

Meeting of the Town Board, Town of Yorktown held on November 21, 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 Councilman Lachterman, seconded by Supervisor Grace, the Town Board moved into Executive Session to discuss contract negotiations and the employment of particular individuals. Upon motion made by Councilman Bernard, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

REPORT FROM THE TOWN SUPERVISOR

Supervisor Grace introduced Deeya Patel, a Yorktown resident and Hackley School student, who presented her program from the Chappaqua Performing Arts Center for Indian Dance/Ballet called Bharatanatyam Arangetram taught to her by the Natya Anubhava Dance Academy in Yorktown. She described the series of eight dances performed over two hours of a solo performance. Her teacher, Dr. Nalini Rau, was also introduced and described the dance school located in Yorktown.

Supervisor Grace stated that at the last Town Board meeting the Board appointed resident John McMullen as Yorktown's Poet Laureate. Mr. McMullen recited two of his poems that involved his experiences as a Yorktown resident.

APPOINTMENT OF JOHN F. MCMULLEN AS POET LAUREATE FOR THE TOWN OF YORKTOWN

RESOLUTION #428

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

RESOLVED, the Town Board appoints John F. McMullen as the Poet Laureate for the Town of Yorktown.

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

REPORT FROM THE TOWN COUNCIL

Councilman Bernard stated that the public hearing for a wetland permit for two parcels on Hickory Street was being moved to December 19, awaiting more information from the applicant.

Councilman Patel mentioned a large awards ceremony for girl scouts at the Paramount Theater at which he spoke.

Councilman Lachterman mentioned that on December 3rd, the Lions Club will have their annual Breakfast with Santa held at the American Legion Hall, Post #1009. The Holiday Lights Parade

will be on Saturday, December 2nd. He also congratulated Tom Einwich, who was inducted into the 40th Senate District Veterans Hall of Fame. Mr. Einwich is a World War II Veteran and is also a chaplain for the American Legion Post #1009.

Supervisor Grace congratulated Ilan Gilbert and Alice Roker for their Election Day victories. He said that he would speak more about the transition at a future date. Supervisor Grace stated that there will be a budget hearing at the December 5th Town Board meeting and, in keeping with his previous five budgets, there will be a zero percent tax increase for 2018 and for some, a decrease. The final budget will be voted on after the public hearing on December 5th.

PUBLIC HEARING ON PROPOSED LOCAL LAW TO AMEND CHAPTER 275 ENTITLED VEHICLES AND TRAFFIC, ARTICLE I, ADDING A NEW SECTION 275-4; PURPLE HEART PARKING

Supervisor Grace convened a public hearing to consider amending Chapter 275 of the Code of the Town of Yorktown entitled “VEHICLES AND TRAFFIC,” Article I, entitled “Traffic and Parking Regulations,” is hereby amended by adding a new section 275-4: Purple Heart Parking.

The following members of the public spoke:

Eugene Lange, resident and veteran, stated that the reason he first approached the Town about this designation was that people were not respecting the designated Purple Heart spaces. He asked why he had to prove his status to the Town if he already proved it to New York State. Town Attorney Michael McDermott stated that there are fraudulent practices of obtaining false Purple Heart license plates and in order to ensure that the Town is approving authentic Purple Heart recipients, they will be asking to see a copy of the specific NYS forms. If you do not have the Purple Heart license plate, you can obtain a tag from the Town Clerk’s Office.

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

ADOPT LOCAL LAW NO. #18 OF 2017 TO AMEND CHAPTER 275 ADDING NEW SECTION 275-4: PURPLE HEART PARKING RESOLUTION #429

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

WHEREAS, a public hearing was held on November 21, 2017, pursuant to notice duly published as required by law to amend Chapter 275 entitled “Vehicles and Traffic,” Article I, adding a new Section 275-4L as follows:

Purple Heart Parking.

- (1) The Town Board of the Town of Yorktown finds and determines combat wounded service members have made great sacrifices which often go unrecognized. Such wounded warriors often require assistance in transitioning back into civilian life. Yorktown is proud to say that so many wounded veterans have made Yorktown their home. Therefore, to honor such men and women who have selfishly served their county, the Town will designate certain parking spaces on the Town’s public highways as Purple Heart Parking to grant certain parking privileges to wounded combat veterans.
- (2) The Town Clerk of the Town of Yorktown is hereby appointed the issuing agent for the Town of Yorktown with respect to the Purple Heart Parking Permits. Such permits shall be issued at no cost to all eligible local residents who provide to the Clerk either DD Form 214 or DD Form 215 duly issued by the United States Department of Defense.
- (3) The Purple Heart parking permit issued hereunder shall authorize the holder thereof to park the motor vehicle for which the permit was issued in those areas specifically designated for Purple Heart Recipients.
- (4) No person shall stop, stand or park a vehicle in any area designated as Purple Heart Parking, unless the vehicle bears a permit issued pursuant to this section.

(5) In accordance with the provisions of this sections, the following locations are designated as Purple Heart Parking:

One parking space located at Town Hall Parking Lot;

One parking space located at Yorktown Community & Cultural Center Parking Lot;

One parking space located at John C. Hart Library Parking Lot;

One parking space located at Shrub Oak Memorial Pavilion and Park Parking Lot;

One parking space located at Woodlands Legacy Fields Park Parking Lot; and

One parking space located at Downing Park Parking Lot;

Section 275-18A(1) in Chapter 275, entitled “VEHICLES AND TRAFFIC,” Article I, of the Town Code, entitled “Penalties for Offenses,” is hereby amended as follows:

For a violation of handicapped parking regulations (§ 275-4E) or Purple Heart parking regulations (§275-4L): not more than \$100.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

Michael J. Grace, Supervisor	Voting	Aye
Vishnubhai V. Patel, Councilman	Voting	Aye
Gregory M. Bernard, Councilman	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward A. Lachterman, Councilman	Voting	Aye

Local Law #18 of 2017 is hereby duly adopted.

PROPOSED LOCAL LAW ADDING A NEW SECTION 250-17C AND 250-17D ENTITLED STREET OPENING PERMITS

Supervisor Grace convened a public hearing to consider adding a new Section 250-17C and 250-17D to Chapter 250 entitled “STREETS AND SIDEWALKS” and Article III entitled “STREET OPENING PERMITS” to the Code of the Town of Yorktown.

Supervisor Grace stated that the local town code has provisions to street opening permits that are given out individually but for public utilities, a blanket permit is given out for the year with a fee of \$10,000. The Town’s experience this past year has taught a lesson that what we have in the code is insufficient. There were a few incidences regarding gas line infrastructure replacements being done by Con Edison on Gomer Street/London Road and valve replacements on Granite Springs/Sunrise that caused various problems for the Town and residents. It became apparent that the Town needed much more local control over these projects: how they are conducted and managed, how much time is being taken, the remnants of equipment, traffic control, creation of dust and debris, the removal of equipment, etc. The Town did not have the legal framework to control the timing or the duration of the work, or the delivery and stocking of supplies to the worksite. This is a project that will be going on for a few years. The Town has met with Con Edison regarding the issues and they have been responsive. However, the legislation that has been drafted will help the Town get a handle on these types of projects that are more than just a normal street opening permit. Since this project is going to continue for the next couple of years, Supervisor Grace stated that the Town does not want to repeat the past year’s experience.

Highway Superintendent Dave Paganelli stated that it was his decision to go the Town Board and Engineering for a legislation change. He said that it was not because Con Edison wasn’t responsive, but the scope of this project went beyond the current legislation. This is a gas main replacement that is going to continue for the next four to five years, the likes of which this Town has not had in the recent past. Superintendent Paganelli enumerated the streets that will be affected by this project and widespread it is. He stated that this was not in the scope of the traditional street opening permit; this needed engineering oversight and government oversight

and was too much for one department to oversee. While he is still involved in the process of the road restoration, he will also act as liaison between the residents and Con Edison.

Councilman Bernard said that the new legislation is also about fees: there will be a new eight percent inspection fee if employees have to be present to help manage a job site.

Councilman Patel stated that the most important thing is the safety and wellbeing of the Town's residents and maybe this new legislation will help.

Supervisor Grace stated that the law lays out a whole set of requirements for a permit which will be very detailed in terms of what the submission is going to be: a timetable for the work and a timetable for the restoration, the scope of the work, rate schedule for police presence if required, traffic control, etc.

The following members of the public spoke:

Ilan Gilbert, resident, commended the board and the Highway Superintendent for exercising control over these types of actions.

Tony Grasso, resident, said the Chamber of Commerce has an issue with the work in the downtown area and the plates that have been put on the road. He asked why it couldn't be grooved or recessed so that it is less dangerous and damaging for drivers. Highway Superintendent Paganelli stated that the plates could be recessed. Supervisor Grace stated that this could be worked out within the pending legislation. Mr. Grasso said that these conditions interfere with business.

Irv Breitbart, resident, agreed with Mr. Grasso's comments regarding the plates and mentioned that the Con Edison construction on Gomer Street is like a war zone. He said that the tar they are using as fill is terrible. Drivers have to go on the other side of the road. Mr. Breitbart also stated that he would sue the Town if he has to have new tires and alignment work done on his car as a result of the construction.

Dave Paganelli said that Gomer Street will be paved from Somerston to London Road next week. He stated that Con Edison has been very responsive with respect to his request to have the road paved curb to curb.

Jane Solnik, Director of Regional Affairs for Con Edison, wanted to address the local law. She asked to attend a work session with whomever the Board deemed to be appropriate and that discussion of the proposed law to be continued at that time. Ms. Solnik stated that Con Edison's comments have been put into a letter that the Town Board acknowledged they had received.

Jay Kopstein, resident, asked if the letter from Con Edison would be made public and was told that it is a public record. The Town Clerk, Diana Quast, gave Mr. Kopstein a copy. He said that one of his responsibilities working for the NYPD was to act as a liaison with Con Edison. He stated that the work Con Edison does on the streets in New York City is far superior to the work that is being done on Gomer Street. He said that the problem on Gomer Street is that no one was supervising the work; the contractor got away with abuse of not only Town property but private property – failure to mark, light, and barricade the worksite. He asks that part of the work requirements in the new legislation include a barricade plan and a lighting plan.

A resident approached the Board and asked if the residents would have to see the hideous green towers that have been placed around town. She said they are ugly and dangerous.

Supervisor Grace said they are valving vents and are supposed to disappear when the project is completed but they stick out like a sore thumb in Town.

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

PUBLIC HEARING TO CONSIDER TAKING OVER THE MAINTENANCE OF THE HYATT BURYING GROUND

Supervisor Grace convened a public hearing to consider Town Law Article 17 entitled “Cemeteries” to determine if the Hyatt Burying Ground located on Old Yorktown Road has been abandoned and the Town of Yorktown begins its maintenance and takes any and all other steps and measures necessary for its restoration.

Supervisor Grace stated that the nature of this action is to make a determination if the Hyatt Burying Ground should be considered an abandoned cemetery so that the town can take over its care.

Dr. Pell, local historian, thanked the board for helping to preserve this part of Yorktown’s history. He stated that the first burial there took place in 1759 and the last in 1825. It has been in disuse since then. In 1907, William Horton, a local genealogist, copied the inscription of the thirteen headstones. In 1976, the Girl Scouts discovered the burying ground and not one headstone remained standing. Dr. Pell said that this should be sufficient evidence that the cemetery is neglected and abandoned. He would like the Town to determine that the Colonel John Hyatt burial is an abandoned cemetery and will give it annual care and be a friend of the cemetery so that he may seek grants to restore the headstones. Dr. Pell feels there are three reasons why this burying ground needs to be preserved: 1) it is the burial place of Colonel John Hyatt, soldier of the Revolution; 2) the cemetery represents seven of the early families of the area and we should know about these colonists settled here; 3) when Van Cortlandt bought this area from the indigenous people in 1683, they left and the first person to come and work the land and build his home in 1686 was John Hyatt. John Hyatt’s family remained in the area building and working the land alongside his son, grandson, and great grandson.

Irv Breitbart, resident, suggested that the restoration of this property could be an Eagle Scout project for the Boy Scouts. Councilman Diana agreed, as well as it possibly being a Girl Scout project for their Gold Award.

Lester Rosenbaum, resident, wanted to expand on the idea of the Town taking definitive moves on resurrecting this burial ground. He is the executor of the estate of the late Helen Bernstein, whose property encompasses the Hyatt Burying Ground. Her will gave her house and approximately 5 acres to the town as a museum, which did not work out. The burying ground is .7 acres and was, years ago, a building lot. Currently it is not a building lot due to wetlands legislation and septic issues and it not sellable. He wants the Town to take title to the property so that a driveway, storage shed, and space for people and equipment can be there in a safe manner. He has spoken to the beneficiaries of the estate (who are all charitable organizations) and the estate cannot be closed until this issue is settled. Mr. Rosenbaum feels he can convince them to give up claim to the property since they have been paying taxes all these years in hopes of getting a buyer and this is unlikely to happen now or in the future.

Supervisor Grace stated that he would appreciate Mr. Rosenbaum getting in touch with the beneficiaries and the Town Attorney to make this happen. He appreciates all of the work Dr. Pell has done and stated that the Town would be derelict in its duty to its own history by not taking care of this property.

Town Attorney Michael McDermott stated that he and Mr. Rosenbaum met that afternoon and he now has to research if the Town can actually purchase a burying ground.

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

ADVERTISE BUDGET PUBLIC HEARING FOR DECEMBER 5, 2017 BEGINNING AT 6:00 PM

RESOLUTION #430

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

NOTICE IS HEREBY GIVEN, that the preliminary budget of the Town of Yorktown, Westchester County, NY for the fiscal year beginning January 1st, 2018 has been completed and filed in the office of the Town Clerk of the said Town at the Town Hall, 363 Underhill Avenue

in Yorktown Heights, where it is available for inspection by any interested person during regular office hours of the Town Clerk beginning December 1, 2017, and

FURTHER NOTICE IS HEREBY GIVEN, that the Town Board of said Town of Yorktown will meet and hold a public hearing thereon at the Town Hall, 363 Underhill Avenue, in the said Town, on the 5th day of December, 2017 at 6:00 o'clock PM, or as soon thereafter as the same can be heard, and that at such hearing any person shall be heard in favor of or against the preliminary budget as compiled for or against any items therein contained, and

The 2018 Preliminary Proposed General Budget totals \$57,389,760.00 representing an increase of \$1,421,445.00 from the 2017 Adopted Budget with the following salaries of the elected officials:

Supervisor -	\$121,328.00
Councilman (4) -	\$ 19,575.00
Town Clerk -	\$ 96,677.00
Superintendent of Highways -	\$110,777.00
Town Justice (2) -	\$ 32,437.00

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

DECLARATION AS LEAD AGENCY FOR SERITAGE AT JEFFERSON VALLEY MALL
RESOLUTION #431

Upon motion made by Councilman Bernard, seconded by Supervisor Grace,

WHEREAS, the Seritage SRC Finance LLC (“Seritage”) is seeking to amend the existing approved site plan for the Jefferson Valley Mall to allow renovations to the building and parking on the parcel owned by Seritage and known as Section 16.02, Block 1, Lot 25; and

WHEREAS, a site plan approval application has been submitted dated July 21, 2017; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (EAF), dated July 25, 2017, and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated August 8, 2017; and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby declares Lead Agency for this project.

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

NEGATIVE DECLARATION FOR SERITAGE AT JEFFERSON VALLEY MALL
RESOLUTION #432

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman

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 Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amended Site Plan, Jefferson Valley Mall, for Seritage SRC Finance LLC, in the Town of Yorktown, New York.

SEQRA Status: ____ Type 1

X Unlisted

Conditioned Negative Declaration: Yes

X No

Description of Action: The applicant Seritage SRC Finance LLC (“the applicant”) proposes to expand the Jefferson Valley Mall by 5,732 square feet for a fitness center use and modify the associated existing parking and landscaping on the parcel owned by Seritage SRC Finance LLC, which is known as Section 16.02, Block 1, Lot 25. The applicant requires an amended site plan from the Town Board.

Location: 650 Lee Boulevard, in the Town of Yorktown, Westchester County, New York. Parcel is described on the Town of Yorktown tax roll as Section 16.12 Block 1 Lot 25.

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. The additions will be constructed on existing impervious surface with no net increase in impervious surface area. A Soil erosion & Sediment Control plan has been prepared to address erosion and sediment control during construction. A landscape plan has been submitted, which shows the replacement of the trees being removed to improve landscape conditions within the parking areas.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna. Approximately 14 predominately ornamental trees will be removed from the area of construction. Tree replacement will be conducted within the parking and pedestrian areas.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town’s officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. There shall not be any reduction of open space.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a

significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

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

DECISION FOR SITE PLAN APPROVAL – SERITAGE AT JEFFERSON VALLEY MALL
RESOLUTION #433

Upon motion made by Councilman Bernard, seconded by Councilman Diana

WHEREAS, in accordance with the Town of Yorktown Town Code Chapter 300, Article IX, a formal application dated July 21, 2017 was submitted by Seritage SRC Finance LLC (the “Applicant”) for the approval of an amended site plan for the property owned by the Applicant at the Jefferson Valley Mall; and

WHEREAS, the property owned by the Applicant is an 11.62 acre property in the Commercial Regional Center (CRC) Special Zoning District and is located at 650 Lee Boulevard, Yorktown Heights, also known as Section 16.12, Block 1, Lot 25 on the Town of Yorktown Tax Map (hereinafter referred to as “the Seritage Parcel”); and

WHEREAS, the Seritage Parcel is part of the Jefferson Valley Mall site plan which includes the parcel with Tax ID Section 16.12, Block 1, Lot 26 (the “Washington Prime Parcel”), and both parcels together consist of 50.37 total acres; and

WHEREAS, Washington Prime Group, as owner of the adjacent and surrounding properties and the attached mall building, have submitted concurrently with this application, an application to amend their current site plan, and;

WHEREAS, that application puts forth for approval, inter alia, a new point of ingress from N.Y.S Route 6 which relies on a section of the current mall ring road, a portion of which lies within the boundary of the Seritage Parcel, to be dedicated as a town road; and

WHEREAS, the applicant has indicated that the maintenance of the portion of the ring road to be dedicated to the town will be borne jointly by the Applicant and Washington Prime Group, pursuant to a maintenance agreement to be reviewed, accepted, and endorsed by all involved parties; and

WHEREAS, the applicant has submitted as part of his application the following maps and documents:

Site Plans

1. A drawing, Sheet C-1, titled “Cover Sheet,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
2. A map, Sheet C-2, titled “Overall Site Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
3. A map, Sheet C-3, titled “Removals Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
4. A map, Sheet C-4, titled “Site Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
5. A map, Sheet C-5, titled “Grading Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
6. A map, Sheet C-6, titled “Soil Erosion & Sediment Control Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
7. A map, Sheet C-7, titled “Utility Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
8. A map, Sheet C-8, titled “Landscape Plan,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and
9. A drawing, Sheet C-9, titled “Landscape Notes,” prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and

10. A drawing, Sheet C-10, titled "Detail Sheet," prepared by Bohler Engineering, dated July 12, 2017 and last revised October 16, 2017; and

Architectural Plans

1. A map, Sheet ST-100, titled "Architectural Site Plan, Sign Information and Key Notes," prepared by Howell Belanger Castelli Architects, last revised October 17, 2017; and
2. A drawing, Sheet A-300-C, titled "Exterior Rendered Elevations and Sign Calculations," prepared by Howell Belanger Castelli Architects, last revised October 10, 2017; and
3. A drawing, Sheet A-310, titled "Building Sections," prepared by Howell Belanger Castelli Architects, last revised October 17, 2017; and

WHEREAS, the applicant also submitted as part of its application a Full Environmental Assessment Form (EAF), dated July 25, 2017, evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, all review comments have been obtained and fully considered; and

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7(c) and determined that the proposed action will not have a significant adverse impact on the environment; 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

WHEREAS, 36 parking spaces located on the Seritage Parcel will be removed in order to complete the action, however the total parking provided on the Seritage Parcel and the Washington Prime Parcel together are still more than the required number of parking spaces for the zone; and

WHEREAS, 23 trees will be cut on the Seritage Parcel in order to complete the action and the Applicant proposes to plant 25 new trees as shown on the proposed Landscape Plan listed herein; and

WHEREAS, having reviewed all current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a duly noticed public hearing on said amended site plan application commencing on September 19, 2017 and continuing and closing on October 17, 2017, at Town Hall in Yorktown Heights, New York;

BE IT NOW RESOLVED THAT, the application of Seritage SRC Finance LLC for the approval of an amended site plan application and tree permit is granted subject to the signing of the plan by the Town Supervisor. All work associated with the Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the outdoor seating areas shown on the plans enumerated herein is approved for location, size, and configuration; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution by the end of the term of this permit; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions that must be met prior to the Supervisor signing the Plans must be completed within six months of the date of this Resolution. Should these conditions not be completed within the allotted timeframe, this

Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. Applicant must amend the parking calculations on the site plan to reflect current requirements.
2. The Town Supervisor shall sign the EAF.
3. The applicant shall provide a tree bond in the amount of \$2,500. The bond shall be released when the Town of Yorktown verifies that at least 85% of the planted species are viable at the end of a three year period as measured from the date of the first certificate of occupancy.

Conditions of the Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. All protected trees shall be clearly marked prior to the commencement of any work.
4. Outdoor seating as shown on the plan must obtain a special permit.
5. The outdoor seating area as shown on the plan is subject to the filing of a detailed tenant specific seating plan for review and approval prior to occupancy and use.
6. Submit final signage plans consistent with the Master Sign Plan, as same will be amended by Washington Prime Group application.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Director of Planning and Town Engineer must provide a written report, no later than one year from the date that the Town Supervisor has signed the plans documenting the status of the implementation of the requirements of this resolution.
2. A Plat with the offer of dedication of the portion of the ring road as a town road, must be submitted and endorsed by all interested parties and filed in the office of the Westchester County Clerk prior to issuance of a certificate of occupancy for any work that is subject of this town board resolution. In the alternative, in the event that the applicant, or its designees(s), have completed any work that is subject of this town board resolution, and this condition has not been satisfied, then applicant shall have the right to file a Plat with the offer of dedication of the portion of the ring road as a town road.
3. A maintenance agreement governing the maintenance responsibilities for the portion of the ring road which will be dedicated as a town road must be submitted in a form to the satisfaction of the Town Attorney, executed by Mall at Jefferson Valley, LLC, Seritage SRC Finance, LLC, and the Town of Yorktown and filed in the office of the Westchester County Clerk. In the alternative, in the event that applicant or its designees(s), have completed any work that is subject of this town board resolution, and this condition has not been satisfied, then applicant shall have the right to submit a maintenance agreement governing the maintenance responsibilities for the portion of the ring road which will be dedicated as a town road in a form to the satisfaction of the Town Attorney, executed by Seritage SRC Finance, LLC, and the Town of Yorktown and filed in the office of the Westchester County Clerk, unless the Town of Yorktown has not accepted the offer of dedication.

BE IT FURTHER RESOLVED, the Applicant shall submit copies of the complete set of approved site plan drawings to the Town Clerk for signature by the Town Supervisor.

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

Supervisor Grace mentioned that a Maintenance Agreement with Washington Prime will be issued for the acceptance of the new road by the Town, upon approval by the Town Attorney.

DECLARATION AS LEAD AGENCY FOR WASHINGTON PRIME AT JEFFERSON VALLEY MALL
RESOLUTION #434

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

WHEREAS, the Mall at Jefferson Valley, LLC is seeking to amend the existing approved site plan and expand the mall and make landscaping, utility and stormwater improvements

WHEREAS, an amended site plan approval as well as stormwater and tree permits are required; and

WHEREAS, a site plan approval application has been submitted dated July 25, 2017; and

WHEREAS, a stormwater and tree permit application dated July 25, 2017, in which information has been provided to mitigate impacts from stormwater and to trees; and

WHEREAS, the applicant has submitted a Full Environmental Assessment Form (EAF), dated July 25, 2017, and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby declares Lead Agency for this project.

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

NEGATIVE DECLARATION FOR WASHINGTON PRIME AT JEFFERSON VALLEY MALL
RESOLUTION #435

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

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 Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Amended Site Plan, Stormwater and Tree Permit, Jefferson Valley Mall, for the Town of Yorktown, New York.

SEQRA Status: ___ Type 1

X Unlisted

Conditioned Negative Declaration: ___ Yes

X No

Description of Action: The applicant the Mall at Jefferson Valley, LLC (“the applicant”) proposes to expand the Jefferson Valley Mall for retail and restaurant use and modify the associated existing parking, utility and landscaping. Total land disturbance is greater than 5,000 sq. ft. and approximately 35 trees that are 8” and greater in diameter will be cut. The applicant requires an amended site plan, a stormwater and tree permit from the Town Board. A NYSDOT Highway permit and a NYSDEC general permit will be required.

Location: 650 Lee Boulevard, in the Town of Yorktown, Westchester County, New York. Parcel is described on the Town of Yorktown tax roll as Section 16.12 Block 1 Lots 24 and 25. Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. The additions will be constructed on existing impervious surface with no net increase in impervious surface area. A stormwater prevention plan has been prepared to address erosion and sediment control during construction and post-construction stormwater runoff. A tree plan has been submitted to mitigate the loss of 35 trees which shall be cut to improve landscape conditions along Route 6 and within the parking areas.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna. Approximately 35 predominately ornamental trees will be removed along Route 6 to improve landscaping. Tree replacement/mitigation will be conducted along Route 6 and within the parking and pedestrian areas.
3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. There shall not be any reduction of open space.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).

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

DECISION FOR SITE PLAN APPROVAL – WASHINGTON PRIME AT JEFFERSON VALLEY MALL
RESOLUTION #436

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

WHEREAS, the Mall at Jefferson Valley, LLC (“the applicant”) proposes to expand the Jefferson Valley Mall for retail and restaurant use and modify the associated existing parking, utilities, and landscaping (“the action”); and

WHEREAS, the subject site is a 50.37 acre parcel, in the Commercial Regional Center (CRC) Special Zoning District, located at 650 Lee Boulevard in the Town of Yorktown, and known as

Section 16.12 Parcel 1 Lot 24 and 25 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

SITE PLANS

1. A map, Sheet SP-1 titled “Overall Site Plan,” prepared by Provident Design Engineering, dated 7/24/17 and last revised 11/21/17; and
2. A map, Sheet SP-2 titled “Existing Conditions,” prepared by Provident Design Engineering, dated 7/24/17 and no revisions; and
3. A map, Sheet SP-3 titled “Overall Layout Plan,” prepared by Provident Design Engineering, dated 7/24/17 and last revised 11/21/17; and
4. A map, Sheet SP-4 titled “Lot Plan,” prepared by Provident Design Engineering, dated 7/24/17 and last revised 11/21/17; and
5. A map, Sheet SP-5 titled “Site Sections,” prepared by Provident Design Engineering, dated 9/5/17 and last revised 11/21/17; and
6. A map, Sheet C-1 titled “Cover Page,” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
7. A map, Sheet C-101 titled “Site Plan,” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
8. A map, Sheet C-201 titled “Grading & Utility Plan,” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
9. A map, Sheet C-301 titled “Erosion Control Plan,” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
10. A map, Sheet C-401 titled “Lighting Plan,” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
11. A map, Sheet C-501 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
12. A map, Sheet C-502 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
13. A map, Sheet C-503 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
14. A map, Sheet C-504 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
15. A map, Sheet C-505 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
16. A map, Sheet L-101 titled “Planting Plan” prepared by Provident Design Engineering, dated 7/25/17 and last revised 11/21/17; and
17. A map, Sheet L-201 titled “Details” prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and
18. A map, Sheet 1 of 2 titled “Details” prepared by Ward Carpenter Engineers, PC, dated 10/16/17 and no revisions; and
19. A map, Sheet 2 of 2 titled “Details” prepared by Ward Carpenter Engineers, PC, dated 10/16/17 and no revisions; and

ARCHITECTURAL PLANS

1. A drawing, Sheet 1 of 5, titled “Site Plan,” prepared by RDL Architects, dated 8/22/17 and no revisions; and
2. A drawing, Sheet 2 of 5,, titled “View 1,” prepared by RDL Architects, dated 8/22/17 and no revisions; and
3. A drawing, Sheet 3 of 5,, titled “View 2,” prepared by RDL Architects, dated 8/22/17 and no revisions; and
4. A drawing, Sheet 4 of 5,, titled “Building Elevations,” prepared by RDL Architects, dated 8/22/17 and no revisions; and
5. A drawing, Sheet 5 of 5,, titled “Floor/Roof Plan and Sections,” prepared by RDL Architects, dated 8/22/17 and no revisions; and
6. A drawing, A-901, titled “Master Sign Plan,” prepared by JP2 Architects, last revised 3/17/14 ; and
7. A drawing, A-902, titled “Exterior Master Sign Plan Building Elevations,” prepared by JP2 Architects, last revised 3/17/14 ; and

8. A drawing, A-903, titled "Exterior Master Sign Plan," prepared by JP2 Architects, last revised 3/17/14 ; and
9. A drawing, A-904, titled "Exterior Master Sign Plan," prepared by JP2 Architects, last revised 3/17/14 ; and
10. A drawing, 1, titled "New Sign Placement," prepared by Imageone Industries, last revised 10/09/17 ; and
11. A drawing, 2, titled "New Sign Placement," prepared by Imageone Industries, last revised 10/09/17 ; and
12. A drawing, 1, titled "Freestanding Sign Layout," prepared by Imageone Industries, last revised 6/16/17 ; and
13. A drawing, 2, titled "Freestanding Sign Layout," prepared by Imageone Industries, last revised 6/16/17 ; and
14. A drawing, 3, titled "Freestanding Sign Layout," prepared by Imageone Industries, last revised 6/16/17 ; and

ADDITIONAL DOCUMENTS & REPORTS

1. A report, titled "Stormwater Pollution Prevention Plan," prepared by Provident Design Engineering, dated 7/25/17 and no revisions; and

WHEREAS, the Applicants also submitted as part of its application a Full Environmental Assessment Form dated July 25, 2017 evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board declared itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, pursuant to Section §300-87 of the Town of Yorktown Town Code, the site shall have an area of at least 35 acres and at least 500 feet of frontage on an existing public street or on a proposed street which is to be built as part of the site development and intended to be dedicated for public use. Each site shall be related logically to the major highway system having regional significance.

WHEREAS, the Jefferson Valley Mall is located on 50.37 acres, has approximately 1,984.3 feet of frontage on existing public streets, and is regionally located proximate to the intersection of New York State Route 6 and the Taconic State Parkway; and

WHEREAS, the Applicant proposes a total square footage of the existing covered mall and new building to be 421,592 square feet or 19.2% building coverage and a floor area ration of 0.34; and

WHEREAS, pursuant to Section §300-89(A) of the Town of Yorktown Town Code, the applicant must provide four (4) parking spaces for every 1,000 square feet of gross leasable area, with a maximum of 20% of the number of spaces provided that may be reserved for compact cars at a dimension of 8 feet x 16.5 feet and the remaining spaces must be standard spaces that area at least 9 feet x 18 feet in dimension; and

WHEREAS, the Applicant proposes 619,108 square feet of gross leasable area and therefore requires 2,477 parking spaces where 2,517 parking spaces are shown on the site plan, with 184 compact spaces (7.3%), 2,273 standard spaces, and 60 accessible spaces; and

WHEREAS, pursuant to Section §300-89(B) of the Town of Yorktown Town Code, one loading space of at least 12 feet by 35 feet for all uses up to 8,000 square feet of gross leasable area must be provided, and retail and restaurant uses singularly or in combination shall provide one loading space 15 feet by 60 feet for each 25,000 square feet of GLA up to 100,000 square feet of GLA, plus one space for each additional 100,000 square feet of GLA up to 500,000 square feet of GLA, plus one additional space for each 250,000 square feet of GLA thereafter, thereby requiring a total of 6 loading spaces for this site plan; and

WHEREAS, the Applicant proposes 19 loading spaces as shown on the site plan; and

WHEREAS, pursuant to Section §300-89(C)(2) of the Town of Yorktown Town Code, a minimum ratio of one (1) tree for every twelve (12) parking spaces shall be planted within the interior of the parking area(s), exclusive of any landscaping areas included on the site; and

WHEREAS, 35 trees greater than 8” in diameter will be removed in order to complete the action; and

WHEREAS, the Applicant proposes 180 trees in total on the site which equates to a 1:15.7 tree to parking space ratio; and

WHEREAS, pursuant to Section §300-193.14 of the Town of Yorktown Town Code, all signs at commercial complexes shall have an approved Master Sign Plan and the Applicant has requested to amend the existing Master Sign Plan for the site to allow additional signage as shown on the plans listed herein; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

ABACA
Conservation Board
Planning Board
Town Engineer
Westchester County Planning Board
NYS DOT
NYS DEC

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing September 19, 2017 and closing on October 17, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York; and

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on October 17, 2017; and

WHEREAS, the Town Board has compared the proposed action with the criteria for determining Significance in 6 NYCRR 617.7 (c); 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

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, the application puts forth for approval, inter alia, a new point of ingress from N.Y.S Route 6 which relies on a section of the current mall ring road to be dedicated as a town road, a portion of which lies within the boundary of the Seritage (a.k.a. Sears) property; and

WHEREAS, the applicant has indicated that the maintenance of the portion of the ring road to be dedicated to the town will be borne jointly by the mall and Seritage pursuant to a maintenance agreement to be reviewed, accepted, and endorsed by all involved parties; and

BE IT NOW RESOLVED, that the application of the Mall at Jefferson Valley, LLC for the approval of a site plan titled “Jefferson Valley Mall” as prepared by Provident Design Engineering, dated July 24, 2017 and last revised November 21, 2017, be approved subject to the modifications and conditions listed below, and that the Chairman of this Board be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with such modifications and requirements as noted below; and

BE IT FURTHER RESOLVED THAT, The Town Board having fully reviewed the proposed landscaping for the instant application, the concurrent Seritage application, and the existing approvals for the entire site, determined that the proposed tree planting scheme resulting in a ratio of 1 tree per 15.7 parking spaces is acceptable and the Town Board hereby modifies the code requirement of 1 tree per 12 parking spaces; and

BE IT FURTHER RESOLVED THAT, the Amended Site Plan, Stormwater and Tree Permit and Lighting Plan approval is granted subject to the signing of the plan by the Town Supervisor. All work associated with the Permit shall be conducted in strict compliance with the approved plans; and

BE IT FURTHER RESOLVED THAT, the Master Sign Plan for this property originally approved on March 25, 2014, is hereby amended to include the signage put forth in the instant application and as shown on the drawings enumerated herein; and

BE IT FURTHER RESOLVED THAT, the outdoor seating areas shown on the plans enumerated herein is approved for location, size, and configuration; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant or other agent designated by the Town Board, will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution by the end of the term of this permit; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions that must be met prior to the Supervisor signing the Plans must be completed within six months of the date of this Resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

1. The applicant shall provide a final stormwater pollution prevention plan which shall be reviewed to the satisfaction of the Town Engineer.
2. The Town Supervisor shall sign the EAF.
3. The applicant shall provide a stormwater bond in the amount of \$5,000. The bond shall be in the form of cash, or other form acceptable to the Town Attorney. The bond shall be released when the Town of Yorktown verifies that the site is stable as defined by NYSDEC and all conditions of the permit have been met.
4. The applicant shall provide a tree bond in the amount of \$2,500. The bond shall be in the form of cash, or other form acceptable to the Town Attorney. The bond shall be released when the Town of Yorktown verifies that at least 85% of the planted species are viable at the end of a three year period as measured from the date of the first certificate of occupancy.
5. The applicant shall provide road maintenance security as part of the road maintenance agreement in the amount of \$100,000.00, in the form of a bond or other form acceptable to the Town Attorney.
6. A maintenance agreement governing the maintenance responsibilities for the portion of the ring road which will be dedicated as a town road must be submitted in a form to the satisfaction of the town attorney, executed by Mall at Jefferson Valley, LLC, Seritage SRC finance, LLC, and the Town of Yorktown and filed in the office of the Westchester County Clerk.

Conditions of the Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the permit.
3. All protected trees shall be clearly marked prior to the commencement of any work.
4. No additional disturbance to the wetland and/or wetland buffer or plan modification is permitted without prior written approval from the Town Board.
5. Prior to commencement of work any/all applicable approvals and permits from NYSDEC and NYSDOT must be provided to the Town Engineer.

6. Prior to the commencement of any work a site plan and plat endorsed by all interested parties shall be submitted for endorsement by the Town Supervisor and filed in the Office of the Westchester County Clerk.
7. Modify plans to show protective bollards or other acceptable practice between the new outbuilding and the existing ring road, to the satisfaction of the Town board.
8. Submit final signage plans and details for amendment to the Master sign Plan. Plans shall include proposed pylon identification signs and their locations and details.
9. Modify lighting plan to comply with Chapter 200 of the Yorktown town code.
10. Remove existing parking stall at the west side of the ring road located adjacent to a landscape island and at the northerly end of the bank of 21 parking stalls and opposite the southernmost new curb cut into the proposed out-parcel.
11. Each outdoor seating area as shown on the plan is subject to the filing of a detailed tenant specific seating plan for review and approval prior to occupancy and use.
12. A Plat with the offer of dedication of the portion of the ring road as a town road, must be submitted and endorsed by all interested parties and filed in the office of the Westchester County Clerk prior to issuance of a building permit for any work that is subject of this resolution.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Director of Planning and the Town Engineer must provide a written report, no later than one year from the date that the Town Supervisor has signed the plans documenting the status of the implementation of the requirements of this resolution.
2. The applicant must provide certification to the Town Engineer that all stormwater structures have been installed in accordance with the approved plans.
3. Submission of amended Master Sign Plan in final form.

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

INCREASE RATE OF PAY – KIM HUGHES
RESOLUTION #437

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

RESOLVED, that effective November 21, 2017 Kim Hughes rate of pay will be increased to \$20.00 an hour retroactive to July 3rd, 2017.

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

ADVERTISE REQUEST FOR PROPOSALS TO ENGAGE A TRAFFIC ENGINEERING
AND PLANNING CONSULTANT TO CONDUCT A STUDY OF THE EAST MAIN
STREET CORRIDOR
RESOLUTION #438

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

WHEREAS, the Town of Yorktown is committed to providing efficient and safe traffic infrastructure throughout the Town; and

WHEREAS, the East Main Street Corridor and the Stony Street/East Main Street intersection in the Shrub Oak hamlet are known to exhibit traffic and traffic safety inefficiencies and as such the Town desires to investigate appropriate measures to improve those areas; and

WHEREAS, the Town, therefore, seeks to engage a traffic engineering and planning consultant to conduct a study of the East Main Street corridor in the Shrub Oak hamlet and make recommendations for improvements, including engineered designs for review; and

NOW THEREFORE BE IT RESOLVED that the Town is authorized to issue a request for proposals for qualified bidders to study the East Main Street traffic corridor and the Stony Street/East Main Street intersection and develop recommendations and engineered designs for traffic improvements in the corridor.

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

AWARD CONTRACT FOR ADVANCED LIFE SUPPORT SERVICES TO EMPRESS EMS
RESOLUTION #439

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

WHEREAS, the Town of Yorktown issued Requests for Proposals from qualified vendors to provide Advanced Life Support Services in the Advanced Life Support Tax District for the years 2018 and 2019;

WHEREAS, the Town received Proposals from two qualified ALS providers;

WHEREAS, the Town Board, along with Commissioners of the Advanced Life Support District, interviewed the two ALS providers which submitted proposals;

WHEREAS, the Commissioners of the Advanced Life Support District recommend that it is in the best interests of the Advanced Life Support Tax District that Empress EMS be awarded the Contract for 2018 and 2019;

WHEREAS, Empress EMS agreed to honor the price for 2018 the same as 2017 with a 3% increase for 2019;

BE IT RESOLVED that the Empress EMS is awarded the Contract to provide Advanced Life Support Services in the Advanced Life Support Tax District in the amount of \$598,950 for 2018 and in the amount of \$616,900 for 2019.

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

Supervisor Grace, in full disclosure, discussed the decision to choose Empress over the other bidder's proposal even though it was less expensive than Empress' proposal. He talked about the nature of what they do and the comfort level of a proven provider for many years, the praise they received from the Town's Advanced Life Support Commission, and Empress' willingness to hold its fees for 2018.

AWARD BID FOR PURCHASE OF TWO POLICE DEPARTMENT UNMARKED
VEHICLES
RESOLUTION #440

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

WHEREAS, invitation to bid for two (2) Police Department Unmarked Vehicles Purchase (or equivalent) for the Yorktown Police Department was duly advertised, and

WHEREAS, said bid was received and opened at 4:30 p.m. on the 17th day of November, 2017, and now therefore be it

RESOLVED, that upon the recommendation of the Chief of Police, the bid be and is hereby awarded to Park Ford of Mahopac Inc., located at 276 Route 6, Mahopac, NY 10541, the sole bidder of equivalent vehicles.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Yorktown Police Department to purchase (2) two vehicles from Park Ford of Mahopac Inc., at a total cost not to exceed Thirty-six Thousand, Five Hundred dollars and no cents (\$36,500.00).

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

AWARD BID FOR INSTALLATION OF LED SIGN IN FRONT OF POLICE DEPARTMENT AND JUSTICE COURT RESOLUTION #441

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

WHEREAS invitation to bid for the installation of the LED sign in the front of the Police Department and Justice Court campus was duly advertised, and,

WHEREAS, there was only one bid received and opened at 4:30 pm on the 17th day of November, 2017, and

RESOLVED, that upon the recommendation of the Chief of Police, the bid is hereby awarded to Signs Ink, LTD, the sole bidder of LED sign installation.

NOW, THEREFORE BE IT RESOLVED, that the Town Board of the Town of Yorktown hereby authorizes the Town to award the bid to Signs Ink, Inc. in an amount not to exceed Forty-Seven Thousand, Five Hundred dollars and no cents (\$47,500.00)

Authorize the Comptroller to transfer \$1,925 from Contingency Capital (A1990.499.1) to Capital Projects – Improvements to Town Buildings (HV1630.200)

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

APPROVE CHANGE ORDER NUMBER 1 AND BUDGET TRANSFER - MONTESANO BROTHERS FOR GRANITE KNOLLS SPORTS AND RECREATION COMPLEX BID RESOLUTION #442

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

BE IT RESOLVED the Town Board hereby agrees to and issues Change Order Number 1 in the amount of \$33,887.33 to Montesano Brothers for the Granite Knolls Sports and Rec Project which was required for pond dewatering, spreading of wood chips for stabilization and capping of abandoned pipe which was required by the New York City Department of Environmental Protection.

BE IT FURTHER RESOLVED the Town Comptroller is authorized to transfer \$33,887.33 from the General Fund – Fund Balance to Capital Project HA Granite Knolls Ballfield.

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

APPROVE OUTSTANDING CLAIMS FOR LABOR AND SERVICES PERFORMED BY COMPETITION CARTING FROM 2013 TO 2017 IN THE AMOUNT OF \$250,000 RESOLUTION #443

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

BE IT RESOLVED that the Town of Yorktown agrees to settle all outstanding claims for labor and services performed by Competition Carting from 2013 to 2017 in the amount of \$250,000.00, \$150,000.00 of which shall be paid in 2017 and \$100,000.00 shall be paid in January 2018.

BE IT FURTHER RESOLVED the Town Comptroller is authorized to transfer \$150,000 from the Refuse & Recycling Fund balance to Refuse & Recycling Outside Contractor SR 8160.425.

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

AUTHORIZE COMPTROLLER TO PROCESS BUDGET TRANSFER- POLICE DEPARTMENT RESOLUTION #444

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

RESOLVED that the Town Board authorizes the Town Comptroller to process the following transfers:

From:

A.3120.105	PD Civilian Overtime	\$ 5,000.00
A.3120.418	PD Equipment Maintenance	\$ 6,500.00
A3120.106.1	PD Sick Reward	\$ 3,750.00
A.3120.201	PD Equipment	\$ 7,025.00
A3120.411	PD Printing	\$ 2,025.00

To:

A3120.210	PD Vehicles	\$ 2,600.00
A3120.431.1	PD K9 Expense	\$10,000.00
A3120.201.1	PD computers	\$11,700.00

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

APPROVE ASSIGNMENT OF STORMWATER AGREEMENT FROM GEORGE PAVAN TO CONTE HOMES, INC. RESOLUTION #445

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

BE IT RESOLVED the Town Board approves the assignment of the Stormwater Agreement from George Pavan to Conte Homes, Inc. in connection with the properties located on the westerly side of Brookdale Street (Section 37.19, Block 1, Lots 22, 23 and 24).

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH BRIGHT BEGINNINGS FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER RESOLUTION #446

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between Bright Beginnings and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH HEAD START FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER RESOLUTION #447

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between Head Start and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH MANETOO DANCE ENSEMBLE FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #448

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between the Manetoo Dance Ensemble, Inc. and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH YORKTOWN COMMUNITY HELP, INC. FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #449

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between Yorktown Community Help, Inc. and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH YORKTOWN STAGE, INC. FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND CULTURAL CENTER
RESOLUTION #450

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between the Yorktown Stage Inc., (room 12 only) and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A LICENSE AGREEMENT WITH THE FEDERAL BUREAU OF INVESTIGATION TO MAINTAIN RADIO EQUIPMENT ON POLICE DEPARTMENT RADIO TOWER
RESOLUTION #451

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

BE IT RESOLVED the Town Supervisor is authorized to sign the License Agreement with the Federal Bureau of Investigation for permitting the FBI to maintain the radio equipment on the Tower on the Police Department Radio Tower.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH NEW YORK SMAS LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS FOR A GROUND LEASE AT 2200 GREENWOOD STREET FACILITY
RESOLUTION #452

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

BE IT RESOLVED that the Town Supervisor is authorized to sign a lease agreement and a memorandum of lease with New York SMAS Limited Partnership d/b/a Verizon Wireless for a ground lease at 2200 Greenwood Street facility for \$9,000.00 per year with yearly increments.

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

AUTHORIZE SUPERVISOR TO SIGN A LEASE AGREEMENT WITH THE YORKTOWN
TEEN CENTER FOR USE OF ROOMS AT THE YORKTOWN COMMUNITY AND
CULTURAL CENTER
RESOLUTION #453

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

RESOLVED, the Town Supervisor is authorized to execute a lease agreement between the Yorktown Teen Center and the Yorktown Community and Cultural Center for a period of 1 year beginning January 1, 2018 and ending December 31, 2018.

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT
WITH SITE DESIGN CONSULTANTS FOR FIELD INSPECTION AND CONSTRUCTION
ADMINISTRATION FOR GRANITE KNOLLS RECREATION AND SPORTS COMPLEX
RESOLUTION #454

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

BE IT RESOLVED that the Town Supervisor is authorized to sign the Agreement for Professional Services with Site Design Consultants to provide Field Inspection Services and Construction Administration Services in connection with Granite Knolls Park and Recreation Complex.

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

AUTHORIZE THE TOWN ENGINEER TO ISSUE A WETLANDS AND STORM WATER
POLLUTION PREVENTION PERMIT FOR CONSTRUCTION OF A SINGLE-FAMILY
HOME LOCATED AT 3211 LAKESHORE DRIVE
RESOLUTION #455

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

WHEREAS:

The Applicant submitted an application for a Wetlands and a Storm Water Pollution Prevention Plan permit for construction of a single family home.

1. The Applicant submitted architectural plans for the subject property, entitled: Construction Documents Lakeshore Drive by Alfandre Architecture, revision date 8/23/17.
2. A Public Hearing was held regarding this application on 10/17/2017. The hearing was adjourned as the Board wished to review engineering plans for a previously approved development of a single family house on the same lot that was slightly larger than the one proposed in this application.
3. At the 10/24/17 work session Board members reviewed the prior project approval and confirmed the prior application was for a larger residence and also included an impervious driveway, whereas this application is for a driveway made from pervious materials.
4. The Town Board feels it is appropriate to refer this application back to the Town Engineer for his action.

NOW THEREFORE BE IT RESOLVED THAT that the request for a Wetlands Permit and a Storm Water Pollution Prevention permit for construction of a single-family home located at 3211 Lakeshore Drive is hereby referred to the Town Engineer for issuance of above permits.

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

AUTHORIZE COMPTROLLER TO REFUND DUPLICATE TAX PAYMENTS
RESOLUTION #456

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to refund the following duplicate tax payments:

Account #0279573 in the amount of \$ 802.33
Account #1187500 in the amount of \$4,346.79
Account #0595500 in the amount of \$4,280.78
Account #2000500 in the amount of \$2,830.02
Account #0630000 in the amount of \$ 76.90
Account #0192000 in the amount of \$ 512.67
Account #4513000 in the amount of \$2,607.20
Account #1274500 in the amount of \$4,024.45
Account #3018500 in the amount of \$1,676.88
Account #0944500 in the amount of \$3,500.88
Account #1709500 in the amount of \$1,012.44
Account #3241500 in the amount of \$5,692.10
Account #2180022 in the amount of \$ 265.43
Account #2340500 in the amount of \$4,244.25
Account #3829000 in the amount of \$3,662.21
Account #2249500 in the amount of \$1,211.29
Account #4468500 in the amount of \$9,789.43
Account #1611500 in the amount of \$4,226.51
Account #0609000 in the amount of \$2,973.48

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

AUTHORIZE COMPTROLLER TO RELEASE ESCROW DEPOSIT
RESOLUTION #457

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

BE IT RESOLVED, that the Town Comptroller is hereby authorized to release the following Escrow Deposit:

Street Opening Permit #016-008 in the amount of \$2,000.00 for the Lexington Avenue location to Spectra Energy, POB 1642, Houston, TX 77251.

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

Supervisor Grace advised the public that during the budget meeting, the Town Board gave two provisional employees permanent employee status: John Landi, Building Inspector and Gennelle MacNeil, Deputy Town Comptroller.

MONTHLY REPORTS

Accept the monthly reports from the Receiver of Taxes for September 2017 and October 2017.

COURTESY OF THE FLOOR

Ilan Gilbert, resident, asked if the \$250,000 settlement of the claim with Competition Carting was for work done beyond the original scope of the bid, and hopes that the Town is not in the same situation with the new contractor, AAA Carting.

Dan Strauss, resident, said he misspoke about the orange litterbags that are left in Town: the Refuse and Recycling Department picks them up – not the Highway Department. He also mentioned that he attended a senior meeting and there was some concern about security at the YCCC building and hope that this can be addressed in the future with the Town Board. Two

veterans also spoke at the meeting about a trip they took to Washington for veterans. He mentioned how impressive their talk was about their combat service.

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

Supervisor Grace stated that there is money in the budget for security cameras at the YCCC and that it should be implemented next year.

Supervisor Grace stated said that what Competition Carting felt they were owed was substantially more than what the Town settled for – the issue is that garbage collection is a moving target over a five-year period where additional services are required as growth and needs changed over that time (Trump Park going from one operational building to three; Crompond Crossing came on board, etc.).

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