

Meeting of the Town Board, Town of Yorktown held on Tuesday, April 12, 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 Esposito, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss individual personnel issues, litigation, and negotiations. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, 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 remember the victims of today's attack on a Brooklyn subway. He also asked for a special prayer for a peaceful holy week and weekend for those celebrating Easter, Passover, and Ramadan.

INTRODUCTIONS

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

REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER

Supervisor Slater made the following announcements:

- There will be a COVID-19 booster clinic this Thursday at the Albert A. Capellini Community & Cultural Center from 11:00 a.m. to 2:00 p.m. Thanks to Save Mor Pharmacy for their assistance. Sign up is online through the Town's website.
- A reminder to fourth and fifth graders of the Arbor Day Poster Contest. Information is on the Town's website.
- Yorktown Police Department's new initiative – First Responder's Resident Alert Registry – is a voluntary registry for a caregiver or a loved one of someone with special needs. The registry helps the police respond to an emergency at the person's residence. Information is on both the Town's website and the police department's website.

REPORTS FROM TOWN COUNCIL

Councilman Diana said he checked out the inclusive playground at Granite Knolls this morning, which is coming along very well; however, he said that he was disgusted to see the condition of the turf fields on which the Town spent a lot of money. He said they were strewn with garbage, empty bottles, and all sorts of debris. He asked residents and visitors to take out whatever they bring in. He said the garbage cans were empty. Councilman Diana said he spoke to both the Superintendent of Parks & Recreation and the Parks & Recreation Commissioner about the situation. He said every team visiting should monitor pick up after a game, or the refundable \$250 cleanup fee will be kept by the Town. He said the fees are going to increase depending upon the number of violations.

Supervisor Slater said our athletes do not know how lucky they are to have this sports facility available to them. He asked for all teams and visitors to respect Granite Knolls.

Councilwoman Haughwout said she had the privilege of being the liaison to the Yorktown Food Security Task Force and said that on April 26 from 8:30 a.m. to 4:00 p.m. they are doing a "Soul Shop" at the First Presbyterian Church that involves suicide awareness. The task force is also

supporting the food drive, sponsored by Senator Harckham, which will be taking place at the First Presbyterian Church on May 7 and they are looking for dry goods donations.

ARTS AND CULTURE COMMITTEE UPDATE

Bruce Apar, Gennifer Birnback, and Karen Trendell (members of the Arts and Culture Committee) came before the Town Board to give a committee update. Mr. Apar said the concept for this committee has been around a long time but was realized last year by the formation of the committee. He said the committee represents five “C’s”: creativity, community, commerce, collaboration, and culture. He spoke of how talented each of the members are and how much they bring to the committee. Karen Trendell and Gennifer Birnback presented a slide presentation of their mission and their goals, which involved a logo created by local BOCES students. They discussed providing venues and outlets for artists of all ages to express their creativity. They discussed their collaboration on the “Art Around Town” program with the Chamber of Commerce. The Committee discussed their efforts to date, noting the Spring Market on May 22, 2022 and the Street Festival on October 9, 2022, as well as the Yorktown Stage Projector Project. They said that they very much enjoy supporting and collaborating with emerging cultural organizations as part of their mission statement. The Committee spoke of the need for Yorktown to stay competitive regarding arts and culture in town and talked about what neighboring communities are doing. Ms. Birnback announced that she would be stepping back from some of her responsibilities on the Committee for personal and business reasons and the Committee will be looking for another member. A discussion took place as to what they would be looking for in a replacement and requested to increase the number of members.

Supervisor Slater and Town Attorney Adam Rodriguez discussed how to change the number of allowed spots on the Committee from five to seven (local law amendment or resolution). It was determined that it could be done by resolution and that the members would be four from the Town and three from the Chamber of Commerce.

CHANGE OF MEMBERS TO THE ARTS & CULTURE COMMITTEE RESOLUTION #185

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

RESOLVED, that the number of members in the Yorktown Arts & Culture Committee is to be expanded to seven members; four members to be appointed by the Yorktown Town Board and three members to be appointed by the Yorktown Chamber of Commerce.

