

Meeting of the Town Board, Town of Yorktown held on Tuesday, May 24, 2022, held in Yorktown Heights, New York 10598.

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

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

#### TOWN BOARD MEETING

Supervisor Slater called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss individual personnel issues, as well as litigation and negotiations. Upon motion made by Councilman Esposito, seconded by Councilman Diana, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked for a moment of silence to ask for healing for regarding today's shooting of fourteen children who were killed in a school shooting in Uvalde, Texas.

#### INTRODUCTIONS

Town members introduced themselves, as well as Town Clerk Diana Quast and Town Attorney Adam Rodriguez.

#### PRESENTATION BY THE AMERICAN LEGION POST 1009 AND SONS OF THE AMERICAN LEGION SQUADRON 1009

Supervisor Slater said that is presentation is part of the Town's month-long tribute during Military Appreciation Month recognizing organizations in the Town that support active duty members of the military, military families, as well as veterans.

Councilman Lachterman asked the members of the American Legion Post and the Sons of the American Legion to come before the Board. He read the following proclamation:

#### IN APPRECIATION OF THE AMERICAN LEGION POST 1009 AND SONS OF THE AMERICAN LEGION SQUADRON 1009

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

WHEREAS, National Military Appreciation Month, as recognized by the United States Congress, acknowledges the past and present service of American soldiers; and

WHEREAS, Military Appreciation Month includes VE Day, Military Spouse Appreciation Day, Loyalty Day, Armed Forces Day, Public Service Recognition Week, and Memorial Day; and

WHEREAS, the Town of Yorktown greatly admires the brave men and women who served and presently serve our nation as members of the United States Armed Forces; and

WHEREAS, members of the United States Military make tremendous sacrifices to defend our liberties and spread freedom throughout the world; and

WHEREAS, Military Appreciation Month recognizes all of our courageous neighbors serving in all branches of the service, including the National Guard, Reserves, veterans and all of their families; and

WHEREAS, the Town of Yorktown is proud of the many organizations within our community who support both active and retired military personnel such as the American Legion Post 1009 and the Sons of the American Legion Squadron 1009; and

BE IT RESOLVED, that the Town of Yorktown offers its heartfelt appreciation to all who defend our freedoms; and

BE IT FURTHER RESOLVED, that I, as duly elected Town Supervisor of Yorktown, Matthew J. Slater, do hereby offer our thanks and appreciation, and recognize the accomplishments and distinguished organizations American Legion Post 1009 and the Sons of American Legion Squadron 1009.

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

Councilman Lachterman introduced the First Vice Commander of American Legion Post, Carl Liberatore, who gave a brief history of the American Legion in the United States and how it has evolved over the years. He thanked the Town Board for the recognition. He also spoke of the ceremonies and services the American Legion performs in the Town: Honor Flags for burials, Field of Honor Flags, and military banners in Town. Councilman Diana and Mr. Liberatore spoke of membership opportunities.

Councilman Lachterman introduced the Chaplain of the Sons of the American Legion, Paul Martin. Mr. Martin spoke about membership opportunities for the community. He gave a brief history of the organizations. Mr. Martin also spoke about the military tribute banners that the organization hangs throughout Town. He also spoke of the monthly breakfast they hold on the third Sunday every month as a fundraiser.

Councilman Lachterman spoke of the Field of Honor Flags program.

#### AUDIT REPORT

Supervisor Slater thanked Town Comptroller Patricia Caporale and her department for their preparation for the audit. He introduced Alan Kassay and Marc Callinan to share the findings of the December 31, 2021 Town Finance Audit.

Mr. Kassay presented the Unmodified or Clean Opinion, which is the best opinion that can be received. He reviewed the report, section by section. Mr. Callinan reviewed the General Fund Schedule of Expenditures and Revenue. Mr. Kassay ended by saying the Town rebounded very well from the COVID pandemic; the Town is in a good financial position and has still maintained their AAA rating. A copy of the report is on file in the Town Clerk's office.

