

Regular meeting held by the Town Board,  
Town of Yorktown on June 7, 2011 held at  
363 Underhill Avenue, Yorktown Heights, NY 10598

Present: Susan Siegel, Supervisor  
Nicholas Bianco, Councilman  
James Martorano, Councilman  
Terrence Murphy, Councilman  
Vishnu Patel, Councilman  
Alice E. Roker, Town Clerk

#### EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Executive Session to discuss personnel.

#### TOWN BOARD MEETING

Supervisor Susan Siegel called the meeting to order. Town Attorney Jeannette Koster, Director of Planning John Tegeder Acting Town Engineer Sharon Robinson and Bruce Barber, Environmental Consultant were also present at the meeting.

#### PLEDGE OF ALLEGIANCE

Eagle Scout Stephen Moy and Co-Presidents of the Yorktown LEO's, Ally Fine and Nicki Bucci led the salute to the flag.

#### MOMENT OF SILENCE

Councilman Patel introduced Steven Moy, Yorktown's latest Eagle Scout.

Eagle Scout Moy spoke about his Eagle Scout Project which was organizing and leading a group of volunteers to build four new benches, planting a Japanese Maple Tree and pachysandras at the Yorktown High School Inner Courtyard making it beautiful for the students to enjoy.

#### CERTIFICATE OF APPRECIATION

Councilman Patel read the following:

For your past, present and continuing community service on behalf of all our citizens, and especially for your efforts planning and maintaining Patriot Garden. Your selfless, volunteer activities greatly enhance our Town visually and culturally. We offer you our hearty appreciation and gratitude.

The Yorktown Leo's Club co-presidents Ally Fine and Nicki Bucci accepted the Certificate of Appreciation and thanked the Town Board for bestowing this honor upon the club..

#### DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Siegel made several announcements:

Tag Sale signs cannot be placed on telephone poles or any other type of utility pole in the Town of Yorktown. They can be placed on private property.

The John C. Hart Library was awarded a grant of \$119,929 from New York State. The money will be applied toward the purchase of the Library's new heating system. The total cost of the project was approximately \$400,000.

The next regularly scheduled meeting of the Town Board will be held at the new Legacy Ball Field on Tuesday, June 21, 2011.

#### DURING REPORTS FROM TOWN COUNCIL

Councilman Bianco attended Sunday's Freedom Gardens Day celebration. This year, they broke ground on a new 3,000 square foot structure. The building will contain three one bedroom affordable apartments. Freedom Gardens opened in Mohegan Lake in 1962. Physically challenged individuals and their families live on this five acre site.

Councilman Bianco also stated that he received a call from New York State Senator Gregory Ball stating that he and State Senator George Latimer and make a major announcement concerning the MTA tax at Councilman Murphy's Wellness Center on Commerce Street tomorrow at 5:00PM.

Councilman Murphy reiterated Councilman Bianco's comments on tomorrow's press conference. He further stated that the State Senator has been working hard to repeal this tax which costs the Town of Yorktown more than \$60,000 annually. Councilman Murphy also thanked everyone who attended the Memorial Day Parade.

Councilman Patel stated that earlier this evening he presented an award to the Class of 2011 at Lakeland High School. He plans to present another award tomorrow night at Yorktown High School. Councilman Patel thanked the LEO's for their work on Patriot Garden. He also congratulated the Planning Department for their award for Patriot Garden. Councilman Patel also spoke about the recent DARE graduation at Thomas Jefferson Elementary School.

Councilman Martorano stated that the town's Building Inspector William Gregory retires on Friday after working for the Town of Yorktown for forty years. He thanked him for his service and wished him well.

Supervisor Siegel welcomed Jennifer Swift a reporter with a new on line newspaper, DailyYorktown.com.

Highway Superintendent Eric DiBartolo spoke about the Relay for Life Event that will take place on Friday on the grounds of the Yorktown Community and Cultural Center.

APPOINTMENT ASSISTANT WATER MAINTENANCE FOREPERSON  
JOSEPH LEWIS – WATER DEPARTMENT  
RESOLUTION #259

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Joseph Lewis is hereby appointed Assistant Water Maintenance Foreperson, job class code 0611-01, from Eligible List No. 70-547, in the Water Department, effective June 8, 2011 to be paid from Yorktown CSEA Salary Schedule A, Group 13, Step 5 which is \$65,416.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 8, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT MOTOR EQUIPMENT OPERATOR  
JOSEPH A. DELL'OLIO – HIGHWAY DEPARTMENT  
RESOLUTION #260

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Joseph A Dell'Olio, is hereby appointed Motor Equipment Operator, job class code 0427-02, in the Highway Department, effective June 8, 2011 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$45,968.00 annually;

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on June 8, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT ADVISORY BOARD ON ARCHITECTURE & COMMUNITY  
APPEARANCE DAVID M. MCCONNELL – ABACA  
RESOLUTION #261

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that David M. McConnell is hereby appointed as an alternate member of the Advisory Board of Architecture & Community Appearance for a three year term expiring 9/30/2012, to fulfill the unfinished term of Michael Piccirilli.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT TREE CONSERVATION ADVISORY COMMISSION  
WILLIAM KELLNER – CHAIR  
RESOLUTION #262