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

TREE CONSERVATION ADVISORY COMMISSION – TOWN-WIDE FOREST MANAGEMENT PLAN

Supervisor Slater introduced members of the Tree Conservation Advisory Commission Lawrence Klein, Keith Schepart, and Tom Schmitt to discuss a town-wide forest management plan. Supervisor Slater also asked Director of Planning John Tegeder to join the discussion.

Mr. Klein handed out a list of future discussions with the Town Board. He mentioned the Tree Bank Fund and proposed future projects using projected funds from the bank. A discussion took place regarding a Request for Proposals for a town-wide forest management plan, as the commission members are not qualified to do that. Mr. Klein suggested Barton & Loguidice as potential candidates to write the plan.

Supervisor Slater asked if they could explain what a forest management plan is and Mr. Schepart said, using Turkey Mountain as an example, a park is divided into sections (trails, lowland, top of the mountain, etc.) and identifies the species of trees in those sections and then the plan provides a year-by-year maintenance plan. He said the maintenance for Turkey Mountain was supposed to begin in 2012 but there is no one to do it. Mr. Schepart said the Town already has management plans done for two areas but, again, has no one to implement them. He said they are hoping that some of the money in the Tree Bank Fund could be used to fund the forest management plan.

Supervisor Slater asked Mr. Tegeder if it would be possible to reach out to the two environmental consultants the Town is currently using on other projects to request a proposal as part of our professional services agreements for a proposed forest management plan for the Town Board to review. Mr. Tegeder agreed. Supervisor Slater said the Town has two forest

management plans now – one for Turkey Mountain and one for Sylvan – and we are now talking about a town-wide plan. Mr. Klein said he does not have an answer as to whether one can be done town wide or for each preserve or area. Supervisor Slater asked Mr. Tegeder to spearhead the request to the environmental consultants.

PROPOSED SPECIAL USE PERMIT –WEDDINGS AT LOCAL FARMS

Adam Rodriguez, Town Attorney; John Tegeder, Director of Planning

Supervisor Slater said this is a special use proposal to allow our local farms to do larger events, as they have become popular wedding venues, especially during COVID. Supervisor Slater said the Town Attorney and Director of Planning were asked to craft some legislation and proper permitting so that all local farms can participate.

Town Attorney Adam Rodriguez said the legislation provides a separate special use permit to be reviewed and authorized by the Zoning Board that would authorize these special events to be conducted on parcels that already have a special use permit for farm operations. He said that this special use would have to comport with all the other requirements for special use permits, such as providing a map. Mr. Rodriguez said the law provides for the Zoning Board to be able to ask for operational information (ex. hours of operation, days of operation) and the permit would be valid for three years. He said that the law expressly provides that the applicant would have to comply with any other applicable laws, which is always implicit (ex. alcohol permit).

Supervisor Slater asked if the special use permit that the Zoning Board already issues is for three years or longer. Mr. Tegeder said it runs with the land unless the Board says otherwise. Councilman Lachterman questioned the mapping requirement and said it would be a map for the special use – i.e., tent area, food service area, etc. Mr. Tegeder said an important part of these permits would be the location where people would park at the site, entry and exit, etc.

A discussion took place regarding alcohol use (private property) and sanitation provisions. Councilman Esposito said if the applicant has to submit a site plan, the Zoning Board would have the opportunity to correct anything they see as problematic.

AUTHORIZE TOWN CLERK TO ADVERTISE A PROPOSED LOCAL LAW “FARMLAND SPECIAL EVENTS”

RESOLUTION #186

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

RESOLVED, the Town Clerk is authorized to refer to the appropriate agencies a proposed local law amending Chapter 300 of the Town Code entitled “ZONING,” Article VII, entitled “Permitted Special Uses” by adding a new section 300-82 entitled “Farmland Special Events.” A public hearing date has been set for Tuesday, May 3, 2022.

