

TOWN BOARD AGENDA
TOWN OF YORKTOWN
September 20, 2016

PLACE:
TOWN HALL

TIME:
7:30pm

- I. PLEDGE OF ALLEGIANCE
- II. MOMENT OF SILENCE
- III. REPORT FROM TOWN SUPERVISOR MICHAEL GRACE
- IV. REPORTS FROM TOWN COUNCILMEN: GREG BERNARD, TOM DIANA, ED LACHTERMAN, VISHNU PATEL
- V. REPORT FROM HIGHWAY SUPERINTENDENT DAVE PAGANELLI
- VI. ADVERTISEMENT

Already approved by vote on September 19, 2016

PLEASE TAKE NOTICE that a Public Hearing will be held by the Town Board of the Town of Yorktown in Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on Tuesday, September 27, 2016 at 7:30 PM or as soon thereafter as the same can be heard, to discuss the Town's application for a Restore NY Communities Initiative grant for the Depot Square/Highway Garage Relocation Project and the property assessment list for this project.

All persons in interest and citizens may be heard at the public hearing to be held as aforesaid.

Depot Square/Highway Garage Relocation Project Property Assessment List
Property: Current Town of Yorktown Highway Garage located at 281 Underhill Avenue, Yorktown Heights, NY 10598 and also known as Section 37.19, Block, 1, Lots 7 & 10 on the Town of Yorktown Tax Maps.

The existing building on both lots is a 17,000 sq. ft. highway garage for municipal use. The Depot Square project proposes to demolish this building and relocate the highway garage to other Town owned property outside of the downtown on Greenwood Street, leaving the property as surplus. A new mixed use commercial and residential building with an approximate footprint of 8,000 sq. ft. and a maximum height of 35 ft. is proposed to be built on the property.

- VII. PUBLIC HEARINGS

Repeal Chapter 270 and replace with a new Chapter 270, Tree Ordinance

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 20th day of September, 2016 at 7:30 PM, or as soon thereafter as the same can be heard, to repeal in its entirety Chapter 270 entitled "TREES" and replace it with a new Chapter 270 of the Code of the Town of Yorktown entitled TREE ORDINANCE.

VIII. RESOLUTIONS

Accept donation of property located at 2924 Birch Street for Highway Purposes

Whereas, Christopher Sciarra conveys to the Town a certain parcel of property shown and described as Section 27.09, Block 3, Lot 70.11, also known as address 2924 Birch Street, as set forth in the deed for the purpose of dedicating the property for highway purposes.

Now, Therefore Be it Resolved, that the Town Board of the Town of Yorktown accepts the dedication of the property for highway purposes.

Be it Further Resolved, the Town Supervisor is hereby authorized to sign any required documents or forms and to take such further acts as may be necessary to finalize the dedication of the donated property.

Authorize Comptroller to payout the cash value of unused time for Nancy Calicchia

Be It Resolved that the Town Board hereby authorizes the Town Comptroller to pay Nancy Calicchia the cash value of unused time as of her date of separation, Monday, August 17, 2016

Rate of Pay: \$25.54 hourly

Vacation	47.68 hours x \$25.54 =	\$1,217.75
Floating Holiday	.25 hours x \$25.54 =	\$ 6.39
	Total	\$1,224.14

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

From:		
A1330.110	Tax Part Time Salary	\$1,224.14
To:		
A1330.108	Tax Lump Sum	\$1,224.14

Authorize Comptroller to payout the cash value of unused time for Daniel McMahon

Be it resolved that the Town Board hereby authorizes the Town Comptroller to pay Daniel McMahon the cash value of unused time as of his date of retirement, Monday, August 29, 2016

Rate of Pay:	\$79.55 hourly		
Compensatory Time	82.30 hours x \$79.55 =	\$	6,546.97
Personal Time	32.00 hours x \$79.55 =	\$	2,545.60
Longevity 1/29/16 – 8/29/16 146 days x \$34.58 per day		\$	5,048.19
Holiday Time (Double Time)	\$79.55 x 2 = \$159.10 69.20 hours x \$159.10 =		\$11,009.72
	Total		\$25,150.48

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

From:		
A909.8	General Fund Accrued Employee Liability	\$ 9,092.57
A3120.102	Police Salary	\$11,009.72
A3120.106	Police Longevity	\$ 5,048.19
To:		
A3120.108	Police Lump Sum	\$25,150.48

Authorize Comptroller to Refund Duplicate Taxes

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund duplicate tax payments to the following Account Numbers:

Account #4785500 in the amount of \$110.88
Account #4785000 in the amount of \$19.24

Extend Bid for Automotive Small Engine Parts and Equipment/Tools

WHEREAS, invitation to bid for the Automotive and Small Engine Parts and Equipment/Tools was duly advertised; and

WHEREAS, said bids were received and opened on October 2, 2014;

Now Therefore Be It Resolved that upon the recommendation of the Distribution Superintendent, Ken Rundle, the Automotive and Small Engine Parts and Equipment/Tools bid be and is hereby extended for one year, per the terms of the bid contract which will expire October 7, 2017.