#### TOLL BROTHERS

Supervisor Slater introduced David Cooper from the law firm of Zarin & Steinmetz (attorney for Toll Brothers) to discuss a proposed zoning change for a multi-family development on Catherine Street.

Mr. Cooper introduced Jack Lannamann and Kevin Moses from Toll Brothers, as well as Joe Riina, Project Engineer, from Site Design Consultants. He said that Toll Brothers is the contract vendee to purchase a portion of the Field Home/Holy Comforter property – specifically, a 53-acre portion. The proposal is to redevelop the site with a 118-unit active adult townhome community that would include the preservation of the Field Home building. He said he is present this evening to update the Board on their progress because they are preparing to submit a formal zoning petition. He said there is a revised concept plan that shows the change from 136 units to 118. He said one of the main issues is the approach to the preservation of the Field Home Building. Toll Brothers sought to incorporate the building into the townhome community as a potential meeting/community space but determined this was not feasible. They are seeking to subdivide out that parcel and give it back to the Town. Toll Brothers would provide a maintenance fund (\$150,000) for the building. He said that they have been in discussion with Parks and Recreation regarding the loss of a soccer field and the suggestion is to pay \$100,000 to Parks and Recreation to fund other programs or projects. They are seeking a rezoning to an RSP2 zone. He said the site is currently zoned RSP3 and R140, neither of which would accommodate their proposal. Mr. Cooper explained the differences between the zones.

Mr. Riina presented the site location map (via video) as it is today and then presented the proposed townhome locations on the property. He spoke about the delineated wetlands and buffers on the property, as well as proposed stormwater basins. The project would be served by public water and sewer. Mr. Riina showed renderings of the home designs that are planned. Mr. Moses spoke about the architecture of the townhomes, their size, and square footage (approximately 2,300-2,600

square feet). Mr. Moses said that this type of product is welcomed by the demographic they are targeting; the floor plan is well planned.

Councilman Esposito raised the issue of the loss of the soccer field. Mr. Moses said he has spoken with the Parks & Recreation Superintendent, Jim Martorano, who supports the fee in lieu approach. Councilman Esposito said fields are hard to find and Yorktown is a very family-oriented community. Mr. Moses mentioned there are issues with the field in question regarding parking. Councilwoman Haughwout agreed and said there is no parking at that field.

Councilman Diana questioned the wetlands on the property and Mr. Riina said only a portion of a road would be inside the wetland buffer; the rest of the project is outside the wetland buffer. He also said that these are not DEC wetlands but are Town wetlands.

Parks & Recreation Superintendent Jim Martorano said the soccer field in question is used often, as it is a great practice field but not quite big enough for games. He said the loss of this field would make it difficult to find time and space for practice but the money could be used to fix up another field in Town (possibly Hunterbrook). Supervisor Slater asked if Superintendent Martorano has spoken to the YAC about the potential loss of the field and was told yes, and they were not happy about it. Supervisor Slater agreed with Councilman Esposito about being considerate of the loss of the field. Mr. Cooper said their help would be financial, not construction. Supervisor Slater asked if there were any costs associated with fixing up the Hunterbrook field and Superintendent Martorano said his “guestimate” would be \$400,000 to \$500,000 to turf the field. He said that soil would have to be put down on the entire field and a fence is needed. Supervisor Slater said that estimates should be prepared to present to Toll Brothers to see what they could help with in the restoration of the Hunterbrook field. Supervisor Slater said that he did not want to take \$100,000 and then get into a \$400,000 project.

#### TI PIACE ITALIAN AMERICAN PRESENTATIONS

Councilwoman Haughwout introduced Josephine Biondi, Michael DiConstanzo, Ralph Caiazzo, and Kevin Faga from Ti Piacce Italian American to discuss the San Genaro Feast.

