



Town of Yorktown

Office of the Town Supervisor Matthew J. Slater

FINAL TOWN BOARD IN PERSON MEETING AGENDA

February 22, 2022

363 Underhill Avenue, Yorktown, NY 10598

6:30 PM EXECUTIVE SESSION

A motion will be made to go into Executive Session to discuss the following item(s):

Litigation and Negotiations
Town Attorney

7:00 PM TELEVISED TOWN BOARD MEETING

1. WELCOME AND OPENING REMARKS BY TOWN SUPERVISOR
MATTHEW J. SLATER

2. PROCLAMATION

Condemning the Use of Racist Remarks in Public Discourse

WHEREAS, over the course of the last two years the Yorktown Town Board has consistently spoken out and stood against all forms of hate, racism and bigotry within our community and beyond; and

WHEREAS, over the course of the last two years the Yorktown Town Board and the Yorktown community have taken concrete steps toward combatting hatred, racism and bigotry in all of its forms; and

WHEREAS, the Yorktown Town Board recognizes the societal infections of hate and racism have and continue to exist in all communities across our nation; now, therefore, be it

RESOLVED, that the Yorktown Town Board condemns the use of any racist remark in public discourse, and

BE IT FURTHER RESOLVED, the Yorktown Town Board once again wholeheartedly rejects violence and the destruction of property and is committed to the protection and safety of all residents; and

BE IT FURTHER RESOLVED, the Yorktown Town Board wholeheartedly rejects all forms of hatred, racism, oppression, religious or ethnic bias, discrimination, incitement of violence and vandalism.

3. PERSONNEL

Appoint Yvonne Cech permanent to the civil service title, Library Director III

BE IT RESOLVED, that Yvonne Cech, is hereby appointed permanent to the civil service title, Library Director III, job class code 0217-01, from Eligible List No. 61-058, at the John C. Hart Memorial Library, effective February 28, 2022, to be paid a salary of \$123,000.00 annually;

BE IT RESOLVED, upon the recommendation of the Board of Trustees for the John C. Hart Memorial Library, based on the Certification of Eligible List No. 61-058, Yvonne Cech is hereby appointed permanent Library Director III at the John C. Hart Memorial Library;

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on February 28, 2022.

Appoint Vincent Calicchia temporary to the civil service title, Sewer Maintenance Worker in the Sewer Department

BE IT RESOLVED, that Vincent G. Calicchia, is hereby appointed temporary to the civil service title, Sewer Maintenance Worker, job class code 0652-02, within the Sewer Department, effective February 28, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 4, which is \$64,959.00 annually.

Appoint Frank Rendina temporary to the civil service title, Sewer Maintenance Worker (Mechanical) in the Sewer Department

BE IT RESOLVED, that Frank M. Rendina, is hereby appointed temporary to the civil service title, Maintenance Worker (Mechanical) , job class code 0443-02, within the Sewer Department, effective February 28, 2022 to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 12, Step 4 which is \$73,471.00 annually.

Appoint Thomas Lagatella promotional to Heavy Equipment Operator in the Water Department

BE IT RESOLVED, that Thomas Lagatella is hereby appointed promotional to Heavy Motor Equipment Operator, job class code 0429-02, in the Water Department, effective February 28, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 12, Step 4, which is \$73,471.00 annually,

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on February 28, 2022.

Appoint Giulio Eliseo contingent permanent to the civil service title, Water Maintenance Worker Grade II in the Water Department

BE IT RESOLVED, that Giulio E. Eliseo, is hereby appointed contingent permanent to the civil service title, Water Maintenance Worker Grade II, job class code 0621-01, from Eligible List No. 66-831, within the Water Department, effective February 28, 2022 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 3 which is \$61,942.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of no more than 12 weeks, commencing on the first date of appointment on February 28, 2022;

BE IT RESOLVED, should the position become free, the status will automatically change from contingent permanent to permanent, provided the probationary period has been successfully completed.

4. **PUBLIC HEARING**

Supervisor Matthew Slater will convene a public hearing to consider a proposed local law to amend Chapter 300-81.4 entitled “Solar Power Generation Systems and Facilities.”

