

Meeting of the Town Board, Town of Yorktown held on June 13, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Vishnu V. Patel, Councilman
Gregory M. Bernard, Councilman
Thomas P. Diana, Councilman
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

JEFFERSON VALLEY MALL/SEARS

Mr. Al Capellini, attorney for applicant, was present along with representatives of the Seritage Company (Sears and Heritage, new company) to discuss plans to remodel the Sears Store in the Jefferson Valley Mall. They would like to build an entrance road into the mall from Route 6 and interconnect with the existing ring road that goes around the mall. This road would be eventually dedicated to the Town. The Sears Store would be moved to the second floor entirely and the space downstairs would be rented out. The space downstairs would be split into three different areas. A plan was shown to have a 24 hour fitness center located on the lower level. There are also plans to build a restaurant. They will need an amended site plan.

Councilman Bernard stated that all roads that are under consideration to be dedicated to the Town must meet certain criteria and be in good condition.

Supervisor Grace stated that the Town has been good partners to the Jefferson Valley Mall. He is concerned with putting a fitness center in the lower level of Sears because of Club Fit's proximity to the mall.

Councilman Bernard stated that this would not be competing clientele to Club Fit.

Mr. Capellini stated that his client will come back to a work session with the potential fitness center tenant.

Supervisor Grace stated that all the issues would need to be vetted.

SET PUBLIC HEARING FOR HARWOOD PLACE, LLC CHANGE OF ZONE 200 HARWOOD PLACE – ALSO KNOWN AS SECTION 37.19-1-69 RESOLUTION #222

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 18th day of July 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the request from Harwood Place LLC, the owners of premises located at 200 Harwood Place, Yorktown Heights, NY, also known as Section 37.19, Block 1, Lot 69 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from an R-2 Zone to an R-3 Zone in order to legalize the two lower apartments. The proposed local law will amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R-2 Zoning District to R-3 Zoning District:

Section 37.19, Block 1, Lot 69 (37.19-1-69) (approximately .407 acres)

Section II. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section III. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

A copy of the preliminary site plan is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

REQUEST FOR A CHANGE OF ZONE – 702/714 SAW MILL RIVER ROAD – TEDDY RICCIARDELLA –LEGRAND GROUP, LLC

Mr. Teddy Ricciardella, applicant asked the Town Board to consider a request to change the zone for property owned by Michael Dubovsky at 702 Saw Mill River Road. He is interested in purchasing the property and would like to develop the site for a residential use.

Mr. John Tegeder, Planning Director, stated that this is zoned as Country Commercial and it was created to accommodate preexisting zones such as this many years ago.

Supervisor Grace stated that the Zoning Code should be amended to allow commercial and residential uses like this in the Country Commercial Zone and asked the town attorney to draft legislation to add this as a permitted use.

SET PUBLIC HEARING FOR 712 KITCHAWAN ROAD CHANGE OF ZONE
KENNETH WARREN INSTITUTE – STEVEN SPIRO AND MICHAEL KATZ
RESOLUTION #223

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 18th day of July 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the request from Steven Spiro and Michael Katz, the contract vendees for premises located at 712 Kitchawan Road, Yorktown, NY, also known as Section 70.06, Block 1, Lot 4 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a One-family Residential (R1-200) Zone to a Transitional Zoning District in accordance with Chapter 300 of the Zoning Code of the Town of Yorktown in order to permit the continued use of the existing office building as an office. The proposed local law will amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the R1-200 Zoning District to the Transitional Zoning District:

Section 70.06, Block 1, Lot 4 (70.06-1-4) (approximately 14.7 acres)

Section II. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section III. Effective Date

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

A copy of the preliminary site plan is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

FOA & SON INSURANCE AGENCY

Mr. Impastato, FOA & Son Insurance Agency, was present to discuss with the Town Board its insurance needs and policies. He explained that he can act as a consultant to the town and review its insurance policies or can help the town do a request for proposals and review the results in order to find the best price and coverage for the town. His fee would be based on a percentage that the town saves on the premium amount.

