

Meeting of the Town Board, Town of Yorktown held on Tuesday, February 7, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Thomas P. Diana, Supervisor  
Edward A. Lachterman, Deputy Supervisor  
Sergio Esposito, Councilman  
Luciana Haughwout, Councilwoman  
Mary Capoccia, Councilwoman

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

#### TOWN BOARD MEETING

Supervisor Thomas Diana called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilwoman Capoccia, seconded by Councilwoman Haughwout, the Town Board moved into Executive Session to discuss individual personnel matters, and litigation and negotiations with the Town Attorney. Upon motion made by Councilwoman Haughwout, seconded by Councilwoman Capoccia, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Councilwoman Haughwout led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Diana asked for a moment of silence to remember our first responders and members of the military who work to keep us safe. He also asked to remember Adeed Fayas, the NYPD officer who was shot and killed in Brooklyn, as well as Councilwoman Eunice Dwumfour from Sayreville, NJ who was also shot and killed. Supervisor Diana asked to keep in our thoughts and prayers Tyree Nichols who was killed in Memphis during a police altercation, as well as his family who have suffered an immeasurable loss.

#### INTRODUCTIONS

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

#### REPORT FROM THE TOWN SUPERVISOR

Supervisor Diana reported on recent Town events and updates, including the following:

- The majority of the cats at the recent scene of a tragedy in Yorktown have been rescued by Rescue Right and the SPCA. If anyone would like to adopt, please contact Rescue Right or the SPCA of Briarcliff
- Storm update from this past weekend's extreme weather. He thanked those Town employees who worked to clear the many trees that came down.

#### REPORTS FROM TOWN COUNCIL

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

#### PROCLAMATION – BLACK HISTORY MONTH

WHEREAS, Black History Month was first celebrated as Negro History Week on February 1, 1926; and

WHEREAS, it became a nationally recognized month in 1976 to pay tribute to African-Americans who struggled through an oppressive society; and

WHEREAS, the Town of Yorktown recognizes and acknowledges that Black History is in fact American History; and

WHEREAS, Black History Month gives our community time to reflect on the struggles and triumphs of African-Americans throughout our national society; and

WHEREAS, African-Americans have made invaluable contributions to the American cause, including protecting our liberties and democratic society; and

WHEREAS, the Town of Yorktown acknowledges and applauds the many contributions that African American members of society have made including but not limited to John Sweat Rock, Frederick Douglass, W. E. B. Du Bois, Martin Luther King Jr., Thurgood Marshall, Duke Ellington, Maya Angelou, Guion Bluford, and Jackie Robinson, now

THEREFORE BE IT RESOLVED, the Town of Yorktown recognizes February as Black History Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown stands as a community of hope, generosity, and acceptance to everyone regardless of religion, race, national origin, ethnicity, culture or orientation.

#### PRESENTATION

Supervisor Diana spoke highly of the service that the Yorktown Community Emergency Response Team (CERT) team provided during the recent storm. They opened and operated the warming center at the Albert A. Capellini Cultural Community Center. CERT is comprised of all volunteers who service the Yorktown community during difficult times. Supervisor Diana presented them with a Certificate of Appreciation and said that the Town has now provided an amount of money that CERT can submit their expenses, previously paid for out of their pockets.

Kevin Byrnes, CERT member, spoke of their service, including the services they provide to the residents (both warming and cooling centers). He said that Sergeant Scatola is their liaison with the Yorktown Police Department and if anyone is interested in becoming a member of CERT, they should contact him.

#### POET LAUREATE

Poet Laureate John McMullen read an original poem, "State of the Union."