5. **WORK SESSION**

7:45 pm Volta Electric Vehicle Charging/Display Kiosks

Contact: Cuddy and Feder, LLP

Discussion: Petition in support of Zoning Text Amendment

8:10 pm Sustainable Westchester

Contact: Nina Orville and Dan Welsch

Discussion: Westchester Power Program

8:40 pm Climate Smart Communities Task Force

Contact: CSC Task Force Members

Discussion: Update on CEC Grants

9:10 pm Underhill Farm Overlay District Application

Contact: Town Attorney

Discussion: Decision Statement

Proposed Decision for Underhill Farm Overlay District Application

WHEREAS, Underhill Soundview LLC (hereinafter the "Applicant") is owner of property located at 370 Underhill Avenue (hereinafter the "property"), Yorktown Heights, formerly Soundview Preparatory School, Beaver Conference Farm, and the Abraham and Edward Underhill Estate; and

WHEREAS, the Applicant has by letter dated January 11, 2022, requested authorization from the Town Board to apply the standards set forth in Article XXXI of the Yorktown Zoning Code in furtherance of a project to construct multi-family residential units and commercial space on the property; and

WHEREAS, the Town Board's consideration of the requested authorization to apply standards pursuant to Article XXXI is based on its intent to promote and encourage economic development, to stimulate growth and provide for revitalization, while utilizing smart-growth techniques capable of creating smarter, less wasteful, and more economically efficient development patterns that engender flexibility in land uses by providing a diverse array of mixed-use residential and commercial parcels; and

WHEREAS, the proposed project which is the basis of this request calls for the construction of 148 residential units of varying size and design distributed among 12 structures, and eleven thousand (11,000) square feet of commercial space in one of the 12 structures and the renovation and restoration and adaptive reuse of the existing historic mansion, accessed by two (2) proposed driveways from Underhill Avenue ("Proposed Project"); and

WHEREAS, applying the standards set forth in Article XXXI affords the project flexibility in the application of the zoning code's bulk requirements with respect to building height, lot frontage, lot coverage, lot area, and minimum floor area, floor area ratio, open space requirements, side yard requirements, front and rear yard requirements, maximum allowable coverage, parking regulations, unit density per acre, and off-street parking and loading spaces; and

WHEREAS, the applicant's request is a required step in obtaining the ability to apply Article XXXI as outlined in Section §300-251B of said Article which sets forth the procedure to request such authorization and the criteria by which the Town Board must consider the request; and

WHEREAS, Section §300-251B requires the Town Board consider the following factors when considering authorizing a project to apply the standards set forth in Article XXXI :

- (a) Whether the project is consistent with the general goals of the Comprehensive Plan;
- (b) Whether the project will likely be detrimental to the character of its immediate neighboring properties, or the district and Town at large;
- (c) Whether the scope of the project will likely cause operational difficulties on the site that have potential to negatively affect the health, safety, and welfare of the public;
- (d) Whether the Town's infrastructure is capable of servicing the project or that the impacts or deficiencies of the infrastructure can be appropriately mitigated;

- (e) Whether the project will eliminate a blight or potential blight within the district;
- (f) Whether the project is consistent with the goals and intent of the overlay district;
- (g) Whether the project is consistent with the requirements of the overlay district and does not exceed the limitations or requirements set forth therein;
- (h) Whether the project is likely to contribute to the economic development of the district and the Town at large.

