

Meeting of the Town Board, Town of Yorktown held on February 2, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Diana, the Town Board moved into Executive Session to conduct an interview for a volunteer board.

Upon motion made by Supervisor Grace, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING REPORTS TO THE TOWN, Supervisor Grace reminded everyone that there will be a change to some garbage and recycling routes. This change is necessary due to the current garbage company switching its vehicles over to natural gas and will provide greater efficiencies. Supervisor Grace stated that the current Acting Town Engineering is leaving and the Town is looking for a Town Engineer, anyone interested apply to the Supervisor's office or via email to mgrace@yorktownny.org.

DURING REPORTS FROM THE TOWN COUNCIL

Councilman Diana stated that he was on a conference call for the Heroin and Opiate Taskforce with Senator Murphy's office. They have just started a Facebook page and he urged everyone to like the page because important information will be placed on it to help eliminate this blight.

Councilman Patel stated that today was a nice day and enjoy this winter weather.

Councilman Lachterman announced that the American Legion will be hosting the Four Chaplains Memorial Ceremony on February 7, 2016 at 2:00 PM at Yorktown Post #1009, 235 Veterans Road. He stated that the Breakfast with the Easter Bunny fundraiser will be hosted by the Yorktown Lions and the American Legion Post #1009 and will be held on March 13. He also noted that the Yorktown Athletic Club baseball registration is open.

APPOINTMENT

PAUL TURIANO – ADVANCED LIFE SUPPORT COMMISSION RESOLUTION #64

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

BE IT RESOLVED, that Paul Turiano is hereby appointed as a member of the Advanced Life Support Committee for a two-year term expiring December 31, 2017.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

Mr. Paul Turiano thanked the Town Board for his appointment.

APPOINTMENT

LEE JOFFEE – ADVANCED LIFE SUPPORT

RESOLUTION #65

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

BE IT RESOLVED, that Lee Joffee is hereby reappointed as a member of the Advanced Life Support Committee for a two-year term expiring December 31, 2017.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

Laura Kaye, Chief of the Mohegan Lake Ambulance Corps. Thanked the Town Board for the appointments to the Advanced Life Support Commission and announced that a blood drive will be held February 6, from 11-5 at the ambulance corps located on Route 6.

Supervisor Grace stated that we appreciate all that our emergency service volunteers do and if anyone is interested in joining contact them at 1975 East Main Street or by phone at 914-528-1005. He also encouraged local businesses to consider allowing employees to serve and leave for an emergency call during work hours.

Councilman Bernard explained that everyone is taxed for the Advanced Life Support services the Town receives but the volunteer emergency services run on donations.

Councilman Patel asked if there is a Junior Corps.

Chief Kaye stated that there used to be but there is not enough interest in it now.

Councilman Patel thanked all of the volunteers for their service.

Councilman Diana stated that he was proud to be the liaison for the ALS District.

APPOINTMENT

STEVEN P. TVERT – BOARD OF ASSESSMENT REVIEW

RESOLUTION #66

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

BE IT RESOLVED, that Steven P. Tvert is hereby appointed as a member of the Board of Assessment Review Committee for a five-year term expiring September 30, 2021.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

APPOINTMENT

LUIS RIVERA - CABLE COMMITTEE

RESOLUTION #67

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

BE IT RESOLVED, that Luis Rivera is hereby appointed as a member of the Cable TV Committee for a three-year term expiring December 31, 2018.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

ROAD DEDICATION – GAY RIDGE ROAD

RESOLUTION #68

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

WHEREAS, that upon the deed of dedication of the extension of Gay Ridge Road and Gay Ridge Court, as depicted on a certain subdivision map entitled "Subdivision Plat of Property known as Yorktown Farms," dated August 4, 2008 and filed in the Westchester County

Clerk's Office, Division of Land Records on July 20, 2011 as Map RO# 28496, such deed being duly executed and acknowledged and in form for recordation thereof, now,

THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, the Town Board of the Town of Yorktown hereby consents that the Superintendent of Highways of the Town of Yorktown make an order laying out the aforesaid Town Highway, and

BE IT FURTHER RESOLVED that the Subdivision Applicant, at their own expense, shall cause such deeds to be recorded with the Westchester County Clerk (Division of Land Records). Evidence of filing of such deed(s) shall then be delivered to the Town Clerk within 30 days. A copy of the filed deed(s) shall then be delivered to the Town Clerk within 90 days of the receipt of evidence of filing.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

ROAD NAME CHANGE - SOUTHEAST CORNER OF GAY RIDGE ROAD TO ITS
TERMINATION SHALL BE KNOWN AS WINCHESTER COURT
RESOLUTION #69

