

Meeting of the Town Board, Town of Yorktown, held on Tuesday, October 25, 2022, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

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

Also Present: Diana L. Quast, Town Clerk
Adam Rodriguez, Town Attorney (via Zoom)

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 conduct Interviews for Grant Writing Services, as well as litigation and negotiations and the employment of a particular person. Upon motion made by Councilwoman Haughwout, seconded by Councilman Esposito, 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 remember all of our first responders, as well as the brave men and women in the U.S. Military serving overseas or here at home. He also asked to remember our health care workers.

INTRODUCTIONS

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

PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CHAPTER 300 ENTITLED "ZONING," SECTION 300-3(B), SECTION 300-21(C)(18)(B)[2], AND SECTION 300-56(C) REGARDING ADDITION OF "NON-COMMERCIAL DOG KENNELS

Supervisor Slater convened a public hearing to consider an amendment to Chapter 300 entitled "Zoning," Section 300-3(b), Section 300-21(C)(18)(b)[2], and Section 300-56(c) regarding addition of "Non-Commercial Dog Kennels."

David Steinmetz, attorney for Guiding Eyes for the Blind, said that Guiding Eyes has been a wonderful fixture in the Yorktown community for a long time. He said that they are doing very well and they need a new state-of-the-art kennel facility and would like to do that here in Yorktown. He said that they are a contract vendee on a 12-acre parcel of land at Mohansic Avenue and Route 202 that is currently owned by Temple Israel. Temple Israel's plans for the property did not happen and the property remained vacant. It is currently in the Interchange Zone (IN) and kennels are not permitted uses. They filed a zoning petition to modify some of the sections of Chapter 300 to allow for kennels (non-commercial and commercial). Mr. Steinmetz said a petition was presented, met with Town staff, and the Planning Board and Planning Board, and made the suggested changes accordingly. He said that once the Town Board approves the amendment to Chapter 300 they can proceed in front of the Planning Board and process the detailed site plan.

Joe Riina, Project Engineer from Site Design Consultants, showed the plans, via video, of what the new facility would look like and how it fits into the parcel. The spoke about the number of dogs on the property, in addition to those at the Granite Springs Road facility, as well as sound issues. Tom Panak from Guiding Eyes for the Blind said the dogs are trained to behave a certain way in public, so barking is kept at a minimum. He thanked the Town Board for the support they have given to Guiding Eyes for the Blind.

No members of the public spoke.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Diana, seconded by Councilman Lachterman, and carried.

Supervisor Slater confirmed with Mr. Tegeder that the Planning Board and Planning Department comments were acted upon and Mr. Tegeder said yes.

ADOPTION OF LOCAL LAW NO. 9 AMENDING CHAPTER 300 ENTITLED “ZONING,” SECTION 300-3(B), SECTION 300-21(C)(18)(B)[2], AND SECTION 300-56(C) REGARDING ADDITION OF “NON-COMMERCIAL DOG KENNELS RESOLUTION #467

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

WHEREAS, a public hearing was held on October 25, 2022, pursuant to notice duly published as required by law to amend the Code of the Town of Yorktown by amending Chapter 300 entitled “Zoning,” Section 300-3(b), Section 300-21(C)(18)(b)[2], and Section 300-56(c) regarding addition of “Non-Commercial Dog Kennels

NOW, THEREFORE, BE IT RESOLVED that Local Law No. 9 of 2022, be and is hereby adopted.

Slater, Diana, Esposito, Haughwout, Lachterman Voting Aye

Local Law No. 9 of 2022 was thereupon declared duly adopted.

WEYANT 2440 CROMPOND ROAD

Supervisor Slater said that this was a project before the Town Board back in 2019, a public hearing was held and closed, Lead Agency was declared, and the applicant was running through the bureaucracy of the state and DEP.

Joe Riina, Project Engineer from Site Design Consultants, showed the plans (via video) for the project. He said that the site is 2.62 acres located at the corner of Crompond Road and Hamlyn Street, and was granted a Transitional Zoning overlay. The proposal is for 23 residential townhouse-style attached units in four buildings. The issue of access from Hamblin was addressed and to accommodate concerns of through-traffic, a sweeping entry and exist point was added to directed traffic to Crompond Road instead of through Hamblin Street. There is a secondary drive that comes out onto Route 202, which is purposely aligned with potential future bypass right-of-way, if that ever is built. This requires a DOT permit. This would be considered an emergency entrance only until such time as they can obtain the full permit from the DOT, which they hope would come into play before the project is completed and that would become the main entrance and the emergency access would be off Hamblin Street.

