

Regular meeting held by the Town Board,
On September 18, 2012, held at the Town Hall, 363 Underhill Avenue,
Yorktown Heights, NY 10598

Present: Michael J. Grace, Supervisor
Terrence Murphy, Councilman
Nicholas Bianco, Councilman
Vishnu Patel, Councilman
David Paganelli, Councilman
Diana L. Quast, Deputy Town Clerk

EXECUTIVE SESSION

Upon motion made by Councilman Murphy, seconded by Councilman Bianco, the Town Board moved into Executive Session to discuss Town Comptroller vacation payout. Upon motion made by Councilman Paganelli, seconded by Councilman Murphy, to move out of Executive Session.

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order. Town Attorney Jeannette Koster was also present at the meeting.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the salute to the flag.

MOMENT OF SILENCE

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

DURING THE SUPERVISOR'S REPORT TO THE TOWN

Supervisor Grace noted that it was a windy, stormy day and branches have come down. He advised homeowners that they can have their branches picked up by the Town's Department of Environmental Conservation at curbside but they have to be bundled and tied. Supervisor Grace received a letter from a resident who thanked the Building Department for helping them. He also stated that a resident thanked the Highway Department for their quick response to a dangerous tree at risk of falling on his property. Supervisor Grace stated that the Teen Center would be starting up Open Mike night again and thanked Helena Rodrigues and the Justin Veatch Foundation and all of the volunteers for helping out at the Teen Center. Supervisor Grace spoke about upcoming performances at the Paramount and the Fall Festival at the Seabury. Supervisor Grace also welcomed Temptation Tea House that just opened in town.

DURING REPORTS FROM TOWN BOARD MEMBERS

Councilman Bianco welcomed Ihop/Pizza Hut and Nuttin To It, new restaurants that recently opened in town.

Councilman Murphy advised everyone to be careful tonight with the weather, there is a tornado watch for the area. He also noted that school taxes are due September 30, 2012.

Councilman Patel stated that the Grange Fair was enjoyed by all. He noted that the Town hosted the Westchester Municipals Officials Association dinner meeting at IBM and it was very informative. Councilman Patel stated that he attended the 911 ceremony and the Mohegan Lake Anniversary Parade.

Councilman Paganelli congratulated the Mohegan Lake Fire Department on their anniversary. He also thanked Councilman Patel for his efforts with making the WMOA dinner successful. He announced that the Lustgarten Foundation will be holding a fundraiser on September 23, 2012 from 11-5 pm at Murphy's restaurant. All proceeds will benefit the Pancreatic Cancer research.

Supervisor Grace offered his heartfelt condolences to Ed & Carol Lachterman on the passing of her father. He also thanked Henry Gallucci who designed a banner in memory of the residents lost in the 911 attacks, it added a special touch to the ceremony.

APPROVE RESOLUTIONS FROM THE SEPTEMBER 4, 2012 TOWN BOARD MEETING
RESOLUTION #407

Upon motion made by Councilman Bianco, Councilman Murphy,

Resolved, that the Town Board Meeting Resolutions for September 4, 2012 are approved by the Town Board.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPOINTMENT – CONSERVATION BOARD
WILLIAM LASCALA
RESOLUTION #408

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

BE IT RESOLVED, that William LaScala is hereby appointed as a member of the Conservation Board for a three year term expiring on 09/18/2015.

Grace, Murphy, Bianco, Patel, Paganelli Voting Aye
Resolution adopted.

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mr. James McKean Spoke against the COSTCO development. A copy of his comments are on file in the Town Clerk's office.

Mr. Paul Moskowitz spoke against the COSTCO development.

Mr. Steven Steneck spoke against the COSTCO development.

Ms. Jennie Sunshine spoke against the COSTCO development. A copy of her comments are on file in the Town Clerk's office.

Ms. Patty Peckham spoke against the COSTCO development. A copy of her comments are on file in the Town Clerk's office.

Ms. Olivia Buehl spoke against the COSTCO development.

Ms. Babette Ballinger spoke against the COSTCO development.

Mr. Walt Daniels, Open Space Advisory Committee Chair thanked Co-Chair John Settembrino for his years of service on the Open Space Committee. He also announced that there are several openings on the committee and anyone interested should send a letter on interest to the Supervisor.

Mr. Davis Rocco Yorktown Dog Park Group President stated that his group does not feel that the Granite Knolls site will be big enough for a dog park. He also stated that Supervisor Grace's speech during the 911 ceremony was very moving and inspiring.

Supervisor Grace stated that it is the recommendation of the Parks & Recreation Commission to wait and see how much space is there after the barn is taken down. He also noted that it is a big piece of property and there is also property located across the street that could be looked at as well.

Mr. Howard Frank stated that he put in a FOIL request on behalf of the United Taxpayers of Yorktown for information regarding 1335 East Main Street, Shrub Oak Partners and has not received a response to his request yet. This was regarding a certiorari settlement recently approved by the Town Board.

Supervisor Grace explained that a property owner can grieve their taxes and this was a one year adjustment.

Mr. Don Roberts spoke about opening up Old Granite Springs Road, budget hearings and the Mohegan Lake Fire District financial statement.

Mr. William LaScala spoke in favor of the COSTCO development.

COURTESY OF FLOOR CLOSED

PUBLIC HEARING – REQUEST FOR A WETLANDS PERMIT FOR CONSTRUCTION OF A SINGLE FAMILY HOME ON HANOVER STREET

Supervisor Grace reconvened the public hearing to consider the application of Chris & Pat Lyhus for a Wetlands Permit to construct a single family house, driveway, sewer & water connection and rain garden on Hanover Street, Yorktown Heights, NY 10598. The Town Clerk presented affidavits of printing and publication.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution.

Al Capellini, Attorney for the applicant stated that this public hearing is for a wetlands permit to construct a single family home. He explained that a low functioning wetland would be mitigated to be moderate functioning. There is a stream that runs through the back of the nine out of ten properties in this area.

Councilman Bianco read a letter from Ms. Barringer addressing her concerns about this application. A copy of which is on file in the Town Clerk's office.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application.

Mr. Howard Frank asked where the rain garden would be constructed.

It was explained by the engineer for the applicant that this will be a retention area where water will seep in.

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 Murphy.

CHRISTIAN O. LYHUS STORMWATER, WETLANDS AND TREE PERMIT WP-T-BSWPPP-026-11 – HANOVER STREET, TAX IDENTIFICATION: SECTION 48.11, BLOCK 2, LOT 11
RESOLUTION #409

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

WHEREAS, the applicant proposes to construct a detached, 1,350 square foot (footprint) single family residence, driveway, stormwater detention and associated improvements (the action) on a 0.51 acre parcel situated in an R1-20 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled "Stormwater Management and Erosion and Sediment Control" a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional buffer and modify the wetlands in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled "Freshwater Wetlands" a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is required for the proposed action in which the Town Board serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland, tree and stormwater permit application WP-T-BSWPP-026-11, dated May 26, 2011; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), pages 1 and 2 dated April 16, 2011, and

WHEREAS, the Town of Yorktown Conservation Board has provided a review letter (2 pages) dated June 19, 2012, and

WHEREAS, the Town of Yorktown Environmental Consultant has provided a review letter (4 pages) dated July 6, 2011, and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has provided a review letter (2 pages) dated July 6, 2011, and

WHEREAS, the NYCDEP has provided a review letter dated December 15, 2011 which indicates that the application for an Individual Residential Stormwater Permit is incomplete, and

WHEREAS, there is a current sewer permit (application 3621, dated 12/30/81), and

WHEREAS, there is a sewer easement agreement between the Town of Yorktown and Christian O. Lyhus, Patricia Lyhus, Nathan S. Caswell and Nancy W. Caswell dated September 17, 1991, and

WHEREAS, the Town of Yorktown Building Inspector has determined that zoning variances for the proposed action are not required, 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 be Lead Agency on June 14, 2011 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held opened on June 19, 2012 order to solicit comments from the public regarding the proposed action, and

WHEREAS, in response to public comment the applicant’s consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the applicant has provided revised plans which indicate that the inadequately sized drainage channel located on the property immediately north of the subject property shall be restored, and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetland, Tree and Stormwater Permit is hereby closed; 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 of the Town of Yorktown has determined that the action will not have a significant adverse impact on the environment, and a Notice of Determination of Non-Significance dated September 18, 2012 is issued and:

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

September 18, 2012

- Plans entitled: “Chris and Patti Lyhus” prepared by John Karell, Jr., P.E. dated 09/02/12 (rev.), 5 sheets: 1 of 5, 2 of 5, 3 of 5, 4 of 5, 5 of 5.
- Report entitled; “Stormwater Pollution Prevention Plan and Infiltration Study” prepared by John Karell, Jr. P.E. dated 07/28/12 (rev.).
- Wetland Functional Assessment prepared by Dru Associates dated 9/21/11.

BE IT FURTHER RESOLVED THAT, the Wetland, Tree 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 Tree and Stormwater 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 Wetland, Tree 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. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work.
5. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released at the end of the five year period as measured from the date of issuance of the certificate of occupancy when the Town of Yorktown confirms that a minimum of 85% of the planted species are viable.
6. A copy of the approved NYCDEP Individual Residential Stormwater Permit for the entire project must be provided.
7. The applicant shall provide architectural plans signed and sealed by a NYS Registered Architect.
8. A stormwater maintenance agreement executed by the property owner(s) shall be provided.
9. Applicant must provide an agency letter from the property owner located immediately north of the subject property which authorizes the applicant to apply for a wetland permit to improve the stream channel or alternatively the owner of the property to the north may apply for a Town of Yorktown wetland permit for the proposed action on that property. An erosion and sediment control plan must be included. The wetland permit must be approved prior to signature. Upon documentation satisfactory to the Town Board that the property owner immediately to the north of the subject property does not wish to have the stream channel work undertaken, the Town Board may consider revising or removing this condition and, in addition, the stream channel improvements on the subject property would also be reviewed.
10. Details of the conservation easement must be provided in a form acceptable to the Town Attorney.

Conditions of the Wetland, Tree and Stormwater 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 stormwater 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 shall be made only with prior Town Engineer approval.
5. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

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

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland, tree and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the adjoining property must be completed to the satisfaction of the Acting Town Engineer and Town Environmental Consultant except as so revised by the Town Board.

Grace, Murphy, Bianco, Patel, Paganelli Voting Aye
Resolution adopted.

PUBLIC HEARING – CHURCH OF THE LATTER DAY SAINTS – REQUEST FOR AN EROSION AND SEDIMENT CONTROL PERMIT – REMOVE AND REPLCE DRIVEWAY – 25,935 SUARE FEET OF ASPHALT PAVEMENT

Supervisor Grace convened the public hearing to consider the application of the Latter Day Saints Church for an Erosion and Sediment Control Permit for property located on Kitchawan Road, Yorktown, New York. Described work: The removal and replacement of the driveway of the Yorktown Meeting House, 25,935 square feet of asphalt pavement. The Town Clerk presented affidavits of printing and publication.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application.

No Public Comment was received.

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 Murphy.

CORPORATION PRESIDING BISHOP OF THE CHURCH OF JECSUS CHRIST OF LATTER DAY SAINTS – STORMWATER PERMIT ESWPPP#059-012 – 801 KITCHAWAN ROAD – TAX IDENTIFICATION: SECTION 70.09, BLOCK 1, LOT 34 RESOLUTION #410

Upon motion made by Supervisor Grace, seconded Councilman Murphy,
WHEREAS, the applicant proposes to remove and replace an existing area of 25,935 square feet of asphalt paving (the action) and,

WHEREAS, the pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted stormwater permit application FSWPP-059-12 dated July 18, 2012; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), Page 1 dated July 12, 2012; and

WHEREAS, the New York City Department of Environmental Protection (NYCDEP) has provided a letter dated September 11, 2011 which indicates that review and approval of the Stormwater Pollution Prevention Plan will not be required by that agency, and

WHEREAS, the Town of Yorktown Conservation Board has provided a letter dated September 12, 2012 which indicates that there are no adverse impacts associated with the project, and

WHEREAS, the Town of Yorktown Planning Board has provided a letter dated September 13, 2012 which indicates that there is no objection associated with this project provided there is no change in the approved site plan, and

WHEREAS, the applicant has represented that only existing pavement will be replaced and there shall not be any change in the existing site plan, 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 be Lead Agency on August 15, 2012 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and declares that the action will not have a significant negative impact on the environment, and

WHEREAS, a public hearing on the permit application was conducted on September 18, 2012; and

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

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

- Plans entitled: "Project for the Church of Jesus Christ of Latter-Day Saints-Yorktown Meeting House 2012 Repaving" prepared by Piascik Engineering dated 08/07/12 (rev.), 4 sheets: SE1.0, SE1.1, SE1.2, SE5.0.
- Stormwater Pollution Prevention Plan prepared by Piascik Engineering dated June 29, 2012.

BE IT FURTHER RESOLVED THAT, the 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 Stormwater 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 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. The Town Stormwater Officer shall sign the MS4 acceptance form.

2. The applicant shall sign and date the long-form EAF.
3. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
4. A construction monitoring fee in the amount of \$500.00 must be submitted to the Engineering Department Clerk. .
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Engineering Department. Said security shall be in the amount of \$1,000.00 which shall be released upon required documentation of satisfactory completion of all work.

Conditions of the Stormwater Permit

6. The applicant agrees to allow periodic inspections by the Town and its consultants.
7. 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 stormwater permit.
8. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
9. 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 shall be made only with prior Town Engineer approval.
10. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

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

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

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

Councilman Bianco was not present for this vote.

PUBLIC HEARING - NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION REQUEST FOR WETLANDS PERMIT – RECONSTRUCTION OF EXISTING ACCESS ROAD TO HUNTER BROOK NORTH SIPHON CHAMBER

Supervisor Grace convened the public hearing to consider the application of New York City Department of Environmental Protection for a Stormwater Pollution Prevention Permit. The request is for reconstruction of an existing access road to Hunter Brook North Siphon Chamber. The Town Clerk presented affidavits of printing and publication. This will include replacing approximately 10,000 sq. ft. of deteriorated asphalt paving with new asphalt paving and re-establishing approximately 650 linear feet of grass lined ditches. The Town Clerk presented affidavits of printing and publication.

Mr. Ed O'Connor, engineer for the applicant gave an overview of the project.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application.

Mr. Howard Frank stated that this has become an area where kids hang out, he asked if a steel barrier go be put in place so that vehicles cannot go down the road unless authorized.

Mr. Michael Rabel asked if this would affect the watercourse flow because he already gets a lot of water onto his property.

Mr. Ed O'Connor stated that it would not.

Jean Clarke stated that there is a lot of dumping that has been done on this private road and will that be cleaned up as part of this project.

Mr. Bruce Barber stated that it could be added into the resolution subject to the Solid Waste Code.

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 Murphy.

