

REQUESTS FROM THE ENGINEERING DEPARTMENT

Bond Acceptance:

Staples Plaza Middle Building – Site Plan

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Kings Capital Construction Group, Corp., Performance Bond #SNN0000056, in the amount of \$55,622.00, to serve as the Performance Bond for the Site Work Estimate for the Staples Plaza Middle Building Site Plan located on Route 202, and

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Kings Capital Construction Group, Corp., in the amount of \$20,000.00, to serve as the Erosion Control Bond for the Site Work Estimate, and

Bond Acceptance – Staples Plaza Middle Building (Continued)

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #72039, in the amount of \$6,050.00, to serve as the 8% Inspection Fee for the Site Work Estimate, and

WHEREAS, Urstadt Biddle Properties, Inc., as applicant, provided the Town with Check #72040, in the amount of \$5,000.00, to serve as the construction monitoring/escrow fee for Stormwater Permit #050-14, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fee for the above referenced site plan.

Bond Release

#WP-042-14 – Granite Springs Road

WHEREAS, Scott & Regina Murdock, as applicant, posted check #1403 in the amount of \$300 which was deposited into the T33 account on July 3, 2014, covering Wetland Permit #042-14, for work performed at the Granite Springs Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be may be released to the applicant,

Bond Release

#WP-046-13 – Somerston Road

WHEREAS, Danielle Jennings, as applicant, posted \$300 cash which was deposited into the T33 account on July 15, 2013, covering Wetland Permit #046-13, for work performed at the Somerston Road location, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for wetlands may be may be released to the applicant

REQUESTS FROM THE PLANNING DEPARTMENT

Authorize the Planning Department to submit the following grant applications:

DIGITIZING TOWN RECORDS

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply to the New York State Department of State Local Government Efficiency Program to aid in the digitizing of Town records; and

WHEREAS, the grant request is for \$200,000.00, with a local match of 10% of the final program cost applied for, \$20,000.00 will be the responsibility of the Town;

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Department of State Local Government Efficiency Program for the digitizing of Town records.

RAILROAD STATION RESTORATION

WHEREAS, in 2006 the Town of Yorktown was awarded funds by the New York State Department of Transportation (NYS DOT) through the Transportation Enhancements Program (PIN 8780.26) in the amount of \$295,762.00, with a required Town match of \$147,881.00, for a total project cost of \$443,643.00; and

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding application to apply to the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund to request additional funds that would qualify as part of the Town match portion of the NYS DOT grant; and

WHEREAS, the grant request is for \$73,940.00 and with a 50% local match required, \$73,941.00 will be the responsibility of the Town;

NOW THEREFORE BE IT RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund in the amount of \$73,940.00 for restoration of the Yorktown Heights Railroad Station building.

TRAILWAY CONNECTION

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply to the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund and Recreational Trails Grant Programs for a grant to fund construction of a trailway connection from Railroad Park to Franklin Delano Roosevelt State Park; and

WHEREAS, the project is proposed to be split in two sections, the first from Railroad Park to Baldwin Road and the second from Baldwin road to Mohansic Avenue; and

WHEREAS, the Town desires to request funding for the first section of the project; and

WHEREAS, the Total estimated cost of the first section of the project is \$440,000; and

WHEREAS, the Environmental Protection Fund Program requires a local match of 50% of the final program cost applied for, which is \$200,000.00; and

WHEREAS, the Recreational Trails Program (RTP) requires a local match of 20% of the final program cost applied for, which is \$200,000.00; and

WHEREAS, the Environmental Protection Fund Program (RTP) local match of 50% may be satisfied by the grant funds from the Recreational Trails Program, leaving the 20% match required by the RTP of \$40,000, which will be the total responsibility of the Town for the project; and

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for a grant from the New York State Office of Parks, Recreation & Historic Preservation Environmental Protection Fund and Recreational Trails Grant Programs.

DOWNTOWN REVITALIZATION PROJECT

WHEREAS, the Town of Yorktown desires to prepare a New York State Consolidated Funding Application to apply for grant funds for the Yorktown Heights Downtown Revitalization Project; and

WHEREAS, the Total estimated cost of the project is \$4,075,000 for the construction of the Highway and Parks Garage and \$750,000 for site improvements to the Front Street property; and

WHEREAS, the Empire State Development Fund grant request is for \$965,000, with a local match of 10% of the total final program cost, \$482,500 will be the required match; and

WHEREAS, Cleaner Greener Communities (CGC) Implementation Grants request is for \$500,000, with a local match of 25% of the final grant allocation, \$125,000 will be the required match; and

WHEREAS, the Local Government Efficiency Program grant request is for \$200,000.00, requires a local match of 10% of the final grant allocation, \$20,000 will be the required match; and