#### COURTESY OF THE FLOOR

The following members of the public spoke:

- Ed Ciffone, resident, spoke about the frustration of the taxes in Yorktown. He thanked the members of the United Taxpayer of Yorktown for their service. He spoke about the lack of audio at a past Town Board meeting.
- Bob Giordano, resident, thanked Supervisor Diana and Councilman Esposito for participating in the recent Polar Bear Plunge. He presented them with hats and sweatshirts for their participation. He also read a statement supporting term limits for Town Supervisor from two to four years and a limit of two four-year terms. He encouraged a referendum on the upcoming ballot.
- John McMullen, resident, said he wrote a letter to the newspaper commending Police Chief Robert Noble who wrote an editorial regarding the tragic death of Tyree Nichols in Memphis, TN.
- Susan Siegel, resident, asked about the illegal cutting of trees on a piece of property in the Croton Heights area and if the owner has been required to do mitigation and/or served a violation. She also asked the Town Board for an update on the towing bid that she has raised at previous Town Board meetings.
- James Mecca, resident, spoke about the Four Chaplains Ceremony at the American Legion this past Sunday and suggested that everyone attend at least one of these ceremonies that are held every year to understand what a true hero is. He also thanked legislators for officially acknowledging Korean War Veterans on April 26<sup>th</sup> each year.
- Sarah Wilson, resident, spoke about the "Souper Cereal Bowl" that will end this coming Sunday. She gave the history of the event sponsored by the Souper Bowl of Caring. This year their goal was 600 boxes of cereal, which would supply the food pantry for about three weeks. They currently have 575 boxes of cereal. She said that 2 local supermarkets donated 200 boxes of family-sized cereal and they now have 869 boxes of cereal. Ms. Wilson said their new goal is 1000 boxes. The event ends this Sunday.
- Dan Strauss, resident, thanked the CERT for their work. Mr. Strauss spoke about a column in the Examiner that addressed clear cutting of trees in Yorktown. He said Town Officials and Code Enforcement have done nothing to stop this. He said that the Conservation

Board and the Tree Conservation Advisory Committee deserve credit for the work they try to do.

- Anthony Pichette, resident, spoke about the trash pickup situation in Town and a past Board Meeting that addressed the new trash hauler. He also spoke about learning about the Town Minutes from the past few meetings. He also asked about a 25 mph speed limit in certain areas in Town.

Upon motion made by Councilman Lachterman, seconded by Councilman Esposito, Courtesy of the Floor was closed.

Members of the Town Board responded to comments made during Courtesy of the Floor.

Supervisor Diana addressed Ms. Siegel’s comments and said that the money from the towing contract has been paid; the contract is being rewritten and will go out to bid. He also addressed the clear cutting of trees and asked Town Engineer Dan Ciarcia to update on the two locations that have had clear cutting.

Mr. Ciarcia said the Croton Heights location has been given to Code Enforcement and they are currently speaking with the Town prosecutor. He said that the owner is going to have to get the permit and whether or not the courts will penalize or fine the owner is up to the court. Mr. Ciarcia said same circumstances apply to the location on East Main Street in Shrub Oak where clear cutting of trees has also occurred.

Councilman Esposito spoke about an agreement with Yorktown Auto Body that included the towing for the Town’s mobile stage, which saved the Town quite a bit of money and is something the Town could not do themselves.

AUTHORIZE COMPTROLLER TO PAYOUT THE CASH VALUE OF UNUSED TIME FOR JESSICA BAMBACH AS OF HER DATE OF RETIREMENT  
RESOLUTION #72

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Jessica Bambach the cash value of unused time as of her date of retirement:

2023 Rate of Pay:	\$41.2654			
Sick	80.50 hours	@	50% = 40.25 hours	
	40.25 hours		x \$41.2654	= \$ 1,660.94
Vacation	247.50 hours		x \$41.2654	= \$10,213.19
Personal	21.00 hours		x \$41.2654	= \$ 866.58
Floating Holiday	14.00 hours		x \$41.2654	= \$ 577.72
Longevity				
	\$1,750 / 260 days = \$6.73 per day			
	04/24/22-01/27/-23 = 222 days			
	222 days x \$6.73 =			\$ 1,494.06
Total				\$14,812.49