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that William Kellner is hereby reappointed as a member of the Tree Conservation Advisory Commission for a three year term expiring on 5/31/14. William Kellner is also appointed Chairman of the Tree Conservation Commission.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT TREE CONSERVATION ADVISORY COMMISSION  
RONALD E. BUEHL  
RESOLUTION #263

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Ronald E. Buehl is hereby reappointed as a member of the Tree Conservation Advisory Commission for a two year term expiring on 5/31/13.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT TREE CONSERVATION ADVISORY COMMISSION  
KEITH SCHEPART  
RESOLUTION #264

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Keith Schepart is hereby reappointed as a member of the Tree Conservation Advisory Commission for a three year term expiring on 5/31/14.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT TREE CONSERVATION ADVISORY COMMISSION  
DALE SALTZMAN  
RESOLUTION #265

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Dale Saltzman is hereby reappointed as a member of the Tree Conservation Advisory Commission for a two year term expiring on 5/31/13.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPOINTMENT TREE CONSERVATION ADVISORY COMMISSION  
RICHARD KNAPP  
RESOLUTION #266

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

BE IT RESOLVED, that Richard Knapp is hereby reappointed as an alternate member of the Tree Conservation Advisory Commission for a one year term expiring on 6/31/12.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Philip Grimaldi who is the attorney representing Mr. Nicholas Witkowich who successfully sued the Zoning Board concerning a decision allowing a resident to construct a garage on his property. He asked why the structure remains in place? Will the property owner be compelled to remove the structure? He also stated that he was concerned over a comment that the Building Inspector made to the press concerning the status of the building permit.

Mrs. Marie Scalfani stated that there are ruts on her property made by a tree that had fallen across a brook on her property. Employees of the Town of Yorktown removed the tree, but there are ruts in the ground and silt in the brook. She wanted to know what the town plans to do about this?

Mr. William Primavera stated that he wanted to commend the members of the Tree Committee for their fine work.

Mr. Nicholas Witkowich asked that the complaint he sent to the Town Board be referred to the Ethics Committee. He also asked how much money the Town spent on pursuing the lawsuit that he filed against the Town.

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel provided the following responses to comments and questions asked during Courtesy of the Floor:

With regard to questions posed by Mr. Grimaldi

The Code Inspector was sent to inspect the property. There was no construction activity observed.

With regard to the complaint filed by Mr. Witkowich:

Under the current Ethics Law, the complaint goes before the Town Board. The Town Board did take up the issue and decided that because of the nature of the complaint, it was referred to the District Attorney.

With regard to Mr. Scalfani's complaint:

She will look into the issue.

With regard to Mr. Primavera's comment concerning the Tree Committee:

She thanked him for his comments.

Councilman Bianco provided the following responses to comments and questions asked during Courtesy of the Floor:

With regard to Mrs. Scalfani's complaint:

He knows her backyard and the condition of the stream she is talking about. He will speak to the Highway Superintendent.

With regard to Mr. Primavera's comments:

He agreed with him.

With regard to Mr. Witkovich:

He was happy to learn about the decision because he believes it was the right decision. The Zoning Board of Appeals is a separate body from the Town Board. We cannot interfere with their decisions. The Board has decided not to appeal the decision.

Councilman Martorano provided the following responses to comments and questions asked during Courtesy of the Floor:

Responding to Mr. Primavera:

Concerning the tree ordinance, on balance it is a very good law. He was concerned about it in the beginning, but when the committee proposed that there would be no fees associated with this law, he wholeheartedly supported it. The point of the law he feels was to raise everyone's consciousness concerning the value that trees have on the environment.

Responding to Mr. Witkovich:

The Town Board is compelled to defend our Boards, even if we feel that the decision they rendered was wrong. We do have discretion when it comes to appealing a decision and in this case, we will not pursue an appeal.

#### RECONVENE PUBLIC HEARING ZEAL CONSTRUCTION

Supervisor Siegel convened a public hearing to consider the application of Zeal Construction for a Wetlands Permit to construct a single family house, driveway, water, sewer and other utilities located at 1719 Parmly Road, Mohegan Lake, NY 10547.

Mr. Capellini, the attorney for the owner of this property stated that they will not be making a formal decision since they made one during the last meeting. The members of the team have met with the staff of the Town since that public hearing and have made further changes. We also have no problem with the adhering to the comments of the Conservation Board. The builder has stated that he will build a high ranch style house.

Mr. Bruce Barber, Wetlands Consultant for the Town stated that since the public hearing was adjourned, the applicant has provided additional information to the Town as well as responded to comments from the public and the Conservation Board. He further explained that the wetlands and wetlands buffer on this parcel have been significantly compromised. Based upon the proposed mitigation by the applicant, the function of the wetlands and wetlands buffer will be improved.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Martorano motioned, seconded by Councilman Bianco.

#### ZEAL CONSTRUCTION INC. NEGATIVE DECLARATION SEQR – NOTICE OF DETERMINATION OF NON-SIGNIFICANCE RESOLUTION #267

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

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:** Wetland and Stormwater Permit for Zeal Construction, Inc..