Mr. DiConstanzo said their organization will be doing the San Genaro Festival from September 14 through September 18. He said he resigned as an officer of the previous organization (CCM) that ran the festival and has now moved to Ti Piacce. He said the festival supports Italian heritage and music. He spoke of how meaningful the festival is to him and his fellow participants from Ti Piacce. The Board and Mr. DiConstanzo spoke of the organization’s work and how Ti Piacce became involved with Yorktown’s San Genaro Festival. They also spoke of the paperwork needed to operate in Town, as well as charitable contributions from the festival.

Supervisor Slater asked Mr. DiConstanza if he was aware of the new event fee structure in the Town Code and if his organization is committed to upholding that fee structure for the event and Mr. DiConstanza said yes. Supervisor Slater said that he wanted to make sure the Town Board was comfortable with the decision to go with Ti Piacce, given the issues with CCM.

Councilman Lachterman raised the issues of CCM’s delay in tax filing and Mr. DiConstanza said there were issues with delays because of COVID.

Supervisor Slater said a resolution was in order and Town Attorney Rodriguez agreed.

Town Board members discussed the fee schedule and charitable donations. Supervisor Slater said that the Town Board is deliberating this organization taking on the San Genaro Festival and if the Town Board wants more time to deliberate on this, they can. He said that this needs to be done in a transparent manner so that the public understands the particular steps they are taking to A) ensure that those they partner with are honest brokers, and B) that there is a fee associated with this particular event and that the Town Board is taking every step they can to ensure that those they partner with understand the values of the community.

The Town Board discussed the permitting process. Supervisor Slater said that the Town has been burned recently as it relates to this event and does not think that it is unfair for the Board to take additional steps to make sure that whoever they welcome to the community to put on this great event does it properly.

Supervisor Slater asked the Town Clerk about requirements for the permit. Town Clerk Quast said that if any permit requirements needed to be changed regarding required documentation, it

would have to be done by local law since permitting is part of the Town Code. She spoke about the current requirements for permitting (ex. food trucks). She said that her office would issue a street closing permit and a parade or event permit would be issued by the Police Chief. She said that permit requests are submitted to different departments (Highway, Fire, Police) so that each can review the layout of the event.

Councilman Diana said he is comfortable with moving forward with Ti Piace and directed him to file for the permit. Councilman Esposito agreed.

#### AFFORDABLE HOUSING LAW

Supervisor Slater introduced Director of Planning, John Tegeder and Ken Belfer from the Community Housing Board to discuss updating the Town's Affordable Housing Law. He said that the Town has been in discussion with Westchester County about this topic and there are proposed revisions to Chapter 300-39 of the Town Code that would modernize the law.

Mr. Belfer said that it has been interesting following the Toll Brothers development this evening, as the Town has seen a flurry of big proposals recently in Yorktown. He said that there is a tremendous need for housing in Yorktown that presents a historic opportunity for the Town. He spoke about why developers should focus more on less expensive housing developments. He said that it is good public policy to have a mixture of housing opportunities that could be required through an affordable housing set-aside, where you leverage the private market by requiring the inclusion of affordable housing. He said that the Community Housing Board also resubmitted the inclusion of the affordable housing set-aside, along with the changes to 300-39, to the Town Board for their consideration. He asked for a broader work session discussion to discuss a number of things, including Yorktown's existing affordable housing programs, and the set-aside inclusion. Mr. Belfer said he also urges the Town Board to invite Norma Drummond, the Westchester County Planning Commissioner, to come and do a presentation on the affordable housing needs assessment study, which includes information on Yorktown. He said that he prepared a summary of the proposed changes to 300-39 and presented it to the Town Board. Mr. Belfer walked the Board through the proposed changes, which he discussed with the Town Board.

Mike Mattone, member of the Community Housing Board, also spoke about density issues and affordable housing.

#### BOUTIQUE HOTEL SPECIAL USE

Supervisor Slater introduced Michael Grace, attorney for the applicant for the boutique hotel, Joe Riina, Project Engineer, and Director of Planning John Tegeder to discuss the proposed code amendment for Boutique Hotel Special Use Permit.

