

Meeting of the Town Board, Town of Yorktown held on January 3, 2017 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor  
Vishnu V. Patel, Councilman  
Gregory M. Bernard, Councilman  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
Michael McDermott, Town Attorney  
Michael Quinn, Town Engineer

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

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 REPORTS TO THE TOWN, Supervisor Grace wished all a Happy New Year and thanked the Chamber of Commerce and Councilman Diana for their work on the New Year's Eve ball drop. He stated that he is looking forward to a productive and exciting 2017.

DURING REPORTS FROM THE TOWN COUNCIL, Councilman Diana wished all a happy and healthy new year. Councilman Bernard stated that the rebate checks for staying under the tax cap are on their way. Councilman Patel wished all present and at home a happy, healthy, and prosperous 2017. He also gave a special mention to Brian Fitzgerald, a Yorktown resident and Eagle Scout, who has just left for Missouri for basic training in the US Army and wished him the best of luck. Councilman Patel mentioned that the Association of Towns Meeting is scheduled for February 19-22 at the Marriott Hotel in Manhattan and that the last day to register is January 27, 2017. Councilman Lachterman gave special mention to the Yorktown Leos for the work they did for a Midnight Run recently. They made sandwiches and donated clothing which they delivered to those in need in New York City.

REAPPOINT JOSEPH FALCONE – MEMBER OF THE PARKS & RECREATION COMMISSION

RESOLUTION #001

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

BE IT RESOLVED that Joseph Falcone is hereby re-appointed as member of the Parks and Recreation Commission for a seven-year term expiring on December 31, 2023.

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

APPOINTMENT RICK ROMANSKI – ALTERNATE MEMBER OF THE PARKS & RECREATION COMMISSION

RESOLUTION #002

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

BE IT RESOLVED that Rick Romanski is hereby appointed as an alternate member of the Parks and Recreation Commission for a seven-year term expiring on December 31, 2023.

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

APPOINTMENT WILLIAM LASCALA – MEMBER OF THE PLANNING BOARD  
RESOLUTION #003

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

BE IT RESOLVED that William LaScala is hereby appointed as member of the Planning Board for a five-year term expiring on December 31, 2021.

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

Councilman Bernard mentioned that Mr. LaScala is replacing Mr. John Flynn on the Planning Board. Mr. Flynn served Yorktown for 25 years; first on the Zoning Board then as a member of the Planning Board. Councilman Bernard thanked Mr. Flynn for his service.

APPOINTMENT OF WILLIAM R. BATISTA – PROVISIONAL ASSISTANT CIVIL  
ENGINEER

RESOLUTION #004

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

BE IT RESOLVED that William R. Batista is hereby appointed Provisional Assistant Civil Engineer, job class code 0381-01, in the Engineering Department, effective January 23, 2017 to be paid \$77,477.00 annually.

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

ORGANIZATIONAL RESOLUTIONS FOR THE YEAR 2017  
RESOLUTION #005

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

RESOLVED, that the Supervisor be hereby authorized and directed to pay regular bi-weekly salaries of all elected and appointed Town officials and employees without prior audit: this shall not apply to lump sum payments.

RESOLVED, that the rate of 53.5 cents per mile be allowed those Town officials and employees who use their own automobiles in the performance of their official duties in accordance with the budgetary appropriations, provided however, the expense incurred is presented to the Town Board in the proper manner and on the proper claim form.

RESOLVED, that by the authority vested pursuant to Paragraph 10-a of Section 29 of the Town Law, the Supervisor shall submit to the Town Clerk within one hundred twenty days after the close of the fiscal year, a copy of the report to the State Comptroller required by Section 30 of the General Municipal Law and the Town Clerk shall cause a summary of such report or a notice that a copy of such report is on file in the Town Clerk's Office.

RESOLVED, that the Comptroller is appointed, as per Section 554 of the Real Property Tax Law to make refunds for correction of error up to a maximum of \$2,500.00.

RESOLVED, that the Supervisor be directed to make application to the New York State Division of Youth for State Aid for a Recreation and Youth Service Project Grant for 2017. The Parks and Recreation Department receives \$10,000 of this application for youth recreation and the Police Department receives another \$10,000 for Youth Officer.