**SEQRA Status:** \_\_\_\_ Type 1

X  Unlisted

**Conditioned Negative Declaration:** \_\_\_ Yes

X  No

**Description of Action:** The applicant is proposing to construct a single family residence, driveway and walkway as well as connect to the municipal sewer and water system on a 0.691 +/- acre parcel in an R1-10 zoning district in the Town of Yorktown. Permanent disturbance to wetland buffer regulated by the New York State Department of Environmental Conservation and the Town of Yorktown will result. A NYSDEC Article 24 permit has been obtained by the applicant. The applicant requires a Wetlands and Stormwater Permit from the Town Board.

**Location:** Parmly Road; Section 25,.8 Block 2 Lot 17 in the Town of Yorktown, Westchester County, New York

**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. There shall be loss of wetland buffer which has been found to have been previously impacted and having low functional values. There shall be improvement of the wetland and wetland buffer functional values. An erosion and sediment control plan has been provided.
2. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources. Inspection did reveal any threatened or endangered species on the site. Vegetation that is proposed to be disturbed consists predominately of invasive species.
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.
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.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

ZEAL CONSTRUCTION INC.  
WETLANDS AND STORMWATER PERMIT: WP-051-09 PARMLY ROAD  
RESOLUTION #268

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, Zeal Construction, Inc. (“the applicant”) has been authorized by the property owner Rose Carozza (“the owner”) to apply for Town wetland and stormwater permits to construct a single family residence, driveway, and install municipal water and sewer connections on a 0.691 +/- acre parcel situated in an R1-10 zoning district; and

WHEREAS, there are wetlands and associated buffers that are regulated by the New York State Department of Environmental Conservation (NYSDEC) and the Town of Yorktown on the site; and

WHEREAS, there is no proposed disturbance to the wetland area other than to remove debris and invasive plant species by hand; and

WHEREAS, the owner has obtained an Article 24 NYSDEC wetland permit; and

WHEREAS, the applicant has documented significant prior disturbance to the wetland and wetland buffer and has provided a functional analysis which details the low to moderate functions of the wetland buffer which will be impacted by the proposed construction; and

WHEREAS, the location of the house and associated improvements have been modified to avoid impacts to the wetlands and wetland buffers to the greatest degree possible; and

WHEREAS, the applicant has submitted a wetland and stormwater permit application in which plans have been provided to mitigate impacts and improve existing functions of wetland and wetland buffer areas including removal of debris and invasive plant species by hand in the wetlands, installation of wetland mitigation plantings and placement of a conservation easement on the wetland and wetland mitigation plantings; and

WHEREAS the applicant has submitted a stormwater permit application and will provide the following to mitigation potential impacts including an erosion and sediment plan, stormwater drainage to intercept and remove sediment and pollutants from existing road drainage to the wetlands and installation of a planted area to treat roof drainage; and

WHEREAS, the applicant's consulting engineer has certified that the proposed improvements are not located in a flood plain area; and

WHEREAS, the applicant has submitted a Long Environmental Assessment Form (EAF), originally dated June 3, 2010 most recently revised April 29, 2011; and

WHEREAS, the New York State Natural Heritage Program reported a historical (1887) occurrence of *Ludwigia sphaerocarpa* in Lake Mohegan; and

WHEREAS, the applicant's environmental consultant has provided documentation that this plant is not on the subject site; and

WHEREAS, the applicant's attorney has provided documentation of ownership of this parcel to the centerline of Parmly Road and therefore a front yard zoning requirement is not needed and the location of the house is in conformance with the Schedule A found on the deed, and

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

WHEREAS, the Town of Yorktown Town Board declared intent to act as Lead Agency and circulated EAF and associated documents to the following boards, agencies and departments and received comments back as indicated: Town of Yorktown Conservation Board (02/19/10, 03/23/10, 05/06/10, 05/18/10, 05/23/10, 03/09/11, 03/31/11 and 06/03/11), Town of Yorktown Highway Department, Town of Yorktown Planning Board (02/23/10, 05/17/10, 01/21/11, 3/28/11), Town Engineer (04/27/11), Town Environmental Consultant (05/05/10, 04/11/11), Town Environmental Code Inspector (03/03/10, 06/29/10); and;

WHEREAS, as objection to the declaration of lead agency status were not received and the Town Board thereby adopts Lead Agency status; 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, the Town Board has reviewed written correspondence from Kathleen M. Zsiday dated May 12, 2011 and written correspondence from Ken Belfer, President of the Mohegan Lake Improvement District dated April 13, 2011; and

WHEREAS, a public hearing on this application was convened on May 17, 2011 and was adjourned in order for the applicant to respond to public comments and provide additional information; and

WHEREAS, the public hearing was reconvened on June 7, 2011; and

NOW THEREFORE BE IT RESOLVED THAT, upon consideration of public comments the public hearing for the Wetlands and Stormwater Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Town of Yorktown Wetland and Stormwater Permit Application WP-051-09 12/07/09 executed by Joseph Scorsone of Zeal Construction who was authorized to apply as per signature of property owner Rose Carozza..

- Long-form EAF (Parts I and II), executed by Joseph Scorsone of Zeal Construction originally dated June 3, 2010 most recently revised April 29, 2011.
- Wetland Functional Assessment Report prepared by Dru Associates originally dated June 3, 2010 most recently updated January 2, 2011. .
- Deposition of Rose Carozza dated May 17, 2011.
- Memo executed by Kyle Kayler of Kayler Geoscience dated May 25, 2011, 2 pages.