Supervisor Grace asked Mr. Impastato to draft a proposal for the town to review.

SET PUBLIC HEARING FOR VILLAGE TRADITIONS CHANGE OF ZONE
1821 EAST MAIN STREET – TIMOTHY MALLON
RESOLUTION #224

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at 363 Underhill Avenue, Yorktown Heights, New York 10598 on the 18th day of July 2017 at 7:30 PM, or as soon thereafter as the same can be heard, to consider the request from Village Traditions, LLC, the owners of premises located at 1821 East Main Street, Mohegan Lake, NY, also known as Section 15.16, Block 1, Lot 32 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a C-2/O Zone to C-2R Zone in order to change two structures: one 3,000 square foot 2-story office structure to a 3,000 square foot building with one apartment, and change to C2-R for second building to also have an apartment. The proposed local law will amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from the C-2/O Zoning District to C2-R Zoning District:

Section 15.16, Block 1, Lot 32 (15.16-1-32) (approximately one acre)

Section II. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section III. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

A copy of the preliminary site plan is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens shall be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

AUTHORIZE BUDGET TRANSFER – AMAZON PARK COMMUNITY BUILDING
RESOLUTION #225

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

WHEREAS, the following quotes were received for work to be done regarding foundation repairs to the Amazon Park Community Building:

| | |
|------------------------------|-------------|
| Wagner G. Construction Corp. | \$30,580.00 |
| NHG Inc. | \$33,325.00 |
| Mastrantoni Brothers Inc. | \$48,000.00 |

NOW, THEREFORE, BE IT RESOLVED that the work be contracted to Wagner G. Construction Corp. for the total cost of \$30,580.00.

NOW, FURTHER BE IT RESOLVED, the Town Comptroller is hereby authorized to transfer \$30,580.00 from the Amazon Park Fund Balance to AP7180.454 Property Improvements for work to be done to the Amazon Park Community Building.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

GRANITE KNOLLS UPDATE

Mr. Joe Riina, Engineer for project and Environmental Consultant Bruce Barber were present to update the Town Board on the Granite Knolls Recreational and Sports Complex Project.

Supervisor Grace stated that he would like a forest/planting mitigation landscape plan for the front of the complex.

SET PUBLIC HEARING FOR THE GRANITE KNOLLS SPORTS AND RECREATIONAL
COMPLEX – WETLANDS, STORMWATER POLLUTION PREVENTION PLAN, TREE
PERMIT APPLICATION, SEQRA PERMIT APPLICATION
RESOLUTION #226

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 11th day of July, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Wetland/Stormwater Pollution Prevention/Tree Permit Application by the Town of Yorktown at property located at Granite Knolls, Stony Street, Yorktown Heights, NY 10598, also known as Section 26.09, Block 1, Lot 22 on the Tax Map of the Town of Yorktown. The Town of Yorktown proposes to construct a recreational complex consisting of two full-size, multi-purpose fields, a baseball field with press box and bleachers, a putting green, basketball courts, snack bar, restrooms, parking facilities and associated utilities on the westerly side of Stony Street on approximately a fifteen-acre section of Town-owned land known as Granite Knolls.

A copy of said application is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

All persons in interest and citizens will be heard at the public hearing to be held as aforesaid.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

WAIVE RENTAL FEE FOR USE OF ROOM IN THE YORKTOWN COMMUNITY
CULTURAL CENTER BY SPARC, INC.
RESOLUTION #227

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

RESOLVED, the Town Board hereby waives the rental fee of \$720.00 for SPARC, Inc. for the use of room in the YCCC for 36 hours.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

BONIELLO & SULLIVAN LAND PURCHASES

Supervisor Grace stated that the town is working to purchase two pieces of property in the town. The Boniello property off of Stony Street and the Sullivan property near Turkey Mountain. Negotiations on a price are still being done with the help of the Yorktown Land Trust.

