

TOWN BOARD AGENDA  
TOWN OF YORKTOWN  
June 7, 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  
GHD regarding Pump Station Rehabilitation

VI. PERSONNEL:

**Appoint Lt. Robert Noble Chief of Police on a temporary basis effective June 11, 2016 through August 29, 2016**

RESOLVED, that effective June 11<sup>th</sup>, 2016 through August 29<sup>th</sup>, 2016, Robert M Noble is appointed to Police Chief on a temporary basis in the absence of Daniel McMahon.

**Accept Retirement of Julio Sista from the Engineering Department**

RESOLVED, that the Town Board accepts the Retirement of Julio Sista from the Engineering Department.

**Accept Retirement of George Routsis from the Water Department**

RESOLVED, that the Town Board accepts the Retirement of George Routsis from the Water Department.

**Accept Resignation of David Rambo, Water Distribution Superintendent**

RESOLVED, that the Town Board accepts the Resignation of David Rambo, Water Distribution Superintendent.

VII. ADVERTISE BIDS:

**Unmarked Vehicle Purchase – Police Department**

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 6, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for *Police Department Unmarked Vehicle Purchase*. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

**Pump Station Upgrade Program: Jefferson Park PS, Walden Woods PS, Jefferson Valley PS**

RESOLVED, that the Town Board authorizes the Town Clerk to advertise bids for the Pump Station Upgrade Program: Jefferson Park PS, Walden Woods PS, Jefferson Valley PS. The work of this project to be performed under three (3) prime contracts, Town of Yorktown Bid #16-2.

Contract 1 General Construction

Contract 2 Electrical

Contract 3 HVAC

ADVERTISE PUBLIC HEARING:

**Request to consider application received from Alexander Equities, LLC to amend Special Use Permit – Gasoline 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 21<sup>st</sup> day of June, 2016 at 7:30 PM or as soon thereafter as the same can be heard, to consider the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown.

VIII. PUBLIC HEARINGS:

**Decision**

**Request for Rezoning – 3574 Lexington Avenue**

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.

**Convene**

**Public Hearing Amending Chapter 245-5 entitled “SOLID WASTE” adding new Section 245-20-1 – entitled “Receptacles: Standards and Placement,” and adding Section 245-20-2 - Garbage and Refuse Compactors**

NOTICE IS HEREBY GIVEN, that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 7<sup>th</sup> day of June, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider a proposed Local Law amending Chapter 245-5 of the Code of the Town of Yorktown entitled “SOLID WASTE” by amending Section 245-5 entitled “DEFINITIONS” and adding a new Section 245-20-1 entitled “RECEPTACLES: STANDARDS AND PLACEMENT” and adding a new Section 245-20-2 entitled “GARBAGE AND REFUSE COMPACTORS.”

IX. RESOLUTIONS:

**Accept donation to the Senior Center Trust in the amount of \$1,267.18**

RESOLVED, that the Town Board accepts a donation in the amount of \$1,267.18 from the dissolved Chapter 2 club dues, to be deposited into the Yorktown Senior Center Trust to be used only for the Senior Center.

**Approve Pump Station Upgrade Program – Jefferson Park, Walden Woods and Jefferson Valley Pump Stations SEORA - Type II Action – Proposed action will not have a significant adverse effect on environment**

WHEREAS:

1. The three (3) wastewater pump stations identified above are located within the Hallocks Mill Sewer District.
2. The current New York State Department of Environmental Conservation (NYSDEC) SPDES permit for the Yorktown Heights Water Pollution Control Plant, issued in November 2015, require specific measures be implemented at wastewater pumping stations in regards to alarms and emergency operations
3. The Town retained an engineering consultant, GHD Consulting Services (“Engineering Consultant”), to perform a background study and evaluate alternatives for upgrades to the three (3) wastewater pumping stations.
4. The Engineering Consultant prepared a schematic design report dated February 2016 that outlined the recommended improvements. The report formed the basis of design and the Engineering Consultant prepared documents suitable for bidding purposes consisting of contract drawings and specifications (“Contract Documents”). The required work scope is fully described in the Contract Documents and will form the basis of the project work to be undertaken (“the Action”).
5. The Contract Documents indicate that that there shall no direct disturbance to Town of Yorktown and NYSDEC delineated wetland areas. The Action will result in a limited ground disturbance and select tree removal within the 100-foot wetland buffer areas.
6. The Contract Documents indicate the Action will result in a land disturbance of greater than 5,000 square feet and cut/fill volumes that exceed 50 cubic yards. The Town requirements for stormwater management measures are being implemented while the construction work is in progress. The Contract Documents include an erosion and sedimentation control plan and details in accordance with Town standards.
7. The Contract Documents indicate that all disturbed wetland buffer areas shall be restored utilizing a restoration seed mix. Trees that are cut shall be removed and replaced at a minimum of 1:1 in number with a native species.

8. The Engineering Consultant and their Designee will provide professional services during construction to monitor and inspect all environmental aspects and conditions of the Action to ensure compliance with the Contract Documents.
9. Details of the Action were presented at a public meeting of the Town Board on June 7, 2016 in which the public had an opportunity to gain information and ask questions regarding the action.
10. The Town Board has determined that the proposed action is a Type II Action in accordance with Section 6 NYCRR under the State Environmental Quality Review Act (SEQRA), found the Proposed Action will not have a significant adverse effect on the environment and therefore further environmental review is not required.

NOW THEREFORE BE IT RESOLVED THAT:

The Action is approved by the Town Board subject to compliance to the Contract Documents and subject to future revisions;

Plans entitled: "Town of Yorktown New York Pump Station Upgrade Program-Jefferson Park, Walden Woods, and Jefferson Valley-86-18742" prepared by GHD Consulting Services, Inc. dated March, 2016.

**Approve Refund for overpayment of Water Bill - 308 Heather Court**

RESOLVED, that upon recommendation of the Northern Westchester Joint Water Works, the amount of \$431.34, overpayment of final Water Bill Acct #43-10290308 be hereby refunded.

**Authorize Town Attorney to commence a legal action against 1331 Metro Holding Corp/Roma Building**

BE IT RESOLVED that the Town Attorney is hereby directed to commence an action against 1331 Metro Holdings Corp pursuant to the applicable statute, rule or regulation, including but not limited to, New York State Executive Law, the New York State Town Law, the Code of the Town of Yorktown to seek the necessary judicial order directing the abatement of the conditions at the Roma Building located at 2038 Saw Mill River Road, Yorktown, New York.

**Authorize Town Clerk to refer out application received by Alexander Equities, LLC for an amendment to a Special Use Permit- Gasoline Station**

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Alexander Equities, LLC for an amendment to a Special Use Permit. The request is to approve a signage change to the existing canopy and approve a free standing sign at the Sunoco Gasoline Station formerly known as Hess located at 3919 Crompond Road, also known as Section 25.20, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown, and

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

**Authorize Comptroller to pay George Routsis the cash value of unused time as of his retirement date**

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay George Routsis the cash value of unused time as of his date of retirement, Friday, May 27, 2016

Rate of Pay: \$34.4133 hourly

Sick	1,500 hours @ 50% = 750 hours				
	750 hours x 34.4133	=		\$25,809.98	
Vacation	240 hours	x	\$34.4133	=	\$ 8,259.20
Grandfathered Vacation	97.50 hours	x	\$21.95	=	\$ 2,140.13
Personal Days	22.50 hours	x	\$34.4133	=	\$ 774.30
Floating Holidays	15.00 hours	x	\$34.4133	=	\$ 516.20
Longevity					
	\$1,400 / 261 days = \$5.36 per day				
	01/24/16 to 05/27/16 = 90 days				
	90 days	x	\$5.36	=	\$ 482.40
			Total		\$37,982.21