BE IT FURTHER RESOLVED THAT, the Wetlands and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

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

BE IT FURTHER RESOLVED THAT, the Wetlands and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed 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. Submission of all applicable fees and escrow.
2. A construction monitoring escrow in the amount of \$1,000.00 shall be submitted to the Engineer Department Clerk.
3. The applicant shall satisfy any outstanding comments provided by the Town Engineer, Town Attorney, Town Highway Superintendent, the Town Planning Board and/or Town Environmental Consultant.
4. The Town Supervisor shall sign the EAF. .
5. Provide any/all approvals and permits from NYSDEC and the Town of Yorktown Highway Department.
6. Final reports from the Town Engineer, and Town Wetlands Inspector shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
7. A Stormwater Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Town Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of work.
8. The applicant must provide written documentation to the satisfaction of the Town Engineer and Town Highway Superintendent regarding the adequacy of the road, road ownership and the town maintenance requirements if any.
9. The applicant shall provide a bond to the satisfaction of the Town Attorney in the amount of \$2,500 which shall be released at the end of the five-year period as measured from the date of issuance of the certificate of occupancy that a minimum of 85% of the mitigation plants as indicated on the approved plan have survived.
10. Review and approval of the house elevations and plans.
11. This resolution shall be reviewed as to form and content by the Town Attorney.

12. Four original copies of the approved plans, as revised to meet the conditions of this Resolution, signed by a NYS Professional Engineer, Registered Architect or Registered Landscape Architect and the easement holder of the property shall be submitted for the Town Supervisor's signature.

#### Conditions of the Wetlands and Stormwater Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.
2. The Town Wetland Inspector 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 wetland and stormwater permit.
3. No additional disturbance or modifications is permitted.
4. No work shall commence on the site without prior issuance of a Town of Yorktown Building Permit and Town sewer and water permits.
5. Inspection reports prepared by the qualified inspector shall be furnished to the Town Engineer with 3 calendar days of the date of inspection. Modifications to the approved plans and SWPPP shall be made only with prior Town Engineer approval.
6. All conditions of the NYSDEC permit must be followed.

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

1. Applicant must provide an as-built survey prepared by a NYS Licensed Land Surveyor which confirms that the permitted work has been installed in accordance with the approved plans.
2. The Town Engineer and Town Wetland Inspector must provide a written report, no later than at the expiration date of the wetland and excavation permit, documenting the status of the implementation of the requirements of this resolution.
3. Prior to the issuance of a notice of satisfactory completion, the Town Clerk Department shall confirm with the Engineering Department Clerk that all consultant fees have been paid in full.
4. The footprint of the house shall not be in greater than what is shown on the approved plans.
5. The applicant shall not be permitted to construct an additions to the footprint as shown on the approved plans.
6. Prior to the issuance of a certificate of occupancy, the conservation easement language shall be approved by the Town Attorney and filed in the County records.
7. This wetland permit does not allow improvements or alterations to the existing dock plot.
8. Documentation from NYSDEC regarding transference of the wetland permit to any/all subsequent property owners.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

#### CONVENE PUBLIC HEARING

#### PROPOSED LOCAL LAW AMENDING VARIOUS SECTIONS CHAPTER 45 – ETHICS AND NEW ETHICS DISCLOSURE STATEMENT

Supervisor Siegel convened a public hearing to consider amending various sections of Chapter 45 of the Code of the Town of Yorktown entitled "ETHICS," including a new Ethics Disclosure Statement. The Town Clerk presented affidavits of posting and publication.

Supervisor Siegel explained the difference between the last draft and this proposed draft of the Ethics Law. She further stated that the new law will have a new Ethics Disclosure Form that will require additional information from those filling it out. There has also been a change in the gatekeeper portion of the law. The Ethics Board will become the gatekeeper instead of the Town Board.

Mr. Richard Rubenstein stated that he believes this is a good law because it removes ethical issues from the political process.

Councilman Patel stated that he believes this law is long overdue.

Mr. Jay Kopstein asked if the issues he spoke about at the last meeting had been incorporated into this new proposal. No employee of the Town should be permitted to solicit anything.

Supervisor Siegel stated that the Board did discuss his recommendations and the job titles he wanted placed in the law are in this proposal.

Councilman Martorano thanked the members of the Ethics Board for their work on this law. He had concerns similar to those expressed by former Councilman Tony Grasso regarding family members. He further stated that he believes there could be a misuse of this for political advantage. During this process the Ethics Board has assured the Town Board that the confidentiality of this information will be protected by the safeguards that you put in place.

Councilman Murphy said Councilman Martorano said it very well. We trust the Ethics Board and believe that all of you have integrity and great character.

Councilman Patel called the members of the Ethics Board priceless.

Supervisor Siegel spoke to Mr. Kopstein regarding his other concern about employees and gifts, she stated that it was the Town Board's desire to move ahead with this proposal. Every time we change something, it requires a new public hearing.

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

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Martorano.

LOCAL LAW #5 OF 2011  
VARIOUS SECTIONS CHAPTER 45  
ETHICS AND NEW ETHICS DISCLOSURE STATEMENT  
RESOLUTION #269

Upon motion made by Councilman Bianco, seconded by Councilman Martorano,

WHEREAS, a public hearing was held on June 7, 2011 pursuant to notice duly published as required by law to consider the adoption of a proposed local law amending various sections of Chapter 45 of the Code of the Town of Yorktown entitled "ETHICS," including a new Ethics Disclosure Statement, now therefore be it

RESOLVED that Local Law #5/2011, as annexed hereto, be and is hereby adopted.