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From: A.1002.8	General Fund Reserve Employee Accrued Benefits	\$ 4,504.01
A7020.101	Recreation Salary	\$ 8,814.42
A7020.106	Recreation Longevity	\$ 1,494.06
To: A.7020.108	Recreation Lump Sum Payments	\$13,151.55
T905.1	Medical, Dental, Vision Trust	\$ 1,660.94

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

AUTHORIZE COMPTROLLER TO PAYOUT THE CASH VALUE OF UNUSED TIME FOR  
BARRY GELBMAN AS OF HIS DATE OF RETIREMENT  
RESOLUTION #73

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

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay  
Barry Gelbman the cash value of unused time as of his date of retirement:

2023 Rate of Pay:	\$46.5933			
1996 Rate of Pay:	\$14.05			
Sick	677.625 hours @	50% = 338.82 hours		
	338.82 hours	x	\$46.5933	=\$15,786.75
Vacation				
2023	450.00 hours	x	\$46.5933	=\$20,966.99
1996	48.75 hours	x	\$14.05	=\$ 684.91
Personal	22.50 hours	x	\$46.5933	=\$ 1,048.35
Floating Holiday	15.00 hours	x	\$46.5933	=\$ 698.90
Longevity				
	\$1,750 / 260 days = \$6.73 per day			
	7/3/22-1/13/-23 = 140 days			
	140 days x \$6.73 =			\$ 942.20
Total				\$40,128.10

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose  
of this payout at retirement as follows:

From: A.1002.8	General Fund Reserve Employee Accrued Benefits	\$16,471.66
A7110.101	Parks Salary	\$22,714.24
A7110.106	Parks Longevity	\$ 942.20
To: A.7110.108	Parks Lump Sum Payments	\$24,341.35
T905.1	Medical, Dental, Vision Trust	\$15,786.75

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

AUTHORIZATION TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE  
TRANSFER OF THE TOTALED NUTRITION CENTER VAN  
RESOLUTION #74

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

Resolved, the Supervisor is authorized to execute all documents necessary to effectuate the transfer  
of the totaled 2017 Ford Econoline E350 Super Van (VIN# 1FDEE3FSXHDC19033) to Zurich  
American Insurance Company.

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

AMEND RESOLUTION #57 OF 2023 FOR THE PURCHASE OF (1) FORD F350 CREW CAB  
PICKUP FOR THE PARKS DEPARTMENT  
RESOLUTION #75

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

Whereas, Westchester County Bureau of Purchase and Supplies has published a LIGHT DUTY TRUCKS Bid for Model Year 2023; and

Whereas, the Westchester County Bureau of Purchase and Supplies has received and reviewed the bids; and

Whereas, Hempstead Ford – Lincoln of Hempstead, New York has submitted the lowest bid that meets the Town’s Specifications for a Ford F350 Crew Cab Pickup; and

Be It Resolved, that the Parks Department is hereby authorized to purchase (1) Ford F350 Crew Cab Pickup, meeting the Town’s specifications, be purchased from Hempstead Ford – Lincoln at a total cost of \$53,131.65 per Westchester County Bureau of Purchase and Supplies File Price No. RFB-WC-22038 LIGHT DUTY TRUCKS.

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

AUTHORIZE BID ADVERTISEMENT FOR THE POOL PUMP AND MOTOR REBUILD AT THE JUNIOR LAKE POOL  
RESOLUTION #76

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

NOTICE IS HERE GIVEN, that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on Thursday, February 23, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for the Pool Pump and Motor Rebuild at the Junior Lake Aquatic Facility.