Councilman Lachterman asked if there had been any contact with the property owners of the Roma Building, the adjacent property. Mr. Riina said they are off the radar; he has tried to reach them but with no success. Supervisor Slater said that they have not been heard from in over two years.

Mr. Riina said that DOT has conceptually agreed to move things along to allow them to build the entrance at Hamblin to eventually make it an emergency entrance only. He said that they would continue the process to make the Crompond entrance a permanent one. He said that DOT is waiting for property from the Roma Building to continue the process.

Supervisor Slater wanted to make sure that the Hamblin Street entrance would be made an emergency access road permanently (with or without DOT’s getting property from Roma) so area residents would not feel they are being inundated with traffic from the project. Mr. Riina said that is what the plan is – the main entrance would eventually be on Crompond and emergency access on Hamblin Street.

Mr. Riina reviewed the makeup of the amount of units, levels, 2 bedrooms, etc. They have received their approvals from DEP and the Health Department.

Supervisor Slater asked Mr. Riina what if they are finished building before they get the DOT permit and Mr. Riina said they would have to make the conversion of the road. Councilwoman Haughwout said what if it goes from “emergency – you can have it” to “emergency – you cannot

have it” and Mr. Riina said they are basing it on their meetings and correspondence from DOT being in favor of the concept, as present this evening.

Councilman Esposito asked what the anticipated completion time would be and Mr. Riina said if it starts in the spring, it would be about 18 months.

Supervisor Slater asked what they needed from the Town Board and Mr. Riina said final site plan approval, which would then finalize the transitional zone being accepted.

Director of Planning John Tegeder said his next steps is to have another meeting with the applicants to formulate a resolution and to make sure some of the procedural things where the project was left off move forward.

2035 SAW MILL RIVER ROAD

Supervisor Slater asked Director of Planning John Tegeder if he had any comment on this issue and he said his question was what is going on with the larger project. He said he thought there was going to be a new canopy. He has no comments on the signage.

Supervisor Slater said that since the applicant is not present, this topic would be rescheduled for a later date.

WESTCHESTER POWER UPDATE

Dan Welsh from Sustainable Westchester came to present (via video) the following:

- Westchester Power program activity update (Con Edison & NYSEG service territories)
- Yorktown outreach/compliance/approval update
- Current electricity market
- Review of possible contracting scenarios
- Discussion

The key program features are:

- Collective power
- Easy access to renewable energy
- Fixed-rate prices
- Opt-out format
- Consumer friendly
- Platform for other green programming

Mr. Welsh said the community outreach portion has been completed by having three open sessions about the program at the J.C. Hart Library and participation in the Fall Festival through Yorktown 100. Mr. Welsh said Yorktown has received approval and participation status.

He showed the current contract pricing for Westchester Power, Con Edison, and NYSEG, as well as utility rate history and natural gas price trends.

A discussion took place regarding price changes and use of the current contract to gain savings for residents. Mr. Welsh said he would need a resolution from the Town Board authorizing the Supervisor to sign the contract contingent upon being able opt into the current contract at the rates shown here.

AUTHORIZE TOWN SUPERVISOR TO SIGN THE SUPPLY CONTRACTS FOR WESTCHESTER POWER FOR BOTH NYSEG AND CON EDISON RESOLUTION #468

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

RESOLVED, the Town Supervisor is authorized to sign the supply contracts for Westchester Power for both NYSEG and Con Edison territories contingent upon being able to follow the same format and pricing as the existing contract (\$10.179 – NYSEG, \$15.128 – Con Edison).

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

AMS ACQUISITIONS LLC – 800 EAST MAIN STREET (CONTRACTOR REGISTER PROPERTY)

Supervisor Slater said this discussion is for the senior living project at 800 East Main Street in Yorktown and their request for a zoning change.

Janet Giris, attorney for the project, said they have formally filed a petition for rezoning the property, and also for some modifications to the RSP2 district, which is the zone that they have asked the property to be rezoned. She gave a background to the property as it is now. AMS is the contract vendee for the property. She also gave a background of AMS Acquisitions LLC. She introduced Stuart Lachs, architect from Perkins Eastman, to speak about the design of the project. Ms. Giris gave a rundown of what amenities would be on the property for the residents and reasons why this type of community is appropriate to Yorktown.

Mr. Lachs displayed (via video) renderings of the project and described the structures.

Ms. Giris requested that the Town Board take the next step in the review of the petition and the actions proposed by it. She asked for a resolution to commence the SEQRA process and declare its intent to be Lead Agency. Ms. Giris said an environmental assessment form would be coming shortly and requested the commencement of the environmental review process.