WHEREAS, the Environmental Protection Fund Program grant request is for \$400,000, with a local match of 50% of the final grant allocation, \$200,000.00 will be the required match; and

WHEREAS, the Recreational Trails Program (RTP) grant request is for \$200,000, with a local match of 20% of the final grant allocation; and

WHEREAS, the Environmental Protection Fund Program (RTP) local match of 50% may be satisfied by the grant funds from the Recreational Trails Program, leaving the 20% match required by the RTP of \$40,000; and

BE IT FURTHER RESOLVED that the Town of Yorktown Town Board authorizes the Planning Department to submit a New York State Consolidated Funding application to apply for grant funds for the Yorktown Heights Downtown Revitalization Project.

REQUEST FROM THE TOWN ATTORNEY

Authorize the Supervisor to sign an IMA with Westchester County relating to Mutual Aid

RESOLVED, that the Supervisor is hereby authorized to sign an inter-municipal agreement with Westchester County for the five-year term commencing on July 31, 2015 and terminating on July 30, 2020, for the purpose of agreeing to and participating in the Mutual Aid and Rapid Response Plan for the Police Departments of Westchester County, New York and the Westchester County Arson Zone Plan.

REQUESTS FROM THE WATER DEPARTMENT

Award bid for oil tank

WHEREAS, on June 15, 2015 a request for proposals was sent to three (3) qualified fuel oil tank companies; and

WHEREAS, by July 7, 2015 deadline only one proposal was received from Optima Environmental Service, Inc.; and

THEREFORE BE IT RESOLVED that the Town Board authorizes the Water Distribution Superintendent to hire Optima Environmental Services Inc. to purchase and install one (1) above ground storage oil tank at the Water Department office for \$13,500.

Budget Transfer

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer::

Transfer \$13,500 from the Water Department Special Projects Meters Line (SW.8340.0483.0006) to the Water Department Equipment Line (SW.8310.0200) for the purchase and installation of a new fuel oil tank for the main office location.

10. MONTHLY REPORTS

Receiver of Taxes

11 SUPERVISOR GRACE'S REPORT TO THE TOWN

12. REPORTS FROM THE TOWN COUNCIL

13. ADJOURN

Alice E. Roker, Town Clerk
Town of Yorktown

Dated: July 21, 2015

August 4, 2015 Meeting will be held at Downing Park, Route 202 starting at 6:00PM

The Town Board will hold a work session in Town Hall on August 11th, 2015. The next meeting of the Town Board will be on September 1, 2015.

Attachment #1

A LOCAL LAW to amend Article III of Chapter 200 of the Code of the Town of Yorktown entitled “LIGHTING, OUTDOOR,” to provide authority to approval board to modify and waive requirements.

Be it enacted by the town board of the town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. **Section 200-7A of the Town Code of the Town of Yorktown is hereby amended by the addition of the following new paragraph (5):**

- (5) Modification and waiver. The approval authority, upon finding that due to special conditions of a site certain requirements of Section §200-6 of this chapter are unsuitable for the site or incompatible with a plan of development, may vary or waive said requirements, provided that such variance or waiver will not be detrimental to the public health, safety, or welfare, or have the effect of nullifying the intent and purpose of the adopted Zoning Map, the Zoning Ordinance, the Comprehensive Plan, or this Chapter 200. In varying or waiving such conditions the approval authority may specify such conditions that will, in its judgement, secure substantially the objectives of the requirements so varied or waived.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have

been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

Attachment #2

A LOCAL LAW to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article I, entitled "Traffic and Parking Regulations," adding a full stop at intersection of Summit Street and Underhill Avenue

Be it enacted by the town board of the town of Yorktown as follows:

Section VI. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section VII. Section 275-6A in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding the following location to the list of public highways upon which a driver of a vehicle shall come to a full stop unless otherwise directed by a peace officer:

Summit Street at the southeast corner of the intersection with Underhill Avenue

Section VIII. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part

thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IX. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section X. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

Attachment #3

A LOCAL LAW to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC," Article I, entitled "Traffic and Parking Regulations," amending section 275-17 to add a park zone at Ivy Knolls Park

Be it enacted by the town board of the town of Yorktown as follows:

Section XI. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section XII. Section 275-17E in Chapter 275, entitled "VEHICLES AND TRAFFIC," Article I, of the Town Code, entitled "Traffic and Parking Regulations," is hereby amended by adding the following location to the list of park zones:

(h) Ivy Knolls Park:

[1] "Entering Park Zone" sign on Ivy Road, 300 feet east of boundary of the park.

[2] "Leaving Park Zone" sign on Ivy Road, southbound, 300 feet west of the boundary of the park.

Section XIII. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such

judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.