Authorize the Supervisor to sign an agreement with the following Sports Clubs:  
Shrub Oak Athletic Club  
Yorktown Athletic Club  
Mohansic Girls Basketball

Authorize the Supervisor to sign an agreement with the following Senior Clubs:  
Jefferson Owners Corp  
AARP Chapter 3297  
New Horizons

Shrub Oak Senior Citizen Club  
Yorktown Senior Club Chapter 1  
St Patrick's Seniors

RESOLVED, that Councilman Vishnu Patel be and is hereby designated as the voting delegate to represent the Town of Yorktown at the Association of Towns Meeting to be held in February 2017, and be it

FURTHER RESOLVED, that Supervisor Michael Grace be and is hereby designated the alternate delegate to the aforementioned meeting.

RESOLVED, that the following banks located in the Town of Yorktown are hereby designated as depositories for the Town of Yorktown:

JP Morgan Chase  
2002 Commerce Street  
Yorktown Heights, New York 10598

Bank of America  
2 Triangle Center  
Yorktown Heights, New York 10598

Putnam County Savings Bank  
331 Downing Drive  
Yorktown Heights, NY 10598

Signature Bank  
1C Quaker Ridge Road  
New Rochelle, NY 10804

and be it

FURTHER RESOLVED, that Michael Grace, Supervisor of the Town of Yorktown, is hereby authorized, pursuant to Town Law Section 29(2), to act on behalf of the Town of Yorktown with said banks, and be it

FURTHER RESOLVED, that the above named banks are hereby required to provide a surety bond or pledge securities when applicable as required by Town Law Section 64(1) and General Municipal Law Section 10, and be it

FURTHER RESOLVED, that the following banks are designated depositories for the following officers of the Town of Yorktown:

JP Morgan Chase, Yorktown Heights, New York:  
Justice Raniolo Account  
Justice Lagonia Account  
Joint Bail Account - Justice Lagonia & Justice Raniolo

RESOLVED, that the Town Board hereby grants blanket authority to sign contracts for the Town, without the necessity of express advance approval by the Town Board to the Supervisor in the event the contract involves any expenditure of not more than \$12,500, not to exceed \$50,000 in any calendar year and is limited to one year in duration and be it

FURTHER RESOLVED, that this blanket authorization shall remain in effect until amended.

RESOLVED, that pursuant to Paragraph A of Subdivision 1, of Section 142 of the Highway Law, as last amended, the Town Superintendent of Highways is hereby authorized to purchase equipment, tools and implements without prior approval of the Town Board in an amount not to exceed \$7,000.00.

RESOLVED, that the official newspapers for the Town of Yorktown are hereby designated to be the Yorktown News and the Journal News.

RESOLVED, that the meeting dates of this Town Board will start their meeting at 6:45 PM and that the taping of televised Town Board Meetings begin at 7:30PM unless otherwise noted and shall be as follows:

January 3	televised meeting
January 10	work session
January 17	televised meeting
January 24	work session
February 7	televised meeting
February 14	work session
February 21	televised meeting
February 28	work session
March 7	televised meeting
March 14	work session
March 21	televised meeting
March 28	work session
April 4	televised meeting
April 11	work session
April 18	televised meeting
April 25	work session
May 2	televised meeting
May 9	work session
May 16	televised meeting
May 23	work session
June 6	televised meeting
June 13	work session
June 20	televised meeting
June 27	work session
July 11	work session
July 18	televised meeting
July 25	work session
August 1	televised meeting
August 8	work session
September 5	televised meeting
September 19	televised meeting
September 26	work session
October 3	televised meeting
October 10	work session
October 17	televised meeting
October 24	work session
November 14	work session
November 21	televised meeting
November 28	work session
December 5	televised meeting (Budget Hearing)
December 19	televised meeting
December 29	work session

FURTHER RESOLVED, that the Town Board will meet with its Department heads to review their budgets on November 15 and November 16 and be it

FURTHER RESOLVED, that the Town Board will hold its regular Budget Hearing at 6:00 PM on December 5, 2017, and be it,

FURTHER RESOLVED, the Town of Yorktown will hold its annual Record Management Inventory on February 16 and February 17 and be it,

FURTHER RESOLVED, that Special Meetings shall be called and held in conformance with Section 62 of the Town Law and Article 7 of the Public Officers Law.