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

Councilman Bianco	Voting	Aye
Councilman Martorano	Voting	Aye
Councilman Murphy	Voting	Aye
Councilman Patel	Voting	Aye
Supervisor Siegel	Voting	Aye

Local Law #5/2011 was thereupon declared adopted.

PUBLIC HEARING  
SHERMAN COURT BRIDGE CULVERT REPLACEMENT  
WETLANDS PERMIT

Supervisor Siegel convened a public hearing to consider the application of the Town of Yorktown for a Wetlands Permit for the installation of a temporary access road to allow vehicle traffic to the residents located on Sherman Court during the Sherman Court Bridge Culvert replacement Project. The Town Clerk presented affidavits of posting and publication.

Acting Town Attorney Sharon Robinson stated that the Sherman Court Bridge was flagged by the New York State Department of Transportation as a bridge with a risk of failure of a major structural component and requires corrective action to assure safety.

This requires the installation of a temporary access bridge to allow vehicular traffic during the replacement of the Sherman Court Bridge Culvert.

Bruce Barber, Yorktown's Environmental Consultant went over memorandum from the New York City Department of Environmental Protection and the New York State Department of Environmental Conservation.

All those present having been given the opportunity to be heard and there being no further discussion the hearing was closed. Councilman Martorano motioned, seconded by Councilman Patel.

SHERMAN COURT BRIDGE CULVERT REPLACEMENT  
NEGATIVE DECLARATION  
RESOLUTION #270

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

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:** Wetland, Stormwater and Tree Permit for the Town of Yorktown, New York.

**SEQRA Status:** \_\_\_\_ Type 1

X  Unlisted

**Conditioned Negative Declaration:** \_\_\_\_ Yes

X  No

**Description of Action:** The applicant is proposing replace a structurally failed culvert at the Sherman Court bridge and to construct a temporary access road to allow vehicular access to the residents located on Sherman Court during the Sherman Court culvert replacement project. The work is located within a wetland and control area of a jurisdictional Town of Yorktown wetland. Approximately 9 (nine) trees less than 24" dbh and approximately 12 (twelve) trees less than 12" dbh will be cut to allow construction of the temporary access road. The access road will be constructed of millings which shall be removed upon completion of the project. Total land disturbance is approximately 0.5 acres and all disturbed areas will be restored with vegetation in accordance with an approved plan. The applicant requires a Wetlands, Stormwater and Tree Permit from the Town Board. Approvals have been obtained from the New York State Department of Environmental Conservation (NYSDEC), Army Corps of Engineers (ACOE) and the New York State Department of Transportation (NYSDOT).

**Location:** Multiple parcels on Sherman Court in the Town of Yorktown, Westchester County, New York

**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:

11. 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. There shall be no permanent increase in the existing footprint or impervious surface area. There shall not be any loss of wetland or wetland buffer area or function. An erosion and sediment control plan has been provided.
12. The proposed action will not result in the removal or destruction of large quantities of natural vegetation or fauna; substantial interference with the movement of any resident or migratory fish or wildlife species; impact a significant habitat area; result in substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such species; and will not result in other significant adverse impacts to natural resources. Twenty-three trees will be cut to allow construction of the temporary access road. The loss of these trees shall be mitigated through the implementation of a mitigation plan.
13. 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).
14. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
15. 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.
16. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
17. 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.
18. 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.
19. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
20. 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.
21. 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).
22. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

SHERMAN COURT BRIDGE CULVERT REPLACEMENT  
WETLANDS PERMIT  
RESOLUTION #271

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, the applicant proposes to replace the structurally failed Sherman Court bridge culvert and,

WHEREAS, the applicant proposes to construct a temporary access road to be used by residents during the Sherman Court bridge culvert replacement project; and

WHEREAS, temporary construction easements have been obtained from the property owners; and

WHEREAS, jurisdictional permits and approvals for this project have been obtained from the New York State Department of Environmental Conservation (NYSDEC), the Army Corps of Engineers (ACOE) and the New York State Department of Transportation (NYSDOT); and

WHEREAS, there are Town regulated wetlands and associated buffers located on the site and disturbance required to construct the access road is in part within Town of Yorktown regulated wetland buffer and temporary disturbance to a Town of Yorktown wetland will occur due to the culvert replacement; and

WHEREAS, twenty-three trees will be cut in order to construct the temporary access road; and

WHEREAS, land disturbance of approximately 0.5 acres will be required to complete the project; and

WHEREAS, the applicant has submitted a wetland, stormwater and tree permit application in which plans have been provided to mitigate impacts to wetland and wetland buffer areas, prevent erosion and sediment from the leaving the site and preventing the introduction of pollutants to the wetlands and to mitigate for the loss of trees; and

WHEREAS, the applicant has submitted a short Environmental Assessment Form (EAF), dated March 1, 2011; and,

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

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on March 1, 2011 and has received review comments from the Town of Yorktown Conservation Board; 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, a public hearing on the permit application was conducted on June 7, 2011; and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetlands, Stormwater and Tree Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

- Town of Yorktown Wetland, Stormwater and Tree Permit Application WP-B-SWPPP-T 010-11, dated March 1, 2011, executed by Acting Town Engineer, Sharon Robinson.
- Short-form EAF dated March 1, 2011.
- Design drawings and specifications prepared by Charles H. Sells, Inc.

