



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD MEETING AGENDA

March 15, 2022

Spadaccia Meeting Room

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

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATION
Irish Heritage Month
8. POET LAUREATE
John McMullen
9. COURTESY OF THE FLOOR

10. PERSONNEL

Accept resignation received from Grace Tausz from the Water Department

Resolved, that the Town Board accepts the resignation received from Grace Tausz from the Water Department with thanks for her many years of service to the Town, effective April 15, 2022.

Accept retirement of Shirley McCord from the John C. Hart Memorial Library

Resolved, that the Town Board accepts the retirement of Shirley McCord from the John C. Hart Memorial Library with thanks for her many years of service to the Town, effective April 22, 2022.

Accept retirement of Maria Stolfi from the John C. Hart Memorial Library

Resolved, that the Town Board accepts the retirement of Maria Stolfi from the John C. Hart Memorial Library with thanks for her many years of service to the Town, effective April 22, 2022.

Appoint Nisreen Khoury to Office Assistant (Automated Systems)

Building Department

BE IT RESOLVED, that Nisreen Khoury is hereby appointed to the civil service title Office Assistant (Automated Systems), job class code 0750-01, from Eligible List No. 02-140, effective March 28, 2022, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A-1, Group 8, Step 5, which is \$67,409.00 annually,

BE IT RESOLVED, contingent upon successfully completion of a drug test,

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 March 28, 2022.

11. ADVERTISEMENTS

Authorize Town Clerk to advertise Bid for Ultraviolet Lamp Replacement at the Yorktown Heights Water Pollution Control Plant

Resolved, the Town Clerk is authorized to advertise bid for Ultraviolet Lamp Replacement for the Yorktown Heights Water Pollution Control Plant.

Authorize Town Clerk to advertise Bid for Dry Cleaning Services for the Police Department

Resolved, the Town Clerk is authorized to advertise bid for Dry Cleaning Services for the Police Department.

Authorize Town Clerk to advertise Bid for an Avant 640 Tractor for the Highway Department

Resolved, the Town Clerk is authorized to advertise a bid for the purchase of an Avant 640 Tractor for the Highway Department.

12. RESOLUTIONS

Approve Change Order #1 for Cips Fence Company, Inc. d/b/a King Fence, 48 Grassy Sprain Road, Yonkers, NY 10710 in the amount of \$660.00 for fencing of inclusive playground

Resolved, that the Town Board approves Change Order #1 for Cips Fence Company, Inc. d/b/a King Fence, 48 Grassy Sprain Road, Yonkers, NY 10710 in the amount of \$660.00 for fencing of inclusive playground, the increase is due to the escalation of aluminum costs.

Authorize release of Letter of Credit No. 6080027950 in the amount of \$7,600.00 to Zappico Construction, LLC for Orchard View Subdivision located on Sherry Drive

WHEREAS, Zappico Construction, LLC, as applicant, provided the Town with PCSB Bank Letter of Credit No. 6080027950 in the amount of \$500,000.00, to serve as the Performance Bond for the Orchard View Subdivision located on Sherry Drive, and,

WHEREAS, Zappico Construction, LLC, as applicant, provided the Town with check #11445 in the amount of \$5,100, which was deposited into the T30 account on 5/5/21, to serve as a cash bond for Planning Board Resolution #17-18 for various site work, and

WHEREAS, Zappico Construction, LLC, as applicant, posted check #5593 in the amount of \$1,500 to serve as the Erosion Control Bond and check #5594 in the amount of \$1,000 to serve as the Wetland Bond, for permit #WP-BSWPPP-056-15, which was deposited into the T33 account on 8/16/15,

WHEREAS, Zappico Construction has requested all monies be released, and

WHEREAS, Zappico Construction has requested the Performance Bond be reduced, and

WHEREAS, the required performance bond was previously reduced to \$20,000 on June 1, 2021, now

THEREFORE, BE IT RESOLVED, the Town Engineer determined the site work associated with the project is complete and PCSB Bank Letter of Credit No. 6080027950 is hereby released, and

BE IT FURTHER RESOLVED, that the Town Engineer hereby releases the above referenced monies totaling, \$7,600.

Award rebid for five (5) various chemicals for the Yorktown Heights Water Pollution Control Plant to Slack Chemical

WHEREAS, the Town rebid five (5) various chemicals for the Yorktown Heights Water Pollution Control Plant. The bids are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT</u>
Ferric Chloride 37% to 40%	Slack Chemical	\$189.73 \$/per 55-gallon drum
Caustic Soda 25%	Slack Chemical	\$139.44 \$/per 55-gallon drum
Sulfuric Acid (not more than 51%)	Slack Chemical	\$184.32 \$/per 55-gallon drum
Sodium Bisulfite 38%	Slack Chemical	\$157.32 \$/per 55-gallon drum
Sodium Hypochlorite 15%	Slack Chemical	\$ 98.44 \$/per 55-gallon drum

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Slack Chemical, the low bidder, at a cost of \$189.73 per \$/55- gallon drum, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Slack Chemical, the low bidder, at a cost of \$139.44 per \$/55- gallon drum, and be it further

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical the low bidder, at a cost of \$184.32 per \$/55- gallon drum, and be it further

RESOLVED, that the bid for Sodium Bisulfite 38%, be awarded to Slack Chemical the low bidder, at a cost of 157.32 \$/per 55- gallon drum, and be it further

RESOLVED, that the bid for Sodium Hypochlorite 15%, be awarded to Slack Chemical, the low bidder, at a cost of \$98.44 \$/per 55- gallon drum.

