



Town of Yorktown

Office of the Town Clerk Diana L. Quast

FINAL TOWN BOARD MEETING AGENDA

April 5, 2022

**John C. Hart Memorial Library
1130 East Main Street, Shrub Oak, NY 10588**

(Note: Change of Venue)

6:30 PM EXECUTIVE SESSION

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

Personnel

Engineering
Parks and Recreation Department
Police Department
Refuse and Recycling

Litigation and Negotiations

Town Attorney

7:30 PM TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. WELCOME
Yvonne Cech, Director - John C. Hart Memorial Library
5. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
6. REPORTS FROM TOWN COUNCIL
7. REPORT FROM HIGHWAY SUPERINTENDENT
8. PROCLAMATIONS
National Library Week 2022

WHEREAS, today's libraries are more about what they can do with and for their communities, and not just about what they have on the shelves; and

WHEREAS, libraries have long served as trusted institutions, often the heart of their cities, towns, schools, and academic campuses; and

WHEREAS, libraries are a resource for all - regardless of race, ethnicity, religion, ability, gender or socio-economic status; and

WHEREAS, the John C. Hart Memorial Library received its charter from New York State in 1920; and

WHEREAS, the John C. Hart Memorial Library is consistently among the top five in circulation for all of Westchester County and provides a wide variety of programs; and

WHEREAS, this year alone the John C. Hart Memorial Library launched several new programs including 1,000 Books Before Kindergarten and a mobile hot spot lending program; and

WHEREAS, during the COVID-19 pandemic the John C. Hart Memorial Library continued to provide access for residents to material through its Porch Pickup; and

WHEREAS, the Town of Yorktown recognizes librarians as information professionals who provide expertise, services and guidance for patrons to access credible sources and material, making their own informed decisions about the world today; now, therefore, be it

RESOLVED, that the Town of Yorktown join in recognizing National Library Week April 3rd to April 9th; and be it further,

RESOLVED, that the Town of Yorktown recognizes Tuesday, April 5th as National Library Workers' Day.

Arbor Day 2022

WHEREAS, Arbor Day, which began in Nebraska in 1872, is now observed throughout the nation and world, and

WHEREAS, celebrating Arbor Day has been a tradition in Yorktown for more than 100 years, recognizing the benefits trees provide, and encouraging tree planting in Town parks, in or around wetlands and stream corridors, along our streets and highways and around the properties of our homes and businesses, and

WHEREAS, Tree City USA, a program of the Arbor Day Foundation and the United States Forest Service, recognizes municipalities and U.S. Armed Forces bases all across the country which meet established requirements for tree protection and promotion of the benefits of healthy woodlands, and

WHEREAS, with the acceptance of its renewal application, this year marks the 11th consecutive year of Yorktown's designation as a Tree City USA, duly recognizing the efforts of its citizens and Town officials to promote a healthy environment for all, and

WHEREAS, the theme of this year's student poster contest is Trees Invite Me Outside, which recognizes the benefits of spending time outdoors, connecting people with nature and calling attention to Yorktown's beautiful parks and extensive network of nature trails,

NOW, THEREFORE, BE IT RESOLVED, that I, Matt Slater, along with the Town Board of the Town of Yorktown, hereby proclaim Friday, April 29, 2022 as Arbor Day in the Town of Yorktown, and urge all citizens to celebrate Arbor Day and Yorktown's 11th anniversary as a Tree City USA and to support our trees and woodlands, and

BE IT FURTHER RESOLVED, that all are invited to attend our Arbor Day ceremony at Patriot Garden Park adjacent to Town Hall on Friday, April 29, 2022 at 4:00 P.M.

9. POET LAUREATE
John McMullen

10. COURTESY OF THE FLOOR

11. PUBLIC HEARINGS

Decision

Authorize Making Certain Determinations in Relation to and finding it to be in the Public Interest to establish a Sewer District Extension in the Town of Yorktown, Westchester County, New York to be known as the Hallocks Mill Sewer District Extension

WHEREAS, after a public hearing duly called and held, the Town Board of the Town of Yorktown now desires to formally establish Hallocks Mill Sewer District Extension;
NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined as follows:

- a) All the property and property owners within said proposed Hallocks Mill Sewer District Extension are benefited thereby;
- b) All the property and property owners benefited are included within the limits of said proposed Hallocks Mill Sewer District Extension; and
- c) The establishment of said proposed Hallocks Mill Sewer District Extension is in the public interest.

Approve the Establishment of the Hallocks Mill Sewer District Extension

WHEREAS, said Town Board has adopted a resolution on April 5, 2022 making the findings and determinations required pursuant to Section 194(1) of the Town Law;
NOW, THEREFORE, BE IT

RESOLVED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. The establishment of Hallocks Mill Sewer District Extension in the Town of Yorktown, Westchester County, New York, consisting of the construction of a sanitary sewer system, is hereby approved, subject to approval of such Extension by the State Comptroller.