BE IT FURTHER RESOLVED THAT, the Wetlands, Stormwater and Tree Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland Stormwater and Tree Permit shall be conducted in strict compliance with the approved plans; 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 and the approved drawings by the end of the term of this permit; and

BE IT FURTHER RESOLVED THAT, the Wetlands, Stormwater and Tree Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution. Should the below-listed 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 Town Stormwater Officer shall sign the MS4 acceptance form.
2. Provide any/all approvals and permits from NYSDEC, NYCDEP, ACOE, NYSDOT and the Town of Yorktown Highway Department.
3. The Town Supervisor shall sign the EAF.

Conditions of the Wetlands, Stormwater and Tree 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 wetland, stormwater and tree permit.
3. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
4. Inspection reports prepared by the qualified inspector shall be furnished to the Acting Town Engineer with 3 calendar days of the date of inspection. Modifications to the approved plans and SWPPP shall be made only with prior Town Engineer approval.
5. Final location, species and sizes of mitigation plantings shall be approved by the Town Engineer in consultation with the Town Environmental Consultant.

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

1. The Acting Town Engineer and Town Environmental Consultant must provide a written report, no later than at the expiration date of the wetland, stormwater and tree permit, documenting the status of the implementation of the requirements of this resolution.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISING:  
REJECT/RE-ADVERTISE AUDIO VISUAL EQUIPMENT BID  
RESOLUTION #272

Upon motion made by Councilman Martorano, seconded by Councilman Martorano,

WHEREAS, invitation to bid for the furnishing and delivering of Audio Visual Equipment for the Town Meeting Room was duly advertised, and

WHEREAS, only one bid was received, and

WHEREAS, the Town Supervisor has recommended the bid be rejected and that the matter be rebid on the 7<sup>th</sup> day of June, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598, now therefore be it

RESOLVED, that the bid received for the furnishing and delivering of Audio Visual Equipment for the Town Meeting Room be rejected, and be it

FURTHER RESOLVED, that the matter be rebid with a return date of June 24, 2011 at 2:00PM o clock at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RE-ADVERTISE BID AUDIO VISUAL EQUIPMENT  
RESOLUTION #273

Upon motion made by Councilman Martorano, seconded by Councilman Martorano,

Sealed proposals will be received by the Town Clerk of the Town of Yorktown, Westchester County, New York, at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York, until 2:00 P.M., on Friday, June 24, 2011, for the furnish and delivering of Audio Visual Equipment for Town Meeting Room.

Specifications and standard proposals for the bid may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in on the time and the place specified above.

The Town of Yorktown reserves the right to waive any informalities in the bids, to reject any or all bids and reserves the right to accept that bid which it deems most favorable to the interests of the Town of Yorktown. No bidder may withdraw his bid within thirty (30) days after the actual date of the opening thereof.

If mailed, sealed proposals must be addressed in care of the Town Clerk at the above address.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

ADVERTISE BID FOR ASPHALTIC CONCRETE LAID IN PLACE  
RESOLUTION #274

Upon motion made by Councilman Martorano, seconded by Councilman Martorano,

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on July 5, 2011 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Asphaltic Concrete Laid in Place Bid. Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: "Bid: Asphaltic Concrete Laid in Place Bid. The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

PROJECT MANAGEMENT FOR DEMOLITION OF THE HOLLAND SPORTING CLUB  
RESOLUTION #275

Upon motion made by Councilman Martorano, seconded by Councilman Martorano,

The Town of Yorktown is seeking proposals from qualified individuals and firms interested in providing Project Management for the demolition of 3 buildings and 7 small bungalows at the Holland Sporting Club located on Horton Road, Mohegan Lake, New York.

Specifications may be obtained at the office of the Town Clerk at said Town Hall, Yorktown Heights, NY during regular office hours.

All completed proposals must be received in the Office of the Town Clerk, 363 Underhill Ave., Yorktown Heights, NY 10598, no later than 2:00 p.m., June 24, 2011. The Town is not responsible for any internal or external delivery delays, which may cause the RFP to arrive beyond the deadline. An original plus three copies of the proposal must be submitted. No materials will be accepted after the deadline.

The Town Board reserves the right to reject any or all proposal and to accept that proposal which it deems most favorable to the interests of the Town of Yorktown.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AWARD BIDS/REQUEST FOR PROPOSALS (RFP)  
T-SHIRTS AND UNIFORMS – PARKS & RECREATION DEPARTMENT  
RESOLUTION #276

Upon motion made by Councilman Martorano, seconded by Councilman Martorano,

WHEREAS, invitation to bid for T-SHIRT AND UNIFORMS for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00am on the 16th day of May, 2011,

WHEREAS, one late bid was received from Viatran Inc., stamped received by the Town Clerk's Office on Monday, May 16, 2011, now therefore be it,

RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the Create My Tee, the low bidder for all items.