WHEREAS, the Town Board considered the request at its meeting of January 25, 2022, at which time the applicant presented information in favor of authorizing the use of Article XXXI; and

WHEREAS, the Town Board under Section §300-251B is empowered, in its discretion, to hold a public hearing and determined a public hearing was not necessary as the Board has publicly discussed the adoption of Article XXXI, the inclusion of the project in the boundaries of the district in which the ARTICLE may be applied, and the merits of the project at various meeting throughout 2021, and heard comments from the public, its professional staff, advisory boards, and other interested parties; and

WHEREAS, the Town Board considered all the factors as above enumerated and notes the following:

- a) The Yorktown Comprehensive Plan in Chapter 2, Land Use, recommends the use of overlay zones to protect resources and to help implement various land uses or mixes of land uses, and Chapter 4, Economic Development and Hamlet Business Centers recommends actions that strengthen economic viability of Yorktown and maintain economic strength by addressing trends in the market place and the development industry, and recommends promoting a mix of uses in the hamlets as set forth, inter alia, in Goals 4-B, 4-D, and 4-E and in Policies 4-1 and 4-7; and
- b) The project is located on State Route 118 and Underhill Avenue, main arterial and collector roads, abutting and across a road from existing multi-family residential developments of similar density, across a road from commercial development and across a road from single family residential development at which the project proposes low-rise town house style units and further that the projects proposes retention of the historic mansion and proposes complementary, historically inspired architecture of all new structures; and
- c) The project proposes a mix of development and open space that includes recreational areas, internal driveways, parking areas, a connection to a neighboring multi-family residential development, and two main driveway connections to Underhill Avenue; and
- d) The Town's professional staff has stated that water and sewer capacity are available to handle the scope of the project, and the applicant has

- submitted plans and data that indicated that the road infrastructure can be appropriately mitigated to accept the traffic impacts of the project; and
- e) The property contains the main mansion building and several other ancillary buildings, of varying quality and state of function and maintenance, any of which could fall to disrepair without sufficient attention and resources available to be applied to each.
 - f) The goals of the Overlay district, Article XXXI, as stated herein seek to promote mixed uses, promote residential development within and near the hamlets, promote economic development, and preserve unique and historic structures, and further that the project is preserving and reusing the historic mansion, creating mixed use with residential dwelling units of varying design and type, creating small scale commercial space, creating open space and recreational amenities available to the public, and creating pedestrian amenities and connections that promote walkability, health, and economic viability; and
 - g) The bulk requirements cited in Article XXXI support the project scope and physical characteristics and none have been shown to be exceeded; and
 - h) The project will locate 148 units of residential which places consumers within walking distance of the hamlet and further proposes the creation of eleven thousand square feet of additional commercial space, proposes pedestrian connections and recreational amenities that attract users to the local hamlet area; and

WHEREAS, the application was referred to the Westchester County Planning Board under General Municipal Law § 239-m;

WHEREAS, the Westchester County Planning Board responded to the referral, and noted that it was supportive of the Town Board authorizing the application to proceed to the Yorktown Planning Board for consideration under Article XXXI; and

WHEREAS, pursuant to the New York State Environmental Quality Review Act (“S.E.Q.R.A.”), this action is considered a Type II action under N.Y.C.R.R. Title 6, section 617.5(c)(33), and (c)(34); and

WHEREAS, based on the entire record before the Town Board, the Town Board finds that the request to apply the standards of the Yorktown Heights Overlay District pursuant to Chapter 300, Article XXXI, Section §300-250 through Section §300-255 of the code of the Town of Yorktown to the Underhill Soundview, LLC property will achieve the Town's objectives of the Comprehensive Plan and the preservation and enhancement of hamlet of Yorktown Heights, promote economic development, pedestrian connections and complete street initiatives, open space, recreation, and high architectural design standards, and other areas economic and social value; now therefore be it

RESOLVED, that the Underhill Soundview LLC request for authorization to apply the standards pursuant to Chapter 300, Article XXXI, Section § 300.250 through Section § 300.255, to the Proposed Project, is granted; and

BE IT FURTHER RESOLVD, that the Proposed Project will require site plan approval by the Planning Board, and must comply with all applicable laws, including but not limited to the S.E.Q.R.A.; and

BE IT FURTHER RESOLVED, that the permission herein granted is subject to and contingent on the site plan being in substantial conformance with the Proposed Project as presented to the Town Board on the instant application.

