

Meeting of the Town Board, Town of Yorktown held on Tuesday, March 15, 2022 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor
Thomas P. Diana, Councilman
Sergio Esposito, Councilman
Luciana Haughwout, Councilwoman
Edward A. Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney

TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss litigation and negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Matthew Slater led the Pledge of Allegiance.

MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to pray for the people of Ukraine and for world peace across the globe. He also asked to pray for our first responders – police, fire, EMT’s – and the bravest men and women the world has ever known, the members of our Armed Forces.

INTRODUCTIONS

Supervisor Slater introduced the members of the Town Board, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez, and Deputy Town Clerk Maura Weissleder.

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater thanked all those who attended the prayer vigil that was held on Sunday. It was a vigil for the people of Ukraine. He thanked the Interfaith Council who participated. Supervisor Slater said he thought it brought together and showed that when people are in need, we always “step up to the plate” and find a way to lend a helping hand. He said an incredible amount of donations was collected.

Supervisor Slater announced the Parks & Recreation Brochure is now online and is in the process of being mailed to residents. Registration for spring programs begins March 29 and Summer Camp Registration begins online March 31. Summer Camp Registrations still requires an in-person visit to present the necessary health documents required by the Westchester County Department of Health.

Supervisor Slater announced the Matt Cole Ribbon Cutting for the bleachers at Legacy Fields will take place on March 27. He thanked the Yorktown Athletic Club for spearheading this event.

Supervisor Slater announced that Yorktown will be partnering with the Hudson Valley Honor Flight this spring and will be the host for gatherings leading up to the flight. Supervisor Slater said this is a life-changing experience for all involved. A veteran can sign up for a free flight from Westchester to Washington, D.C. and there they will receive a first class tour of the Capitol. He said more information will be announced. May 7th is the veteran pre-flight check in at the AACCCC. Veterans from all over the Hudson Valley will be registering and Yorktown will host this event.

Supervisor Slater said the EFC announced that the NYWEA grant for water that Yorktown is anxiously awaiting an answer for is still being held up in Albany. He said that the Town would not know until after the state budget is passed. Yorktown submitted the cement relining of

water mains. Supervisor Slater said once the Town receives notice if they received an allocation and how much is it for, it will allow the Town to move forward with the financing of this project and the water meter project.

Supervisor Slater said approval was given by the Planning Board for a 3-lot subdivision at 650 Pinesbridge Road. The Wells Fargo Bank lighting plan was also approved.

Supervisor Slater announced the Battle of Yorktown is going to be held on April 23 to help combat litter and clean up the town.

Supervisor Slater announced that Maple Weekend is this weekend and the next. Pancakes will be served at the Yorktown Grange and tours will be held at White Hill Farm. He said White Hill Farm is Westchester's only producer of maple syrup and the southern most maple farm in New York State.

Supervisor Slater announced that March 21 will be the ground breaking of the Inclusive Playground at Granite Knolls. The \$250,000 funding for the playground came through efforts of Senator Peter Harckham.

REPORTS FROM TOWN COUNCIL

Councilman Diana asked Town Clerk Quast how residents could donate to the playground. He said the Ukraine vigil was very moving and the singing of the Ukrainian national anthem was touching. He thanked resident Tony Grasso and his wife, Jennie Menton, who spearheaded the event. Town Clerk Quast provided Councilman Diana with the website information for donations to the Inclusive Playground (Phase I) and the Sensory Garden (Phase II), which he read. The Yorktown Rotary Club is accepting donations for this project and donations may also be made through Zelle. He said no donation was too small for such a worthy cause. The playground is for children with disabilities. Sensory Garden is Phase II and will be open to all. It will be great for the entire community. (sensorygardenyorktown@gmail.com)

Councilman Diana said if residents see potholes, to please report them to the Highway Department. The recent freeze/thaw weather has caused many potholes and Highway will respond appropriately.

Councilman Diana also acknowledged resident Dan Strauss for his efforts in cleaning up litter in Town.

Councilman Lachterman said it was a great turnout for the Ukrainian rally and mentioned the amount of donations received. He announced the May 7th for pre-flight check-in for the Hudson Valley Honor Flight and said you cannot imagine how outstanding an experience this is for veterans. He spoke of how it is an emotionally overwhelming experience for the veterans. World War II veterans are a priority seating for the flight – if you know of any veteran, particularly WWII, please contact him or her about the event. It is a totally free event for the veterans and is a \$500 donation to be a guardian on the flight.

Councilman Lachterman announced the Senior Advisory Meeting this Friday will be held at the AACCCC, Room 16, at 1:00 P.M. Also at AACCCC, the Teen Center's 11th Annual Hoops Challenge will be held on March 25. There is a 6:00 pm registration; \$5 for students; \$10 for adults. Registration is online at www.yorktowntc.org.