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

APPROVE RENEWAL OF CARLO MINUTO CARTING COMPANY, INC. COMMERCIAL GARBAGE LICENSE FOR 2017  
RESOLUTION #006

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

RESOLVED, that Carlo Minuto Carting Company, Inc. be and is hereby granted renewal of their Garbage License to service commercial properties in the Town of Yorktown for the year 2017.

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

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH WESTCHESTER COUNTY FOR SENIOR PROGRAMS AND SERVICES  
RESOLUTION #007

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

RESOLVED, that the Town Board authorizes the Town Supervisor to sign an agreement with Westchester County Department of Senior Programs and Services for Direct Care Worker Agreement in the amount of \$11,481. This is for the period April 1, 2015 through March 2016.

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

RECONVENE PUBLIC HEARING FOR A SPECIAL USE PERMIT APPLICATION RECEIVED FROM GLOBAL MINTELLO GROUP CORP – 3700 BARGER STREET RE-BRAND TO BP GASOLINE STATION

Supervisor Grace reconvened a public hearing to consider the application received from Global Mintello Group Corp. for a Special Use Permit, Wetland and Stormwater Permit. The request is to approve replacement of storage tanks with associated piping dispensers, install new canopy over dispensers with an in-canopy fire suppression system, install new drainage and other site improvement work with re-branding to BP station located at 3700 Barger Street, also known as Section 507, Parcel 1, Lot 2 on the Tax Map of the Town of Yorktown.

Town Engineer Michael Quinn recapped the requests made at the last meeting: more planting, more detail on the monument sign, and an upgrade on the fence.

Andrew Stuart, Highpoint Engineering, presented the plans that addressed the above-mentioned requests. Planning Director John Tegeder stated he feels that the sign change does solve some of the issues that the old sign presented; namely, location and visibility. He also felt the plantings were fine.

Planning Director John Tegeder confirmed that a set of drawings needs to be sent for the supervisor's signature, as well as an updated approving resolution that includes any conditions such as a prohibition of used or new car sales.

Councilman Patel asked if that was a possibility for this applicant, and the Ms. Cafran from Harrinton & Furrer stated that the applicant knows that no car sales will be permitted.

Supervisor Grace said any changes like this would require a new action and application.

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

APPROVE NEGATIVE DECLARATION, SPECIAL USE PERMIT, SWPPP AND WETLAND PERMIT FOR GLOBAL MINTELLO GROUP CORP – 3700 BARGER STREET – BP GASOLINE STATION  
RESOLUTION #008

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

WHEREAS, GLOBAL MONTELLO GROUP CORP. (“GLOBAL” or the “Applicant”) operates the Getty Gasoline Filling Station #6712 (“Getty Station”), which is located and doing business

on certain real property, located south of Route 6 at 3700 Barger Street, also known on the Town Tax Map as Section 16.07, Block 1, and Lot 43 (the “Property”), which is situated within a C-4 zoning district; and

WHEREAS, GLOBAL, in order to facilitate the re-development of the Getty Branded Station, and re-brand the station to a BP Gasoline Filling Station (“Proposed BP Gas Station”), including underground storage tank replacement, submitted an application to the Town Board of the Town of Yorktown for a Special Use Permit for a Gasoline Filling Station pursuant to Town Code Section §300-46, dated December 2, 2016; and

WHEREAS, the Proposed BP Gas Station would consist of three (3) fuel pumps, with a total of six (6) fueling stations, all covered by a new 1,452 square foot canopy providing cover for customers and a state-of-the-art fire suppression system, on the westerly portion of the property, and a convenience store and a two-bay repair garage in the existing building, all of which would be operated by the an agent or lessee of GLOBAL; and

WHEREAS, a gasoline filling station is a main use permitted by special permit in the C-4 zoning district; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), a Short Environmental Assessment Form prepared by High Point Engineering, dated December 2, 2016, was submitted together with site plan documents as follows:

1. A drawing, sheet SP-1 Entitled “Site Plan,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
2. 1. A drawing, sheet SP-2 Entitled “Drainage and Utility Plan,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
3. A drawing, sheet SP-3 Entitled “Lighting Plan,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
4. A drawing, sheet SP-4 Entitled “Landscape and Erosion Control Plan,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
5. A drawing, sheet SP-5 Entitled “Details,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
6. A drawing, sheet SP-6 Entitled “Monument Sign and Canopy Elevations,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
7. A drawing, sheet SP-7 Entitled “Building Elevations,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
8. A drawing, sheet SP-8 Entitled “Fuel Delivery Truck Route Plan,” prepared by High Point Engineering, dated October 26, 2016 and last revised December 19, 2016; and
9. Six photo renderings of the proposed signage, undated; and

WHEREAS, at meetings on October 11, 2016 and December 6, 2016, the Applicant and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, on December 5, 2016, the Yorktown Planning Board reviewed the application and issued a Memorandum, which set forth various recommendations regarding the Proposed BP Gas Station, including providing landscaping in the existing perimeter islands, and that a Wetland Permit will be required for the construction, among others; and

WHEREAS, the Town Board has concluded that the EAF and supplemental materials submitted in connection with the Action “has identified analyzed, and shown mitigation for all possible significant impacts,” and

WHEREAS, the notice and hearing requirements for this Application as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Application was presented to the Town Board at a duly noticed Public Hearing held on said application commencing on December 20, 2016 and continuing and closing on January 3, 2017 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York; and

WHEREAS, following the close of the Public Hearing on January 3, 2017, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioners, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site, and in accordance with SEQRA, the Town Board as Lead Agency adopted a Negative Declaration dated January 3, 2017; and

WHEREAS, the Town Board has fully considered the Application, including the general “standards applicable to all special uses,” set forth in Section §300-36 of the Town Zoning Code, and adopts the following findings of fact:

1. The location and size of the Proposed BP Gas Station, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it is in harmony with the appropriate and orderly development of the C-4 zoning district in which it is located.
2. The location, nature and height of buildings and other associated structures and the extent of the landscaping on the site is such that the Proposed BP Gas Station will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof.
3. The operations in connection with the Proposed BP Gas Station will not be more objectionable to nearby properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses.
4. The associated parking areas are of adequate size for the Proposed BP Gas Station, and are properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.

WHEREAS, the Town Board has also considered the specific special use permit standards applicable to “gasoline filling stations,” set forth in Section §300-46 of the Town Zoning Code, and adopts the following additional findings of fact:

1. The use of the Proposed BP Gas Station is limited to the retail sale of motor fuels and related merchandise and merchandise normally sold from within the convenience store. No sales or rental of new or used motor vehicles is proposed or permitted. No other retail sales are proposed or permitted on Lot 43 in connection with the Proposed BP Gas Station.
2. The Proposed BP Gas Station is located at least 300 feet from any building or place of public assembly.
3. Approval of the Proposed BP Gas Station would not result in more than two (2) gasoline filling stations within 1,000 feet (the southeast corner of the existing Shell gas station property is  $\pm$ 50 feet from the Proposed BP Gas Station and no other gas station is within 1,000 feet).
4. Lot 43 upon which the Proposed BP Gas Station will be located exceeds the minimum lot size of 20,000 square feet.
5. The lot frontage and depth of Lot 43 exceeds the required minimum 100 feet.
6. The Proposed BP Gas Station complies with the maximum driveway requirement.
7. The maximum coverage of all buildings and structures, including the canopy, complies with the underlying C-4 zoning district.
8. All buildings and structures are set back at least 30 feet from the street right-of-way, 10 feet from each side line, and 30 feet from the rear lot lines. The roof edge of the

proposed canopy is set back at least 10.7 feet from the street right-of-way where 10 feet is required, 20 feet from the rear lot lines and 10 feet from each side line, and therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code.

9. The front yard setback is sufficiently landscaped.
10. All fuel pumps are set back 20.6 feet from the street right-of-way, where 25 feet is required, and at least 15 feet from any buildings, and therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code.
11. No more than two (2) fuel pumps per 3,000 square feet of lot area are proposed. The underground storage tanks fully comply with all applicable laws, codes and regulations.
12. The canopy is approximately 21 feet in height and exceeds the maximum height allowed of 18 feet, and therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code.
13. The Proposed BP Gas Station provides sufficient parking.
14. The Proposed BP Gas Station proposes signs that exceed the maximum size and number set forth in the Zoning Code, thereby requiring a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code.