NEW YORK CITY DEPARTMENT OF ENVIRONMENTAL PROTECTION
STORMWATER PERMIT ESWPPP-008-12 – HUNTERBROOK ROAD NORTH SIPHON
CHAMBER – TAX IDENTIFICATION: SECTION 36.09, BLOCK 1, LOT 61
RESOLUTION #411

Upon motion made by Councilman Murphy, seconded Councilman Patel,

WHEREAS, the applicant proposes to reconstruct an existing access road to the Hunterbrook North Siphon Chamber which entails the replacement of approximately 10,000 square feet of deteriorated asphalt paving and re-establishment of approximately 650 linear feet of grass lined ditches (the action) and,

WHEREAS, the pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant has submitted stormwater permit application FSWPP-008-12 dated March 8, 2012; and

WHEREAS, the application has been referred to the New York City Department of Environmental Protection (NYCDEP); and

WHEREAS, the correspondence has been received from NYCDEP dated July 17, 2012 indicating that the action did not require approval from the NYCDEP; and

WHEREAS, the application has been referred to the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, the applicant has submitted prior correspondence from NYSDEC dated February 14, 2008 indicating that the action may require a Protection of Waters Permit; and

WHEREAS, upon consultation with the applicant’s engineer it was determined that the action will not result in disturbance within proximity to a regulated NYSDEC watercourse and a Protection of Waters Permit is not required; and

WHEREAS, the application was referred to the Town of Yorktown Planning Board and correspondence dated August 2, 2012 was received indicating the Planning Board had no comments pertaining to the action: and

WHEREAS, the applicant has submitted a long-form Environmental Assessment Form (EAF), Parts I, II and III: 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 be Lead Agency on July 11, 2012 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and has determined that the action will not have a significant negative environmental impact, and

WHEREAS, a public hearing on the permit application was conducted on September 18, 2012; and

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

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

- Plans entitled: “The City of New York Bureau of Water Supply-Contract CRO-374” prepared by Washington Group International”, 3 sheets:
 - Soil Erosion and Sediment Control Plan dated 11/24/10
 - Profile and Typical Sections dated 05/06/11
 - Access Road Plan dated 05/09/11.

BE IT FURTHER RESOLVED THAT, the 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 Stormwater 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 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. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. The applicant shall sign and date the long-form EAF.
3. All plan sheets must be signed and sealed by a NYS Licensed Professional Engineer.
4. A construction monitoring escrow in the amount of \$750.00 must be submitted to the Engineering Department Clerk.
5. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Engineering Department. Said security shall be in the amount of \$1,500.00 which shall be released upon required documentation of satisfactory completion of all work and conditions of the permit are met.
6. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.

Conditions of the Stormwater Permit:

11. The applicant agrees to allow periodic inspections by the Town and its consultants.
12. 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 stormwater permit.
13. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
14. 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 shall be made only with prior Town Engineer approval.
15. A pre-construction meeting with the applicant’s contractors and the Town Environmental Consultant must be held prior to the commencement of work. The

applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

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

4. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the stormwater permit, documenting the status of the implementation of the requirements of this resolution.
5. All debris and dumped materials on the site must be removed from the site in accordance with Chapter 245 of the Town of Yorktown Town Code.
6. A locked gate with keys provided to the Town of Yorktown Town Clerk must be present at the driveway intersection with the road. Alternatively evidence of a “crash gate” installation must be provided to the Acting Town Engineer.

Grace, Murphy, Bianco, Patel, Paganelli Voting Aye
Resolution adopted.

PUBLIC HEARING - CATUCCI SUBDIVISION - AUTHORIZE THE PLANNING BOARD TO USE FLEXIBILITY STANDARDS – SECTION 15.11, BLOCK 1, LOT 17

Supervisor Grace convened the public hearing to consider the application of “Catucci aka Fieldstone Manor Subdivision” to authorize the Yorktown Planning Board to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Code of the Town of Yorktown. The Town Clerk presented affidavits of printing and publication.

Mr. Al Capellini spoke about the Catucci property and explained that this is a seventeen (17) lot subdivision including the tower. These will be single family homes and we are requesting the Town Board grant the Planning Board flexibility in designing this subdivision.

Councilman Bianco asked if a conservation/recreation easement on the wetland portion of this property.

Mr. Joe Riina described the proposed flexibility subdivision. He stated that this is a 16 home subdivision on half acre lots. This will be a private road which will be maintained by the homeowners in the subdivision. There is a proposed area to recreate two recreational fields.

Mr. Dennis Harbutok asked if the flexibility will allow more homes to be built in this subdivision.

Councilman Bianco explained that the Wetlands law is a permitting law so additional homes could be constructed in the wetland and wetland buffer.

Supervisor Grace stated that this public hearing is only to grant the Planning Board the use of flexibility when designing the subdivision.

Mr. Harbutok asked if limitations can be placed on the number of homes that can be built.

Supervisor Grace stated that there are historical buildings on the site and he would like to see them preserved.

Mr. Al Capellini stated that the site was once a house of worship and school. They are not asking for additional units but if the building with the tower could not be preserved it would come down and an additional unit would be placed there.

Supervisor Grace stated that he would be open to revisit this site to preserve this building.

Upon motion made by Councilman Bianco, seconded by Councilman Murphy, to amend the proposed resolution and include a recommendation from the Town Board to the Planning Board for a conservation easement to be placed over the areas of wetlands and wetlands buffer as condition of the site plan approval.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application as amended.

All those present having been given the opportunity to be heard and there being no
September 18, 2012

further discussion the hearing was closed. Councilman Bianco motioned, seconded by Councilman Murphy.