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

3232 GOMER STREET – POTENTIAL REZONING APPLICATION

Supervisor Slater introduced Joe Riina, project engineer from Site Design Consultants, to discuss a potential rezoning application for 3232 Gomer Street. Mr. Riina said he is representing MJM Land Development Corp. who is the owner of 12.4 acres on Gomer Street (formerly the Karagosian Farm). He said it is currently zoned half-acre zone. Mr. Riina displayed a map of the property and discussed the zoning of the surrounding area. Mr. Riina’s clients are proposing to get the property rezoned to RSP2, which is multi-family zoning, senior citizen district. He said they meet all of the criteria for that, if the Board is inclined to go in that direction. He said the makeup of the development is a single family residential at the front of the site with an access point off Gomer Street (there is an access point there already). They maintain at least 15,000 square feet on the lot sizes and would be permitted under RSP2 zoning but would require subdivision for single-family lots. The plan is for 9 single-family residences and a cluster of two story townhouse style units with garages underneath (44 units).

Supervisor Slater asked if there were any other zone that could be considered that was not senior citizen and Mr. Riina said R3, which is not age restricted. He discussed the setback differences between the two zones (R3 would require greater distances between homes and change the density of the project). Mr. Riina said his guess is that the required R3 separation between the

townhouses would most likely reduce the amount of the units by one-third and make the floor space of the units smaller.

Director of Planning John Tegeder said that the density and the character of the neighborhood needed to be considered in these types of projects. He said that this project fits in terms of the style of the buildings but it would be introducing something different in this area regarding density. A discussion took place regarding clustering for the project and what would be lost by doing this. Mr. Tegeder said that R3 zoning is multi-family but it is not as generous (12 units per acre) and would probably shrink the project. Mr. Riina suggested making the entire property RSP2 and the front portion would be single family versus subdivided lots, but age restricted.

Councilwoman Haughwout suggested doing the single-family residences as R3 and RSP2 for the townhouses, which would be age restricted.

Councilman Lachterman said if the townhouses were age restricted, could they be done as single-level units and Mr. Riina said it could be a mix of both. Councilman Lachterman said that from the feedback he has received from seniors, it is important that all of the living space needs to be on the first floor. Mr. Riina said since this is just a conceptual plan that could be considered.

Supervisor Slater asked the applicants for their thoughts on the discussion. One applicant from MJM Land Development said that, from a builder's perspective, they try to mirror what is adjacent to the property (Ponderosa Estates). Supervisor Slater asked if the applicant had a preference on the zoning and the applicant said something that would appeal to both populations (single-family residences and senior residences) would be a better choice.

The Town Board agreed that R3 would be appropriate for the zoning. Supervisor Slater instructed the applicant to submit an application to the Town Clerk.

CHAPTER 300-52 PROPOSED LEGISLATION TO ALLOW HOTELS IN OVERLAY DISTRICT

Supervisor Slater introduced Michael Grace, attorney for the applicant, and Joe Riina, Site Design Consultants. Supervisor Slater asked Mr. Riina to refresh the Town Board on the Gardena Project. Mr. Riina said the site is located at the corner of Veterans Road and Commerce Street and is currently zoned as C2R. He said the proposal is to put a three-story boutique hotel on the property. The first floor would be lobby space, lounge, breakfast area, etc. The upper two floors would be rooms (16). There would also be a roof top tapas bar. Mr. Riina displayed renderings of the proposed boutique hotel. He said they are shy one parking space but feel there is ample parking in the area to accommodate that.

Mr. Grace said the Town Board included boutique hotel use in the new overlay district zone legislation but neglected to set standards for that use so the applicants took it upon themselves to draft those standards to accommodate their project. The draft language was submitted with the hope that it could be incorporated into local law and a public hearing set. He reminded the Town Board that the Town Code is 50-60 years old and that flexibility is required when approaching new projects. Mr. Grace said the building height in the Town Code is 35 feet and this project requires 55 feet. He said there are setbacks that are consistent with the Town's underlying commercial zoning districts (there are some zero foot setbacks in the district – Wallauer's) that have been included in their draft. He said there is a certain amount of urgency to this project and he asked that a public hearing be set as soon as possible.

Supervisor Slater asked why the number of rooms is at 16 and Mr. Grace said because of the "boutique" designation – the number of rooms has to be below 25. Supervisor Grace asked why there is a cap of a 15-night maximum stay and not less than that. Mr. Grace said this amount accommodates a two-week vacation. He said it also helps to curb transient situations. Supervisor Slater asked if the draft language was specific to the Heights district and Mr. Grace said it is specific to the overlay districts because it is the only place where this is allowed. Mr. Tegeder said it would be allowed in the Yorktown Heights district only at this time but could be added to other districts, as they are determined.