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:			
SW.909.8	Water Fund Balance Accrued Employee Liability	\$36,209.31	
SW8340.106	Water Longevity	\$ 482.40	
SW8340.101	Water Salary	\$ 1,290.50	
To:			
SW8340.108	Water Lump Sum	\$37,982.21	

**Authorize Comptroller to pay Patricia Cole the cash value of unused time as of her retirement date**

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Patricia Cole the cash value of unused time as of her date of retirement, Friday, May 27, 2016

Rate of Pay: \$32.7142 hourly

Sick	1,500 hours @ 50% = 750 hours				
	750 hours x 32.7142	=			\$24,535.65
Vacation	157.50 hours	x	\$32.7142	=	\$ 5,152.49
Floating Holidays	7.50 hours	x	\$32.7142	=	\$ 245.36
Longevity					
\$1,400 / 261 days = \$5.36 per day					
03/10/16 to 05/27/16 = 56 days					
	56 days	x	\$5.36	=	\$ 300.16
Total					\$30,233.66

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at separation as follows:

From:

D909.8 Highway Fund Balance Accrued Employee Liability \$29,688.14

D5110.106 Highway Longevity \$ 300.16

D5110.101 Highway Salary \$ 245.36

To:

D5110.108 Highway Lump Sum \$30,233.66

**Authorize Comptroller to pay Gary Fister the cash value of unused time as of his retirement date**

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Gary Fister the cash value of unused time and pro-rated longevity as of his retirement date, May 26, 2016

Rate of Pay: \$56.3855 hourly  
\$451.08 daily

Compensatory	1.75 hours	x	\$ 56.3855	=	\$ 98.68
Vacation	2 days	x	\$451.08	=	\$ 902.16
Holiday Pay	5.29 days	x	\$451.08	=	\$2,386.22
Longevity					
\$2,175 / 236 days = \$9.22 per day					
01/03/16 to 05/25/16 = 96 days					
Total					\$ 885.12
Total					\$4,272.18

Be it further resolved that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:

A3120.102	Police Salary	\$1,000.84
A3120.107	Police Holiday	\$2,386.22
A3120.106	Police Longevity	\$885.12

To:

A3120.108	Police Lump Sum Payments
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Amount: \$4,272.18

**Authorize release of Bank Certificates of Deposit #44958 in the amount of \$25,000 and #44957 in the amount of \$15,000 – Creative Living**

**WHEREAS**, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44958 in the amount of \$25,000.00, which was accepted by the Town Board at its meeting on April 20, 2011, to serve as the Wetland and Tree Bond which will be held for a five-year period, for the Creative Living Site Plan located on Navajo Road, and

**WHEREAS**, C.J. Diven as applicant, provided the Town with Gotham Bank Certificate of Deposit #44957 in the amount of \$15,000.00, which was accepted by the Town Board at its meeting on April 20, 2011, to serve as the Erosion Control Bond for the Creative Living Site Plan, and

**WHEREAS**, the applicant has requested the monies be released, and

**WHEREAS**, the Town Engineer has reviewed the work that has been performed to date and concurs that the work that has occurred has been satisfactorily completed, NOW, THEREFORE BE IT

**RESOLVED**, that the Town Board releases the above referenced Assignments to Mr. Bruce Adler, c/o Creative Living, 99 South Newman Street, Hackensack, NJ 07601.

**Authorize Police Department to purchase three (3) Ford Explorer Interceptors off State Contract**

**WHEREAS**, the Town Board of the Town of Yorktown has funded the purchase of three new police vehicles in the Police Department's 2016 budget; and

**WHEREAS**, the State of New York Office of General Services has published specification and requested bids for the purchase of Ford Explorer Police Interceptors; and

**WHEREAS**, the State of New York Office of General Services has received, reviewed and awarded the bids for Ford Explorer Police Interceptors; and

WHEREAS, Van Bortel Ford, Inc of East Rochester, New York has submitted the lowest bid for Ford Explorer Police Interceptors; and

WHEREAS, the State of New York Office of General Services has awarded contract # PC66744 to the lowest bidder, Van Bortel Ford; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase three (3) Ford Explorer Police Interceptors from the State of New York Office of General Services contract # PC66744 from Van Bortel Ford in the amount of approximately eighty seven thousand dollars and no cents (\$87,000.00).

