

Meeting of the Town Board, Town of Yorktown held on Tuesday, March 22, 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 (via Zoom)

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

Veteran and resident Brian Sillik led the Pledge of Allegiance.

### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to remember the people of Ukraine as they battle Russian forces. He also asked to remember all of our first responders, as well as our veterans and the bravest men and women in the world – the members of our armed forces.

### INTRODUCTIONS

Members of the Town Board introduced themselves, as well as Town Clerk Diana Quast, Town Attorney Adam Rodriguez.

### REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater made the following announcements:

- Next Town Board meeting will be April 5 to be held at the J. C. Hart Memorial Library;
- This Friday, March 25, at 10:00 a.m. the ground breaking ceremony for the inclusive playground at Granite Knolls will take place and all are welcome;
- April 9 is the Easter Egg Hunt at the Route 202 ballfield, sponsored by Parks & Recreation and the Yorktown Lions Club;
- Parks & Recreation's spring program registration begins March 29;
- Summer camp registration begins 9:30 a.m. on March 31;
- Seasonal job opportunities are available through Parks & Recreation.

Supervisor Slater reported that Hallocks Mill Sewer District received a \$1.2 million grant from federal government that is in addition to the \$10 million the Town is working on through the County from East of Hudson funds. He said that they have made considerable headway with the County and he anticipates moving the project forward in the next four to eight weeks.

### REPORTS FROM TOWN COUNCIL

Members of the Town Council reported on recent Town events and public service announcements.

Supervisor Slater spoke about the proposed realignment of the Veterans Administration locations, which would close the Castle Point, Brooklyn, and Manhattan Veterans Administration facilities. He said it will take years to see any alterations to these locations but any cut to services for our veterans should be opposed. The closure at Castle Point and the resulting transition to an outpatient facility would reduce the number of services from ten to fifteen that they currently offer. Supervisor Slater said he was reminded by VA Commander Mandara that our country has just ended a 20-year war and we have many veterans who are in need of services.

OPPOSITION TO CUTTING SERVICES AT CASTLE POINT VETERANS  
ADMINISTRATION CENTER  
RESOLUTION #157

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

WHEREAS, the United States Department of Veterans Affairs has released a report recommending a broad range of changes to the services provided to American veterans; and

WHEREAS, recommended modifications include the closure of the Castle Point VA Center in Fishkill and replacing it with an outpatient facility; and

WHEREAS, the plan calls for the closure of 17 medical centers in twelve states including Castle Point, Manhattan, and Brooklyn; and

WHEREAS, veterans who live in Yorktown rely on the services provided by the Castle Point VA Center as well as the Manhattan facility; and

WHEREAS, the Yorktown Town Board recognizes the selfless sacrifices made by our veterans to defend our freedoms, protect our community, and preserve our nation; and

WHEREAS, the Yorktown Town Board condemns any plan that will reduce available services to our veterans which the current proposal will do; and

WHEREAS, the Yorktown Town Board believes any plan put forth in this manner should have community input before being implemented; now therefore, be it

RESOLVED, that the Yorktown Town Board will oppose any reduction in services at the Castle Point VA Hospital; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board calls on our federal delegation to preserve and enhance services to Hudson Valley veterans; and

BE IT FURTHER RESOLVED, that the Yorktown Town Board urges our federal delegation to host the necessary forums to allow for community input on the impacts this proposal will have on local veterans and their families.

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

Councilman Lachterman said this proposal would centralize services in Camden, New Jersey, which is too far for our local veterans to travel for services. This will inconvenience our older veterans, but may also discourage our younger veterans from seeking services. He asked that residents send comments to federal representatives so they know this is unacceptable.

Councilman Diana said that although we have the Montrose facility, each facility offers different services at different locations. The federal government does not do enough to support our veterans. Councilman Diana spoke about the need for services for our veterans.

Supervisor Slater said that when he served as Chief of Staff for former Senator Murphy, this day was a celebration. He said the Town is excited to recognize the service of Vietnam Veterans. He said that Vietnam Veterans did not get the welcome home they deserved and that the treatment received by Vietnam Veterans should never happen again.