WHEREAS, the Town Board has determined that the Proposed BP Gas Station does not strictly comply with the following specific special permit criteria, for which variances and/or waivers from the Town Board pursuant to Section §300-46[Q] of the Zoning Code (which authorizes the Town Board, for good cause shown, to vary any of the specific special permit criteria set forth in Section §300-46) are required (the “Requested Waivers”):

1. The Application proposes a canopy, which is 21+/- feet in height, where 18 feet is required, and is 10.7 feet from the Barger Street Right-of-way where 10 feet is required. The fuel pumps are setback 20.6 feet from the Barger Street Right-of-way, where 25 feet is required.
2. The proposed signage does not comply with the Zoning Code:
  - a. The Application proposes three (3) canopy signs, where no more than two (2) are permitted under the zoning code. The Application is proposing one freestanding monument signs where one is permitted; two (2) price signs are proposed, where one is permitted; two façade signs are proposed on one façade, where one is permitted for each façade facing a street.
  - b. The freestanding monument sign including the price signs, a total of 52 square feet.
  - c. An additional freestanding “Welcome to Shrub Oak” sign that is 7.85 square feet.
  - d. The total aggregate canopy signage is 31.50 square feet, where 30 square feet is permitted.
  - e. The two façade signs are 7.5 square feet each for an aggregate of 15 square feet.
  - f. The total aggregate area of the signs is 106.35 square feet where 60 square feet is permitted.

NOW, THEREFORE BE IT RESOLVED by the Town Board that, except for the Requested Waivers, the Proposed BP Gas Station complies with both the general and specific special permit criteria; and be it further

RESOLVED, that GLOBAL having shown good cause for the grant of the Requested Waivers, the Requested Waivers as listed herein are hereby granted; and be it further

RESOLVED, in light of the location of the Proposed BP Gas Station, the Town Board finds that the signage proposed allows for the most effective and logical visibility of the station; and

RESOLVED, that the application for the Proposed Special Permit is granted, subject to the following conditions:

1. There shall be no new or used car sales on the Property.
2. The Site plan, Building Permit, and Final Certificate of Occupancy shall state there is a watercourse located on the property (Barger Brook) and no further disturbance or encroachment shall be permitted; and
3. The Applicant shall address the comments outlined in the Engineer Department's Memorandum dated December 20, 2016 to the satisfaction of the Town Engineer; and
4. The Applicant must obtain approval of a Stormwater Pollution Prevention Plan and Wetland Permit from the Town Board.
5. The Applicant shall provide a final site plan set for signature by the Town Supervisor.

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

CONVENE A PUBLIC HEARING FOR A WETLAND AND SWPPP PERMIT REQUESTED BY DORNOCH DEVELOPMENT TO CONSTRUCT A MODULAR SINGLE-FAMILY RESIDENCE ON TURUS LANE

Supervisor Grace convened a public hearing to consider the application received from Dornoch Development, LLC/Bruce Kelderhouse for property located on Turus Lane, Mohegan Lake, NY 10547 also known as Section 16.17, Block 1, Lot 48.7. The request is to perform the following activity: construction of a modular single-family residence. The Town Clerk presented affidavits of printing and publication.

Michael Quinn, Town Engineer, mentioned it is a stormwater and wetlands permit application. Supervisor Grace mentioned that this is in the "paper road" territory of Mohegan Highlands (Turus Lane). This is an area that is well known for roads that were, in the past, mapped but may have never been developed. According to Supervisor Grace, paper roads are roads that were offered for dedication to the Town, but not improved. Improving these roads is now a costly venture. Presently, the actual roads need to be put in, as mapped, for which the town accepts a bond to ensure completion of the improvement.

Mr. Kelderhouse stated that the property originally consisted of 4 ½ acres – ½ acre in the front was sold to a neighbor, ½ acre is where the proposed single-family house is being built, and 3 ½ acres had been donated to the Town. Residents in the neighborhood came forward to express their interest and/or concerns. Councilman Bernard stated that the Triglia subdivision which is right down the street from this project has been visited by the Highway Superintendent, the Planning Board, the Water Superintendent, the Town Engineer, himself, Councilman Patel; and they are all familiar with the issues surrounding this neighborhood. Mr. Kelderhouse stated that the reason for the wetland permit is because he needs to relocate the existing stormwater line that comes from Judy Street. Right through the center of this lot is an existing town-owned stormwater drain. Mr. Kelderhouse has to move the line over straight across and dig about 20 to 30 linear feet into the wetland buffer.

