

Meeting of the Town Board, Town of Yorktown held on September 16, 2014 at Town Hall, 363 Underhill Avenue, Yorktown Heights, New York.

Present: Michael J. Grace, Supervisor
Nicholas J. Bianco, Councilman
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman

Also Present: Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

TOWN BOARD MEETING

Supervisor Michael J. Grace called the meeting to order.

PLEDGE OF ALLEGIANCE

Supervisor Grace led the Pledge of Allegiance.

MOMENT OF SILENCE

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

DURING REPORTS FROM THE TOWN SUPERVISOR, Supervisor Grace announced that this Saturday, September 20, 2014, there will be a Pediatric Hydrocephalus Fair held at the YCCC and later the same night there will be a fundraiser for the Justin Veatch Fund which will host Livingston Taylor as the headliner for its end-of-summer benefit concert.

DURING REPORTS FROM TOWN BOARD MEMBERS

Councilman Bianco announced that the Grange Fair was a great event and enjoyed by all.

Councilman Patel thanked the summer intern who worked in the Building Department digitizing its records. He asked why the Town Board meetings were not being televised on the cable channel. He also spoke about potholes, the Grange Fair, wireless capabilities being available in the Town Hall and the Spectra Energy pipeline meeting.

RESOLUTIONS – SEPTEMBER 2, 2014

The Town Board approved the Resolutions passed at the September 2, 2014 Town Board meeting.

COURTESY OF THE FLOOR, During Courtesy of the Floor the following people addressed the Town Board:

Mr. Grigory Kravstov spoke about a wetlands issue at his home on Broad Street.

Supervisor Grace explained that there is a procedure and Mr. Kravstov would need to submit a wetlands application.

Mrs. Susan Siegel spoke about safety concerns at the Granite Knolls Park West and the Athletic Clubs use of the Phoenix House driveway.

Mr. Jonathon Hyman speaking on behalf of the Kopple family stated that the Town is in violation of the access agreement with Phoenix House and that he gave out a report at the September 2, 2014 Town Board meeting to the Town Clerk, the Supervisor and Diana Quast, Parks and Recreation Commission Chair and has not gotten a response. He also stated that he had heard that the athletic clubs held a meeting regarding Granite Knolls Park West.

Supervisor Grace stated that the Town is working with Phoenix House regarding the driveway access. The notion that the Town does not need more fields is nonsense. He noted that the YCCC is a community field and a perfect example of a

field that needs to be rested because of its overuse and having Granite Knolls fields would allow the Town to do that. He stated that the Town committed \$25,000 to make active recreation at Granite Knolls and the Recreation Commission has come up with a great plan for the property. The Town is currently moving forward with the SEQRA process and will solve the safety issues.

Supervisor Grace asked Mr. Hyman if he and Susan Siegel wanted the Granite Knolls fields shut down?

Mr. Hyman answered yes.

Ms. Roseanne Brackett spoke about the Spectra Energy meeting recently held by Federal Energy Regulatory Commission and wanted to know why Supervisor Grace did not attend.

Supervisor Grace stated that he had another engagement and a family emergency that day and could not attend.

Mr. Paul Moskowitz stated that people came from all over the State and Connecticut to attend the Spectra Energy meeting. He further stated that Spectra Energy will be doing an expansion project which will go across Stony Street and continue on through other States. He noted that if the pipeline is approved Legacy Fields will be closed for a period on time.

Mr. Matt Talbert stated that in regards to Mr. Hyman's comments the Athletic Clubs did not hold a special meeting regarding Granite Knolls fields. He thanked the Town and Parks Department for all their hard work making the fields safe for children to play on. He stated that practice times have been staggered to help alleviate the traffic flow. It is imperative to the youth football program and he urged the Town to develop the Granite Knolls property with much needed fields.

Mr. Robert Manzullo spoke about the unsafe conditions on Birdsall Drive.

Mrs. Lisa McKay spoke about the Spectra Energy meeting and feels there are glaring omissions to the Draft Environmental Impact Statement. She asked why the resolution regarding Spectra Energy was decimated by the Supervisor at the last meeting.

Supervisor Grace stated that he does not believe in passing a resolution that has no power. FERC has eminent domain powers and so will Spectra Energy when and if it receives its Certificate of Conveyance from FERC. His understanding is that Spectra Energy will be doing its work in their existing Right-of-Way.

Mr. Bob Kohl, President of the Yorktown Athletic Club thanked the Parks Department for all its work getting the Granite Knolls fields ready for practice. Both the football and lacrosse teams appreciate it. He stated that there is still a need for more athletic fields in the Town particularly a 90' baseball field. He stated that children should be engaged in sports.

Mr. Gil Kaufman asked if anything has been done regarding the Senior Advisory Committees recommendations regarding safety at the YCCC.

Supervisor Grace stated that Police Officer Eidelman is looking into that and some of the recommendations will be done.

Mr. Mark Michaels stated that the Town Board could have taken a stronger stand with Spectra Energy with regards to our parkland.

Ms. Nancy Van spoke about the City of Peekskill and urged the Town to become an intervener to the pipeline project.

