

Meeting of the Town Board, Town of Yorktown held on April 12, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Maura Weissleder, Deputy Town Clerk
Michael McDermott, Town Attorney
Margaret Gspurning, Human Resources

TOWN BOARD MEETING

Supervisor Michael J. 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 interviews for volunteer boards and personnel.

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

FRONT STREET REZONING

Mr. Roberta, who owns four lots on Front Street that are currently vacant and zoned R-120, presented renderings of his proposed development under his rezoning application for commercial zone. Current zoning calls for single-family homes, which, as Supervisor Grace remarked, seems out of place in that location.

In the past, the Town was not able to issue sewer districts on the lots due to restrictions regarding the Hallocks Mills Sewer District. Those restrictions have been lifted and now the lots can be developed. Supervisor Grace stated that there is no municipal investment to this property, just tax gains; all infrastructure exists. Commercial use would be a better option than single family homes.

Mr. Hoyt, resident of Summit Street, presented a petition against the proposed development due to concerns regarding noise, lighting, traffic, etc. He would like to know how, if the zoning changes, would these issues be resolved.

Supervisor Grace stated that Front Street is one of the widest streets in town because it began as a commercial area. The site plan and buffering will be addressed and the results may be enhancements for some of the neighboring homeowners' properties. Mr. Roberta is looking to soften the impact of his development by architecturally designing a structure that will blend with residences in the area.

Mr. Hoyt asked if a performance bond would be required. Supervisor Grace stated that it would not since no public infrastructure (i.e., a road) is being requested. Councilman Bernard stated that a landscape bond would be needed. The border between these lots and the private residences would have a buffer, which could be an enhancement to the residential properties.

Supervisor Grace discussed the problematic history of the property – it has always been the intention of the town that this would be a commercial area. The architectural design of whatever is developed there would be a major concern in order to make it fit in.

Matthew Ross, also a resident of the area, joined the discussion because Mr. Roberta removed trees and he now has a less unobstructed view of the UPS building and is very concerned about what he will be looking at regarding future development. Mr. Roberta said the businesses would be professional spaces (doctors, real estate, lawyers, etc.) and not retail space. He will not have a mix of residential and business; only businesses that will complement each other on the upper and lower levels.

Mr. Ross asked where the mechanical equipment will be placed (air condition equipment, etc.) Mechanical equipment in the residential-like designed building would be placed in the “attic” of the building, while a more traditional office/commercial building, would have the equipment on the roof. This would make the latter design less desirable since it would be seen by Summit Street residents.

Councilman Bernard suggested that this property be made transitional zoning so that the Town would be responsible for the site plan and more in control of customizing the area, as well as giving the applicant a list of uses for the property.

Mr. Hoyt suggested that property values would decrease with the proposed development. Supervisor Grace respectfully stated that he believed that devaluation of property values in a situation like this is not necessarily true. A transitional use allows what Mr. Roberta is proposing to be a better use of the property than by building four small homes on four lots which would increase noise, traffic, etc. in the area. There would be less control with private home ownership.

Mr. Roberta was instructed to make an application for transitional zoning and there will be continued cooperation between the builder and the residents regarding his plans.

RPG PROPERTIES (LEXINGTON AVENUE)

RPG Properties presented their original 12-unit plan for their development on Lexington Avenue, and then showed the new plan for a 10-unit development. The differences include the floor area ratio (FAR) of 10,325 with 12 units and 12,500 with 10 units. The new plan has increased side yard setbacks and the buildings would be spaced farther apart – this would provide an opportunity for more side yard space for landscaping.

One resident noted that “zoning is changing significantly.” If this kind of transformation goes forward, other pieces of property may also be developed as multi-family structures. If we allow this process to continue, what are the advantages?

Another resident questioned why this project is being considered at all?

Councilman Bernard stated that he feels that considering developments like RPG Properties’ plan presents different opportunities for different housing types in the town. The Town’s Master Plan also suggests this. Supervisory Grace said there is a desperate need for this kind of housing in the town. The town cannot survive on single-family homes only. This particular lot is located on a major road and can handle the traffic of a multi-family structure. An existing old boarding house is the only other structure that could also be in the same position for development. Another resident expressed his opinion that the character of the neighborhood will change and property values will decrease while density will increase.

A discussion followed about one resident being offered a sewer hookup as part of an easement agreement, and Supervisor Grace advised that he consider taking the offer as it will increase the value of his property.

Supervisor Grace advised the applicant to come back with a plan that eliminates the need for variances due to FAR issues and the public hearing will reconvene on May 17, 2016.

BERNSTEIN HOUSE

Mark Franzoso came before the board to inform them that he cannot restore the Bernstein House, as originally planned. The barn has been restored. The house has been cleaned out, the roof and chimney redone. Only 15% of the house can be made conformable. The house would not be the same even if it was restored because so much of it would have to be replaced. Mr. Franzoso said he has a plan to build a house that would resemble the original Bernstein house and he is \$30,000.00 into the house already to get it where it is today. If there is anything that can be salvaged that could be used in the new structure, he will use it. Mr. Franzoso wanted the Town to know that he has done his best, but restoration is not possible.