CATUCCI SUBDIVISION - AUTHORIZE THE PLANNING BOARD TO USE FLEXIBILITY STANDARDS – SECTION 15.11, BLOCK 1, LOT 17
RESOLUTION #412

Upon motion made by Supervisor Grace, seconded Councilman Murphy,

WHEREAS, the Yorktown Planning Board is currently reviewing the application of Lake Mohegan Mansion, L.L.C., (hereinafter the “Applicant”) for approval of the proposed Fieldstone Manor subdivision, known on the Town of Yorktown tax map as Section 15.11 Block 1 lot 17; and

WHEREAS, the property consists of 22.935 acres on which exists a barn, two small frame dwellings, a frame tower building commonly known as the Westfield Farm Tower and a large stone structure commonly known as the Field Mansion; and

WHEREAS, both the Field Mansion and the Westfield Farm Tower are cited in the 2010 Yorktown Comprehensive Plan as historic resources; and

WHEREAS, there also exists a pond and former athletic fields once used by the former Franciscan High School; and

WHEREAS, the applicant proposes sixteen lots to house sixteen dwelling units and has demonstrated that sixteen lots can be reasonably accommodated by conventional subdivision complying with the requirements of the R1-20 zoning district; and

WHEREAS, the conventional subdivision would require the removal of the Field Mansion, the Westfield Farm Tower and the other existing structures and would eliminate the existing athletic fields and a potential ROW for future road connection; and

WHEREAS, the Yorktown Planning Board is the lead agency with respect to SEQRA.; and

WHEREAS, after review and evaluation, the Yorktown Planning Board has determined that it would be beneficial to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 of the Code of the Town of Yorktown, which would enable the reservation of the athletic fields for potential public use, would maintain the potential ROW for future road connections, would preserve the Westfield Farm Tower, and would preserve and adapt the Field Mansion as two (2) dwelling units and a community space; and

WHEREAS, the Yorktown Planning Board has requested permission from the Town Board to apply flexibility standards pursuant to Chapter 300, Article V, Section §300-22 in order to promote development that is sensitive to the land by means of modifying the application of the zoning code’s bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and

WHEREAS, the proposed layout on which the Yorktown Planning Board is basing this request and entitled Flexibility Standards Subdivision Plan prepared by Site Design Consultants, dated March 29, 2012 and last revised June 18, 2012 is for a maximum of sixteen (16) lots for single family dwellings varying between 8,890 SF and 14,827 SF with the remaining approximately 17.8 acres of land to be appropriately apportioned for open space, recreation and preservation purposes; and

WHEREAS, the proposed subdivision will be accessed by a private road from Strawberry Road; and

WHEREAS, the Yorktown Planning Board is proposing that the width of the private road or drive be reduced from the required 24 feet to 22 feet or less in order to minimize disturbance and reduce impervious surfaces; and

WHEREAS, a public hearing to consider these requests was convened on the 18th day of September, 2012, at 7:30 o’clock PM; during which public hearing the applicant presented information and arguments in favor of granting the permit and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express their views concerning the application; and

WHEREAS, the Applicant has advised the Town Board that the subdivision plan will have no more than sixteen lots for sixteen single family dwellings, fourteen of which will be newly constructed single family dwellings and two of which will be in modified space within the Field Mansion Building shown as lots 11 and 12 on the subdivision map; now therefore be it hereby

RESOLVED, that the request of the Yorktown Planning Board for permission to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, is granted in order to promote development that is sensitive to the land by means of modifying the application of the zoning code's bulk requirements with respect to yard setbacks, building height, lot frontage, lot coverage, lot area, and minimum floor area; and be it further

RESOLVED, that the request of the Yorktown Planning Board for permission to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, to eliminate the requirement that the proposed building lots have frontage on a public street and to allow frontage on a private road or drive is granted; and be it further

RESOLVED, that the request of the Yorktown Planning Board for permission to use flexibility standards pursuant to Chapter 300, Article V, Section §300-22, to modify the requirement for 24 foot wide road pavement for the private road or drive is granted; and be it further

RESOLVED, that the Town Board recommends that the Planning Board require a conservation easement to be placed over the areas of wetlands and wetlands buffer as condition of the site plan approval.

Grace, Murphy, Bianco, Patel, Paganelli Voting Aye
Resolution adopted.

PUBLIC HEARING - MOHEGAN LAKE IMPROVEMENT DISTRICT – REQUEST FOR WETLANDS PERMIT TO CONTINUE LAKE MANAGEMENT PLAN

Supervisor Grace convened the public hearing to consider the application of Mohegan Lake Improvement District for a Wetlands Permit to continue its Lake Management Plan for the years 2012-2015. The Town Clerk presented affidavits of printing and publication.

Mr. Ken Belfer, Mohegan Lake Improvement District President stated that they are having some issues with the lake due to algae blooms that are growing in the lake and caused it to be closed over the summer. He went on to say that Mohegan Lake is blocked from flowing out because of a culvert located on Route 6 that has been defective for years. It is not allowing the lake to flow freely and phosphorus is backing up into the lake and causing the algae bloom;

Mr. Ken Belfer also stated that the weed harvester is in desperate need of replacement. The cost to address the algae bloom and replace the weed harvester is approximately \$225,000.

Supervisor Grace stated that the town has tried several times to get the New York State Department of Transportation to correct the problem with no success.