Mr. Grace said the only thing he left unresolved in the draft was the signage. He said that he cautioned putting this standard in the regulations because this is something that is very individualized in these types of projects and best left to the Planning Board and/or ABACA. Mr. Tegeder said he envisioned this as something that has to have high quality, as this is a boutique

hotel – something that enhances the architecture of the building and subtle. He said that he would be careful of the size.

VETERANS PARKING AT TOWN BUILDINGS

Councilman Lachterman said, when talking with the Veterans Advisory Committee, it was brought to his attention that the veterans appreciate the Purple Heart parking but there are veterans who have physical limitations and injuries and illness that have not been recognized as “Purple Heart worthy” and he is recommending that wherever in Town there is Purple Heart parking, that we add a “Veteran’s Parking” space. He said that there are signs available for about \$40 per sign. The Town Board reviewed the current existing Purple Heart parking at Town buildings and suggested adding the spaces at some of our parks, as well as the Albert A. Capellini Community & Community Center, Town Hall, and the J.C. Hart Memorial Library.

Supervisor Slater asked Councilman Lachterman to get a sample of what the sign looks like and then work with the Parks & Recreation Commission and Parks & Recreation Department to make sure the Town has both the Purple Heart and designated Veteran parking signage at the locations.

AUTHORIZE THE RETAINAGE RELEASE FOR THE GREENWOOD STREET CULVERT REPAIR PROJECT
RESOLUTION #187

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

WHEREAS, ELQ Industries, Inc., has completed the construction portion of the contractual work for the Greenwood Street Culvert Repair Project, and

WHEREAS, the Town withheld \$6,250.00 as the retainage until the remainder of the work was completed and insure no defects in the workmanship, and

WHEREAS, the work has been completed in a satisfactory manner and ELQ has requested their retainage be released and has provided the Final Release and Waiver of Claims and Liens documents, now therefore be it

RESOLVED, that the retainage in the amount of \$6,250.00 is hereby released to ELQ Industries, Inc., 567 Fifth Avenue, New Rochelle, NY 10801.

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

AUTHORIZE THE FOLLOWING BUDGET TRANSFER FOR THE SHRUB OAK LAKE ESTATES PARK DISTRICT
RESOLUTION #188

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

BE IT RESOLVED that the Town Board authorizes the following Budget Transfer for the Shrub Oak Lake Estates Park District:

From:		
SL.909	Fund Balance	\$25,000.00
To:		
SL7180.416	Maintenance and Repair	\$25,000.00

for the purpose of rehabilitation including roofing, siding and staircase to a building located at the Mohegan Avenue Sole Beach complex.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE TOWN HALL ENTRANCE RENOVATION
RESOLUTION #189

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

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

From:
A.1002 General Fund – Fund Balance \$40,000.00

To:
Capital Project
HS1620.200 Town Hall Entrance Renovation \$40,000.00

for payment of invoices as follows:

Luzon	\$52,809.40
EnviroTrac LTD	\$12,400.00
Construction	\$ 2,444.75
Hanover Electric	\$ 4,125.00

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

AUTHORIZE THE TOWN SUPERVISOR, TOWN ATTORNEY AND COMPTROLLER TO SIGN A MUNICIPAL FACILITIES PROGRAM GRANT RESOLUTION #190

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

Resolved, that the Town Supervisor, Town Attorney and Comptroller are authorized to execute all documents necessary to effectuate the procurement at a State and municipal facilities program grant in the amount of \$100,000 for the restoration of Mohegan Lake.

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

BUDGET TRANSFER FOR THE CONTRUCTION OF THE RAILROAD PARK BASKETBALL COURT RESOLUTION #191

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

RESOLVED, the Comptroller is authorized to process the following Budget Transfer for the Parks Department:

From: TE.000.0037 Park Land Trust - \$55,000

To: A.7110.454 Parks – Improvements - \$55,000

for the construction of the Railroad Park Basketball Court.

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

ADJOURN

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

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