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

APPROVE CERTIORARI SETTLEMENTS – BT-NEWYO (UPS)  
RESOLUTION #277

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 48.07, Block 1, Lot 3, located at 1785 Front Street, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 48.07-1-3, Account Number 4456501, owned by BT-NEWYO, LLC, for assessment roll years 2004, 2005, 2006, 2007, 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2010	\$84,000	\$84,000	\$0
2009	\$84,000	\$84,000	\$0
2008	\$84,000	\$84,000	\$0
2007	\$100,000	\$93,550	\$6,450
2006	\$100,000	\$95,450	\$4,550
2005	\$100,000	\$100,000	\$0
2004	\$100,000	\$100,000	\$0

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
 Resolution adopted.

APPROVE CERTIORARI SETTLEMENTS – 1949 COMMERCE STREET (7-ELEVEN)  
RESOLUTION #278

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 37.14, Block 2, Lot 61, located at 1949 Commerce St, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.14-2-61, Account Number 3631000, owned by 1949 Commerce St, LLC, for assessment roll years 2000, 2001, 2002, 2003, 2004, 2005, 2006, 2007, 2008, 2009 and 2010 be settled as set forth in the proposed stipulation as follows:

<u>Roll Year</u>	<u>AV From</u>	<u>AV To</u>	<u>AV Reduction</u>
2010	\$18,600	\$17,450	\$1,150
2009	\$18,600	\$16,500	\$2,100
2008	\$18,600	\$16,800	\$1,800
2007	\$18,600	\$15,750	\$2,850
2006	\$18,600	\$15,600	\$3,000
2005	\$18,600	\$17,250	\$1,350
2004	\$18,600	\$18,600	\$0
2003	\$18,600	\$18,600	\$0
2002	\$26,000	\$19,100	\$6,900
2001	\$26,000	\$23,900	\$2,100
2000	\$26,000	\$25,000	\$1,000

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
 Resolution adopted.

APPROVE CERTIORARI SETTLEMENTS – 1977 & 1983 COMMERCE STREET  
(FRIENDLY’S)  
RESOLUTION #279

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcels known as Section 37.14, Block 2, Lot 67, located at 1983 Commerce St and parcel know as Section 37.14, Block 2, Lot 68, located at 1977 Commerce St, on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 37.14-2-67, Account Number 3629000, owned by 1983 Commerce Realty, LLC and tax parcel 37.14-2-68, Account Number 3628500, owned by Friendly’s Ice Cream Corp., for assessment roll years 2004, 2005, 2006, 2007 and 2008, be settled as set forth in the proposed stipulation as follows:

SBL 37.14-2-67

Roll <u>Year</u>	AV <u>From</u>	AV <u>To</u>	AV <u>Reduction</u>
2008	\$15,150	\$13,850	\$1,300
2007	\$15,150	\$13,000	\$2,150
2006	\$15,150	\$12,600	\$2,550
2005	\$15,150	\$13,650	\$1,500
2004	\$15,150	\$13,900	\$1,250

SBL 37.14-2-68

Roll <u>Year</u>	AV <u>From</u>	AV <u>To</u>	AV <u>Reduction</u>
2008	\$7,150	\$6,550	\$600
2007	\$7,150	\$6,150	\$1,000
2006	\$7,150	\$5,950	\$1,200
2005	\$7,150	\$6,450	\$700
2004	\$7,150	\$6,550	\$600

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE LANDSCAPE BOND #2250  
RESOLUTION #280

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, Lisa Teevens, as applicant, heretofore filed Landscape Bond #2250 in the amount of \$300.00, for Lot #120.1 for her residence on Mead Street, which was deposited into the T-30 Account on October 3, 2003, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW, THEREFORE, BE IT

RESOLVED, that Landscape Bond #2250 in the amount of \$300.00 be and is hereby released to Ms. Lisa Teevens, 3029 Mead Street, Yorktown Heights, NY 10598.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

RELEASE EROSION CONTROL BOND #WP112-04  
RESOLUTION #281

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, John Hufnagel, as applicant, heretofore filed an Erosion Control Bond in the sum of \$300.00, which was deposited into the T33 Account on September 23, 2004, covering Wetland Permit #112-04, for work performed at his Gomer Street residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion control may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Control Bond in the amount of \$300.00 be and is hereby released to Mr. John Hufnagel, 3635 Gomer Street, Yorktown Heights, NY 10598.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AGREEMENT WITH WESTCHESTER COUNTY  
TO PROVIDE SERVICES TO THE ELDERLY  
RESOLUTION #282

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

RESOLVED, that the Town Supervisor is hereby authorized to sign two agreements with Westchester County to provide services to elderly residents of the County, to be funded through NYS Office for the Aging grants to the County under Titles III-B, III-C1 and III-C2 of the Older Americans Act, for the provision of social, transportation and nutrition services to seniors through grant funds provided by Westchester County. The term of the agreements are January 1, 2011 through December 31, 2011.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN A LEASE ON BEHALF OF THE TOWN OF  
YORKTOWN AS TENANT WITH THE YORKTOWN COMMUNITY NURSERY  
SCHOOL AS LANDLORD FOR USE OF THEIR FACILITIES AT 247 VETERANS  
ROAD FOR PARKS & RECREATION DEPARTMENTS PRE-SCHOOL SUMMER  
CAMP PROGRAM FROM JULY 5 THROUGH JULY 29  
RESOLUTION #283