AUTHORIZE SUPERVISOR TO SIGN GRANT APPLICATION UNDER NEW YORK STATE WATER INFRASTRUCTURE IMPROVEMENT ACT FOR PUMP STATION UPGRADE PROGRAM
RESOLUTION #228

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

WHEREAS:

- A. The State of New York recently passed the Clean Water Infrastructure Act of 2017, which allocated funds for clean water infrastructure projects. The purpose of this program is to fund infrastructure projects that improve municipally-owned wastewater treatment works.
- B. The Pump Station Upgrade Project, which will improve the Walden Woods and Jefferson Valley wastewater pumping stations, meets all the eligibility requirements of this grant program.
- C. The application requires submission of an engineering report and environmental review documentation, both of which were previously completed by the Town. Funding, if received, will cover 25 percent of all eligible project costs (Note: the 25% includes all engineering, construction and construction inspection costs).
- D. Program guidelines require the Town to pass a resolution authorizing submission of an application and further stating that: (1) the Town authorizes expenditures to fund the remaining portion of costs not covered by the award; and (2) the Town authorizes the Town Supervisor to act as Authorized Representative for this application.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town to submit this grant application under the Water Infrastructure Improvement Act, the Town authorizes expenditures to fund the balance of the project (remaining costs not covered by the award) and authorizes the Town Supervisor to act as the Authorized Representative for the application.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

ALIENATION OF TOWN PARKLAND – ILLINGTON ROAD
RESOLUTION #229

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

WHEREAS, pursuant to Article 11, Title 3 of the Real Property Tax Law on March 15, 2004 title to the parcel bearing Tax Map designation: Sec. 1802, Parcel 3, Lot 2 was transferred to the Town of Yorktown from Robert Killeen (“Parcel”) constituting 5.73_ acres; and

WHEREAS, in 2005 the Town changed the Tax Map designation of the Parcel to Town of Yorktown Tax Rolls Section 69.08 Block 1 Lot 11;

WHEREAS, by Town Board Resolution 210 on May 19, 2009, the parcel was formally dedicated as public parkland;

WHEREAS, Diana Saunders, a Town resident, wishes to purchase the parcel as is to maintain it in its current condition with no plans for development. Public access to the pre-existing cemetery situated on the parcel will remain in Town ownership and access to the cemetery will remain in perpetuity.

WHEREAS, the Town Board has reviewed a long-form Environmental Assessment Form (EAF) relative to the proposed alienation; and

WHEREAS, the proposed alienation has been determined to be an Unlisted action under the

State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town Board declares Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and finds no significant adverse environmental impacts associated with the proposed alienation.

BE IT RESOLVED that the Town Board approves the proposed action of alienation; and

BE IT FURTHER RESOLVED that the Town Board formally requests the enactment of a parkland alienation bill required by the New York State Legislature, and

BE IT FURTHER RESOLVED that the Town Board authorizes the Town Supervisor to execute the Municipal Information form required by the NYS Office of Parks, Recreation and Historic Preservation.

BE IT FURTHER RESOLVED that the Town Board upon signature of the Town Supervisor, authorizes the Town Clerk to forward copies to: Counsel's Office at the New York State Office of Parks, Recreation and Historic Preservation, State Senator Terrence Murphy and State Assemblyman Kevin Byrne.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

SET PUBLIC HEARING DATE FOR MCCROSSAN AND MCGOLDRICK TO CONSIDER
REVOKING SPECIAL USE PERMIT
RESOLUTION #230

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

WHEREAS, at the Town Board meeting held on March 24, 2015, the Town Board passed a resolution granting an application to Thomas McCrossan and Mark McGoldrick issuing a special use permit ("Special Use Permit") to operate a Sober Living Residence at 482 Underhill Avenue (Tax Map Designation Section 48.06, Block 1, Lot 25);

WHEREAS, the Special Use Permit authorized McCrossan and McGoldrick to operate a Sober Living Residence, which is convalescent home or sober home at 482 Underhill Avenue for twelve (12) to fourteen (14) recovering alcoholics and substance abusers;

WHEREAS, in connection with the application for the Special Use Permit, McCrossan and McGoldrick conceded that convalescent homes, such as the Sober Living Residence, are subject to local regulation within the parameters of the special permit regulations of the Town Code;