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

AUTHORIZE INITIAL SUPPORT FROM BY TRANSPO GROUP USA, INC. FOR THE SCOPING OF A TRAFFIC ANALYSIS FOR THE 800 E MAIN YORKTOWN DEV AMS LLC REZONING PETITION  
RESOLUTION #77

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

WHEREAS, the Town Board of the Town of Yorktown desires to study the traffic impact of the petitioned rezone of property located at 800 East Main Street, Jefferson Valley also known as the former Contractors Register site; and

WHEREAS, Transpo Group USA, Inc., a traffic 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 6, 2021; and

WHEREAS, Transpo Group USA, Inc. has submitted a proposal to provide initial support for the scoping of a traffic analysis for the rezone pursuant to said on-call agreement for an amount not to exceed \$470.00 for the work; now therefore

BE IT RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to engage Transpo Group USA, Inc. under the on-call agreement with the Town of Yorktown for the purpose of the initial support for the scoping of a traffic analysis, in an amount not to exceed \$470.00 for this work, and that the total cost shall be reimbursed by the applicant as part of the cost of the application’s review.

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

AUTHORIZE SUPERVISOR TO EXECUTE A CONTRACT WITH HISTORICAL PERSPECTIVES, INC. AND THALER REILLY WILSON ARCHITECTURE & PRESERVATION, LLP FOR THE PURPOSE OF PROVIDING HISTORIC & CULTURAL RESOURCE PLANNING SERVICES  
RESOLUTION #78

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

WHEREAS, the Town Board of the Town of Yorktown has solicited proposals for historic & cultural resource planning services for the Town; and

WHEREAS, the Town received proposals from the following prospective consultants:

Gregory Dietrich Preservation Consulting  
New York, N.Y.

Historical Perspectives, Inc.  
Westport, Conn.

Thaler Reilly Wilson Architecture & Preservation, LLP  
Albany, N.Y.

WHEREAS, the proposals of all of the respondents were reviewed to determine the qualifications of each respondent, their understanding of the scope of work, the appropriateness of their proposed schedules, and the adequacy of their proposed cost proposals for the required services; and

WHEREAS, the Town Board determined that Historical Perspectives, Inc. and Thaler Reilly Wilson Architecture & Preservation, LLP demonstrated the most appropriate understanding of the required services and needs of the Town and have distinct expertise in aspects of cultural resource planning; and

WHEREAS, the Town Board desires to enter into an agreement with Historical Perspectives, Inc. to perform historic & cultural resource planning services on individual project proposals, on an as needed basis, and

WHEREAS, the Town Board desires to enter into an agreement with Thaler Reilly Wilson Architecture & Preservation, LLP to perform historic & cultural resource planning services on individual project proposals, on an as needed basis; now therefore

BE IT HEREBY RESOLVED, that the Supervisor of the Town of Yorktown is hereby authorized to execute a contract with Historical Perspectives, Inc and Thaler Reilly Wilson Architecture & Preservation, LLP for the purpose of providing historic & cultural resource planning services on an as needed basis for individual project proposals, the costs thereof to be determined for each project pursuant to a schedule of hourly rates provided within each agreement; and be it further

RESOLVED, that the costs, where applicable, shall be charged to, and borne by, each individual projects' applicant or sponsor.

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

AUTHORIZE TOWN SUPERVISOR TO SIGN FINAL SITE PLANS FOR 3451 CROMPOND ROAD AND OWNED BY 7-ELEVEN, INC.  
RESOLUTION #79

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

Whereas, the Town Board of the Town of Yorktown adopted a resolution granting an amended special permit to operate a gasoline filling station for certain real property, located at 3451 Crompond Road and owned by 7-Eleven, Inc., Irving, Texas, also known on the Town Tax Map as Section 36.06, Block 1, and Lot 25 on November 22, 2023; and

Whereas, said resolution was approved with certain conditions which were required to be completed or fulfilled prior to endorsement of the final site plans by the Town Supervisor; and

Whereas, the project applicant has completed those conditions as required by the approving resolution; and

Therefore Be It Resolved, that the final site plans amended pursuant to the Town Board’s approving resolution dated November 22, 2023 are complete and that the Town Supervisor is authorized to endorse the final site plans which shall serve as the official record copy representing the parameters of the special permit to operate the gasoline filling station.