Mr. Tegeder said after the last meeting on this subject he and the Town Attorney, Adam Rodriguez, reviewed the draft and made modifications, which the Town Board now has. He discussed the height limitations under the Overlay District Law.

Mr. Grace said that bulk requirements were also discussed and said his applicant does not have any issues with changes made by the Planning Director. He said that given the pending litigation regarding the Overlay District, he asked that these changes be looked at separately and not in conjunction with the Overlay law so that it is not caught up in that litigation. He spoke of the benefit of having projects like this to the Town and the downtown area.

Mr. Tegeder said these changes would be put into an existing section of the zoning code; it is not embedded in the overlay district law. He said that an applicant would still have to come before the Town Board and proceed through the overlay process to be able to fall under this particular amendment.

Supervisor Slater agreed with Mr. Grace's point about not having this project affected by the pending legislation and hampering the progress that has already been made. It was determined that this would be referred out and a public hearing set.

Councilwoman Haughwout read the following resolution:

#### HATE HAS NO HOME IN YORKTOWN RESOLUTION #254

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

WHEREAS, the Town of Yorktown has once again been victimized by ignorant and disgusting words that were racist and antisemitic; and

WHEREAS, the Town of Yorktown rejects these actions of hate and views them as an attack on the fabric of our community; and

WHEREAS, the Town of Yorktown appreciates and applauds the swift actions by the Yorktown Police Department in processing the crime scene and referring it to County law enforcement agencies for their assistance; and

WHEREAS, the Town of Yorktown has and will continue to stand united against the infiltration of hate and racism within our community; now therefore be it

RESOLVED, the Town of Yorktown requests permission from the New York State Department of Transportation to turn the area violated by racist graffiti into a mural that emphasizes unity and acceptance; and

BE IT FURTHER RESOLVED, that the Town of Yorktown will direct its Arts & Culture Committee to organize the parameters to accept proposals for the mural to be approved by the Town Board; and

BE IT FURTHER RESOLVED, that the Town of Yorktown is determined to turn this slight against our community into a positive moment of reflection and education for all.

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

Councilman Diana spoke about the efforts of the Police Department's investigation into the incident of racist graffiti that occurred in Town. Town Board members discussed how incidents such as this affect the community and what could be done to combat this hate.

AUTHORIZE THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE TOWN TO CONDUCT HIGH VISIBILITY ROAD CHECKS, SATURATION PATROLS, AND DRUG RECOGNITION EXPERT CALL OUTS  
RESOLUTION #255

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

RESOLVED, the Supervisor is authorized to execute an agreement with the County of Westchester for the Town to conduct high visibility road checks, saturation patrols, and drug recognition expert call outs. The County will provide the Town with an amount not to exceed ten thousand (\$10,000.00) dollars, payable at the actual authorized pay rates of the participating officers based upon the number of hours worked. The term of the agreement shall be retroactive to October 1, 2021 and continue through September 30, 2022.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFERS  
RESOLUTION #256

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

RESOLVED, the Town Board approves the following transfers and authorizes the Town Comptroller to transfer the money as follows:

\$13,202.45 from Highway's fund balance to D5112.200 (CHIPS)  
\$200,773.93 from Highway's fund balance to D5112.200.1 (EWR)

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

REQUEST NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO INSPECT,  
CLEAN AND MAINTAIN SPECIFIC CULVERTS  
RESOLUTION #257

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

RESOLVED, the Town of Yorktown requests the New York State Department of Transportation inspects, cleans, and properly maintains its culverts at Route 6 and Hill Boulevard as well as under the Taconic Parkway.

BE IT FURTHER RESOLVED, the Town of Yorktown requests the New York State Department of Transportation reviews the timing of the traffic light at Route 6 and Curry Street.

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

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into closed session to discuss a legal matter and will adjourn thereafter.

ADJOURN

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

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