Authorize Comptroller to Release Escrow Deposit for Street Opening Permit #016-004

RESOLVED, that the Town Board authorizes the release of an escrow deposit in the amount of \$1,000.00 to Panbar Realty, LLC, 361 Route 6, Mahopac, NY 10541 for Street Opening Permit No. 016-004.

IX. MONTHLY REPORTS

- Building Department Construction Report August 2016
- Receiver of Taxes Reports for July and August 2016

X. COURTESY OF THE FLOOR

XI. ADJOURN

Dated: September 20, 2016

Diana L. Quast, Town Clerk
Town of Yorktown

*** 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) or Town Supervisor (supervisor@yorktownny.org), 363 Underhill Avenue, Yorktown Heights, NY 10598.

PUBLIC HEARING SCHEDULED FOR SEPTEMBER 27, 2016

PLEASE TAKE NOTICE that a **Public Hearing** will be held by the Town Board of the Town of Yorktown in Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 on **Tuesday, September 27, 2016 at 7:30 PM** or as soon thereafter as the same can be heard, to discuss the Town's application for a Restore NY Communities Initiative grant for the Depot Square/Highway Garage Relocation Project and the property assessment list for this project.

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.

Proposed Local Law amending Chapter 245-5 entitled “SOLID WASTE.”

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.”

Repeal Chapter 102 entitled Affordable Housing

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

SEQRA, Negative Declaration for Tree Ordinance

**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance
Date: September 20, 2016**

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Adoption of Local Law 248: Stormwater Management and Erosion and Sediment Control.

SEQRA Status: ___ Type 1

___ X Unlisted

Conditioned Negative Declaration: ___ Yes

___ X No

Description of Action: Adoption of a Local Law, Chapter 270: Tree Ordinance. Repeal of existing Local Law, Chapter 270: Trees.

Location: Town of Yorktown, Westchester County, New York.

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. Air quality and ground and surface water quality will be increased due to the implementation of tree planting as part of a town-wide forest management plan.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources. The adoption of the new law will result in increased opportunities to increase tree replacement and mitigation that will be in accordance with a town-wide forest management plan prepared by the Tree Conservation Advisory Commission and approved by the Town Board. In addition, provision is made to remove invasive species and encourage forest regeneration which will improve and enhance wildlife habitat and create greater biodiversity.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result

in one of the above consequences.

10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.

11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

For further information contact:

Diana Quast, Town Clerk
Town of Yorktown Town Hall
363 Underhill Avenue
Yorktown Heights, New York 10598

This notice is being filed with:

Town of Yorktown Town Board
Town of Yorktown Town Hall
363 Underhill Avenue
Yorktown Heights, New York 10598

Proposed Resolution for Tree Ordinance

NEGATIVE DECLARATION
REPEAL LOCAL LAW 270: TREES
ADOPT LOCAL LAW: CHAPTER 270: TREE ORDINANCE

WHEREAS, the Town Board finds that healthy trees stabilize the soil and control water pollution by preventing soil erosion and flooding, absorb air pollution, provide oxygen, yield advantageous microclimatic effects, have an intrinsic aesthetic quality, offer a natural barrier to noise and a natural habitat for wildlife and are integrally involved in fundamental ecological systems, and

WHEREAS, it is the goal of the Town Board to preserve, protect, conserve and regulate the forests and trees and the benefits derived therefrom, prevent uncontrolled, widespread cutting of trees, prevent soil erosion, and protect wetlands, waterbodies and watercourses, air quality, wildlife and fragile natural resources, and

WHEREAS, it is the further goal of the Town Board to protect against cutting of trees

which can create, including but not limited to, surface drainage problems, increased municipal costs to control drainage, adversely affect air quality, impair the stability and value of nearby properties, adversely affect fundamental ecological systems and result in unsightly and barren conditions; and

WHEREAS, the Town Board has indicated that it is in public interest to streamline local laws in order to provide greater efficiency, cost effectiveness and clarity; and,

WHEREAS, in order to effectuate the above purposes and goals the Town Board has determined that the existing Chapter 270 of the Town Code entitled *Trees* should be repealed and enact a new Chapter 270 of the Town Code entitled *Trees*, and

WHEREAS, the Town prepared a short-form Environmental Assessment Form (EAF), dated September 1, 2016, and,

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board as the only involved agency in this action declares lead agency, and

WHEREAS, comments were received from the Town of Yorktown Planning Board, The Town of Yorktown Conservation Board and the Town of Yorktown Tree Conservation Advisory Commission, and were fully considered, and

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and,

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and,

WHEREAS, the Town Board opened a public hearing on this matter on September 20, 2016, and

NOW THEREFORE BE IT RESOLVED THAT, hearing public comment and fully considering all public input, the public hearing is hereby closed, and

BE IT FURTHER RESOLVED THAT, the Town Board hereby repeals Local Law Chapter 270: Trees and,

BE IT FURTHER RESOLVED THAT, the Town Board hereby adopts Local Law Chapter 270: Tree Ordinance.