Mr. Ken Belfer stated that the Mohegan Lake Improvement District and would need the help of the Town in order to address these issues. He noted that the Town has an interest in the lake because they own property around the lake.

Supervisor Grace thanked the Mohegan Lake Improvement District and all the volunteers for all their hard work in preserving the lake and assured them that the town would help in sustaining the lake. He mentioned ways that the town could help which included bonding and looking for grants.

Mr. Scott Pearson stated that maintaining the lake is important.

Mr. Alex Ginmedo spoke about the lake and asked the town to help clean it up.

Mr. Howard Frank stated that there are sewers in the area but many have not hooked up. The Town should be enforcing the Septic Law.

Environmental Consultant Bruce Barber stated that it was up to the Town under its stormwater permit to report any issues with septic systems to the Westchester County Health Department.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application.

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 Murphy.

MOHEGAN LAKE IMPROVEMENT DISTRICT – WETLANDS PERMIT WP-057-12
RESOLUTION #413

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

WHEREAS, the applicant proposes to maintain, preserve and enhance the quality of the Mohegan Colony Lake and its surrounding wetlands and,

WHEREAS, the applicant has submitted a lake management plan dated July 9, 2012 which provides details of the activities that are proposed to improve the lake and the surrounding wetlands (the action), and

WHEREAS, the action is located in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland permit application WP-057-12 dated July 10, 2012; and

WHEREAS, the action is located in a New York State Department of Environmental Conservation (NYSDEC) regulated water body and wetland, and

WHEREAS, a letter has been received from NYSDEC dated August 9, 2012 which states that NYSDEC permits may be required in the future, and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), Pages 1 and 2 dated May 4, 2012; 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 be Lead Agency on July 25, 2012 and having received no objection is therefore Lead Agency for this action, and

WHEREAS, a letter has been received from the Town of Yorktown Planning Board dated August 28, 2012 which indicates that there is no objection to the proposed action, and

WHEREAS, a letter has been received from the Town of Yorktown Conservation Board dated August 22, 2012 which indicates that there is no objection to the proposed action, and

WHEREAS, the Town Board issued a prior wetland permit for this action dated June 16, 2009, and

WHEREAS, the prior wetland permit was issued for a three year period pursuant to Chapter 178-10(D) “General Permits” of the Town of Yorktown Town Code, and

WHEREAS, a letter has been issued by the Acting Town Engineer dated August 31, 2012 which indicates that there is no objection to the proposed action, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action will not have a significant negative impact on the environment; and

WHEREAS, a public hearing on the permit application was conducted on September 18, 2012; and

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

BE IT FURTHER RESOLVED THAT, the following plan is approved subject to the below-listed conditions;

- Plan entitled: “Mohegan Lake Improvement District” dated July 9, 2012, 6 pages.

BE IT FURTHER RESOLVED THAT, the Wetland Permit is granted subject to the signing of the plan by the Town Supervisor and pursuant to Chapter 178-10 (D) ‘General Permit’ the approval shall be valid for a period of five years from date of this resolution. All work associated with the Wetland Permit shall be conducted in strict compliance with the approved plan and general permit conditions as stated in the Town Code, and

BE IT FURTHER RESOLVED THAT, the applicant shall comply with all future NYSDEC conditions and/or permit requirements.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

PUBLIC HEARING – IBM- REQUEST FOR WETLANDS PERMIT TO INSTALL AN UNDERGROUND TELECOMMUNICATION FIBER

Supervisor Grace convened the public hearing to consider the application of IBM for a wetlands permit for excavating/backfilling and seeding required for the installation of a new 4” PVC conduit for a telecommunication Fiber. The Town Clerk presented affidavits of printing and publication.

Environmental Consultant Bruce Barber gave an overview of the proposed resolution for this application.

No Public Comment was received.

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 Patel.

INTERNATIONAL BUSINESS MACHINES (IBM)- STORMWATER AND WETLAND PERMIT FSWPP-WP-063-12 – 1101 KITCHAWAN ROAD – TAX IDENTIFICATION: SECTION 69.16, BLOCK 1, LOT 1 RESOLUTION #414

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

WHEREAS, the applicant proposes to install 2,603 linear feet of a new 4” PVC conduit for a telecommunications fiber from the main IBM building to a utility pole located on Old Kitchawan Road (the action) and,

WHEREAS, the action will require excavation of a 24” wide by 30” deep by 2,503’ long trench in order to install the piping, and

WHEREAS, the pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland buffer, and

WHEREAS, the applicant proposes to temporarily disturb the Town of Yorktown jurisdictional buffer to install approximately 440 linear feet of the fiber cable and as a result, pursuant to Chapter 178 of the Town of Yorktown Town Code, a wetland permit is required in which the Town Board of the Town of Yorktown serves as approval authority, and

WHEREAS, the action is located, in part in a New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland buffer and a NYSDEC wetland permit is required, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland and stormwater permit application FSWPP-WP-063-12 dated July 26, 2012; and

WHEREAS, the applicant has submitted a long-form Environmental Assessment Form (EAF), Parts I and II dated July 26, 2012; 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 be Lead Agency on August 15, 2012 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, the Town of Yorktown Conservation Board has provided a letter dated September 12, 2012 which indicates that there are no adverse impacts associated with the project, and