Supervisor Slater asked Mr. Tegeder if they would be doing everything all together (the rezoning and amendments to the zone) and he said yes. Mr. Tegeder said there are some issues with the height of the project. Supervisor Slater said he was sure there might be an issue with the Taconic Parkway being a state scenic highway. Mr. Giris said they have been very conscientious about the Taconic being a scenic byway and the project has been designed to maintain the vegetative buffer so there is no change in the view shed from the Taconic to the property, nor would the heights of the buildings be visible from the Taconic.

Supervisor Slater read the following Proclamation:

PROCLAMATION RECOGNIZING OCTOBER AS HINDU HERITAGE MONTH

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

WHEREAS, the Festival of Diwali commences on Monday, October 24, 2022; and

WHEREAS, Diwali is also known as the Festival of Lights and symbolizes the spiritual victory of light over darkness, or good over evil and of knowledge over ignorance; and

WHEREAS, Diwali is celebrated as both a day of Thanksgiving and the beginning of the new year for Hindus; and

WHEREAS, the festival is celebrated over five days, with the third day being the most significant, as it coincides with the darkest night of the lunar month; and

WHEREAS, the Town of Yorktown is proud of the Indian population who call our community home; and

WHEREAS, in celebration of Diwali, the Town of Yorktown is partnering with HSS Shakas as part of a countywide Sewa Diwali initiative to collect food for local shelters and food pantries; now, therefore, be it

RESOLVED, that Yorktown recognizes October as Hindu Heritage Month; and

BE IT FURTHER RESOLVED, that the Town of Yorktown extends its best wishes to all in our community celebrating Diwali; and

BE IT FURTHER RESOLVED, that the Town of Yorktown continues its mission of being a community of acceptance for all who call Yorktown home.

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

APPOINT ROBERT ALFANO TO MAINTENANCE MECHANIC, JOB CLASS CODE 0465-02, WITHIN THE PARKS AND RECREATION DEPARTMENT EFFECTIVE OCTOBER 31ST 2022

RESOLUTION #469

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

BE IT RESOLVED, that Robert Alfano is hereby appointed Maintenance Mechanic (Repair), job class code 0465-02, within the Parks & Recreation Department, effective October 31, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 2 which is \$63,627.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 weeks, commencing on the first date of appointment on October 31, 2022.

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

APPOINT VICTOR E. CONTRERAS BERMEO TO SKILLED LABORER, JOB CLASS CODE 0423-02 WITH THE BUILDING MAINTENANCE DEPARTMENT EFFECTIVE OCTOBER 31ST 2022

RESOLUTION #470

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

BE IT RESOLVED, that Victor E. Contreras Bermeo, is hereby appointed Skilled Laborer, job class code 0423-02, within the Building Maintenance Department, effective October 31, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 9, Step 3 which is \$58,348.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 weeks, commencing on the first date of appointment on October 31, 2022.

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

APPOINT MICHAEL HOY TO SKILLED LABORER, JOB CLASS CODE 0423-02 WITH THE BUILDING MAINTENANCE DEPARTMENT EFFECTIVE OCTOBER 31ST 2022

RESOLUTION #471

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

BE IT RESOLVED, that Michael Hoy, is hereby appointed Skilled Laborer, job class code 0423-02, within the Building Maintenance Department, effective October 31, 2022, to be paid from Yorktown CSEA Salary Schedule A, Group 9, Step 4 which is \$61,383.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 weeks, commencing on the first date of appointment on October 31, 2022.

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

AUTHORIZE BARTON & LOGUIDICE TO COMPLETE A WATERSHED INVENTORY FOR THE TOWNS PLANNED LOCAL WATERFRONT REVITALIZATION PLAN

RESOLUTION #472

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

WHEREAS, the Town Board of the Town of Yorktown desires to complete a Watershed Inventory for an area to be included in the Town's planned Local Waterfront Revitalization Plan with scope of work as outlined in Section 1 of the proposal titled, "Town of Yorktown Watershed Inventory and Analysis," prepared by Barton & Loguidice, D.P.C., and dated September 23, 2022; 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 service for an amount not to exceed \$30,000.00; 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 completing a Watershed Inventory, in an amount not to exceed \$30,000.00, and that \$15,000.00 will be reimbursed by Hudson River Valley Greenway Grant and \$15,000.00 is the Town's required match.

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

ACCEPT THE RETIREMENT OF JOSEPH LEWIS FROM THE WATER DEPARTMENT
EFFECTIVE OCTOBER 28TH 2022

RESOLUTION #473

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

RESOLVED, that the Town Board accepts the retirement letter received from Joseph Lewis from the Water Department with many thanks for his 35 years of service to the Town, effective October 28, 2022.