Councilman Diana read the following Proclamation:

RECOGNITION OF MARCH 29, 2022 AS VIETNAM VETERANS DAY

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

WHEREAS, the Town of Yorktown takes great pride in recognizing significant historical events and those who participated in them; and

WHEREAS, beginning in 1961, members of the United States Armed Forces began serving in an advisory role to the South Vietnamese government; and

WHEREAS, the Gulf of Tonkin Resolution, passed in 1965, authorized the President of the United States to declare war against North Vietnam following the Gulf of Tonkin incidents; and

WHEREAS, by 1969 there were an estimated 543,000 American combat troops in Vietnam; and

WHEREAS, the Treaty of Paris signed on January 27, 1973 formally ended the Vietnam War and full withdrawal was completed on March 30, 1973; and

WHEREAS, Vietnam veterans returning home did not receive the gratitude and respect they deserved; and

WHEREAS, Vietnam Veterans Day allows our community and nation to recognize the sacrifices made by brave soldiers when their nation called them to duty;

NOW, THEREFORE BE IT, RESOLVED, that the Yorktown Town Board pause in its deliberations to recognize the service of those who served in the Vietnam War; and

BE IT FURTHER RESOLVED, that the Town of Yorktown recognize Tuesday, March 29, 2022 as Vietnam Veterans Day; and

BE IT FURTHER RESOLVED, that the Town of Yorktown commits to welcoming home all of our brave soldiers from all wars and conflicts.

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

Supervisor Slater announced that there were four Vietnam veterans in the audience this evening and led a round of applause for their service.

Each of the councilmembers expressed their thanks and appreciation to veterans for their service to the country.

Eugene Lang, Yorktown resident and Vietnam Combat Veteran, Senior Vice Commander of the Military Order of the Purple Heart, Chapter 21 spoke of his time spent in the war. He read a poem, "Unless You've Been a Soldier" by Clive Sanders.

Brian Sillik, resident and veteran, thanked the Town Board for the recognition and the resolution to help keep Castle Point open.

Jim Mecca, resident and veteran, thanked the Town Board for the recognition and for helping to keep the memories of fallen soldiers alive.

Carl Diliberto, Vice Commander of the American Legion, member of the VFW, member of the Board of Directors of the Westchester Chapter of the Vietnam Veterans, thanked the Town Board for the proclamation and for looking out for veteran services at Castle Point. He mentioned that on the obelisk at Lasdon Park there are 217 names of Westchester County Vietnam veterans, some of whom returned and some who were returned for burial stateside, and some missing in action.

**PUBLIC HEARING - PROPOSED NEW CHAPTER 302 TO THE TOWN CODE ENTITLED "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM"**

Supervisor Matthew Slater convened a public hearing to consider adding a new Chapter to the Town Code entitled "Community Choice Aggregation (Energy) Program."

Town Clerk Quast displayed the Affidavit of Publication for the public hearing.

The following members of the public spoke:

- Paul Moskowitz, resident and member of the Climate Smart Communities Taskforce (CSC), said this proposed legislation does not obligate any consumer to join. He said it presents the possibility of evening out our electric costs.
- Sarah Wilson, resident and environmentalist, member of CSC, said she supports the adoption of the enabling legislation to start the process of determining if we are going to

participate in the Westchester Power Program. Sustainable Westchester helps communities to move away from fossil fuels. She said that she hopes residents will chose to get their power from renewable resources.

Supervisor Slater displayed information regarding the benefits from Sustainable Westchester, as well as the spike in cost. He said that people could opt in and out of the program as often as they would like.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion by Councilman Diana and seconded by Councilman Esposito, the public hearing was closed.

ADOPT LOCAL LAW #3 OF 2022 BY ADDING A NEW CHAPTER 302 TO THE TOWN CODE ENTITLED "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM" RESOLUTION #158

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

WHEREAS, a public hearing was held on the 22<sup>nd</sup> day of March, 2022 pursuant to notice duly published as required by law to consider the adoption of a proposed Local Law amending the Town Code by adding a new Chapter 302, entitled "COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM," now, therefore, be it

RESOLVED, that Local Law 3 of 2022, amended and annexed hereto, be and is hereby adopted.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye  
Local Law 3 of 2022 was thereupon declared adopted.

PROPOSED LOCAL LAW TO AMEND CHAPTER 300-81.4 ENTITLED "SOLAR POWER GENERATION SYSTEMS AND FACILITIES"

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

Town Clerk Quast displayed the Affidavit of Publication for this public hearing.