Councilman Lachterman announced that on April 21 at 7:00 P.M. in the Town Boardroom is the Holocaust Remembrance event with Holocaust survivor Esther Geizhels as guest speaker. He said it is a unique experience to hear a survivor's story in person. Councilman Diana agreed, saying that Councilman Lachterman does an incredible job putting this event together.

Councilman Lachterman announced that on May 7 the Yorktown Lions will hold a Kentucky Derby Day at the American Legion. He thanked those who supported the Sons of the American Legion's St. Patrick's Day Dinner. Proceeds go to veterans services.

Councilman Lachterman also announced if you are interested in singing, there is an outstanding Westchester County Chorus (one of our residents is a member) called the Golden

Apple Chorus. They are an a capella group and if you are interested in joining, the information is online. They do many events for local organizations and nursing homes.

Councilman Esposito said he had the privilege of speaking at the Ukrainian vigil. He said he heard the very moving phrase “glory to Ukraine; glory to our heroes” several times.

Councilman Esposito also mentioned the Maple Weekend and said there are also restaurants participating. He said he was happy about the opening of outdoor sports. The Shrub Oak Athletic Club is having their opening day on April 2. The Apar Field of Dreams is holding their opening day with the Yorktown Athletic Club. He mentioned the Sorrentino Cup is coming up on the 23rd.

Councilman Esposito spoke about a backyard flooding issue for a particular resident. It was a state-owned culvert problem and the situation got much worse for the resident to the point where their septic filled up. He said workers from Parks & Recreation, Highway, and Engineering worked together to remove the clog. He said that Susan Siegel mentioned at the recent Planning Board meeting her electric charge on her bill from Con Edison actually went down; trending in the right direction.

Councilwoman Haughwout thanked the Grasso’s for their work on the Ukrainian vigil, noting that a small gesture can have a great impact around the world. Councilwoman Haughwout acknowledged Leslie Jacobson who is starting an initiative with small businesses around Town beginning on March 26 at the Trailside Café. There will be live music and a showing of Ms. Jacobson’s artwork. Councilwoman Haughwout reminded that small businesses lead to entrepreneurship.

Supervisor Slater said, on behalf of Highway Superintendent Dave Paganelli, to please report potholes to his department. Superintendent Paganelli will also be releasing the reassessment and update of the Highway Department’s rating of local roads, which dictates the priority of repairs.

Councilman Diana read the following proclamation celebrating Irish Heritage Month in the Town of Yorktown.

PROCLAMATION – IRISH HERITAGE MONTH

Upon motion made by Supervisor Slater, seconded by Councilman Diana,

WHEREAS, the Town of Yorktown celebrates March as Irish American Heritage Month; and

WHEREAS, millions of Irish passed through Ellis Island, entering New York City in the 19th Century fleeing hunger and injustice within their country; and

WHEREAS, one of the first immigrants to pass through Ellis Island was Annie Moore, a 15-year-old from County Cork, Ireland; and

WHEREAS, since 1762, Irish New Yorkers have celebrated the cherished fest of St. Patrick every March 17th which stands as a day to celebrate the Irish heritage and share traditions with younger generations; and

WHEREAS, Irish Americans have defended our nation, most notably through the Fighting 69th of New York whose members fought in the American Civil War and World War I; and

WHEREAS, Irish immigrants and Irish Americans have contributed greatly to American society, the State of New York and the Town of Yorktown; and

WHEREAS, Irish Americans are deeply committed to family and community and exhibit an incredible work ethic as show through the many contributions to our Town and society;

NOW, THEREFORE, BE IT RESOLVED, the Town of Yorktown recognizes March 2022 as Irish American Heritage Month.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

POET LAUREATE

John McMullen, Poet Laureate, read his original poem “What Can I Do?”

Supervisor reminded the public that they do not need to wait for Courtesy of Floor to bring any items or issues to the attention of the Town Board. He said they are welcome to call or email himself or any member of the Town Board, the Highway Superintendent, or the Town Clerk.

COURTESY OF THE FLOOR

The following members of the public spoke:

Susan Siegel, member of the Yorktown Trailtown Committee, said she was pleased to share the news that they received another grant from Hudson Valley Greenway (their third grant) to install trailhead signs at five locations: Woodlands, Granite Knolls, Yorktown Trailway, Hunterbrook Trail, and Mohansic Avenue connection off Baldwin Road into FDR Park. She spoke about the different locations and what they offer. The grant is for 50% of the project cost and asked the community for donations to be able to fund the other 50%. The trails are a wonderful asset to the community. Residents may go on the Yorktown Trailtown website, yorktowntrailtown.com, for the address to mail donations. They need about \$2,000.00. All donations are welcome. This project is to encourage those who are not familiar with the trails.

