

TOWN BOARD AGENDA
TOWN OF YORKTOWN
JANUARY 19, 2016

PLACE:
TOWN HALL

TIME:
7:30pm

- I. PLEDGE OF ALLEGIANCE
- II. MOMENT OF SILENCE
- III. REPORT FROM SUPERVISOR MICHAEL GRACE
- IV. REPORTS FROM TOWN COUNCIL
- V. PRESENTATION - Brian Amico - Competition Carting
- VI. VOLUNTEER BOARD APPOINTMENTS

Reappoint David McConnell to ABACA

BE IT RESOLVED, that David M. McConnell is hereby reappointed as a member of the Advisory Board of Architectural and Community Appearance for a three year term expiring December 31, 2018.

Reappoint Diane Dreier to Conservation Board

BE IT RESOLVED, that Diane Dreier is hereby reappointed as a member of the Conservation Board for a three year term expiring on December 31, 2018.

Reappoint William LaScala to Conservation Board

BE IT RESOLVED, that William LaScala is hereby reappointed as a member of the Conservation Board, for a three year term expiring December 31, 2018.

Reappoint Al Avitabile to Parks and Recreation Commission

BE IT RESOLVED, that Al Avitabile is hereby reappointed as a member of the Parks and Recreation Commission for a seven year term expiring on December 31, 2022.

Reappoint Robert Fahey to Zoning Board of Appeals

BE IT RESOLVED, that Robert Fahey is hereby reappointed to the Zoning Board of Appeals for a five year term expiring on December 31, 2020

Reappoint William Gregory Alternate Member - Zoning Board of Appeals

BE IT RESOLVED, that William Gregory is hereby reappointed as an alternate member of the Zoning Board of Appeals for a five year term expiring on December 31, 2020.

- VII. PUBLIC HEARINGS

Amend Zoning Map of the Town:

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 19th day of January, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, to consider a proposed local law to amend Chapter 300 of the Code of the Town of Yorktown entitled "ZONING".

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

Portions of the following lots on the Tax Map of the Town of Yorktown are rezoned from the R1-20 Zoning District to the C-2R and R-3 zoning districts:

- Section 26.18, Block 1, Lots 11, 12, 13, 14, 15, and 16 (±20.29acres);
- Section 26.18, Block 1, Lot 9 (±2.59 acres)
- Section 26.18, Block 1, Lot 10 (±0.73acres)

Request to amend Special Use Permit – Mobil Gas Station:

NOTICE IS HEREBY GIVEN that a Public Hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, 10598 on the 19th day of January, 2016 at 7:30 PM or as soon thereafter as the same can be heard, to consider the application received from Mobil Gas Station Convenience Store for an amendment to their Special Use Permit. The request is to approve the demolition of an existing 1000 square foot convenience store and the construction of a new 3000 square foot convenience store at the Mobil Gasoline Station located at 2035 Saw Mill River Road also known as Section 37.14, Parcel 2, Lot 51 on the Tax Map of the Town of Yorktown.

Request Wetlands/General Permit – Shrub Oak Community Association Park District:

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York on January 19, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard to consider the application received from the Shrub Oak Community Association Park District for a Wetlands/General Permit to add a herbicide application to Mountain Brook Pond located at the intersection of Mountain Brook Road and Ravine Street, Shrub Oak, NY 10588.

VIII. RESOLUTIONS:

Tax Certiorari Proposed Stipulation – GHP Strang and GHP Yorktown, LLC:

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 26.19 Block 1 Lot 2, 2651 Strang Blvd., on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 26.19-1-2 Account Number 1294000, owned by GHP Strang, LLC & GHP Yorktown, LLC for assessment roll year 2015 be settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2015	327,800	276,480	51,320

Authorize the Wastewater Treatment Facility to contract with Evoqua:

Resolved, that the Town Board authorizes the Wastewater Treatment Facility to contract with Evoqua (sole source provider) for programming (2 visits of 2 days each including expense) of microfilters at the Yorktown Wasterwater Facility in the amount of \$10,000.00.