Supervisor Slater asked the Town Attorney, Adam Rodriguez, to explain the need for the second hearing. Mr. Rodriguez said the Town Board made changes to the solar law a few months ago but during the public hearing an issue was raised about the applicability of the law to pending applications. He said these newest changes make it clear that changes to the law would not apply to applications pending or applications that have already been approved but not constructed. He said basically you have a three-year exemption from the changes; so if you project gets approved or built within those three years, you are exempt and the standard is not being changed on an applicant mid-way through the process. He said that the law is written in such a way that it does not apply to the changes that may be made tonight; it is drafted in such a way that it would apply to changes made in a year or two years, if certain tweaks have to be made. This way an applicant does not have to worry about changes mid-stream, as long as it is done within the three years.

Supervisor Slater asked for confirmation that should the law be passed and someone comes with an application a week later, this law automatically applies to that application and Mr. Rodriguez said that is correct.

Councilwoman Haughwout said that if the application was in prior to the law change, they are grandfathered in and have three years to complete the project.

The following members of the public spoke:

- Susan Siegel, resident, said that when the February 22 hearing was closed, Supervisor Slater said all comments would be taken into consideration. She said when this amendment was added to the law, it was clear they listened to one person – the developer of a current project. The Town Board did not listen to the others who spoke about limiting large solar farms in residential neighbors and achieving a balance between two worthwhile but conflicting environmental goals – the need to support solar energy and the need to protect the many benefits that trees and woodlands provide. She wondered if between the February 22 meeting and the March 1 meeting if the Town Board ever discussed any of the suggestions by those five previous speakers considered. She said they were told that

considered amendments would prevent the overdevelopment of solar farms because, under the law, 80% of the Town's residential parcels were on less than one acre and, therefore, did not meet the five-acre minimum for large-scale solar farms. Ms. Siegel said the 80% figure was a total red herring because it totally missed the point. The point of the five speakers at the February 22 public hearing had nothing to do with zoning – what mattered was the total size of the lot, not what was the zoning designation. Two of the solar farms under consideration are on half-acre lots. Ms. Siegel said most of the lots that are less than one acre have already been developed and, she said, she is not talking about developed lots; she is talking about vacant where hundreds of trees would have to be cut down and woodlands destroyed. She said the 80% had nothing to do with the real issue: the need to achieve a better balance between solar energy and the protection of trees and woodlands. Ms. Siegel said there is nothing in the current solar law that requires the Planning Board to evaluate and compare the relative value and importance of solar versus woodlands on a specific parcel. Ms. Siegel said mitigation in context of the tree law means finding ways to replace the functions or benefits that the trees provide before they are cut down to make way for the development. Mitigation should be done onsite but this is not possible when trees are cut down and woodlands destroyed to put up solar panels. Money goes into the tree fund – money cannot replace the functions of trees and woodlands where they exist. She urged the board to consider some of the suggestions that were made at the February 22 public hearing. Ms. Siegel asked about retroactivity of the proposed law and asked for an explanation of what is meant by the phrase “plans that are pending before any Town Board, agency, or department.” She asked what is meant by “department.” Ms. Siegel said the time to do this balance is now.