Mr. Quinn stated that his department issued a memo dated December 6, 2016 which was comprised of fourteen points, most of which were minor. The sanitary sewer line needs to be upgraded – it would be quite a long run to get to the existing sewers on Turus Lane so the Town is requesting that a larger sanitary sewer line be installed so if the Town ever decided to upgrade in the future, this could become a town-owned sanitary sewer. The Town is requesting an 8-inch pipe with a manhole on the end, so that, in the future, it could be dedicated. Supervisor Grace asked what potential homes could be tied into this line, and Mr. Quinn said there is another

house further down the street. Mr. Kelderhouse said that the discussion was more along the lines that there wouldn't be anybody else developing there since he donated the property to the Town and he, therefore, didn't see the need for it at this point.

Town Engineer Quinn went over the standard conditions issued, bond, etc. A construction staging plan is required so that when work is being done, such as utility companies, these roads are kept open, i.e, plates may need to be laid, etc.

Councilman Bernard said there were memos from the Conservation Board who seemed to have no real issues and the Planning Board who had three items.

Mr. Patrick O'Brien, resident, asked questions regarding the storm drainpipe that is being re-routed. He is concerned about what problems this will cause, as well as where additional runoff will go.

Mr. Kelderhouse said that the pipe will continue to do what it has been doing, just following a different path.

Mr. O'Brien is concerned about the surface water coming down off the hill and where it will go if the path is changed. He then read a letter regarding other issues he sees this project causing. He is also concerned about future plans for the property that was donated.

Supervisor Grace stated that Mr. O'Brien brought up issues that are inherent in areas developed with paper roads. He said if Mr. Kelderhouse weren't building into the wetlands buffer area, he wouldn't even be before the board. The only issue for the Board at this point is the disturbance of the wetlands. The more global problems are issues that will probably not be within the context of this application but are something that needs to be considered because the Board knows they are also facing the same kinds of issues with the Triglia development. Supervisor Grace stated that the land that was donated was accepted for park purposes because it butts up against the Sylvan Glen Preserve and it can't be alienated without state legislation.

Mr. O'Brien asked why there is a request from the Town Engineer for an upgrade to an 8-inch pipe.

Mr. Kelderhouse stated he does not want to do this; it is being requested by the Town Engineer.

Supervisor Grace talked about having one person do it all right by creating enough value to get back the investment by upgrading all paper roads to town road standards and all utilities to today's standards. This is problematic from the Town's point of view because these are not town roads and to make them so, is very costly. No trees are being removed as a consequence of this action before the Town Board.

Mr. Chris Bugeya, resident, said he questions were not about the application itself, but what the Town is allowing. He understands that the pipe is being moved in order to drain water into the same area, but when he built his sewer 15 years ago he had to follow code and dig up the entire road. His concern is that the house that is being built is going to have the same issues and problems that currently exist for residents in the area. He questions where the water and future development is headed. The Town has to be responsible in this regard. The pipe is a 50-60 year old pipe (off Judy Road) that is draining water onto his property.

Councilman Bernard stated that the best case scenario would be to have a regional detention basin in the area where that water could go into and be filtered before it fed into the lake. But this cannot happen with the building of one home.

Mr. Bugeya feels the Town has to address the issue of drainage in the whole area.

Supervisor Grace pointed out that there isn't a difference in the pre-construction condition of the area from the post-condition. The drainage issue of the area isn't what the application is about. This is a pre-existing and larger condition.

Mr. Bugeya feels that moving the pipe could make the problem worse.

Mr. Quinn stated that when the Town puts some infrastructure into the area then the Town would maintain it; having very long 4 inch run to these mains is not a smart idea. He also stated that trying to solve the bigger issues here in this meeting isn't fair to the applicant; it will take a lot more time to try to come up with solutions.

Mr. John Tegeder, Planning Director, stated that the overriding planning issue here was the road infrastructure so when Mr. Kelderhouse donated the land, the issue went away. He wanted to address the 8-inch sewer main as a positive option since there is the potential for future development on a buildable lot that Mr. Bugeya owns (although he says he has no intention of doing so). As far as the water line goes, he knows looping is good and that the paper road, Priest Road, is unmaintained and full of trees and there is no utility right of way. If the Town decides to put in a water line, he wants to make sure the Town knows it will take work on the Town's maintenance on the Town's part.