**Authorize Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for AAA Transportation Program**

Resolved, that the Town Board authorizes the Town Supervisor to sign an Agreement with Westchester County Department of Senior Programs and Services for AAA Transportation Program in the amount of \$2,159.00. This is for the period of April 1, 2016 through March 31, 2017.

**Authorize Comptroller to release Escrow Deposit for Street Opening Permit #0016-003**

Resolved, that upon recommendation of the Highway Superintendent, the Town Board authorizes the release of the following escrow deposits to PanBar Realty, LLC, 361 Route 6, Mahopac, NY 10541: Street Opening Permit #0016-003, \$1,000.00.

**Authorize Comptroller to Refund Duplicate Taxes**

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payment to Account #3765500 in the amount of \$116.66.

- X. COURTESY OF THE FLOOR
- XI. MONTHLY REPORTS  
Building Construction Report May 2016  
Receiver of Taxes – May 2016
- XII. ADJOURN

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Diana L. Quast, Town Clerk  
Town of Yorktown

Dated: June 7, 2016

\*\*\* Agendas are Subject to Change \*\*\*



### **Courtesy of the Floor Policy**

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

**Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk ([townclerk@yorktownny.org](mailto:townclerk@yorktownny.org)) or Town Supervisor ([supervisor@yorktownny.org](mailto:supervisor@yorktownny.org)), 363 Underhill Avenue, Yorktown Heights, NY 10598.**

### **PUBLIC HEARINGS SCHEDULED FOR JUNE 21, 2016**

#### **Proposed Local Law amending Chapter 124-2 (C) Blasting and Explosives**

##### **Permit Required Insurance**

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, NY on the 21<sup>st</sup> day of June, 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 124-2 (C) of the Code of the Town of Yorktown entitled "BLASTING AND EXPLOSIVES PERMIT REQUIRED INSURANCE."

#### **Proposed Local Law amending Chapter 201-2 entitled Definitions and adding a new Section 201-10 entitled Recorded Images Violations**

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, NY on the 21<sup>st</sup> day of June, 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 201 of the Code of the Town of Yorktown entitled "LITTERING" by amending Section 201-2 entitled "DEFINITIONS" and adding a new Section 201-10 entitled "RECORDED IMAGES VIOLATIONS."

#### **Proposed Local Law amending Chapter 300-3 (B) Zoning Text Amendment Private and Parochial Schools and Helistops**

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, NY on the 21<sup>st</sup> day of June, 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 300-3 (B) of the Code of the Town of Yorktown entitled

“ZONING.” (TEXT AMENDMENT PRIVATE AND PAROCHIAL SCHOOLS AND HELISTOPS.)

**Proposed Local Law amending Chapter 300-3 entitled Zoning Definitions by amending the definition of Home Occupation**

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, NY on the 21<sup>st</sup> day of June, 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 300-3 of the Code of the Town of Yorktown entitled “ZONING DEFINITIONS” by amending the definition of “HOME OCCUPATION.”

**PUBLIC HEARING SCHEDULED FOR JULY 5, 2016**

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, NY on the 5<sup>th</sup> day of July, 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 10 of the Code of the Town of Yorktown entitled “BOARDS AND COMMISSIONS” by adding a new Article X entitled “QUALITY OF LIFE COMMITTEE.”

**PUBLIC HEARINGS ADJOURNED**

**Amend Special Use Permit – Mobil Gas Station:**

To demolish the existing 1000 square foot convenience store and construct 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.

**Repeal Chapter 102 entitled Affordable Housing**

For the purpose of repealing Chapter 102 of the Code of the Town of Yorktown entitled “AFFORDABLE HOUSING.”