- Paul Moskowitz, resident, said that having a solar law that allows for the development of largescale solar farms is a good idea. Solar developments have been done on unused agricultural plots of land, parking lots, etc.; however, this law comprises the integrity of residential areas. Large-scale solar farms are not for residential use, but for an industrial or commercial use. There are solar collectors, but you will also have battery storage facilities to store the electricity, transformers, and all of the equipment needed to feed electricity back into the power lines. He questioned if we really want this in our residential areas. He said his major objection is that this was formulated as an “as of right” development. If somebody owns 50 acres and wants to cut down 40 acres of trees, there is no way they can be stopped. They would have to meet certain requirements and the Town Board has passed a law and then thrown it over the wall to the Planning Board, which has no power to stop harmful development – they can only make sure certain requirements are met. He said there are other effects of solar panels that have not been addressed. Solar panels operate at a temperature of 165F and some studies have shown there is a local heating affect. He said that if you are putting battery storage in with a solar farm, there will be noise. These are questions that should be answered. Mr. Moskowitz said this is an industrial application aimed at residential areas and residential land should not be sacrificed. Mr. Moskowitz suggested making all of our residential properties overlay districts so if a proposal comes along for solar that calls for cutting down 15 acres of trees (like the Foothill Solar project) at least the Town Board can disapprove the plan.
- Dan Strauss, resident, said there was an issue with an application on Underhill Avenue where they were going to clear-cut many trees and it seemed that this was resolved because the applicant pulled back. He said it is not about what is happening now, but what happened when the original law was drafted. He said Supervisor Slater made a comment about land use regarding not wanting to sterilize the land use. Mr. Strauss said when the law was drafted that is exactly what was done. He said it seems that it is okay not to sterilize land use, but it is okay to sterilize the land. Mr. Strauss said it is very hard to change the law that was adopted two years ago. This proposed amendment changes nothing – there would still be large-scale solar farms allowed in residential neighborhoods. Mr. Strauss listed the proposed projects that were and are being proposed and talked about the hundreds of trees that would be felled and all of these are in residential zones. Mr. Strauss said so much solar can be done in commercial zones. He said trees work 24 hours a day; solar does not – only when the sun is out. Mr. Strauss said if you did not cut the trees, you would not need mitigation.
- Susan Siegel said that it occurred to her that if the new amendments (change in height, setbacks, bonding, etc.) were not passed, the Planning Board could make those conditions part of a site plan approval. She said there is no hurry to pass this law. She said one

possibility would be Mr. Moskowitz's suggestion about making all residential properties and put them in the overlay district and then look at each site individually and be reviewed by the Town Board. This way the Town Board could look at each site individually and decide the appropriateness of the project. Ms. Siegel urged the Town Board not to rush a decision.

- Dan Strauss said he talked about the three solar farms that are in the works but is concerned about future applications of large property owners who want to put a large-scale solar farm on their property. He said that there is nothing in the law that says that person, as long as he conforms to the guidelines, cannot do a large-scale solar farm in a residential neighborhood.
- Sarah Wilson, resident, said that at the last Town Board meeting she spoke about the ways the solar law could be approved and strengthened for future proposals. Ms. Wilson said priority should be given to farmland, rooftops, unused golf courses, etc. and places where solar should be placed first. She said that only in extraordinary situations, should heavily wooded parcels should be considered. Ms. Wilson asked to think about placing something in the law that would enable the Town to give preference to appropriate properties and set a high bar for those proposals that would cut down hundreds of trees.

Councilman Diana said the Town Board somewhat mirrored the NYSERDA law because applications were coming in and the Town had no law on the books. He said it was then strengthened and now they are strengthening it again. Councilman Diana said there are many more trees in Yorktown now than there were decades ago when there was more farmland. He said he believed that the Town Board strengthened the law in a way that was respectful to everybody. He said that the law would probably need tweaking in the future. Councilman Diana voiced his opinion against ground-mounted solar panels regarding water runoff problems that would occur. He said that solar farms are not industrial, although they are industrial looking, and this is why they will only be permitted on 2 acres and above. Councilman Diana said he does not think we would see many of these installations. He said that when you start building a development, you most likely would take down the same amount of trees. We have a lot of unmanaged forest in the area that we will never be able to manage. The Soundview property would be one of the case-by-case basis applications and he does not think the Planning Department would allow a solar facility on that property. He said this law is a work in progress and he thinks that rather than having a full moratorium, this is a step in the right direction. Councilman Diana then addressed the Hilltop Gas Station problem that Mr. Strauss raised. The trees were put there to shield the public from the view. Councilman Diana said that the owner cleaned up his property. Councilman Diana said the owner of the Hilltop Gas Station is of Indian descent and intimated that there may be some prejudice being shown. He said the owner paid \$1 million dollars to clean up a toxic waste spill that was going into the Town's groundwater.

Councilman Esposito said the law arose from the concern that we needed more solar energy and the argument that the Town Board does not listen does is not true. He said they are trying to do the right thing for the Town and that they cannot make everybody happy. He asked for respect when addressing the Town Board, as they are trying to do what is best for Yorktown. He said he did not believe the Town Board could create an overlay law specifically for solar and then demand that the applicant abide by that overlay law. He said the applicant has to opt in to the overlay law. Soundview can develop that property with the underlying zoning and not use the overlay law. Councilman Esposito agreed you cannot cut down trees to put up solar – the two cancel each other out.