WHEREAS, the New York City Department of Environmental Conservation (NYCDEP) has provided a letter dated September 13, 2012 which indicates that that agency does not have regulatory authority over this action, and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions and declares that the action will not have a significant negative environmental impact, and

WHEREAS, a public hearing on the permit application was conducted on September 18, 2012; and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetland 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;

- Plans entitled: “IBM-Building 801-Fiber Line Installation Project-Project No: YKTC0003” prepared by Hill and Bell Associates Engineers dated 07/20/12 (rev.), 7 sheets: Cover, C.1-01, C.1-02, C.1-50, C.2-50, C.2-51, C.6-01,
- Plans entitled; “IBM-Building 801-Fiber Line Installation Project No: YKTC0003” prepared by Hill and Bell Associates Engineers dated 07/12/12, 4 sheets: E.0-01, E.1-01, E.1-02, E.1-03.

BE IT FURTHER RESOLVED THAT, the Wetland 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 Stormwater 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 Wetland 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:

11. The Town Stormwater Officer shall sign the MS4 acceptance form.
12. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
13. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
14. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work.
15. A copy of the approved NYSDEC wetland permit must be provided.

Conditions of the Stormwater and Wetland Permit

16. The applicant agrees to allow periodic inspections by the Town and its consultants.
17. 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 stormwater and wetland permit.
18. No additional disturbance or modifications is permitted without prior written approval from the Acting Town Engineer.
19. 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 shall be made only with prior Town Engineer approval.
20. A pre-construction meeting with the applicant's contractors and the Town Environmental Consultant must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting.

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

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

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – ROLL-OFF CONTAINERS – GRANITE KNOLLS
RESOLUTION #415

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

WHEREAS, invitation to bid for roll-off waste containers for a demolition job at Granite Knolls, 3000 Stony Street, Town of Yorktown, NY was duly advertised, and

WHEREAS, said bids were received and opened on the 17th day of September, 2012 with the bid amounts for the above-referenced project summarized as follows:

	Price Per Haul Per Container (20 Containers)	Price for Tipping Each Ton (175 Tons)	Total Bid
CRP Sanitation, Inc. Cortlandt Manor, NY	\$140.00	\$78.00	\$16,450.00
ATNM Corporation Briarcliff Manor, NY	\$150.00	\$82.00	\$17,350.00
AAA Carting Cortlandt, NY	\$100.00	\$73.50	\$14,862.50

Suburban Carting Briarcliff Manor, NY	\$225.00	\$92.00	\$20,600.00
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RESOLVED, that the lowest bidder, AAA Carting, is hereby awarded the bid for roll-off waste containers

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN THE JCAP GRANT APPLICATION
RESOLUTION #416

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

RESOLVED, the Town Supervisor is hereby authorized to sign an application for the Justice Court Assistance Program Grant.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

ACCEPT PERFORMANCE, EROSION CONTROL BONDS AND INSPECTION FEE
MOHEGAN LAKE MOTOR SITE PLAN
RESOLUTION #417

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

WHEREAS, Barry Rost as applicant, provided the Town with Selective Insurance Company of America Site Plan Bond #B1121079, in the amount of \$247,684.00 to serve as the Performance Bond for the Mohegan Lake Motors Site Plan located on Route 6, and

WHEREAS, Barry Rost as applicant, provided the Town with Selective Insurance Company of America Permit Bond #B1121084, in the amount of \$20,000.00 to serve as the Erosion Control Bond, and

WHEREAS, Barry Rost as applicant, provided the Town with Check #092167, in the amount of \$21,414.00 to serve as the 8% Inspection Fee, and

WHEREAS, Barry Rost as applicant, provided the Town with Check #091891, in the amount of \$4,000.00 to serve as the Wetland Bond for Wetland and Stormwater Permit #WP-FSWPPP-062-11, and

WHEREAS, Barry Rost as applicant, provided the Town with Check #091890, in the amount of \$5,000.00 to serve as the Erosion Control Bond for Wetland and Stormwater Permit #WP-FSWPPP-062-11, and

WHEREAS, Barry Rost as applicant, provided the Town with Check #091892, in the amount of \$800.00 to serve as the Inspection Fee for wetland and stormwater inspections for the Town's wetland consultant for Wetland and Stormwater Permit #WP-FSWPPP- 062-11, NOW, THEREFORE BE IT

RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds and fees for the above referenced site plan.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REDUCTION PERFORMANCE BOND – YORKTOWN FARMS
RESOLUTION #418

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

WHEREAS, Val Santucci, as applicant, provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.707, in the amount of \$1,094,062.00, to serve as the Performance Bond for the Yorktown Farm Subdivision, located off Gomer Street, and

WHEREAS, the Performance Bond was reduced to \$418,890.00 at the Town Board Meeting of October 26, 2010, and

WHEREAS, Val Santucci, as applicant, provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.711, in the amount of \$40,000.00, to serve as the Erosion Control Bond for the Yorktown Farms Subdivision, and

WHEREAS, Val Santucci, as applicant, provided the Town with Hudson Valley Bank, N.A., Letter of Credit No.719, in the amount of \$15,000.00, to serve as the Wetland Bond for Wetland/Excavation Permit #WP-E-010-08, and