A resident who lives where the new home is being built read a letter she wrote to the Town Board primarily concerning the relocation of the storm water drain and clearing of trees, as well as crowding of homes in the neighborhood.

Supervisor Grace said all of those homes do not have the required frontage on a town road. None of the homes are on town roads but private roads and all required variances. These homes exist because they have the same consideration that they may be asking to deny the current applicant. They have the same exact relief from the zoning code in the state law. The Town Board needs to go beyond this and address the application as it is.

Mr. O'Brien asked about the size of the pipe being used across Priest over to Christine Lane.

Mr. Quinn stated that it will be an 8 inch pipe going into an 8 inch town-owned pipe on Christine Lane.

Mr. Kelderhouse stated that he wishes to use a 4 inch to go into an 8 inch pipe. He asked that after this house is sold, how much more development will there be allowed.

Councilman Bernard stated that there are 2 more lots that head toward Judy Road.

Mr. Tegeder mentioned that those lots would front on Judy Road. He stated that he has seen those lots proposed for development in the past. You would not be able to access them from the area of the application.

Ms. Joan Shiland, resident, whose back lot is on Baker Street is concerned because she has drainage issue now. Priest Lane is all woods and in order to put the sewer and water lines through the area, you will have to rip out a significant amount of trees which will create additional drainage problems on Christine Road. Ms. Shiland stated the pit that collects the drainage is a mess. When a line went through on Baker Street for a new house recently, the developer ripped up the road which then sunk in and people couldn't get to their homes. Now water pools in the roadway. She stated that last year, Town officials, including the supervisor, toured the area and it was said that there were huge issues here and that the Town really needs to think about what problems would be caused by developing in the area. Ms. Shiland feels the Town is just, once again, pushing the problems under the rug.

Councilman Bernard talked about the proposed changes that the other developer should be putting into place that may very well alleviate a lot of the problems she mentioned.

Mr. Quinn said one of his comments in the Engineering letter was to address the tree removal process and this is one issue that needs to be discussed before the building permit is issued.

Mr. Bugeya stated that it is crucial to do the appropriate things, i.e., not ripping out woods on Priest Lane. He wants to retain and sustain the environment.

Ms. Shiland asked if approval is being given to this applicant, will that then open up the approval for Mr. Triglia to build a another house?

Councilman Bernard said that the Planning Board is not going to change course and just give him approval because he wants to change a course of action.

Mr. Kelderhouse stated that he is heavily into conservation and is not trying to do anything that will disturb the neighborhood.

Mr. O'Brien asked about the other lots and Mr. Kelderhouse said he had no plans.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Councilman Bernard motioned, seconded by Councilman Diana. Town Engineer Quinn presented his memo with its conditions.

Supervisor Grace stated that as far as he is concerned, the application is for a wetland and stormwater permit to allow work to be done in a wetland buffer. There is no post-construction impact by relocating the pipe. He stated that he does not feel it is attractive for the Town to pick up future endless liability for drainage issues.

Councilman Bernard stated that the Town put the pipe there in the first place.

Mr. Kelderhouse said this was why he gave an easement – in order to help out the situation.

Supervisor Grace stated there are many complaints about drainage issues that are either in town easements or should have been in a town easement. He feels that this is an opportunity to get things right from the start. Supervisor Grace requests an easement description and the old easement will have to be abandoned in order to take in a new one. He also asked for a flagging of the route of the drainage pipe and Mr. Quinn suggested a flagging of the trees to be removed so residents can get to see what will be done.

Supervisor Grace stated there are no grounds to deny his request for relief on his application; it is just a matter of where the Town can capture solutions to a few of the other problems.

The Town Board held decision on this application.

#### DECISION TO CONSIDER REZONING MOHEGAN AUTO AND TIRE CENTER

The Town Board reviewed the application received from Petitioner: Mohegan Auto & Tire Center, Inc. in connection with property known on the Yorktown Tax Rolls as Section 15.12, Parcel 2, lot 8, located at 1581 East Main Street, Shrub Oak, NY 10588 seeking a zoning map amendment from R1-20 to Transitional Zone and a Wetland Permit.