6. RESOLUTIONS

Authorize Supervisor to sign an agreement with the County of Westchester for nutrition and support services to seniors over 60 years old under Title 111-C-2

RESOLVED, the Supervisor is authorized to sign an Agreement with County of Westchester for the provisions of nutrition and support services to seniors over 60 years old under Title 111-C-2 of the Older Americans Act, for a term retroactive to 12/27/20 through 9/30/22 for an amount to the Town of Yorktown not to exceed \$20,308.

Authorize the Supervisor to sign the New York State Low Income Household Water Assistance Program Vendor Agreement

Resolved, that the Supervisor is authorized to sign the New York State Low Income Household Water Assistance Program Vendor Agreement which provides bill assistance to eligible households to reduce the household's cost for drinking water and wastewater services.

Promote and Support Records Management Program and Designate Town Clerk as Records Management Officer

WHEREAS, under the New York Arts and Cultural Affairs Law Section 57.19, the Town Board is required to promote and support a Records Management Program, and under New York State Law the Town Clerk is designated as the Records Management Officer (RMO) of the Town,

Now Therefore, Be It Resolved, that the Town Board of the Town of Yorktown promotes and supports the Town's established Records Management Program and designates the Town Clerk as the Records Management Officer as prescribed by Law.

Authorize Town Clerk to advertise rebid for Five (5) Various Chemicals for the Water Pollution Treatment Plant

Resolved, that the Town Clerk is authorized to advertise a rebid for Five (5) Various Chemicals for the Water Pollution Treatment Plant.

Authorize Town Clerk to advertise a bid for the replacement of Air Conditioning Systems at the Albert A. Capellini Community and Cultural Center

Resolved, that the Town Clerk is authorized to advertise a bid for the replacement of Air Conditioning Systems at the Albert A. Capellini Community and Cultural Center.

Authorize Town Clerk to advertise a bid for Camp Buses for the Parks and Recreation Department

Resolved, that the Town Clerk is authorized to advertise a bid for Camp Buses for the Parks and Recreation Department.

Authorize Town Clerk to refer out the following applications received by BP Gas Station and 7-Eleven requesting to amend their Site Plans - Gasoline Station

Authorize Town Clerk to refer out the following applications received by BP Gas Station, 1770 East Main Street and 7-Eleven, 3451 Crompond Road to amend their Site Plans - Gasoline Station.

Authorize Comptroller to process the following Budget Transfer for the Building Maintenance Department

Resolved, that the Comptroller is authorized to process the following budget transfer for the Town Hall Building Maintenance Department:

From: A.1002	General Fund – Fund Balance	\$13,370.00
To: A1620.416	Town Hall Building Maintenance	\$13,370.00

For the replacement of air conditioning units at Town Hall damaged by a motor vehicle accident. Insurance recovery will reimburse a portion of this expenditure.

Authorize Comptroller to refund School tax penalty for account number 3321000 in the amount of \$317.87

Resolved, that the Comptroller is authorized to refund School Tax penalty for Account #3321000 in the amount of \$317.87 due to receiving original payment with the correct United States Postmark.

Authorize Alcoholics Anonymous to rent meeting space at the Albert A. Capellini Community and Cultural Center and Sparkle Lake Building

RESOLVED, Alcoholics Anonymous is permitted to rent meeting space twice per week at the Albert A. Capellini Community and Cultural Center and once per week at the Sparkle Lake Building. The rental fee for the Albert A. Capellini Community and Cultural Center will be \$200.00 per month. The rental fee for the Sparkle Lake Building will be \$100.00 per month.

Authorize the Senior Services/Nutrition Department to dispose of equipment that is deemed obsolete and no longer used to be sold at auction

WHEREAS, the Town of Yorktown has found the following kitchen equipment to be obsolete and no longer needed for public use by the Town of Yorktown, and

WHEREAS, the Senior Services/Nutrition Department recommends to the Town Board that the below listed equipment be deemed obsolete and sold at auction by Absolute Auctions & Realty, Inc.

- Blodgett Full size Convection Oven (DFG 100 double – natural gas)
- Cleveland SteamCub Cooker (Model No 1SCE)

7. ADJOURN

*****AGENDAS ARE SUBJECT TO CHANGE*****

Americans with Disabilities Act: If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at all meetings.