WHEREAS, such standards are codified in Town Code §§300-28 through 300-36, which regulate the operation of the Sober Living Residence for the intended operation by McCrossan and McGoldrick;

WHEREAS, in the application for the Special Use Permit, McCrossan and McGoldrick conceded that pursuant to Town Code §300-34 the Town Board "shall attach such conditions and safeguards to the special permits as are necessary to ensure continued conformance to all applicable standards and requirements";

WHEREAS, in the application for the Special Use Permit, McCrossan and McGoldrick advised the Town Board that pursuant to Town Code §300-33 they were aware that the Special Use Permit would be revocable where "there has been a failure of compliance with any one of the terms, conditions, limitations and requirements" of the Special Use Permit;

WHEREAS, the Special Use Permit included Condition 15 which stated:

The provisions of Section 300-30 of the Zoning Code notwithstanding, in the event there is a change of ownership in the

property, or in the operator of the convalescent home such that neither of the Applicants, Thomas McCrossan or Mark McGoldrick, or a company in which at least one of them is a principal, an owner of the property and/or operator of the convalescent home, this permit shall be considered null and void. However, to assure a smooth transition to the new owner or operator, the new owner and/or operator may apply not less than 90 days before assuming ownership and/or operation for a renewal of this special use permit. Any new owner or operator shall be bound by the conditions of this permit and any additional reasonable conditions that the Town Board deems appropriate after the holding of a public hearing. If the new owner or operator fails to obtain a new special use permit, the convalescent home use shall be discontinued within 30 days from the expiration of the original special use permit and the use of the property shall revert to its present single family residential use.

WHEREAS, on May 11, 2017 a Deed transferring title to 482 Underhill Avenue from McCrossan and McGoldrick for the sum of \$10.00 to Justin Gurland, Matthew Rinklin and Zachary Clark was recorded with the Westchester County Clerk's Office;

WHEREAS, by the transfer of title to Gurland, Rinklin and Clark, McCrossan and McGoldrick are no longer owners of 482 Underhill Avenue;

WHEREAS, prior to the May 11, 2017 recording of the Deed, neither Gurland, Rinklin, Clark, McCrossan and/nor McGoldrick advised the Town Board that there would be a change of ownership of 482 Underhill Avenue;

WHEREAS, Condition 15 of the Special Use Permit states that in the event there is a change of ownership in 482 Underhill Avenue the Special Use Permit shall be considered null and void;

WHEREAS, Condition 15 of the Special Use Permit provides that in the event there is a change of ownership of 482 Underhill Avenue the new owner may apply for a renewal of the Special Use Permit not less than ninety (90) days before assuming ownership;

WHEREAS, Gurland, Rinklin and/or Clark have not applied to the Town Board for a renewal of the Special Use Permit;

WHEREAS, Condition 15 of the Special Use Permit provides that if the new owner fails to obtain a new special use permit, the convalescent home use shall be discontinued within thirty (30) days from the expiration of the original special use permit and the use of the property shall revert to its present single family residential use;

WHEREAS, Gurland, Rinklin and/or Clark have not applied for a Special Use Permit within thirty (30) days from May 11, 2017, the day the Deed for transfer of ownership was recorded with the Westchester County Clerk's Office;

WHEREAS, upon learning of the transfer of ownership of 482 Underhill Avenue, the Town Attorney attempted to correspond with McCrossan and McGoldrick in connection with the provisions of Condition 15 of Special Use Permit;

WHEREAS, in response, McCrossan and McGoldrick as well as Gurland, Rinklin and Clark advised that they believed that the Special Use Permit was in full force and effect;

WHEREAS, the Town Board intends to conduct a public hearing pursuant to Town Code §300-33 to ascertain whether the Special Use Permit McCrossan and McGoldrick should be revoked;

BE IT RESOLVED, the Town Board hereby schedules a public hearing for July 18, 2017 and authorizes the Town Clerk to issue the appropriate notices of such hearing.

Grace, Patel, Bernard, Diana, Lachterman Voting Aye
Resolution adopted.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN