

Meeting of the Town Board, Town of Yorktown held on September 26, 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: Maura Weissleder, Deputy Town Clerk
Michael McDermott, Town Attorney

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Bernard, the Town Board moved into Executive Session to discuss contract negotiations and volunteer board interviews. Upon motion made by Councilman Diana, seconded by Councilman Bernard, the Town Board moved out of Executive Session and proceeded with the meeting.

712 KITCHAWAN ROAD

Steven Spiro, owner of Tracer Imaging, and his attorney, Taylor Palmer came before the Board to discuss changes to the proposed site plan. They met with the neighbors in the area, who are represented by Lee Pollack, to discuss the changes and needs that the neighborhood would like to see met by the company and incorporated into the plan. Some of their concerns/changes are:

- Tracer is to plant 4-inch caliper Scotch Pines to protect neighbors view.
- There is to be no light spillage and lights will face downward and be on timers.
- Signage will be the same standards as the existing sign (i.e., carved wood).
- Any deliveries after 5:00 p.m. or on the weekends will be made out in front of the building so that backup beepers will not be needed.

Mr. Pollack stated most of the needs of the neighbors have been met. They recognize that Tracer Imaging has been very responsive to their concerns. They did ask that there be a restriction on the number of employees to 30 at the location and Supervisor Grace felt this might not be enforceable. He stated that any other building permits other than the interior renovation will need to be brought back before the Board.

In response to Councilman Patel's concern that the neighbors be aware of what is going on, Supervisor Grace stated that the Tracer will be following a schedule of uses in laid out in a transitional zone. They will not be able to go outside of this schedule.

A public hearing was scheduled for October 3, 2017.

2353 GRANVILLE COURT – GORMAN

Supervisor Grace recapped from the last meeting on this issue that the language on the application needed to be ironed out. Mr. Gorman presented the latest plans for the installation of a pool on his property, showing the utility easement and the man-made retention pond.

Al Capellini, attorney for Mr. Gorman, talked about the conditions Town Engineer Michael Quinn has set on the proposed project, such as the \$2,500 performance bond. Mr. Capellini stated that there is no need or authority for the inspection fee of \$1,500; it is not required. Mr. Gorman has already spent a lot of money on this project. Mr. Capellini also mentioned a pipe that is in the easement; it should be inspected now before the project is done so that the "before and after" condition can be determined to evaluate any damage done.

Mr. Capellini also disagrees with the Legal Review Fee. Town Attorney Michael McDermott explained that this project will require a Hold Harmless Agreement. Michael Quinn said that inspections will need to be done for the excavation. Mr. Capellini stated that the performance bond should not be required since no public structure is being built; Mr. Quinn stated that it covers

fulfilling the obligations on the part of the applicant. Mr. Capellini responded that Mr. Quinn does not have the authority to charge a bond or the inspection fee.

A discussion regarding fencing followed.

Supervisor Grace stated that the inspection fee may not be necessary but the performance bond is in the event the pipe gets damaged. This helps ensure compensation.

An approving resolution will be done for the next meeting.

JEFFERSON VALLEY MALL-SERITAGE PROPERTY

Ralph Peragine, Ralph Castelli, and Kristen DeLuca appeared before the Board to discuss changes to Seritage's project at the Jefferson Valley Mall: signage, sidewalks, canopy/awnings, parking, traffic flow. Architectural changes and signage were the main issues regarding the project. Mr. Castelli said that the colors were changed on the façade and the logo was swapped out with a different one. Further suggestions regarding placement of the sign for 24Hour Fitness were made by John Tegeder, Director of Planning.

They will come back to a work session before a reconvene date is scheduled.

Suggestions were made to Mr. Peragine regarding signs for the Washington Prime project at the mall. Supervisor Grace said that final tweakings on the drawings for the new pad. They discussed arrangement for the ring road, and signage from Mr. Castelli.

2402 SHERRY DRIVE

Sean Smith, owner of 2402 Sherry Drive, came before the Board to discuss a temporary cul de sac easement the Town has on Sherry Drive. He would like to sell his house but the title company is having a problem with the easement. John Tegeder said that he would have no problem modifying this easement (reducing the right of way) and a legal document would be needed to do this.

A resolution will be prepared for the next Town Board meeting.

VILLAGE TRADITIONS – TIMOTHY MALLON

Mr. Mallon appeared before the Board. Although not scheduled for this meeting, the Board discussed his application for a change of zone (subsequent to his public hearing of July 18th) and said that an approving resolution is needed from the Planning Department and will be ready for the next Town Board meeting.

1711 MOHANSIC AVENUE EAST

Gretchen Morfea, owner of 1711 Mohansic Avenue East, submitted a Stormwater Management and Wetlands Permit Application for the installation of an in-ground pool and a watercourse exists on the property. A public hearing was set for October 17, 2017.

LAKESHORE DRIVE

Felicity Arengo and Elaine Chapnik, owners of an undeveloped lot on Lakeshore Drive, submitted a Stormwater Management and Wetlands Permit Application for the construction of a single-family home on the property. A public hearing was set for October 17, 2017.

PHIL SANDERS – SEWER EXTENSION

Mr. Sanders would like to have a sewer extension on two undeveloped lots that he owns. The property is in a wetland buffer area. A long lateral extension in the right of way was discussed, as well as the better option of extending the town sewer. Contingent upon Department of Health approval, Mr. Sanders offered to do the installation if the Town provides the materials. The Board said that they would consider this, but Mr. Sanders still needs to work with the Engineering Department on the wetlands issues.

DEPARTMENT OF TRANSPORTATION ISSUES

Town Engineer Michael Quinn needs to set an informational public hear to fulfill a stipulation of a grant application regarding the replacement of the bridge on Hill Boulevard and culvert repair on Veterans Road. An informational public hearing was set for October 17, 2017.

MADISON COURT

There was a question as to whether or not this lot had the required frontage for their project of construction of a single family home. Further discussion is required.

AUTHORIZATION TO PROCESS PAYMENT FOR TRANSPORTATION OF SHOWMOBILE RESOLUTION #342

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

Be it resolved that the Comptroller is hereby authorized to process payment in the amount of \$5,100.00 from Contingency A1990.499 for the transportation and delivery of the mobile stage.

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

ACCEPT THE FOLLOWING AS PUBLIC ROADS RESOLUTION #343

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

WHEREAS, from time to time certain roads within the Town appear to be private but are in fact public roads;

WHEREAS, the Town accepts the responsibility to maintain and repair all public roads within the Town;

WHEREAS, the Town is entitled to funds from New York State for all applicable public roads pursuant to Consolidated Local Street and Highway Improvement Program (CHIPS);

WHEREAS, the Highway Superintendent contacted the New York State Department of Transportation and determined that certain roads or portions of roads were never accepted by the Town; and

WHEREAS, to secure the Town’s fair share of the CHIPS funds the Town must accept all actual public roads;

NOW THEREFORE, BE IT RESOLVED the Town of Yorktown hereby accepts the following as public roads along with all the responsibilities and obligations to maintain and repair them:

Name	Begin Description	End Description	Start	End	Total length
ARTIS ROAD	OAK KNOLL DRIVE	DEAD END	0	0.06	.06 MILES
CASEY COURT	LOCKWOOD DRIVE	CUL-DE-SAC	0	0.23	.23 MILES
CROSSWAYS ROAD	COOPER STREET	DEAD END	0	0.03	.03 MILES
DEER TRACK COURT	DEER STREET	CUL-DE-SAC	0	0.13	.13 MILES
EMMA LANE	CASEY COURT	CUL-DE-SAC	0	0.1	.10 MILES
FLORIDA ROAD	MOHEGAN AVENUE	MIDGET LANE	0	0.1	.10 MILES
HOMESTEAD ROAD	GOMER STREET	FARM WALK ROAD	0	0.12	.12 MILES
MARLEY COURT	SUNSET STREET	BEGINNING LOOP	0	0.09	.09 MILES
MARLEY COURT	BEGINNING LOOP	END LOOP	0.09	0.14	.05 MILES
MIDGET LANE	FLORIDA ROAD	SCOFIELD ROAD	0	0.05	.05 MILES
NORTH RIDGE ROAD	MILL STREET	DEAD END	0	0.11	.11 MILES

RAVINE STREET	NORTH RIDGE ROAD	WILLIAMS DRIVE	0	0.11	.11 MILES
RICHARD PLACE	DEAD END	FRONT STREET	0	0.03	.03 MILES
VARRO ROAD	HYATT STREET	HEDWIG DRIVE	0	0.06	.06 MILES
WOODED HILL COURT	HOG HILL ROAD	CUL-DE-SAC	0	0.09	.09 MILES

BE IT RESOLVED that the Town Supervisor is authorized to sign an Access Agreement with Phoenix House Foundation, Inc. to permit Montesano Brothers access to the Granite Knolls site with the heavy construction equipment.

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

ACCESS AGREEMENT WITH PHOENIX HOUSE FOUNDATION
RESOLUTION #344

Upon motion made Councilman Bernard, seconded by Councilman Lachterman,

BE IT RESOLVED that the Town Supervisor is authorized to sign an Access Agreement with Phoenix House Foundation, Inc. to permit Montesano Brothers access to the Granite Knolls site with the heavy construction equipment.

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

EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved into Executive Session to discuss contract negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Bernard, the Town Board moved out of Executive Session and adjourned the meeting.

Maura Weissleder, Deputy Town Clerk