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

AUTHORIZE THE COMPTROLLER TO RELEASE ESCROW DEPOSITS TO PRESTIGE
RENOVATIONS & REMODELING INC. AND SILVER OAK REAL ESTATE CONSULTING

RESOLUTION #474

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

WHEREAS, a representative of the Highway Department has inspected the following sites and found the work to be completed satisfactorily.

RESOLVED, it is respectfully requested that the Town Board authorize the release of the following:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund To</u>
Street Opening	020-009	\$2000.00	3511 Buckhorn	Prestige Renovations & Remodeling, Inc. 3450 Heyward St. Mohegan Lake, NY 10547
Driveway	1214	\$500.00	600 Madison	Silver Oak Real Estate Consulting 34 Pheasant Run Rd Putnam Valley, NY 10579

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET
TRANSFER FOR THE HIGHWAY DEPARTMENT

RESOLUTION #475

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

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

From:		
D5110.101	Highway – Salary	\$30,000.00
D5112.210	Highway – Paving	\$49,000.00

To:		
D5130.403	Highway – Supply and Material	\$30,000.00
D5142.403	Highway – Snow Material and Supply	\$49,000.00

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

AUTHORIZE THE HIGHWAY SUPERINTENDENT TO SIGN A CHANGE ORDER NO. 2 IN THE AMOUNT OF \$3, 592.11 TO BE ATTACHED TO THE BID AWARDED TO S&L PLUMBING

RESOLUTION #476

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

Resolved that the Highway Superintendent is authorized to sign Change Order No. 2 in the amount of \$3,592.11 to be attached to the bid awarded to S&L Plumbing for the installation of a new ventilation system at the Highway garage. The additional purchase will be for a pressure relief valve, air vent and natural gas regulator.

Be it further resolved that the Comptroller is hereby authorized to transfer \$3,592.11 from the Highway salary line D5110.101 to capital project HR5110.200.

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

AUTHORIZE THE TOWN BOARD TO RESCIND RESOLUTION PASSED ON SEPTEMBER 6, 2022 AWARDED THE PURCHASE OF THREE FISHER PLOWS SPREADERS

RESOLUTION #477

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

Resolved, that the Resolution passed by the Town Board on September 6, 2022, awarding the purchase of three Fisher Plows/Spreaders for the Highway Department is hereby rescinded.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE BOND RELEASE TO WALL TO WALL CONTRACTING, INC., 7 ANITA ROAD, YORKTOWN NY

RESOLUTION #478

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

WHEREAS, Kurt Wall of Wall to Wall Contracting, Inc., as applicant, posted check #3113 in the amount of \$500 to serve as the Erosion Control Bond, which was deposited to the T33 account on June 1, 2022 for Wetland Permit #WP-019-22, 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 Wall to Wall Contracting, Inc., 7 Anita Road, Yorktown Heights, NY 10598, Attn: Mr. Kurt Wall.

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

APPOINT NISREEN KHOURY TO PROVISIONAL SENIOR OFFICE ASSISTANT IN THE BUILDING DEPARTMENT
RESOLUTION #479

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

BE IT RESOLVED, that Nisreen Khoury, is hereby appointed provisional to the Civil Service title of Senior Office Assistant/Office Manager, job class code 0943-01 effective October 31, 2022, to be paid at the rate set forth in the Yorktown CSEA Salary Schedule A1, Group 10, Step 5, which is \$73,271 annually.

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

RESCIND RESOLUTION DATED OCTOBER 11, 2022 REGARDING ADDITIONAL VACATION TIME FOR PHILIP MARINO
RESOLUTION #480

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

RESOLVED, the Town Board resolution passed by the Town Board on October 11, 2022 with regard to Philip Marino's additional vacation time is hereby rescinded.

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

APPROVE CHANGE OF DATES FOR DEPARTMENT HEAD BUDGET REVIEW AND CANCEL NOVEMBER 1, 2022 TOWN BOARD MEETING
RESOLUTION #481

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

RESOLVED, the Town Board will be meeting with its Department Heads to review the proposed budget on Tuesday, November 1, 2022 from 9:00 a.m. to 2:00 p.m. and Thursday, November 3, 2022 from 9:00 a.m. to 2:00 p.m. The Town Board will also be cancelling the scheduled Town Board Meeting on Tuesday, November 1, 2022.

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

EXECUTIVE SESSION

Upon motion made by Councilman Esposito, seconded by Councilman Lachterman, the Town Board meeting moved into an executive session to discuss an individual personnel issue and will adjourn thereafter.

ADJOURN

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

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