Section 2. An application for such approval is hereby authorized to be prepared.

Decision

Approve Wetland, MS4 Stormwater Management and Tree Removal Permit #WP-FSWPPP 068-20 – Almedia – 1875 Brookdale

WHEREAS, Heitor J. Almedia (Applicant”) was issued an administrative permit for the removal of 77 trees on May 14 2020 (T-WP-012A-20 that did not include stump removal and limited land disturbing activity to 10,000 square feet; and

WHEREAS, the applicant has proposed additional activities that require a MS4 Stormwater Management Permit pursuant to Chapter 248, a wetlands permit pursuant to chapter 178, and a tree removal permit pursuant to Chapter 270 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to expand the usable yard area of the subject parcel which will require an additional 715 square feet of disturbance, 52 cubic yards of fill, 11,055 square feet of wetlands and wetlands buffer disturbance, installation of a drainage system in the rear of the yard, a small storage shed, and a retaining wall; and

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

WHEREAS, pursuant to Chapters 178, 248, and 270 of the Town of Yorktown Town Code the respective permits are required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted a Town of Yorktown MS4 Stormwater Management and Tree Removal permit application, (WP-FSWPPP 068-20 dated January 20, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated January 20, 2021, and

WHEREAS, the Town Board referred the application to various boards and agencies and received and considered the following responses:

- New York State Department of Environmental Conservation (NYSDEC) 1-28-21
- Conservation Board –February 4, 2021, October 21, 2021
- New York City Department of Environmental Protection (NYCDEP) February 4, 2021, October 14, 2021
- Westchester County Planning Department – email dated September 20, 2021;
- Yorktown Tree Conservation Advisory Commission October 18, 2021;
- Town Engineer December 28, 2020, and

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

WHEREAS, the applicant has developed a tree mitigation plan pursuant to Chapter 270 of the Town code; 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 a negative declaration is pursuant to the State Environmental Quality Review Act (SEQRA) is adopted; and

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

- A set of plans prepared by Site Design Consultants dated October 29, 2020 last revised January 18, 2021 consisting of the following sheets:
 1. Site Plan (Sheet 1 of 3)
 2. Erosion and Sediment Control Plan (Sheet 2 of 3)
 3. Erosion & Sediment Control Details (Sheet 3 of 3)
- A plan entitled “ Wetland Restoration” prepared by Site Design Consultants and Tim Miller Associates, Inc. dated October 29, 2020 last revised December 20, 2021; and

BE IT FURTHER RESOLVED, that the Wetland 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, Wetlands, 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. A construction monitoring fee in the amount of \$1,000 must be submitted to the Engineering Department Clerk.
2. A \$500 erosion control bond shall be posted.
3. A building permit will be obtained for the retaining wall, if required.
4. Submission of a Notice of Intent (NOI) in compliance with the requirements of NYSDEC
5. Other DRAFT Conditions.

Conditions of the Stormwater, Wetlands, and Tree, Permit that must be met during construction.

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.
4. The entire scope of work is shown on the engineering plans referenced herein; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
5. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each workday, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
6. No soil storage outside the limit of disturbance line is permitted.
7. Road in front of property must be kept broom clean at all times.
8. A copy of the waste manifest for material exported from or imported to the site shall be provided to the Engineering Department.
9. The applicant or their representative shall notify the Engineering Department prior to the backfill of any underground stormwater management practices. The engineering inspector will confirm the required improvements have been satisfactorily completed.

Conditions that must be met after project completion.

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of any discrepancies from the approved plans or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. When area is stabilized and erosion control practices have been removed, the applicant shall notify the Engineering Department and schedule a final inspection.

Reconvene proposed local law to amend Chapter 300-81.4 entitled "Solar Power Generation Systems and Facilities"

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

12. RESOLUTIONS

Authorize Supervisor to sign a License Agreement with Carol's Kitchen, Inc. owner of a mobile food and refreshment truck authorizing licensee to enter upon a portion of the Town Commuter Parking Lot adjacent to Town Hall, for the purpose of conducting a mobile food and refreshment concession

RESOLVED, that the Supervisor is authorized to sign a License with Carol's Kitchen, Inc. (Licensee) owner of a mobile food and refreshment truck authorizing Licensee to enter upon a portion of the Town Commuter Parking Lot adjacent to Town Hall, for the purpose of conducting a mobile food and refreshment concession for the amount of

four hundred dollars (\$400.00) per month. This License shall be for a period commencing retroactive to January 1, 2022 and ending on December 31, 2023.