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

RESOLVED, that the extension of Gay Ridge Road, as shown on "Subdivision Plat of Property known as Yorktown Farms," dated August 4, 2008 and filed in the Westchester County Clerk's Office, Division of Land Records on July 20, 2011 as Map RO# 28496, commencing from the southeast corner of Gay Ridge Court and continuing to its termination, shall be known as Winchester Court and such names be entered on the Official Street Naming and Property Numbering Map of the Town of Yorktown in a manner as prescribed by law.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted

DECISION – PUBLIC HEARING
PROPOSED LOCAL LAW RESTRICTING PARKING ON LAUREL COURT
RESOLUTION #70

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

WHEREAS, a public hearing was held on November 17, 2015, and reconvened on February 2, 2016 pursuant to notice duly published as required by law to amend Chapter 275 of the Code of the Town of Yorktown entitled "VEHICLES AND TRAFFIC." Article 1, entitled "Traffic and Parking Regulations," restricting parking on Laurel Court:

Section 275-4A of the Town Code, prohibiting parking on certain streets, is hereby amended to add the following streets:

Laurel Court, both sides, 100 feet south of the intersection with Hallocks Mill Road.

Now therefore be it RESOLVED that Local Law #2/2016, 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 rollcall, which resulted as follows:

Supervisor	Michael J. Grace	Voting	Aye
Councilman	Vishnu V. Patel	Voting	Aye
Councilman	Gregory M. Bernard	Voting	Aye
Councilman	Thomas P. Diana	Voting	Aye
Councilman	Edward A. Lachterman	Voting	Aye

Local Law #2/2016 was thereupon declared adopted.

PUBLIC HEARING

REQUEST FOR REZONING – RPG PROPERTIES – 3574 LEXINGTON AVENUE

Supervisor Michael Grace convened a public hearing 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)

Affidavits of Posting and Publication were presented by the Town Clerk.

Mr. Phil Saunders representing RPG Properties gave an overview of the project.

Mr. Paul Jeffries stated that this project will cause several quality of life issues and he is against this rezoning. He feels it is inconsistent with the neighborhood and the Comprehensive Plan. It will increase noise and traffic levels and may cause water to drain onto his property which will directly impact homeowners in the area. He asked that the Town Board consider his comments.

Mr. Ira Hertz stated that he has a large private yard and if all the trees are cut down, his property will lose value and be less desirable.

Mrs. Kathleen Hertz stated that a petition has been signed by all the residents in the area. The plan shows that all the trees on the property will be cut down. She also stated that they had to install a curtain drain to drain the excess water. She is concerned that public safety will be compromised with sidewalks and lack of lighting which will affect the community.

Mrs. Andrea Jeffries stated that there is a lot of drainage issues on the road. She feels that this rezoning will drastically affect the quality of life in this area.

Mr. Jeffrey Paintner stated that all the homes in this area are set back from the road. This will not be the case for this project. Traffic will have an impact, there are no sidewalks, no shoulders on the road, no lights and you have to walk in the roadway. This is a dangerous situation. He asked the Town Board not to rezone this property.

Mr. Thomas Perrone asked how the Town could consider this project in an area that is already heavily populated. This will affect He urged the Town Board not to rezone this property.

Mr. Stephen Lehmann stated that he has concerns with the traffic, density and safety in this area. He is extremely opposed to this rezoning.

Mr. Jeffrey Weng stated that he is concerned with safety, traffic and the value of his home with this rezoning.

Supervisor Grace asked about the set back requirements.

Planning Director John Tegeder stated that there is enough room in the front yard set back but maybe not in the side yard.

Councilman Bernard stated that the Town Board only considers the rezoning, all of the site work will be done by the Planning Board. Many of these issues will be addressed at that time.

Planning Director John Tegeder stated that part of the Comprehensive Plan was to look at diverse housing throughout the Town. He feels it fits into the broad standpoint of the Comprehensive plan.

Supervisor Grace stated that this is not a bad location but he is concerned with the density. The Town can put conditions on the rezoning. The Town can put a cap on the height of the building, have drainage issues addressed. He feels that the neighborhood concerns are notable.

Planning Director John Tegeder spoke about other multi-family apartments in the area.

A resident asked the Town Board not to make a decision tonight.

Mr. Phil Saunders stated that there will be a professional landscaping services and everything will be cleaned up.

Mrs. Andrea Jeffries asked where the garbage is going to be placed. She also stated that she did a search on this company and found nothing on it.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was adjourned. Upon motion made by Supervisor Grace, seconded by Councilman Lachterman.