ILLINGTON ROAD

Marcia Saunders would like to purchase a portion of town-owned parkland that is near her residence on Illington Road. She and her family have diligently maintained the Gerow Family Cemetery which is located within this piece of property for many years and will continue to do

so. The Town cannot sell the property the cemetery is on because it is not town owned, however, Supervisor Grace stated that whatever the town owns, the Saunders family will own as soon as an application and resolution can be processed and approved. He also suggested that a title search be done.

Supervisor Grace expressed his admiration for Mrs. Saunders passion and diligence in maintaining and improving the property and cemetery. The Saunders family thanked the Board for their support.

GENERATOR/STREET LIGHTS

Mike Dubovsky discussed the purchase of the new generator and transfer switch, stating that Huntington Rowe is less expensive off state bid rather than on. Since the purchase of this has already been approved, Mr. Dubovsky was instructed to place the order. Supervisor Grace would like Mr. Dubovsky to replace the 4 downed street lights on Commerce Street and then discussed the addition of about 3 lights in Railroad Park.

APPOINTMENT TO CONSERVATION BOARD

RESOLUTION #182

Upon motion made by Supervisory Grace, seconded by Councilman Bernard,

BE IT RESOLVED, that Walter Plankl is hereby reappointed as a member of the Conservation Board for a three-year term expiring on December 31, 2016.

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

FORMATION OF THE TOWN OF YORKTOWN INDUSTRIAL DEVELOPMENT AGENCY

RESOLUTION #183

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

WHEREAS, the Town Board of the Town of Yorktown believes that an Industrial Development Agency in the Town of Yorktown would promote, develop, encourage and assist in acquiring, constructing, improving, maintaining or equipping certain facilities within the Town thereby advancing the job opportunities, health, general prosperities and economic welfare of the people of the Town of Yorktown;

NOW, THEREFORE, BE IT RESOLVED the Town Board of the town of Yorktown hereby requests that the New York State Senate and the New York State Assembly prepare and pass appropriate home rule legislation during the 2016 Legislative Session authorizing the formation of the Town of Yorktown Industrial Development Agency; and be it further

RESOLVED, the Town Supervisor is hereby authorized to execute any and all Home Rule Request Forms and any further or different documentation as may be required by the State Legislature to effectuate this request; and be it further

RESOLVED, that the Town Clerk be, and she hereby is, authorized to forward a copy of this resolution to the Town's legislative delegation forthwith.

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

BID RENEWAL OF CONCESSION STANDS AT TOWN POOLS TO COSTA FOODS, INC.

RESOLUTION #184

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

WHEREAS, the bid for the Operation of Food and Refreshment Concessions at the Yorktown Town Pools at Shrub Oak and Junior Lake was awarded on April 21, 2015 for the 2015 season to Costa Foods, Inc. and

WHEREAS, the contract agreement with Costa Foods, Inc. provides the License may be renewed for up to three additional one-year terms, and

WHEREAS, the Superintendent of Parks and Recreation recommends to renew the contract with Costa Foods, Inc. for a first additional one-year term for the 2016 pool season.

NOW, THEREFORE BE IT RESOLVED, that the operation of foods and refreshment concession services at the Brian J. Slavin Aquatic Center in Shrub Oak and the Junior Lake Pool in Yorktown Heights be awarded to Costa Foods, Inc. of 11 Lincoln Avenue, Rye Brook, New York 10573 for the amount of \$8,000.00 for the 2016 pool season.

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

AMEND SPECIAL USE PERMIT FOR BJ'S WHOLESALE CLUB
RESOLUTION #185

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman,

WHEREAS, on December 19, 2014 the Town of Yorktown Town Board passed Resolution Number 535 which granted a Special Use Permit to BJ's Wholesale Club, Inc. to operate a gasoline filling station;

NOW, THEREFORE, BE IT RESOLVED the Town Board of the Town of Yorktown corrects certain language of Resolution Number 535 to reflect that which was actually approved by the Town Board; and be it further

RESOLVED, Resolution Number 535 is hereby corrected in the following manner: line 2b on page 25 of the December 19, 2014 Meeting Minutes is amended to state: "Two (2) of the three (3) proposed signs are 50.24s.f., thereby exceeding the maximum permitted area of 30s.f. each." Additionally, line 2c on page 25 of the December 19, 2014 Meeting Minutes is amended to state: "The total aggregate canopy signage is 124.83s.f. (50.24 + 50.24 + 24.35) while 60s.f. is permitted."

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

EROSION CONTROL BOND RELEASE – HRIVNAK
RESOLUTION #186

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

WHEREAS, Daniel Hrivnak, as applicant, posted \$300 which was deposited into the T33 account on May 30, 2014, to serve as the Erosion Control Bond for Stormwater Permit #BSWPPP-020-14, for work performed at his Evan Drive residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced Erosion Control Bond be released to Mr. Daniel Hrivnak, 182 Evan Drive, Ossining, NY 10562.

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

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss personnel and a review of the department head meetings. Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

APPROVE ADDITIONAL WORK SESSION
RESOLUTION #187

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman,

RESOLVED, the Town Board of the Town of Yorktown will hold a meeting in the Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, NY on Friday, April 22nd at 3:00 P.M.

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

ADJOURN

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

Maura Weissleder, Deputy Town Clerk
Town of Yorktown