Authorize Comptroller to process the following Budget Transfer from the General Fund

Be It Resolved, that the Town Board authorizes the Budget Transfers listed below to fund Insurance claim reserves to 12/31/2021:

From: General Fund - Fund Balance	\$298,310.44
To: Liability Fund	\$298,310.44

Authorize Comptroller to process the following Budget Transfer for the Parks Department

Resolved, that the Comptroller is hereby authorized to process the following budget transfer for the Parks Department:

From: A1990.499.1	General Fund – Capital Contingency	\$19,300.00
To: A.7110.201	Parks – Equipment	\$19,300.00

For the purchase of a Walker Mower from Quality Lawn Mower. The offset to this purchase is funds received from Absolute Actions for the sale of obsolete equipment.

Authorize Barton & Loguidice, D.P.C. to perform a wetland confirmation for Roc-Shrub Oak Associates, LLC

WHEREAS, Roc-Shrub Oak Associates, LLC has requested to have a confirmation of their wetland delineation for their property located at Route 6 and Barger Street in Shrub Oak, NY 10588, also known as Section 16.07, Block 1, Lots 42 & 46 on the Town of Yorktown Tax Map; and

WHEREAS, Barton & Loguidice, D.P.C., an environmental consulting firm, has entered into an agreement with the Town of Yorktown to provide these services on an on-call basis which was authorized by the Town Board by resolution on July 7, 2021; and

WHEREAS, Barton & Loguidice, D.P.C. has submitted a proposal to provide the requested wetland confirmation on the subject property pursuant to said on-call agreement for an amount not to exceed \$3,200.00; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Barton & Loguidice, D.P.C. under the on-call agreement with the Town of Yorktown for the purpose of confirming the wetland delineation for the Roc-Shrub Oak Property, in an amount not to exceed \$3,200.00 for this review, and the applicant has submitted Check #518 dated March 9, 2022 to reimburse the Town for the full cost of this review.

Approve Tax Certiorari Proceedings for parcel known as Section 37.15 Block 1 Lot 71, 225 Veterans Road

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.15 Block 1 Lot 71, 225 Veterans Road on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 37.18 Block 2 Lot 84, Account Number 3776053 owned by Veterans Road Office Building LLC for the assessment roll years 2017 thru 2021 is settled as set forth in the proposed stipulation as follows:

225 Veterans Road Tax ID: 37.15-1-71

Roll Year	Assessed Value From	Assessed Value To	Assessment Reduction
2017	48,500	44,030	4,470
2018	48,500	43,475	5,025
2019	48,500	42,560	5,940
2020	48,500	42,485	5,015
2021	48,500	39,220	9,280

Approve Tax Certiorari Proceedings for parcels known as Section 48.15 Block 1, Lot 56.1, 56.2, 56.3, 56.4, 56.5, 234 Croton Heights Road, 226 Croton Heights Road, 1331 Hanover Street, 1349 Hanover Street and 1367 Hanover Street

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.15 Block 1 Lot 56.1, 56.2, 56.3, 56.4, 56.5, 234 Croton Heights Road, 226 Croton Heights Road, 1331 Hanover Street, 1349 Hanover Street and 1367 Hanover Street on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel Section 37.18 Block 2 Lot 84, Account Numbers 4361550, 4361575, 4361600, 4361625 and 4361650 owned by Cat Hill Associates, LLC for the assessment roll year 2021 is settled as set forth in the proposed stipulation as follows:

Roll Year	Lot Number	Assessed Value From	Assessed Value To	Assessment Reduction
2021	56.1	3,650	2,624	1,026
2021	56.2	3,700	2,660	1,040
2021	56.3	3,200	2,300	900
2021	56.4	3,200	2,300	900
2021	56.5	3,500	2,516	984

Authorize Marketing Policy for the Community Housing Board

RESOLVED, that the Community Housing Board’s efforts to market the Town’s affordable housing program units shall include the use of the County of Westchester’s Homeseeker Website.

Award Bid for Reconstruction of Railroad Park Basketball Court

Whereas, the Town of Yorktown solicited bids for the rehabilitation of the basketball court located at Railroad Park, and

Whereas, the bids were opened on March 23, 2021 and the results are summarized as follows:

Peter J. Landi, Inc.	\$55,000.00
Sport-Tech Construction Corp.	\$97,500.00

Now, Therefore, Be It Resolved, that the bid for the Rehabilitation of Basketball Court at Railroad Park, be awarded to Peter J., Landi, Inc. at a total bid price of \$55,000.00.

Authorize Release of Performance Bond for Stormwater Permit ##FSWPPP-051-20 in the amount of \$5,000.00 to Verum Management, LLC

WHEREAS, Verum Management, LLC, as applicant, posted check #1044 in the amount of \$5,000 to serve as the Performance Bond which was deposited to the T33 account on October 23, 2020 for Stormwater Permit #FSWPPP-051-20, and

WHEREAS, the applicant has requested his money be released as the site is now complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released, NOW, THEREFORE BE IT

RESOLVED, the above referenced bond be released to Verum Management, LLC, 6 Curtis Street, Marblehead, MA, 01945.

13. MONTHLY REPORTS

- Finance Department
- Receiver of Taxes
- Town Clerk

14. 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.