

Meeting of the Town Board, Town of Yorktown held on June 14, 2016 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Maura Weissleder, Deputy Town Clerk  
Michael McDermott, Town Attorney

### TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

### EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss the employment history of particular individuals.

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

### AFFORDABLE HOUSING LAW

Supervisor Grace met with HUD representatives Holly Leicht, Regional Administrator – NY/NJ, and Valerie M. Daniele, Special Assistant to the Regional Administrator – NY/NJ, to discuss a draft Affordable Housing Law that HUD has presented to the Town Board. A debate ensued in which HUD presented their case for having an affordable housing ordinance and the supervisor presented the Town Board’s position. Although HUD stated that Yorktown currently has sufficient affordable housing and has been very responsive to affordable housing needs, as the real estate market and economy changes, an ordinance continues to protect those needs. Supervisor Grace stated several times that he feels that the current affordable housing law is illegal and is taking value away from the a select few individuals (builders) and giving it to someone else (affordable housing recipients). HUD responded that this is what zoning and rezoning does across the board and this reason is a philosophical argument, not a legal one. Supervisor Grace mentioned that this Town Board has done some very aggressive rezoning in order to provide for affordable housing. HUD stated that an affordable housing ordinance provides the framework to keep those units in place for the future and not having an ordinance keeps Yorktown below its potential as a community. Supervisor Grace said that housing should follow the market and let the “chips fall where they may.” HUD stated that, as a government, the town has two choices: have an affordable housing law or not have one; however, if the town chooses not to, the Board is doing a disservice to the town and its residents. Other options for a new affordable housing ordinance will be reviewed, i.e, a consideration of the density bonus program, a marketing program that would give preference to Yorktown residents, etc.

### YORKTOWN STAGE

Barry Liebman presented a list of repairs and improvements that need to be done at the Yorktown State Theatre. Supervisor Grace would like to see the theater try to get to the point where every weekend an event/movie is taking place so that families make it part of their weekend activities. Mr. Liebman agreed but said the Town also has to take into consideration that the theater is rented out as well, so it is not always available on a weekend night. Supervisor Grace said there is a public perception that feels the theater takes in enough of a profit and shouldn’t be subsidized by the Town. A discussion took place as to how to raise funds and draw in more people. Councilman Lachterman offered to spend time with Mr. Liebman to address these issues.

### 3561 AND 3562 ELLIS STREET REZONING REQUEST

Mr. Ira Hertz, one of the applicants for the rezoning request, met with the Board. He and Mr. Evan Bray are seeking to rezone their property to R-3. Supervisor Grace gave Mr. Hertz instruction as to how he and Mr. Bray need to proceed and gave the Planning Department as a contact for them.

### PUPPY MILL LEGISLATION

Elena Gorin, Deidre Curran, and Dina Gorin met with Supervisor Grace to discuss the progress of the Puppy Mill Legislation to abolish the sale of commercially bred dogs in the Town of Yorktown. Since this is a legislation that takes away the ability to sell, the law needs to be researched carefully and Town Attorney Michael McDermott stated that this is an area of law that is currently developing. Misses Gorin, Curran, and Gorin stated that the USDA is not able to regulate whether a breeder is conforming to regulations, therefore this law needs to be passed sooner rather than later. However, Town Attorney McDermott said that this a process that will need to be referred out to other agencies; namely, the Yorktown Police Department and since the Town currently has no storefront commercial breeders, the Board can afford to make sure that this is a law that is solid. Councilman Diana stated that the Town also wants to make sure that a person can raise a particular breed of dog and sell them and not be considered a commercial breeder; however, Misses Gorin, Curran, and Gorin want to make sure that the law does not give commercial breeders an out to in order to make a profit. The question was asked “how do you fill the void that is created by abolishing commercial breeders?” Pet stores would still be allowed to sell dogs, as long as they are rescued dogs.

Supervisor Grace stated that he does not want to do what he calls “ribbon-cutting” legislation; legislation that looks good but does not really address the real issue or problem. Town Attorney McDermott stated that this law needs to be done correctly: the Town Board needs to listen to other municipalities, build on other’s experiences, and make it better for Yorktown.

### MOHEGAN AVENUE REPLACEMENT OF EXISTING WALL

Supervisor Grace and the Board met with Highway Superintendent David Paganelli and Town Engineer Michael Quinn to discuss the repair of the Mohegan Avenue retaining wall. According to Mr. Quinn, currently 25% of the wall is compromised and the cost of repair is substantial enough that the whole wall should be done. Cost of the 570’ wall would be approximately \$500,000 (\$100,000 of which is capitol project money), and the repairs would increase the width of the road by 6 feet. Three engineers inspected the area and stated that it is not in immediate danger of collapse. The project would not be able to begin until possibly Summer 2017 and Councilman Bernard asked if a road plate could be pinned down at the site. Mr. Paganelli agreed that a plate could be placed. It was questioned if this was a wetlands area and Councilman Bernard replied that yes, it is. Repairs on Old Crompond Road were also mentioned as a future project. A resolution will be drafted for the amount of money to be spent towards a developmental design, and Mr. Paganelli and Mr. Quinn will come back to the Board with first ideas and costs regarding Crompond Road.

### COMMERCIAL INCENTIVE BOARD

Supervisor Grace instructed the Board to come back with a short list of three names each in order to fill the five positions on the newly created Commercial Incentive Board. Town Attorney McDermott stated that it is imported to get people who can work together for this board.

### VERIZON CELL TOWER

Supervisor Grace stated that Town Attorney McDermott will be putting a resolution together regarding this issue.

### MISCELLANEOUS

A request from the Yorktown Historical Society to waive fees for use of the Nutrition Room for four presentations will be drafted for the next Town Board Meeting.

A request from Red Cross to waive fees for an October 9, 2016 blood drive will be drafted for the next Town Board Meeting.

### ADJOURN

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

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Maura Weissleder, Deputy Town Clerk  
Town of Yorktown