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing on or about 3/16/22. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

Approve Tree and Stormwater Permit Application submitted by Peter DiSisto for 356 Jaclyn Lane to construct a single-family residence

WHEREAS, Peter DiSisto (“Applicant”) applied to the Town Board of the Town of Yorktown for a Tree &MS4 Stormwater Management Permit pursuant to Chapters 270 and 248 respectively; and

WHEREAS, the applicant proposes to construct a detached, single family residence, driveway, septic, well and stormwater infiltration system and associated grading, (the action) on a vacant parcel situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove 26 protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is not required for the proposed action in which the Town Board serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and tree removal permit application #T-FSWPP-054-21, dated October 13, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated August 19, 2021, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Conservation Board	January 21, 2022, February 17, 2022
Planning Department	December 15, 2021
Tree Committee	January 19, 2022
Town Engineer	March 15, 2022
NYCDEP	February 12, 2022
Westchester Cty. Planning	February 14, 2022

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); 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 determined that the action will not have a significant adverse impact on the environment, and now

THEREFORE, BE IT RESOLVED, that the following plans and documents are approved subject to the below-listed conditions;

- Plan entitled, “Proposed Tree Removal & Mitigation Plan” prepared by Kellard Sessions, dated January 14, 2022, one sheet.
- Stormwater Pollution Prevention Plan, prepared by Kellard Sessions, dated October 2021.
- Plan entitled, “Proposed Site Plan” prepared by Kellard Sessions, dated October 5, 2021, two sheets.
- Plan entitled, “Construction Details” prepared by Kellard Sessions, dated October 5, 2021, one sheet.
- Topographic Survey for DiSisto, prepared by TC Merritts Land Surveyors, dated and revised September 9, 2021, one sheet.
- Plan entitled, “Proposed S.S.D.S. Plan, prepared by Kellard Sessions, dated June 28, 2021, two sheets.

BE IT FURTHER RESOLVED, that the Tree and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution and that all work associated with the Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED, that the Stormwater and Tree Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED, that the below-listed conditions must be completed within six months of the date of this Resolution or shall become null and void unless an extension is requested by the applicant (in writing) within said six-month period and granted by the Town Board; and

Conditions that must be met prior to the Supervisor signing the Plans:

1. All outstanding comments of the Town Engineer and Tree Conversation Advisory Commission must be addressed to their written satisfaction. Final reports from the Town Engineer shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
2. A construction monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
3. Prepare an erosion control plan for review and approval by the Town Engineer.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,500.00, which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.

Conditions of the Tree, and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Town Engineer.
3. A pre-construction meeting with the applicant's contractors and the Town Staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

The Town Engineer and must provide written report, no later than at the expiration date of the wetland and stormwater permit, documenting the status of the implementation of the requirements of this resolution.

Approve 930 East Main Street Shell Gasoline Station to replace existing gasoline storage tanks

WHEREAS, the Town Board of the Town of Yorktown has received from Island Pump & Tank Corp an application pursuant to Section 300-46 of the Yorktown Town Code for amendment of the special use permit for an existing Shell gasoline filling station located at the northwest corner of the intersection of East Main Street and Barger Street in Shrub Oak and known on the tax maps of the Town of Yorktown as Tax ID# Section 16.7 Block 1 Lot 6; and

WHEREAS, the applicant proposes to update the Shell brand signage, renovate the existing canopy, remove and replace the existing gasoline storage tanks, and remove a single heating fuel oil tank; and

WHEREAS, the replacement of the gasoline storage tanks is necessary to maintain prevailing standards with regard to tank design and performance and is a direct replacement project which will not alter the design, layout, operation or physical characteristics of the site; and

WHEREAS, the tank replacement and the branding and canopy modifications are not dependent or interrelated actions and the impacts of each are distinct and unrelated and do not have the effect of cumulating to worsen or intensify the impacts of each; and

WHEREAS, pursuant to 6 NYCRR 617.5 (c)(1) and (2) the tank replacement is a Type II action under SEQRA and therefore not subject to review under same; and therefore

BE IT NOW RESOLVED, that the Town Board finds and determines that the Tank replacement portion of the project having no effect on the current approved special permit as it relates to the design, layout, operation or physical characteristics of the site hereby direct that the action be reviewed and approved under the normal authority of the Building Department and Town Engineer and any other outside agencies and obtain all necessary permits to effect the work subject to the following:

1. The work is limited to the gasoline tank replacement and necessary piping and electrical work and the decommissioning and removal of the fuel oil tank; and
2. The applicant submits to the satisfaction of the Town Engineer, an erosion and sediment control plan and associated fee; and
3. A note is added to the plan stating that no physical or operational modifications to the site are proposed and that the site will be restored in compliance with the standing special permit approval; and

4. The plans are modified to reflect only the work associated with the tank removal and replacement and that the branding and canopy modifications are shown on a distinct set of plans and submitted to the Town Board for review and approval under Town Code section 300-46; and

BE IT FURTHER RESOLVED that this determination is subject to the continuing requirement of compliance by the applicant with all applicable local, county, state and federal licensing, permitting and regulatory requirements.

13. ADJOURN

DIANA L. QUAST, TOWN CLERK
CERTIFIED MUNICIPAL CLERK
TOWN OF YORKTOWN

*****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.