AUTHORIZE RELEASE OF EROSION CONTROL BOND #WP-BSWPPP-T-069-14 GOMER STREET – BELLAMY CONSTRUCTION
RESOLUTION #71

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

WHEREAS, Joe Bellamy Construction, as applicant, posted check #1205 on December 9, 2014 in the amount of \$4,500 of which \$3,500 was deposited into the T33 account as the Erosion Control Bond for Permit #069-14, for work performed at the Gomer Street site and \$1,000 which was deposited into the T76 account to be used for inspection fees, and

WHEREAS, Joe Bellamy Construction, as applicant, posted check #1167 in the amount of \$1,500, \$1,300 of which was deposited into the T76 account to be used for inspection fees and \$200 which was credited to A2116 on November 14, 2014 and

WHEREAS, Joe Bellamy Construction, as applicant posted check #1161 in the amount of \$600, \$400 which was deposited into the T76 account to be used for inspection fees and \$200 which was credited to A2116 and

WHEREAS, after inspection fees totaling \$1,625 were paid to Cornerstone Appraisal Associates, Inc on December 23, 2014 leaving a balance of \$1,075 in the T76 account and \$3,500 in the T33 account 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 above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies totaling \$4,575.00 be released to Joe Bellamy Construction, 2333 Willoway Street, Yorktown Heights, NY 10598.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LYNSTAAR ENGINEERING, PC
RESOLUTION #72

Upon motion made by Councilman Patel, seconded by Councilman Bernard,

WHEREAS, the Supervisor is authorized to sign an agreement with LynStaar Engineering, P.C., to provide engineering services to the Town of Yorktown for a maximum of 24 hours, for the month of February 2016 at an hourly rate of \$125.00 per hour.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE PAYMENT TO BRUCE BARBER, ENVIRONMENTAL CONSULTANT TO PREPARE COMMENTS FOR ALGONQUIN PIPELINE PROJECT RESOLUTION #73

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

RESOLVED, that the Town Board authorizes the Comptroller to pay Bruce Barber, Environmental Consultant, for two invoices for review, meetings, inspections and special project consulting for the Algonquin Pipeline Project in the amount of \$6,687.50.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE PARKS AND RECREATION DEPARTMENT TO PURCHASE A TRUCK OFF THE WESTCHESTER COUNTY CONTRACT RESOLUTION #74

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

WHEREAS, the Parks and Recreation Superintendent requests authorization to purchase one (1) 2016 Green Ford F350 Pickup Truck as specified in the Westchester County contract #RFB-WC-15304 and,

WHEREAS, monies have been allocated in the 2016 Parks Department budget line A.7110.201 (Equipment) for this purchase and, now

THEREFORE BE IT RESOLVED, the Town Board authorizes the Yorktown Parks and Recreation Department to purchase one (1) 2016 Green Ford F350 pickup Truck as specified in the Westchester County contract #RFB-WC-15304 for Pickup Trucks 2016 Model Year from Vance Country Ford located in Mamaroneck, NY for a total of \$31,653.22 broken down as follows:

- | | |
|--|-----------------|
| • 2016 Ford F350 (green) 4x4 8' Fleetside pickup truck, SRW, Furnished and Delivered | \$28,560.22 |
| • Upgrade to Super Cab | \$2,098.00 |
| • Standard Lighting Package | <u>\$995.00</u> |
| | \$31,653.22 |

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE PARKS AND RECREATION DEPARTMENT TO USE ORGANIC FERTILIZER AND HERBICIDE ON TOWN-OWNED PROPERTY RESOLUTION #75

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

WHEREAS, the Parks and Recreation Superintendent recommends use of organic fertilizer and herbicide on town-owned property to encourage root development to promote a safe and healthy natural turf, and

WHEREAS, an organic herbicide will be beneficial to kill post-emergent weeds such as poison ivy in parks and playgrounds, now

THEREFORE BE IT RESOLVED, the Town Board authorizes the Yorktown Parks and Recreation Department to incorporate usage of organic fertilizer and herbicide on town-owned property.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people spoke:

Mr. Jay Kopstein spoke about the agenda not being posted on the Town website and the position of the Town Attorney.

Mr. Dan Strauss spoke about quality of life issues throughout the Town.

Mr. Gil Kaufman spoke about the Roma Building and asked when it would be cleaned up.

Ms. Miriam Curtain spoke about dog waste at the Jack DeVito Veterans Memorial Field and Track. She stated that there are only a few places that you can walk in this Town that are Safe and one of them is the Jack DeVito Veterans Memorial Field. She does not feel dogs should be banned from the entire park just areas where children play.

COURTESY OF THE FLOOR WAS CLOSED

Supervisor Grace stated that dogs are not being banned from the Jack DeVito Veterans Memorial Park. He mentioned that he was up on Wood Street recently and the littering on this road is constantly going on. Raising fines only works if you can catch the person in the act of littering. He asked that people take pride in the community and be courteous to each other.

Councilman Diana stated that he was working on the situation at the Roma Building and expects it to be done as soon as possible.

ADJOURN

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

Diana L. Quast, Town Clerk
Town of Yorktown