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, the Town wishes to obtain space for a period of under one month in which to operate the a pre-school summer camp program under the Department of Parks and Recreation,

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Community Nursery School, landlord, at 247 Veterans Road, Yorktown Heights, from July 5, 2011 through July 29, 2011, at a rent of \$4,500.00, to be paid out of surplus funds, to provide facilities for the Parks and Recreation Department's pre-school summer camp program.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

CROTON OVERLOOK – ACCEPT DEIS FOR COMPLETENESS REVIEW  
RESOLUTION #284

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

WHEREAS, the Town Board of the Town of Yorktown (“Town Board”) received a Verified Petition dated June 10, 2010, from Croton Overlook Corporation (“Petitioner”), as owner of a parcel identified as certain real property, comprised of 62.33 acres located east of the intersection of NYS Routes 134 and 100, designated on the Town Tax Map as parcels 70.15-1-2 and 70.11-1-16 (“Property”), seeking to change the zoning of the Property from R1-80 to RSP-1 in order to construct age-restricted fee simple housing units; and

WHEREAS, on June 15, 2010 the Town Board declared its intent to act as the lead agency in connection with all processing procedures, determinations, and findings to be made or conducted with respect to the petition for rezone of Croton Overlook Corporation under Section 8-0101, et. seq., of the Environmental Conservation Law (“SEQRA”) and the regulations promulgated by the New York State Department of Environmental Conservation thereunder, which appear at 6 N.Y.C.R.R. Part 617 (“SEQRA Regulations”); and

WHEREAS, the Town Board thereafter: (i) declared lead agency status in connection with the SEQRA review of the Project, and commenced review of the proposed Project in accordance with 6 N.Y.C.R.R. 617.6(b)(3); (ii) determined that the proposed action may have a significant adverse effect on the environment and required that a Draft Environmental Impact Statement (“DEIS”) be prepared; (iii) directed that a public scoping session be held at its February 15, 2010 regular meeting, in accordance with 6 N.Y.C.R.R. 617.8; and (iv) directed that a written notice of its determination of significance and notice of the public scoping session, together with a draft DEIS Scoping Outline, be sent to all involved and interested agencies as well as made available to all known individuals and organizations which had expressed an interest to the Town Board concerning the Project; and

WHEREAS, a DEIS Scoping Outline was prepared in accordance with 6 N.Y.C.R.R. 617.8 and accepted by the Town Board by resolution at its regular meeting of April 12, 2011; and

WHEREAS, Croton Overlook Corporation has prepared and submitted a preliminary DEIS for the Town Board’s review to determine its completeness as required by the accepted final written scope and its adequacy for public review in accordance with 6 N.Y.C.R.R. 617.9 (a) (2); and

NOW THEREFORE BE IT RESOLVED that the Town Board hereby accepts the preliminary DEIS to determine its completeness and adequacy in accordance with 6 N.Y.C.R.R. 617.9 (a) (2).

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

Councilman Murphy asked if the Public Hearing for Croton Overlook’s DEIS could be held on July 19<sup>th</sup> instead of August 2<sup>nd</sup> because he’ll be on vacation.

There was discussion between members of the Board, the Planning Director, Environmental Consultant and Acting Town Engineer.

Planning Director John Tegeder stated that he and his colleagues will see if this could be accomplished, but that they could not guarantee that it would be.

AUTHORIZE SUPERVISOR TO EXTEND THE SERVICES OF CARY VIGILANTE FOR CABLE SERVICES FOR A PERIOD OF UP TO 6 MONTHS  
RESOLUTION #285

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

Resolved, that the Town Board authorizes the Supervisor to extend the services of Cary Vigilante for cable services for a period of up to six months at a rate of \$500 per month.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

REFUND ZONING BOARD OF APPEALS FEE  
RESOLUTION #286

Upon motion made by Councilman Martorano, seconded by Councilman Bianco,

RESOLVED, that the Town Board approves a refund in the amount of \$210.00 be made to Frank Davoli, 249 California Road, Yorktown Heights, NY 10598 for a Zoning Board of Appeals variance fee that was determined to be not required.

Siegel, Bianco, Martorano, Murphy, Patel Voting Aye  
Resolution adopted.

MONTHLY REPORTS

Building Department  
Receiver of Taxes

COURTESY OF THE FLOOR

During Courtesy of the Floor, the following people addressed the members of the Town Board:

Mr. Witkowich spoke about his lawsuit stating that the Court has ruled on this issue and the Building Permit should never have been issued. He wanted to know who will be responsible for telling the property owner that his structure must be taken down?

COURTESY OF THE FLOOR IS CLOSED

Supervisor Siegel explained that the current Building Inspector will be retiring on Friday, after this meeting is concluded the Town Board will go into discussions concerning an Interim Building Inspector.

Councilman Patel asked that people not damage the planters along the roadways that he and other volunteers have worked so hard on.

EXECUTIVE SESSION

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, to move into Executive Session to discuss personnel issues. Upon motion made by Councilman Martorano, seconded by Councilman Bianco the Town Board moved into the work session.

ADJOURN

Councilman Martorano moved, seconded by Councilman Bianco, to adjourn the Town Board meeting.

Alice E. Roker  
Town Clerk  
Town of Yorktown