Supervisor Slater said the Town Board did listen to the community, which is why there is a solar law. He said they again listened, and amendments were made, and they are now here to propose more amendments because they listened. Supervisor Slater said that he believed false arguments were presented this evening. He said they heard the concern about residential properties and that is why they exempted a vast majority of homes from large-scale solar farms.

Councilwoman Haughwout said that she was grateful for all input and was sorry they felt they were not heard. She said the Town Board is learning as they move forward.

Supervisor Slater said some of the things they heard tonight were tailored for very specific reasons because no one talked about the screening requirements in the Code. He asked Planning Director John Tegeder to address the screening requirements in the Code. Mr. Tegeder said that in the special permit for solar there is a requirement for residential properties that the project be

screened; it is a must. The solar project must be screened and the Planning Board makes sure it is proper and adequate. Mr. Tegeder said there are various methods of screening so that the visual impact is negated and removed from that development. He spoke about screening in commercial districts being to the extent that is practicable.

Supervisor Slater asked Mr. Tegeder how the Town Board should address the tree issues that have been raised. Mr. Tegeder said there is another law – Chapter 270, the Tree Law – and it is a very strong law. He said this law applies to all solar projects, a solar project that might die and become another project, all residential developments, and all commercial developments. It applies to every property in Town and anything you wish to do with trees that you own on your property. Supervisor Slater asked how it applies to solar projects and Mr. Tegeder said the applicant has to apply for a tree permit and has to go through all of the requirements that are contained within the tree law (mitigation, tree function, habitat, etc.). He said that in any project (residential, commercial, or solar) the tree law applies as strongly in each case. Mr. Tegeder said that in the solar law it is required to do a calculation to understand the value of trees as they relate to carbon sequestration and how much carbon is supplanted by having that same amount in area of solar electrical generation. Mr. Tegeder said that, from a practical standpoint, there is a balance, given that 80% of the residential properties would be exempt from large-scale solar projects.

Supervisor Slater said that Mr. Strauss discussed the fact that the Town has not had any development that has moved to solar. Supervisor Slater said the Town had a development that came through on the south side of Town that proposed 72 units of senior living and asked Mr. Tegeder what happened to that development. Mr. Tegeder said that it did not go forward; it received a rezone but never got through the Planning Board. It came back as senior living with less units or a proposed solar farm that would have the same area of disturbance as the senior living units. Supervisor Slater said there were positive comments from the Planning Board regarding the fact that the proposal transitioned away from the senior living development towards solar. Mr. Tegeder agreed. Supervisor Slater asked how trees are dealt with in the case where there is a collision between residential and solar and Mr. Tegeder said it is managed under the tree law and there has to be mitigation. He said they try to help develop the plans in a way that preserves as many trees as possible. Supervisor Slater and Mr. Tegeder reviewed the history of the Foothill property from a proposed residential development to its current solar project. Mr. Tegeder added that there have been three projects that have been approved: Hemlock Farms, Acadia Farm, and the canopy project on the IBM parking lot. He said the Kitchawan Farm is nearing completion and believes it will gain approval. He said the Town's desire to prefer farmland and commercial property for solar has happened.

- Dan Strauss said he thinks solar is terrific in certain situations. He said in this area there is more talk about the need for housing and it becomes a battle between housing and solar. He said that to him, residential means housing, not large-scale solar. He said his understanding is that the way the law is written now there is no provision that prevents large-scale in ground solar installations in residential neighborhoods of any acreage size. Regarding the Hilltop Gas Station, Mr. Strauss said he does not know who owns it and maybe it would have been more appropriate for the Town Board to address the appearance of the gas station at that time.

Supervisor Slater clarified that the proposed amendments do limit large-scale solar installations on residential properties.

Councilman Diana said, concerning the Hilltop Gas Station, he took action and the owner has cleaned up the property. Mr. Strauss said he is talking about mitigation and understanding that the main point was the fencing and bushes, which was not followed. He said this makes him question future mitigation on solar projects. Supervisor Slater asked Mr. Strauss to stay on topic with solar.

All those present having been given the opportunity to be heard and there being no further discussion, upon motion by Councilman Esposito and seconded by Councilman Diana, the public hearing was adjourned.