Authorize cash value payout of unused time – Jeannette Koster:

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Jeannette Koster the cash value of unused time as of her separation date:

Rate of Pay: \$65.1669

Vacation	140.00 hours	x	\$65.1669	=	\$ 9,123.37
Personal Days	21.00 hours	x	\$65.1669	=	\$ 1,368.50
Floating Holiday	14.00 hours	x	\$65.1669	=	\$ 912.34
			Total		\$11,404.21

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout as follows:

From:

A1420.101 Legal - Salary

To:

A1420.108 Legal - Lump Sum Payments

Amount:

\$11,404.21

Authorize cash value payout of unused time – John A. Calcutti:

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay John A Calcutti the cash value of unused time as of his retirement date:

Rate of Pay: \$35.7814

Sick	1500.00 hours @	50%	=	750.00 hours	
	750.00 hours	x	\$35.7814	=	\$26,836.05
Vacation	142.50 hours	x	\$35.7814	=	\$ 5,098.85
Personal Days	22.50 hours	x	\$35.7814	=	\$ 805.08
Floating Holidays	15.00 hours	x	\$35.7814	=	\$ 536.72
Longevity					
	\$1,400 / 261 days = \$5.36 per day				
	07/20/15 to 01/07/16 = 124 days				
	124 days	x	\$5.36	=	\$ 664.64
			Total		\$33,941.34

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:
D909.8 Highway - Fund Reserve for Employee Accrued Benefits
To:
D5110.108 Highway - Lump Sum Payments
Amount:
\$33,941.34

Authorize Conference attendance to NYS GFOA Annual Conference:

Whereas, sufficient funds exist in the Comptroller Training line to cover the cost of expenses, including lodging and conference, now

Be It Resolved, that Patricia Caporale and Sandra Serrano have permission to attend the 2016 New York State Government Finance Officers Association annual conference / training to be held in Albany, New York April 6, 2016 through April 8, 2016.

Extend the following Bids for the Highway Department

Whereas, invitation to bid for all the bids listed below for the Town of Yorktown were duly advertised, and

Whereas, said bids were received and opened,

Now Therefore Be It Resolved, that upon the recommendation of the Highway Superintendent, Dave Paganelli, all the bids be and are hereby extended for one year, per the terms of the bid:

Asphaltic Laid-in-Place, awarded to Clove Excavators, Inc., 212 Van Wagner Road, Poughkeepsie, NY 12603. The contract renewal date is from August 1, 2016 to July 31, 2017.

Cummins Engine OEM Parts; awarded to Campbell Freightliner of Orange Cty, LLC, 2040 Route 208, Montgomery, NY 12549. The contract renewal date is from June 22, 2016 to June 21, 2017.

John Deere Construction Equipment OEM Parts; awarded to Jesco, Inc., 118 St. Nichols Ave., So. Plainfield, NJ 07080. The contract renewal date is from June 22, 2016 to June 21, 2017.

Pavement Markings; awarded to Safety Marking, Inc. 460 Bostwick Ave., POB 38186, Bridgeport, CT 06605.

Stone, Gravel, Concrete Materials; awarded to various vendors. The contract renewal date from January 1, 2016 to December 31, 2016.

Traffic Signs; awarded to Traffic Lane Closures, 1214 Route 52, Carmel, NY 10512. The contract renewal date is from August 1, 2016 to July 31, 2017.