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

AUTHORIZATION TO PAY MRI SOFTWARE, LLC FOR THE HAPPY SOFTWARE MULTI-YEAR LICENSE AND SUPPORT FOR SECTION 8 OFFICE  
RESOLUTION #80

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

RESOLVED, that the Town Comptroller is authorized to pay MRI Software, LLC for the Happy Software Multi-Year (5 years) license and support for computer software provided to the Section 8 Office at the following rates:

- \$8,192.07 From February 1, 2023 through January 31, 2024.
- \$8,519.75 From February 1, 2024 through January 31, 2025.
- \$8,860.54 From February 1, 2025 through January 31, 2026.
- \$9,214.96 From February 1, 2026 through January 31, 2027.
- \$9,583.56 From February 1, 2027 through January 31, 2028.

The source of funds is Housing Assistance Payments Account maintained by the Section 8 office and funded by U.S. Department of Housing and Urban Development (“HUD”).

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

AUTHORIZATION TO EXECUTE AN AGREEMENT WITH J.O’CONNELL ASSOCIATES, INC. FOR GRANT WRITING SERVICES  
RESOLUTION #81

Resolved, the Supervisor is authorized to execute an agreement with J. O’Connell Associates, Inc., for the provision of grant consulting services in conformance with its proposal dated August 3, 2022, in an amount not to exceed \$35,000 for calendar year 2023.

Be it further resolved the Comptroller is authorized to transfer funds for payment as follows:

from		
A1990.499	General Fund Contingency	\$35,000.00
to		
A1220.490	Supervisor Professional Services	\$35,000.00

SET PUBLIC HEARING FOR PROPOSED LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 300-39(A) THROUGH (F) OF THE CODE OF THE TOWN OF YORKTOWN ENTITLED “AFFORDABLE HOUSING”  
RESOLUTION #82

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on Tuesday, February 14, 2023 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598 at 7:30 PM, or as soon thereafter as the same can be heard, to consider an amendment of Chapter 300-39(A) through (F) of the Code of the Town of Yorktown entitled “Affordable Housing.”

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

REFER AMENDED SPECIAL USE PERMIT APPLICATION FOR 930 EAST MAIN STREET TO THE APPROPRIATE AGENCIES  
RESOLUTION #83

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

RESOLVED, the Town Clerk is authorized to refer the amended Special Use Permit Application submitted by Island Pump and Tank Corporation for property located at 930 East Main Street, Shrub Oak, NY.

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

AUTHORIZE TOWN CLERK TO APPLY FOR A NEW YORK STATE ARCHIVES GRANT  
RESOLUTION #84

RESOLVED, that the Town Clerk is authorized to apply to the New York State Archives for a Local Government Records Management Improvement Fund Grant.

AWARD BID FOR LABORATORY SERVICES FOR THE WATER POLLUTION CONTROL  
PLANT

RESOLUTION #85

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

Whereas, bids were received on Friday, January 13, 2023 for the Laboratory Services for the Water Pollution Control Plant, Bid #22-11, and are summarized below.

<b>TESTS</b>	<b>BIDDER</b>	<b>BIDDER</b>
	PACE ENVIRONMENTAL	AG ENVIRONMENTAL
WEEKLY	\$10,181	\$10,465
WET TEST	\$14,048	\$6,700
SLUDGE	\$3,900	\$3,384
TOTAL	\$28,129	\$20,549

Resolved, that the bid for Laboratory Services for the Water Pollution Control Plant – bid #22-11 - be awarded to AG Environmental, at a total bid price of \$20,549.00.