Dan Strauss, resident, spoke of the lakes and trails that make up Yorktown. He thanked the Town Board for getting rid of the shopping carts that were accumulating in Town. He thanked the Refuse & Recycling Department for doing the Battle of Yorktown. He would like to see Yorktown remain a rural area – not an accumulation of apartment developments. He cited the Town of Somers and Baldwin Place as having hundreds of apartments, condos, townhouses. He wondered why the Home Goods store located in Baldwin Place Shopping Center is moving to the Cortlandt Town Center when there are so many condos and apartment dwellings right next to it.

Mark Lieberman, resident, spoke about the Sweet Adelines chorus, which is part of the Gold Apples Chorus that Councilman Lachterman spoke about, including where they have sung and their competitions. He said if you like to sing, consider joining the Golden Apples Chorus.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

Councilman Lachterman responded to Ms. Siegel comments about the Yorktown Trailtown’s request for donations. He suggested a QR code on trail signs that people could use to make donations. Ms. Siegel said they will be placing QR codes on their signs with links to maps and information about the trails. Councilman Lachterman also responded to Mr. Strauss’s thanks regarding the removal of the shopping carts; he asked Mr. Strauss to let the Town Board know if he sees them accumulating again. Councilman Lachterman told Mr. Lieberman of how amazing the chorus groups are when they sing for the nursing homes and for our senior community.

Councilman Diana congratulated Ms. Siegel on receiving the grant and was hopeful people would donate.

Supervisor Slater also congratulated Ms. Siegel on receiving the grant. He said the trails are great for everyone and are a special asset to the Town.

ACCEPT RESIGNATION RECEIVED FROM GRACE TAUSZ FROM THE WATER DEPARTMENT

RESOLUTION #145

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

ACCEPT RETIREMENT OF SHIRLEY MCCORD FROM THE JOHN C. HART
MEMORIAL LIBRARY
RESOLUTION #146

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

ACCEPT RETIREMENT OF MARIA STOLFI FROM THE JOHN C. HART MEMORIAL
LIBRARY
RESOLUTION #147

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

APPOINT NISREEN KHOURY TO OFFICE ASSISTANT (AUTOMATED SYSTEMS) –
BUILDING DEPARTMENT
RESOLUTION #148

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR ULTRAVIOLET LAMP
REPLACEMENT AT THE YORKTOWN HEIGHTS WATER POLLUTION CONTROL
PLANT
RESOLUTION #149

Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout,

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

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR DRY CLEANING SERVICES
FOR THE POLICE DEPARTMENT
RESOLUTION #150

Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout,

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

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE TOWN CLERK TO ADVERTISE BID FOR AN AVANT 640 TRACTOR FOR THE HIGHWAY DEPARTMENT
RESOLUTION #151

Upon motion made by Councilman Esposito, seconded by Councilwoman Haughwout,

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

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

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
RESOLUTION #152

Upon motion made by Councilman Diana, seconded by Councilwoman Haughwout,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

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
RESOLUTION #153

Upon motion made by Councilman Diana, seconded by Councilwoman Haughwout,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

AWARD REBID FOR FIVE (5) VARIOUS CHEMICALS FOR THE YORKTOWN HEIGHTS WATER POLLUTION CONTROL PLANT TO SLACK CHEMICAL RESOLUTION #154

Upon motion made by Councilman Diana, seconded by Councilwoman Haughwout,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

Town Engineer Dan Ciarcia spoke about the following resolution. He said this is an application to build a single-family home on a vacant lot that was part of the McKenna subdivision on Jaclyn Lane. The Town Board resolution is required because of the amount of excavation that needs to done.

Director of Planning John Tegeder said his department sent a memo on this action that has not been included in the resolution.

Supervisor Slater said the resolution will be amended, as follows, to include the memo by the Planning Department dated March 9, 2022.

APPROVE TREE AND STORMWATER PERMIT APPLICATION SUBMITTED BY PETER DISISTO FOR 356 JACLYN LANE RESOLUTION #155

Upon motion made by Councilman Esposito, seconded by Councilman Diana,

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 Board	December 15, 2021
Planning Department	March 9, 2022
Tree Committee	January 19, 2022
Town Engineer	March 15, 2022
NYCDEP	February 12, 2022
Westchester County 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
RESOLUTION #156

Upon motion made by Councilman Lachterman, seconded by Councilman Diana,

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.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye
Resolution adopted.

ADJOURN

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

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