Extend the following Bids for Bodywork on Town Cars and Trucks

WHEREAS bids were received on Friday, January 31, 2014, for "Bodywork on Town of Yorktown Cars" and "Bodywork on Town of Yorktown Trucks", and

WHEREAS, on February 4, 2014, the bids for "Bodywork on Town of Yorktown Cars" was awarded to the low bidder, Yorktown Auto Body Inc., 1798 Front Street, Yorktown Heights, NY, and the bid "Bodywork on Town of Yorktown Trucks" was

awarded to the low bidder, Luposello's Auto Body Inc., 2030 Albany Post Road, Croton-On-Hudson, NY, and

WHEREAS, the Town has the option to extend said bids for two additional years in one-year increments; and

WHEREAS, the first extension of said bids for one additional year was in effect February 12, 2015 through February 11, 2016;

RESOLVED, that Kim Angliss Gage, Coordinator of the Central Garage, recommends to the Town Board that the Town exercise its option to renew the contracts for the second and final one-year increment, per the terms of the bids; and be it

FURTHER RESOLVED, the date of the extension will commence February 12, 2016 through to February 11, 2017.

Lease Certain Room(s) at YCCC by Westchester Community Opportunity Program, Inc.

WHEREAS, Westchester Community Opportunity Program, Inc. a nonprofit corporation ("Tenant"), wishes to lease from the Town of Yorktown certain room(s) within the Yorktown Community & 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.

Renewal Commercial Garbage License for Carlo Minuto Carting, Co.

RESOLVED, that Carlo Minuto Carting, Co, Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2016.

Amend Access and Use Agreement with Algonquin Gas Transmission, LLC

WHEREAS, Algonquin Gas Transmission, LLC (“Algonquin”) and the Town of Yorktown entered into an Access and Use License, dated June 2, 2015 (the “License”), that provides Algonquin access to temporary workspace on Sylvan Glen Park Preserve and Granite Knolls Park West to facilitate Algonquin’s construction of a replacement interstate natural gas pipeline as part of the Algonquin Incremental Market Project (the “AIM Project”); and

WHEREAS, on or around September 18, 2015, Almar LLC filed a lawsuit against the Town of Yorktown and Algonquin in Westchester County Supreme Court (Case No. 3078/2015) raising several claims regarding the License, and the Town of Yorktown and Algonquin each filed a motion to dismiss the litigation on or around October 19, 2015, which motions are now sub judice before the court; and

WHEREAS, Almar LLC and Algonquin have met to discuss construction and restoration related to the AIM Project, and Algonquin has therefore requested that the Town Board amend the License to remove the requirement that Algonquin restore a portion of its temporary workspace located adjacent to Stoney Street with a new access driveway and Algonquin instead seeks to restore that area to its pre-existing condition to the extent practical in accordance with the applicable permits and approvals for the AIM Project;

It is therefore resolved that:

At the request of Algonquin and in exchange for \$62,500 as consideration, the Town Board hereby authorizes: (i) the Town Supervisor to execute the Amendment to the Access and Use License that eliminates the references to a new driveway as restoration in Granite Knolls Park West; and (ii) the Town Attorney to execute a stipulation on behalf of the Town Board to discontinue the *Almar LLC v. Michael Grace* Article 78 litigation (Westchester County NY Supreme Court, Index No. 3078/2015).

- IX. MONTHLY REPORTS:
Building Department – Cost of Construction Report December 2015
- X. COURTESY OF THE FLOOR
- XI. ADJOURN

Diana L. Quast, Town Clerk
Town of Yorktown

Dated: January 19, 2016

PLEASE NOTE: AGENDAS ARE SUBJECT TO CHANGE

PUBLIC HEARINGS FOR FEBRUARY 2, 2016

Request for Rezoning – RPG Properties – 3574 Lexington Avenue:

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board of the Town of Yorktown, New York, at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, on February 2, 2016 at 7:30 p.m., or as soon thereafter as the same can be heard, to consider a petition filed by RPG Properties, Inc. seeking a zoning map amendment and a proposed local law to amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-20 Zoning District to the R-3 zoning district:

Section 15.15, Parcel 1, Lot 22 (15.15-1-22) (approximately one acre)

Request to amend a Special use Permit – Northern Westchester Restorative Therapy and Nursing Home:

NOTICE IS HEREBY GIVEN that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 2nd day of February, 2016 at 7:30 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.