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

AUTHORIZE RELEASE OF BOND #T-WP-FSWPPP-025-18 FOR JV MALL SITE PLAN  
WASHINGTON PRIME – PROVIDENT ENGINEERING IN THE AMOUNT OF \$7,500.00  
RESOLUTION #86

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

WHEREAS, Provident Design Engineering as applicant, posted check #7045 to serve as a Stormwater Bond in the amount of \$5,000, which was deposited into the T90 account on 12/11/17 for the Jefferson Valley Mall Site Plan, and

WHEREAS, Provident Design Engineering as applicant, posted check #7046 to serve as a Tree Bond in the amount of \$2,500, which was deposited into the T90 account on 12/11/17, and

WHEREAS, Provident Design Engineering has requested their money be released as the project never moved forward, and

WHEREAS, Provident Design Engineering merged with Divney, Tung and Schwalbe (DTS), thus changing the payee, and

WHEREAS, the Town Engineer has informed this Board that the monies may be released, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies be released to DTS Provident Design Engineering, One North Broadway, White Plains, NY 10601, Attn: Angela Parodi.

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

GARBAGE LICENSE RENEWAL – OAK RIDGE HAULING, LLC

RESOLUTION #87

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

RESOLVED, that Oak Ridge Hauling, LLC be and is hereby granted renewal of the Garbage License to service commercial properties in the Town of Yorktown for the year 2023.

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

REAPPROVE NEGATIVE DECLARATION FOR WETLAND PERMIT, HOME RULE REQUEST, PARKLAND ALIENATION AND LEASE TO HOMELAND TOWERS, LLC  
RESOLUTION #88

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

**NEGATIVE DECLARATION**  
Notice of Determination of Non-Significance

Project Number / Agenda Item: Wetland Permit, Home Rule Request and Parkland Alienation, and Lease to Homeland Towers, LLC

Date: January 17, 2023

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown (the “Town”) by its Town Board, acting as Lead Agency, has determined that the Proposed Action described below will not have a significant effect on the environment and that a Draft Environmental Impact Statement will not be prepared.

**Name of Action:** Proposed Wetland Permit, Home Rule Request and Parkland Alienation, and Lease of Town land (the “Lease”) to Homeland Towers, LLC which action contemplates the construction and operation of an antenna support structure.

**Status:** Unlisted

**Conditioned Negative Declaration:** Yes \_\_\_\_\_  
No  X

**Description of Action:** The Proposed Action consists of approval of a wetland permit, making a home rule request to the New York State Legislature for the alienation of parkland and entering into a lease of approximately 11,317 square feet of ground space of property for equipment, wetland mitigation and landscaping located at Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31 to Homeland Towers, LLC (“Tenant”) to construct, maintain and operate a communications tower and related ancillary facilities and improvements for the transmission and reception of communication signals and to accommodate the installations of wireless carriers and Town and local emergency service antennas and equipment, including without limitation, radio equipment cabinets, antennas and related equipment and utilities.

**Location:** Route 6 and Hill Boulevard, Jefferson Valley, Town of Yorktown, County of Westchester, New York and shown on the Tax Map of the Town as Parcel 16.12-1-31.

**Reasons Supporting This Determination:**

Based upon a review of the Environmental Assessment Form, the Exhibits and Site Plan, the Lease terms, the RF Exposure Report, the RF Justification Report, the wetlands report, Alternative Site Analysis, FAA opinion letter, SHPO concurrence, Visual Resource Evaluation, referral responses from Westchester County Department of Planning, NYC DEP, New York State Historic Preservation Office (“SHPO”), Advisory Board on Architecture & Community Appearance, the Planning Board, Tree Conservation Advisory Commission , Telecommunications Advisory Committee, Conservation Board, NYSDEC, and the Town Engineer, and other documents submitted, in connection with the project, the Town Board classifies the project as an Unlisted

Action, declares itself Lead Agency in a coordinated review, and as Lead Agency, makes the within negative declaration of environmental significance based upon the following findings:

The Proposed Action will not have a significant adverse environmental impact as a result of physical changes to the leasehold site. The area of the project site where the facility is to be located has been reduced to the minimum size practicable to support the facility and access thereto and account for landscaping and wetland mitigation efforts. The lease area itself is a small approximately 11, 317 square foot area for equipment, wetland mitigation and landscaping.