Supervisor Grace stated he did not have a final site plan and since this is for a change to transitional zone, the site plan is everything.

Mr. Tegeder said that it is broken out into two resolutions that need to be done: special permit site plan that will set the bulk requirements and then a second resolution laying out the details of what the site plan does so that if you need to make a change later, you don't have to go back to do another rezoning.

Councilman Patel asked if used cars can be sold at 3700 Barger. Mr. Tegeder said no – it would be a violation. Mr. Tegeder said that used cars cannot be sold at the Mohegan Auto & Tire in the back lot, only the front.

A final site plan needs to be received before a decision is rendered.

#### COURTESY OF THE FLOOR

The following people spoke:

Mr. Gil Kaufman, resident, asked about the status of the bathrooms at the YCCC.

Mrs. Susan Siegel, resident, asked about the Hallocks Mill Sewer District and the Pump Station Upgrade Project. The bids were closed on November 16 and should be valid for 60 days, which the Town is now approaching. Mrs. Siegel stated at the last meeting Supervisor Grace said he is looking at a global solution which seemed to involve combining the two pump stations for

Hallocks Mill and replacing the 40 year old pump stations plus the sewer extensions for the unsewered homeowners and redoing the Chelsea Pump Station. Mrs. Siegel said she doesn't understand why the pump station upgrade is being held up for the sewer extension project which is a totally different project to be funded by two separate groups of homeowners and fears that the delay will reach the 60 day time limit. In looking over the bid specs, they fall into the two million dollar range; the fund balance in the Hallocks Mill Sewer District as of December 15, 2015 was 6.2 million and the district's budget is 4.1 million so the Town has the fund balance of 1.5 times of the annual balance and should not need to raise a bond issue. She would like to know when the Town will proceed with the project.

Councilman Bernard reminded Mrs. Siegel of procedure and said she would have to wait until Courtesy of the Floor is finished for a response.

Mr. Carl Hoegler, resident, approached the Board regarding the recently passed tree ordinance. He does not totally disagree with law and is only speaking to grammatical inconsistencies that might obfuscate the spirit of the law and might put the Town at a legal disadvantage. He offered to meet with the Town Attorney to discuss these inconsistencies. Mr. Hoegler also wanted to express his observation with the Town Board regarding how the vote was taken without seeming to reflect on the merits of what the residents had to say. Many people expressed their opinions, both knowledgeable and heartfelt, as well as petitions, and yet at the end of the meeting the Town Board already had made up its mind. Mr. Hoegler stated he found this to be dismissive and painful.

Mr. Dan Strauss, resident, wanted to pick up on what Mr. Hoegler said regarding the actions of the Town Board regarding the tree law. He stated that he felt it doesn't always matter what the public has to say; the Town Board seems to compliment residents on what they bring to the table but then do as they wish.

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

Supervisor Grace said the tree ordinance is in litigation so his comments would be brief. He stated there were several work sessions and was discussed at length. Supervisor Grace stated that many compelling points were made by residents and some changes had been made based on recommendations. Many discussions took place regarding differences of opinions and philosophy so that the decision was not done arbitrarily or with disregard to residents comments.

Councilman Patel thanked the residents who cared enough to come and to speak to the Town Board and why he did not vote for the tree ordinance.

Supervisor Grace addressed the Hallocks Mill issue and said the Town is taking a comprehensive look with bond counsel and the Town Attorney as to the proper method of financing the sewer improvements that would take place over the next 10 years. If we use the money we do have (East of Hudson funds) correctly to re-examine how some of the properties in the districts are being billed, which has been presented to the Town Board as problematic, and look at the benefitted properties, we may be able to accomplish everything almost within the budget of the operating costs of the district itself. The project is now at the stage of a lot of historical data collection and obtaining legal opinion as to how the Town can approach the issue and will hopefully be accomplished in the next month or two so that the pump station can be awarded before the expiration; in any event the Town can ask for an extension or go to rebid.

Councilman Bernard apologized for his earlier admonishment of Mrs. Siegel but asked that protocol please be followed.

#### ADJOURN

Upon motion made by Councilman Bernard, seconded by Councilman Patel, the Town Board meeting was adjourned.

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Diana L. Quast, RMC, Town Clerk  
Town of Yorktown