WHEREAS, Val Santucci, as applicant, has requested a second Performance Bond reduction as certain construction items are complete, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined public improvements have met Town requirements, therefore, a second bond reduction has been completed and all other securities held, NOW, THEREFORE, BE IT

RESOLVED, that said Performance Bond, Letter of Credit No. 707, be reduced to \$231,103.90 (\$418,890-\$231,103.90 = \$187,787.00 back to developer) and, BE IT FURTHER

RESOLVED, that the Erosion Control Bond, Letter of Credit No. 711, in the amount of \$40,000, remain in full force and effect, and, BE IT FURTHER

RESOLVED, that Hudson Valley Bank, N.A., Letter of Credit No.719, in the amount of \$15,000.00, for Wetland/Excavation Permit #WP-E-010-08, remain in full force and effect, and, BE IT FURTHER

RESOLVED, that all remaining monies will be held in full force and effect until all construction is completed.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

BUDGET TRANSFER – ENGINEERING DEPARTMENT
RESOLUTION #419

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

Be It Resolved, upon the request of Acting Town Engineer Sharon Robinson, the following 2012 budget transfer is approved:

Decrease:	YS 8130.418 Equipment Maintenance	(\$7,372.00)
Increase:	YS 8130.201 Equipment	+\$7,372.00

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE ESCROW DEPOSIT
DRIVEWAY PERMIT #1115 - \$350.00
RESOLUTION #420

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

RESOLVED, that the Town Board authorizes the release of an escrow deposit in the amount of \$350.00 to David & Laurie Steinmetz, 2415 Pinetree Place, Yorktown Heights, NY 10598 for Driveway Permit No. 1115.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

BUDGET TRANSFER – HIGHWAY DEPARTMENT
RESOLUTION #421

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

Be It Resolved, the following 2012 Highway Budget Increase is authorized in order to utilize Westchester County IMA funds:

Increase	D 2779Westchester County IMA	\$85,072.21
Increase	D 5110.403 Road Maintenance	\$85,072.21

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPRVISOR SIGN AN AGREEMENT WITH LAND COMMUNICATIONS, INC. FOR MAINTENANCE OF TELEPHONE EQUIPMENT AND TELEPHONE SYSTEM AT POLCE DEPARTMENT
RESOLUTION #422

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

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with LanD Communications, Inc., for the maintenance of telephone equipment and telephone system at the Police Department, from October 1, 2012 through September 30, 2013, in the annual amount of \$1,254.00.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPRVISOR SIGN AN AGREEMENT WITH PITNEY BOWES FOR THE MAIL MACHINE/POSTAGE METER AT THE JOHN C. HART MEMORIAL LIBRARY
RESOLUTION #423

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an agreement with Pitney Bowes for the mail machine/postage meter at the John C. Hart Memorial Library.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR AN INTERMUNICIPAL LICENSE AGREEMENT WITH WESTCHESTER COUNTY FOR CABLEVISION LIGHTPATH TELECOMMUNICATION SERVICES
RESOLUTION #424

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an InterMunicipal License Agreement with Westchester County for Cablevision Lightpath telecommunication services.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH ABC RENOVATIONS FOR WORK ON DRAINAGE GRATES IN THE WATER DEPARTMENT GARAGE
RESOLUTION #425

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

RESOLVED, that the Supervisor is authorized to sign a contract with ABC Renovations, Inc., 1516 Heights Drive, Yorktown Heights, NY, to remove existing deteriorated floor grates and replace them with new floor grates in the Water Department main garage located at 1080 Spillway Road in Shrub Oak, including concrete work.

FURTHER RESOLVED, the cost for this project is \$1,800.00.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RESIGNATION – TOWN COMPTROLLER JOAN GOLDBERG
RESOLUTION #426

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

Resolved, that the Town Board accepts the resignation of Town Comptroller Joan Goldberg effective September 21, 2012.

Grace, Bianco, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

Councilman Bianco Thanked Town Comptroller Joan Goldberg for her years of service to the Town and wished her well in her future endeavours.

DURING COURTESY OF THE FLOOR, the following people addressed the Town Board:

Mrs. Susan Siegel asked about the Emergency Notification System and if the contract has been renewed.

Supervisor Grace stated that the town is reviewing it and with the creation of the CERT Team there is a new management plan and we are taking recommendations from professionals.

Councilman Patel asked what the status of the emergency generators that will be placed at the YCCC and Town Hall are.

The Town Board discussed the emergency generators and transfer switch that needs to be replaced at Town Hall.

Supervisor Grace suggested looking at this during budget review and bonding this as a Capital Project.

Councilman Patel stated that this project was already approved.

Mr. Howard Frank gave the Town Board a copy of his Freedom of Information Request and stated that the Town was not in compliance with the Freedom of Information Law.

Deputy Town Clerk Diana L. Quast stated that Mr. Frank's Freedom of Information request came in on September 6, 2012, On September 10, 2012 he was notified in writing that it was received in the Town Clerk's office and on September 13, 2012 he was sent a letter stating that the information he requested was ready for his review.

ADJOURN

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

Diana L. Quast
Deputy Town Clerk
Town of Yorktown