The Proposed Action will not have a significant adverse environmental impact on unique or unusual land forms found on the site. The site is a vacant parcel adjacent to 2 main roads and Con Edison transmission towers.

The Proposed Action will not have a significant adverse environmental impact on any water body designated as protected. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on any non-protected existing or new body of water. No wetlands, streams or lakes will be disturbed. The project is within a wetland buffer and a floodplain and the project has been engineered to provide with stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on surface or groundwater quality or quantity. All necessary erosion and sediment control measures will be implemented subject to approval by the Town Engineer.

The Proposed Action will not have a significant adverse environmental impact as a result of altered drainage flow or patterns, or surface water runoff. The plans include stormwater management practices, tree, wetland buffer and floodplain mitigation plans.

The Proposed Action will not have a significant adverse environmental impact on air quality. Other than a generator for each carrier there will be no air emissions from the facility. The Proposed Action will not have a significant adverse environmental impact on any threatened or endangered species.

The Proposed Action will not have a significant adverse environmental impact on non-threatened or non-endangered species.

The Proposed Action will not have a significant adverse environmental impact on agricultural land resources.

The Proposed Action will not have a significant adverse environmental impact on aesthetic resources. The design of the facility as a monopole to support collocation is necessary and will avoid the proliferation of towers in the area. Use of a Town property adjacent to two main roads and Con Edison transmission lines will minimize visibility and potential impact.

The Proposed Action will not have a significant adverse environmental impact on any site or structure of historic, prehistoric or paleontological importance as confirmed by SHPO.

The Proposed Action will not have a significant adverse environmental impact on the quantity or quality of existing or future open spaces or recreational opportunities as the property is small in size, adjacent to transmission lines and encumbered with wetlands.

The Proposed Action will not have a significant adverse environmental impact on existing transportation systems.

The Proposed Action will not have a significant adverse environmental impact on the community's sources of fuel or energy supply.

The Proposed Action will not have a significant adverse environmental impact as a result of objectionable odors, noise, or vibration.



transmission tower facility for its use and that of its subtenants, licensees and customers, which facility includes a tower and associated facilities, including radio transmitting and receiving antennas, communications equipment, and related cables, wires, conduits, air conditioning equipment and other appurtenances, as shown on a certain plan for said purpose as submitted to the Town Board; and

WHEREAS, the Town Board of the Town finds that it is in the best interest of the Town to lease a portion of the subject premises with access, as set forth in a certain Lease, a copy of which is annexed hereto as Exhibit A, and as shown on the aforementioned plan, (hereinafter referred to as the "Lease Area") to Homeland Towers, LLC, a New York limited liability company having a place of business at 9 Harmony Road, 2<sup>ND</sup> Floor, Danbury, Connecticut 06810. As shown by the Town's consultant, CityScape, and the Radio Frequency Justification report submitted by Homeland Towers there is a gap in wireless communications in the area of Jefferson Valley. The proposed facility will remedy that gap in service and provide support for at least four wireless carriers and the Town's public service entities as detailed in the Lease and on the Site Plan; and

WHEREAS, the construction of the facility and access and utilities also requires a Town wetland permit from the Town Board and an act of the New York State Legislature to alienate parkland based on a Home Rule request from the Town Board; and

WHEREAS, in accordance with Article 8 of the Environmental Conservation Law (the State Environmental Quality Review Act) and 6 NYCRR Part 617 of the implementing regulations, the Town Board declared its intention to be lead agency and circulated its intention to all Involved Agencies, including the New York State Department of Conservation, which did not object to the Town Board acting as Lead Agency. Thereafter, the Town Board declared itself Lead Agency in a coordinated review and classified the action to be an UNLISTED Action; and