#### ARBOR DAY

Supervisor Slater announced that Yorktown is being recognized as a Tree City USA by the Arbor Foundation. He introduced Bill Kellner and Larry Klein to discuss the event details for Arbor Day. Mr. Kellner announced that on April 29, at 4:00 p.m., outside Town Hall they would have the annual Arbor Day Celebration and all are invited. He also presented a draft proclamation for

the Town Board's consideration. Mr. Kellner presented a budget for the cost of the celebration. Mr. Klein said they have solicited donations from Con Edison, Chamber of Commerce, the Elks, the Lions, the Rotary Club, and the PBA.

Mr. Kellner said Con Edison has been very generous in the past and will be attending the ceremony, and the Girl Scouts will be leading the Pledge of Allegiance. He said that the Supervisor would read the proclamation, followed by remarks from the Town Board. He said that there would be a fourth and fifth grade poster contest for the Town Board to judge. The winning posters will be made into banners for be displayed around Town.

#### EV CAR CHARGER LEGISLATION

Kristen Motel, Cuddy & Feder (attorney for Volta) introduced Sam Lee (Volta). She said they have been working for the last several weeks with Planning Director John Tegeder to draft amendments to the Town Code for Electric Vehicle (EV) Charging Stations. The draft addresses gas pumps and digital signage within the Town. They also added definitions for EV charging and the electronic visual output device, essentially the screen that would be on the units. She said there are exemptions and carve-outs from the illumination provision, offsite advertising provisions, as well as a few limiting factors that they discussed regarding total screen size, height, auto dimming, and refresh rates for the content. Ms. Motel said given the detailed nature of the First Amendment and controlling content, this will require a site plan amendment from the Planning Board to amend the site plan for the plazas that want to contemplate having the charging stations, as well as master sign agreements that could be discussed at that time.

Mr. Tegeder said they would also be including the video displays at gas stations in the proposed amendments, which had not been addressed in the Town's sign law. He said this is also to be upon Town Board approval. He said these output devices on a fuel pump or an electric charging apparatus would be exempt from the regulations of the sign law and be captured within the site planning that is done during normal process. He said that when these types of applications come in, you have to approve where they go, how they go, what they affect, and the number of them on the site plan. He said that it made sense to exempt them from an additional permit just for the screen.

Ms. Motel said putting it into the site plan is what they have been doing in other jurisdictions and so the proposed amendments make sense. She said the law would also only permit them in CRC and C-1 Districts.

Councilman Esposito asked about the types of content for advertising. Mr. Lee said that right now they are giving a lot of sharing of time to their partners, like supermarkets and real estate companies. He said they would refrain from an advertising related to marijuana, guns, or politics. He said, however, they did advertise content that was pro-Ukraine. He said they are willing to stand up for the community and promote what they feel is right, but would not get political in any way.

Councilman Diana asked if one of the changes is in a residential area, does it have an automatic sound lessening mechanism, and Mr. Lee said there is no sound to the advertising.

Ms. Motel said the amendments that would apply to gas pumps and their type of advertising would also require separate approvals for special use permits and site plan approvals.

Supervisor Slater asked for a sample of the types of advertising that would be used and Mr. Lee said he would bring some for his review. A discussion took place about advertising regarding local town messaging, public service announcements, etc., and potential fees.

Supervisor Slater said this would go out for referral to the appropriate agencies and asked the Town Clerk to set a public hearing date. Town Clerk Quast set the public hearing date for April 19, 2022.

#### REFERRAL OF PROPOSED AMENDMENTS TO CHAPTER 300 ENTITLED "ZONING" REGARDING ELECTRIC ("EV") CHARGING STATIONS RESOLUTION #159

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies the proposed amendment to Chapter 300 of the Town Code entitled “ZONING” regarding Electric Vehicle (“EV”) Charging Stations. A public hearing has been set for April 19, 2022.

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

#### FORESTRY GRANT APPLICATION

Director of Planning John Tegeder said an opportunity has come up that was provided to him through the Town’s grant agent, Laberge, that provides money to buy properties for open space related to forestry management. He said there is a piece of property off Stoney Street that is surrounded by parks like Granite Knolls and Sylvan Glen. He said it is about 18 acres owned by the Boniello family, which has a past development proposal history and is high on the Open Space Committee’s list for acquisition. Laberge agreed this would be a good candidate for the grant and Mr. Tegeder said he would like to move forward with this application. Mr. Tegeder said there is about \$1 million in grant money that could be applied for and Laberge thinks that the Town would be competitive in this application.