CONVENE PUBLIC HEARING

TRACY CHALIFOUX, RLA ON BEHALF OF VICTORIA ABBATE FOR WETLANDS PERMIT FOR CONSTRUCTION OF POOL

Supervisor Grace called to order a public hearing to consider the application filed by Tracy Chalifoux, RLA on behalf of Victoria Abbate for a wetlands permit for the installation of a 16 foot by 32 foot in-ground pool and pool patio, steps, retaining walls, pool equipment, pad, related grading, pool enclosure fencing and native wetland plantings at 2579 Barry Court, Yorktown Heights, NY. The Deputy Town Clerk presented affidavits of posting and publication.

Environmental Consultant Bruce Barber gave the Town Board an overview of the project and stated this was a complete application.

Ms. Mary Gammer asked what happens if the pool leaks and chlorine spills out.

Mr. Barber stated that this was a saltwater pool.

Ms. Gammer was concerned with runoff towards her house.

Mr. Barber explained that this is already a manicured lawn patio area and Ms. Gammer is up hill from the property. There will also be trees for screening the pool area.

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 Supervisor Grace.

TRACY CHALIFOUX, RLA ON BEHALF OF VICTORIA ABBATE FOR WETLANDS PERMIT FOR CONSTRUCTION OF POOL RESOLUTION #377

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

VICTORIA ABBATE - WETLAND PERMIT-STORMWATER PERMIT APPLICATION #013-14 TOWN OF YORKTOWN, NEW YORK

**LOCATION: 2579 Barry Court, Yorktown Heights, New York 10598
Town of Yorktown Tax Identification: Section 27.13-3-2**

WHEREAS, the applicant proposes to construct a 16' x 32' in-ground swimming pool, patio, retaining walls, pool equipment pad, conduct related grading and install enclosure fencing and plant native wetland plants at an existing residence located on Town of Yorktown Tax Parcel Section 27.13-3-2 (the action) and,

WHEREAS, the action will result in land disturbance of 4,500 square feet but will require excavation of greater than 50 cubic yards and as a result, a Town of Yorktown stormwater permit is required, and

WHEREAS, the applicant has provided an erosion and sediment control plan, and

WHEREAS, the action will not result in any tree removal and therefore a Town of Yorktown tree permit is not required; and

WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland buffer, and 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 applicant has provided a wetland buffer restoration plan, and

WHEREAS, the wetland buffer restoration plan, in part, will be executed within a conservation easement located on the applicant's property which the Town Board finds consistent with the maintenance of the conditions of this easement, and

WHEREAS, the action is not located in a New York State Department of Environmental Conservation (NYSDEC) jurisdictional wetland or wetland buffer and a NYSDEC wetland permit is not required, and

WHEREAS, the applicant has submitted a Town of Yorktown wetland and stormwater permit application WP-BSWPP-013-14 dated August 6, 2014, and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form dated August 4, 2014, and

WHEREAS, the proposed action has been determined to be a Type II Action under the State Environmental Quality Review Act (SEQRA) and further environmental review is not required; and

WHEREAS, the Town of Yorktown Conservation Board has reviewed the application and provided a comment letter to the Town Board which has been fully considered, and

WHEREAS, a public hearing on the permit application was conducted on September 16, 2014; and

WHEREAS, public comment was heard at the public hearing and fully considered, and

WHEREAS, upon hearing public comment, the public hearing was closed on September 16, 2014

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

- Plan entitled: "Swimming Pool and Wetland Restoration Plan" prepared by Tracy L. Chalifoux, RLA dated August 4, 2014, 3 sheets: WP-1, WP-2, WP-3
- Town of Yorktown wetland permit application #WP-BSWPP-013-14 and attachments.

BE IT FURTHER RESOLVED THAT, the Wetland 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 Permit shall be conducted in strict compliance with the approved plans and sketches; 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 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. All outstanding comments of the Acting Town Engineer, the Town Environmental Consultant and the Town Building Inspector must be addressed to their written satisfaction. Final reports from the Acting Town Engineer, the Town Environmental Consultant and the Town Building Inspector shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
2. A construction monitoring fee in the amount of \$500.00 must be submitted to the Engineering Department.
3. A wetland mitigation 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 upon verification from the Town of Yorktown that a minimum of 85% of the wetland mitigation plantings are viable at the end of the five year period measured from the date of issuance of a certificate of occupancy.
4. An erosion and sediment control bond or other collateral acceptable to the Town Board and in a form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$1,000.00 which shall be released upon verification from the Town of Yorktown that the site is permanently stable and all conditions of the permit have been met.

Conditions of the Stormwater and Wetland 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 permit.
3. No additional ground disturbance or modifications are permitted without prior written approval from the Acting Town Engineer.
4. 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.
5. No work shall commence on the site without first obtaining a Town of Yorktown Building Permit.

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 permit, documenting the status of the implementation of the requirements of this resolution.