WHEREAS, the Town Board of the Town has reviewed the Environmental Assessment Form submitted for the project and all supporting documentation and comments; and

WHEREAS, the Town Board of the Town hereby issues a negative declaration of significance pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, in that it has determined that the proposed action, namely entering into the aforementioned Lease, the wetland permit and the Home Rule request and parkland alienation will not have a significant environmental impact and that a Draft Environmental Impact Statement will not be prepared. A copy of the Negative Declaration is attached hereto as Exhibit B; and

WHEREAS, a duly noticed public hearing was held and continued on January 17, 2023. All persons interested were given an opportunity to speak. The County Department of Planning and the New York City Department of Environmental Protection confirmed that neither has jurisdiction over this project. The project was referred to the New York State Department of Environmental Conservation, which did not object to the project. The project was referred to and extensively reviewed by the Town Planning Board, Advisory Board on Architecture & Community Appearance, Conservation Board, the Town Engineer, and the Tree Conservation Advisory Commission, which provided comments that have been addressed by Homeland Towers.

WHEREAS, the agreement between the parties is for Town property not presently being utilized by the Town and not anticipated to be needed by the Town over the term of the agreement and the agreement is for fair market value based on an appraisal commissioned by the Town, and in the best interests of the Town and its residents. The subject premises is not feasible to be used as parkland given its location adjacent to Con Edison transmission lines, its small size and the fact that the vast majority is encumbered with wetlands. No further Town permits or approvals are required other than the wetland permit being granted herein, and a stormwater, excavation, and building permit. Pursuant to Section 300-59.C.2 of the Town Code, "wireless telecommunications facilities located on property owned or leased by the Town of Yorktown shall be exempt from the requirements of this section [Section 300-59]". See also Matter of County of Monroe v City of Rochester, 72 N.Y.2d 338, 533 N.Y.S.2d 702. Accordingly, no other zoning approvals are required; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town hereby authorizes and approves the wetland permit and the lease of the subject premises with access to Homeland



AUTHORIZE G.A. FLEET TO PERFORM A SOLE SOURCE REPAIR ON THE FLYGT PUMP AT THE WATER POLLUTION TREATMENT PLANT  
RESOLUTION #90

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

RESOLVED, that the Town Engineer is authorized to have G.A. Fleet perform a sole source repair on the Flygt Pump Model #3170-180-9680054 in the amount of \$23,406.00.

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

AUTHORIZE A SOLE SOURCE PURCHASE FROM PARKSON CORPORATION FOR AIR LIFT PUMPS  
RESOLUTION #91

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

RESOLVED, that the Town Engineer is authorized to purchase air lift pumps from Parkson Corporation as a sole source purchase in the amount of \$15,596.00.

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

APPOINTMENT OF MARISSA LIETO TO ASSISTANT SUPERINTENDENT OF RECREATION  
RESOLUTION #92

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

BE IT RESOLVED, that Marissa Lieto is hereby appointed provisional to the civil service title, Assistant Superintendent of Recreation, job class code 0261-01, effective February 13, 2023 to be paid \$80,000.00 annually.

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

LONGEVITY PAY FOR REDUCED WORK SCHEDULE EMPLOYEES  
RESOLUTION #93

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

RESOLVED, the Comptroller is authorized to pay pro-rated longevity retroactively for 2022 to the following employees who are employed with a reduced work schedule:

Shane Enea	Court	\$ 187.50
Adele Hobby	Museum	\$1,242.50
Donna Polito	Finance	\$1,242.50

BE IT FURTHER RESOLVED, that all future longevity payments for these employees will be pro-rated based on the number of hours worked.

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

ADJOURN

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

\_\_\_\_\_  
DIANA L. QUAST, TOWN CLERK  
MASTER MUNICIPAL CLERK