#### AUTHORIZE SUPERVISOR TO APPLY FOR FORESTRY GRANT FOR THE BONIELLO PROPERTY

##### RESOLUTION #160

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

RESOLVED, the Town Supervisor is authorized to apply for a forestry grant for the acquisition of the Boniello property in Yorktown.

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

#### TOWN HALL REMEDIATION

Town Engineer Dan Ciarcia presented plans to the Town Board regarding the proposed changes to the front access to Town Hall. He said they received their final survey information and began laying out the construction of the stairs, particularly the handicapped ramp, and the grade that had to be cut down to accommodate the ramp. Mr. Ciarcia said Con Edison came out last week to look at the point of entry for the gas line. He said there are irregularities in the curb line that need to be dealt with in terms of smoothing it out. John Tegeder discussed the remediation of the steps in front of Town Hall, as well as water runoff. Mr. Ciarcia discussed doing attractive lighting to replace what is currently there. Mr. Tegeder also suggested landscape lighting.

Supervisor Slater said they could expect the specifications sometime next month and then go out to bid.

#### FLUORIDE

Town Engineer Dan Ciarcia said there is a deadline at the end of the month to fill out the paperwork to make the project complete in order to satisfy the State Department of Health. He said that he should know tomorrow when the County Department of Health is going to come. He said he is waiting to get an empty chemical tote from the Joint Water Works, which they did today. He said it should be hooked up by now and then they can test with water. He said the goal is to get our consultants that do the automated programming to make the system work and then the Department of Health would come out. Mr. Ciarcia said they would need to get a letter of Approval of Completed Work. Once that is received, he can put in fluoride and put the plant into service. Mr. Ciarcia talked about a piece of equipment that is needed (approximately \$7,000) that is over the total cost amount.

Supervisor Slater directed Mr. Ciarcia to speak with the Town Comptroller regarding the cost for the equipment.

#### AUTHORIZE BUDGET TRANSFER – FRONT DOOR REPLACEMENT AT COURT HOUSE RESOLUTION #161

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

Resolved, the Comptroller is hereby authorized to process the following budget transfer:

From:

March 22, 2022

A1990.499.1            General Fund – Capital Contingency            \$10,000.00

To:

A.1110.416            Court – Building Maintenance            \$10,000.00

for replacement of the front door at the Court House. This purchase is fully funded by the proceeds of a JCAP grant.

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

AUTHORIZE THE TOWN CLERK TO ADVERTISE FOR BID FOR COLLECTION AND DISPOSAL OF RESIDENTIAL REFUSE & RECYCLING MATERIALS  
RESOLUTION #162

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

RESOLVED, the Town Clerk is authorized to advertise a bid for the Collection and Disposal of Residential Refuse & Recycling materials.

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

APPOINTMENT OF TIM MCQUESTION TO THE ADVISORY BOARD ON ARCHITECTURE AND COMMUNITY APPEARANCE  
RESOLUTION #163

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

RESOLVED, that Tim McQuestion is hereby appointed to serve as a member of the Advisory Board on Architecture and Community Appearance for a term ending on December 31, 2024.

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

APPOINTMENT OF GERARDO CARFAGNO TO THE CONSERVATION BOARD  
RESOLUTION #164

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

RESOLVED, that Gerardo Carfagno is hereby appointed to serve as a member of the Conservation Board for a term ending on December 31, 2024.

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

APPOINTMENT OF ROBERT LENA TO THE CONSERVATION BOARD  
RESOLUTION #165

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

RESOLVED, that Robert Lena is hereby appointed to serve as a member of the Conservation Board for a term ending on December 31, 2024.

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

APPOINTMENT OF JAY GUSSAK TO THE TREE CONSERVATION ADVISORY COMMISSION  
RESOLUTION #166

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

RESOLVED, that Jay Gussak is hereby appointed to serve as a member of the Tree Conservation Advisory Commission for a term ending on December 31, 2024.

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

APPOINTMENT OF JOE VERARDO TO THE TREE CONSERVATION ADVISORY  
COMMISSION  
RESOLUTION #167

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

RESOLVED, that Joe Verardo is hereby appointed to serve as a member of the Tree Conservation Advisory Commission for a term ending on December 31, 2024.

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

ADJOURN

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

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