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

CONVENE PUBLIC HEARING
TO CONSIDER PROPOSED LOCAL LAW AMENDING CHAPTER 178-9, OF THE
CODE OF THE TOWN OF YORKTOWN- FRESHWATER WETLAND

Supervisor Grace convened the Public Hearing on the application to consider a Proposed Local Law amending Chapter 178 of the Town of Yorktown Town Code- Freshwater Wetlands. Affidavits of publication and posting were presented by the Deputy Town Clerk.

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

The public hearing was adjourned until October 7, 2014.

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

APPROVE CHANGE TO MEETING VENUE – MOVE OCTOBER 7, 2014 TOWN BOARD MEETING TO TOWN HALL
RESOLUTION #378

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

RESOLVED, the Town Board of the Town of Yorktown moves the October 7, 2014 Town Board Meeting scheduled to take place at the John C. Hart Memorial Library.

The meeting will take place at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 in the Board Meeting Room. Televised meeting begins at 7:30 PM.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

ADVERTISE PUBLIC HEARING TO RECONVENE – TOM MCCROSSAN & MARK MCGOLDRICK FOR A SPECIAL USE PERMIT TO RUN A CONVALESCENT HOME AT 482 UNDERHILL AVENUE
RESOLUTION #379

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

NOTICE IS HEREBY GIVEN that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, 10598 on the 7th day of October, 2014 at 7:30 PM or as soon thereafter as the same can be heard, to consider the application received from Tom McCrossan and Mark McGoldrick for a Special Use Permit to operate a Convalescent Home at 482 Underhill Avenue, Yorktown Heights, NY 10598.

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

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

ADVERTISE BID
VARIOUS CHEMICALS FOR THE YORKTOWN HEIGHTS SEWAGE TREATMENT PLANT BID #14-4
RESOLUTION #380

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

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 10:00 A.M., on Wednesday, October 8, 2014, for Various Chemicals for the Yorktown Heights Sewage Treatment Plant, Bid #14-4.

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.

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

ADVERTISE BID
SLUDGE & GREASE REMOVAL FOR THE YORKTOWN HEIGHTS SEWAGE
TREATMENT PLANT BID #14-5
RESOLUTION #381

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

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 10:00 A.M., on Wednesday, October 8, 2014, for Sludge & Grease Removal at the Yorktown Heights Sewage Treatment Plant, Bid #14-5.

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.

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

ADVERTISE BID
AUTOMOTIVE AND SMALL ENGINE PARTS AND EQUIPMENT/TOOLS –
WATER DEPARTMENT
RESOLUTION #382

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

NOTICE IS HEREBY GIVEN that sealed bids will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 A.M. on October 2, 2014 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Automotive and Small Engine Parts and Equipment/Tools. 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: Automotive and Small Engine Parts and Equipment/Tools”**

The Town Board 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.

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

REFUND THE COST OF A CERTIFICATE OF OCCUPANCY – BUILDING DEPARTMENT RESOLUTION #383

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

Resolved, that upon the recommendation of the Building Inspector, Lawrence Schallop is hereby granted a refund in the amount of \$20.00 for the duplicate payment of a Certificate of Occupancy.

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

AUTHORIZE PAYMENT FOR MOVING AND STORAGE OF LIBRARY FURNITURE AND MATERIALS RESOLUTION #384

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

Resolved, that the Town Board authorizes Patricia Caporale, Town Comptroller to transfer \$32,916 from the Library Fund Balance to the Library Children's Renovation Capitol Project to pay Wm. B. Meyer, Inc. for the moving and storage of library furniture and materials.

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

REFUND AN OVERPAYMENT OF A WATER BILL RESOLUTION #385

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

Resolved, that upon the recommendation of Catherine Paget and Cliff Kummer, a refund in the amount of \$131.78 is hereby granted to Water Account #42-0179316-5 for a duplicate overpayment of a water bill.

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

WEBCASTING AGREEMENT RESOLUTION #386

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

RESOLVED, that the Town Supervisor is authorized to sign a Service Agreement with Granicus Inc. to provide webcasting services to the Town of Yorktown for an initial period of 18 months at a total cost of \$11,700 and .

BE IT FURTHER RESOLVED, that the cost for the remaining three years of the agreement will be \$7,200 annually.

Grace, Bianco, Murphy, Patel Voting Aye
Resolution adopted

MONTHLY REPORTS

The Town Board accepted the monthly Building Inspector Construction Report dated August 2014.

ANNOUNCEMENT FROM COUNCILMAN NICHOLAS BIANCO

Councilman Nicholas Bianco read a letter of resignation effective October 1, 2014 at 12:01 AM, and then handed it to the Deputy Town Clerk.

He stated that he has enjoyed his nineteen years (19) as a Councilman for the Town of Yorktown and thanked many people for their help over the years.

A copy of Councilman Bianco's letter is on file in the Town Clerk's office for public review.

Councilman Patel thanked Councilman Bianco for his service to the town.

Supervisor Grace stated that Councilman Bianco and he go back along time and even though they did not always agree, Nick always gave his best to the town.

Councilman Murphy stated that it was an honor and privilege to sit next to Councilman Bianco and he wished him the best of health and enjoyment with his retirement.

ADJOURN

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

The Town Board meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
Town of Yorktown