

FINAL TOWN BOARD AGENDA  
TOWN OF YORKTOWN  
OCTOBER 3, 2017

PLACE:  
TOWN HALL

TIME:  
7:30pm

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1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. SUPERVISOR GRACE'S REPORT TO THE TOWN
4. REPORTS FROM THE TOWN COUNCIL
5. PRESENTATIONS
  - Alliance for Safe Kids - Red Ribbon week
  - Work Order Management System – Town Engineer

6. PERSONNEL

Retirement:

**Accept Retirement of Michael Colarusso from the Water Department**

Resolved, that the Town Board accepts the Retirement of Michael Colarusso from the Water Department effective September 30, 2017.

Volunteer Boards:

**Reappoint John Kincart to the Board of Assessment Review**

BE IT RESOLVED, that John Kincart is hereby reappointed as a member of the Board of Assessment Review for a five-year term expiring on September 30, 2022.

**Reappoint Linda Briggs to the Landmarks Preservation Commission**

BE IT RESOLVED, that Linda R. Briggs is hereby reappointed as the Chairperson of the Landmarks Preservation Commission for a three-year term expiring October 31, 2020.

**Appoint Adam Fetzer to the Landmarks Preservation Commission**

BE IT RESOLVED, that Adam Fetzer is hereby appointed as a member of the Landmarks Preservation Commission for a three-year term expiring October 31, 2020.

**Reappoint Phyllis Bock to the Conservation Board**

BE IT RESOLVED, that Phyllis Bock is hereby reappointed as Co-Chair of the Conservation Board for a three-year term expiring on September 30, 2020.

**Appoint Tom Schmitt to the Tree Conservation Advisory Commission**

BE IT RESOLVED, that Tom Schmitt is hereby appointed as a member of the Tree Conservation Advisory Commission for a three-year term expiring on October 31, 2020.

**Reappoint Dale Saltzman to the Tree Conservation Advisory Commission**

BE IT RESOLVED, that Dale Saltzman is hereby reappointed as a member of the Tree Conservation Advisory Commission for a three-year term expiring on October 31, 2019.

7. PUBLIC HEARINGS

Decisions:

**Thomas Gorman - 2353 Granville Court - Stormwater Management/Wetland Permit**

WHEREAS:

1. The Applicant submitted an application for a Wetlands and a Stormwater Pollution Prevention Plan Permit for construction of in-ground swimming pool.
2. All required application fees have been paid.
3. The Applicant submitted engineering plans for the subject property, entitled: Proposed In-ground Pool, Spa & Patio for Gorman Residence. Prepared by: Future Design Solutions, Joseph P. Pavia, Architect, P.C., dated 8-17-17, 6 sheets.
4. A Public Hearing regarding this application was opened on 9/19/17. The Board reviewed technical review memos from the Conservation Board and the Town Engineer. The Applicant requested an adjournment such that responses to the Engineering memo could be further studied and responded to.
5. The Applicant appeared at the 9/26 Town Board work session and agreed to make design modifications to the pool perimeter fence, including the addition of two (2) swing gates to permit Town access to the Drainage Easement. The Draft permit conditions were also reviewed and discussed, with the Applicant requesting a few modifications that the Town Board agreed to consider.
6. The Public Hearing regarding this application was closed on 10/3/17.
7. No members of the public spoke on this application.
8. The Approval Authority for this permit application is the Town Board.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. The Action is approved by the Town Board subject to compliance with the Town Code and adherence to the plan documents submitted in support of the application.
3. All comments listed in the Town Engineer's memo dated 7/07/2017 and copied below hereto shall be addressed to the satisfaction of the Town Engineer prior to issuance of any permits.
  - a. The fence that is being installed around the pool shall have an 8-foot wide opening with two (2) swing gates at each end to allow access for Town personnel to inspect, maintain and/or replace the underground piping within the easements. Must be code compliant.
  - b. The Applicant indicated in a response memo to the Conservation Board that an underground stormwater detention system (i.e. cultec-type system) will be provided. Must provide back-up calculations and must do a percolation test to confirm the soil conditions.

4. The following conditions are included as part of the Action:

Conditions that must be met prior to the commencement of work:

1. A revised set of engineering plans shall be submitted to reflect the changes indicated above, signed and sealed by the licensed professional.
2. A Performance Bond shall be established in the amount of \$2,500 with the Engineering Department. The bond will be released when the Town Engineer has confirmed that all conditions of this permit have been met and at least 80% of the disturbed areas have been permanently stabilized (vegetative growth). The Town shall have the right to use the funds if the applicant, upon receiving due notice from the Town, fails to correct deficiencies related to the conditions of this permit.
3. An Engineering Inspection Fee shall be paid in the amount of \$750 with the Engineering Department. This inspection fee shall cover the cost of Town employees' extra ordinary services to verify the pre- and post-construction conditions and to provide some oversight while the work proceeds.
4. A Legal Review Fee shall be paid to the Town Attorney as per the Master Fee Schedule.
5. The property has a Town-owned Drainage Easement in the rear yard and a Sanitary Sewer Easement in the front yard. The easement and property lines must be staked out by a licensed land surveyor prior to any work proceeding to ensure the proposed work occurs entirely within the Applicant's property and without encroaching in the Town easements. Applicant shall notify the Engineering Department in writing two (2) weeks prior to the anticipated start of work. The Town, at their option, may wish to have their pipeline camera run through this area to verify the pre-construction condition.
6. Applicant acknowledges that the piping contained with the Town easements must be protected from large construction excavators, soil stockpiles, material storage and heavy equipment. Only mini-excavators and rubber tire construction vehicles may be operated on Town easement areas. At all times, Applicant shall be responsible for protecting Town pipelines. Any damage that is caused by the construction activity shall be replaced at the Applicant's sole cost.
7. A Building Permit must be obtained from the Building Department.
8. As required by the NYSDEC Standards and Specifications for Erosion & Sediment Control, a silt fence shall be installed around the proposed land disturbance and soil stockpile area. A stabilized construction entrance shall be installed at the edge of pavement to prevent off-site migration of spoils.
9. A pre-construction meeting must be held at the site. The applicant or a representative must contact the Engineering Department (914) 962-5722 x220 to arrange this meeting. All erosion controls and limits of disturbance lines (such as silt fence and orange construction fencing) are to be installed in accordance with the approved plan prior to this inspection.

Conditions that must be met during construction:

1. The entire scope of work is shown on the engineering plans referenced above; no additional land disturbing activity of any kind shall be permitted without the issuance of a new permit by the appropriate approval authority. No further changes to the existing site topography shall be permitted and no protected trees shall be cut.
2. The guidelines contained in the NYSDEC Standards and Specifications for Erosion & Sediment Control, latest edition, shall be followed. At the end of each work day, soil stockpiles shall be covered. If not worked on for more than seven (7) days, stockpiles shall be seeded/mulched with a silt fence around the perimeter.
3. Road in front of property must be kept broom clean at all times.
4. Excess material shall be removed from the site and a copy of the waste manifest shall be provided to the Engineering Department to confirm the disposal location. If any excess soil material is proposed to remain on site, Applicant shall notify the Town Engineer, who will review and approve prior to the work occurring.

When the Project Work is Complete:

1. The applicant or his representative shall fill out and submit a Construction Completion Certificate to the Town Engineer. The Engineering Department will then perform a final inspection to confirm the required improvements have been satisfactorily completed. Applicant will be notified of concurrence or if any work is not acceptable.
2. A final site survey showing as-built conditions shall be provided to the Engineering Department, provide a printed copy and in pdf format.
3. The Town, at their option, may wish to have their pipeline camera run through this area to verify the post-construction condition.
4. The Applicant shall provide a Hold Harmless Agreement to the Town that accepts responsibility for any liability for removal of the perimeter fence when required to facilitate and maintenance or construction work required on Town pipelines. And clearly states that any fence replacement or re-installation shall be at the sole cost of the property owner. Document shall be reviewed and approved by the Town Attorney.
5. When area is re-vegetated, stabilized and erosion control removed (silt fence), notify the Engineering Department who will then inspect site and advise if further stabilization is required.

**Harwood Place LLC, 200 Harwood Place Rezoning request to rezone this parcel from R-2 Zoning District to R-3 Zoning District**

WHEREAS, the Town Board of the Town of Yorktown ("Town Board") received a Verified Petition for a Zoning Map Amendment, dated April 25, 2017, from HARWOOD PLACE, LLC, ("HARWOOD" and/or the

"Petitioner"); and

WHEREAS, HARWOOD is the owner of certain real property, comprised of ±0.405 acres, located east of Underhill Avenue in the area designated by the Town as the Yorktown Heights Hamlet, also known on the Town Tax Map as parcel 37.19-1-69 ("Lot 69"); and

WHEREAS, Lot 69 is presently zoned R2; and

WHEREAS, Petitioner is seeking a Zoning Map change for the entirety of Lot 69 to a R-3 Zoning District in order to facilitate the legalization of the existing multi-family development, as described herein (the "Petition"); and

WHEREAS, the multi-family development was constructed in 1974 and contains six (6) rental dwelling units, four (4) of which are fully legal and have a Certificate of Occupancy, and two (2) which currently do not have Certificates of Occupancy; and

WHEREAS, the multi-family development is served by ten (10) parking spaces, where nine (9) parking spaces are required by the Town Code; and

WHEREAS, Lot 69 consists of 17,670 SF where 21,780 SF is required by Code, the front yard setback is 33.0' where 50.0' is required, the rear yard setback is 18.0' where 50.0' is required, and the side yard setbacks are 31.0' and 73.0' combined where 50.0' and 100.0' are required respectively, and the lot depth is 42.0' where 150.0' is required; and

WHEREAS, the proposed development is served by public water and sewer systems; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act ("SEQRA"), the Petitioner submitted a short Environmental Assessment Form prepared by Joseph Riina, P.E. of Site Design Consultants, Inc., dated April 21, 2017 (the "EAF");

WHEREAS, at meetings on May 9, 2017 and June 5, 2017, Petitioner and their development team presented the Action to the Town Board, and addressed preliminary questions regarding the Action; and

WHEREAS, following the presentation of Petitioner and their development team, the Town Board accepted the Petition for consideration at the June 13, 2017 meeting; and

WHEREAS, on May 9, 2017, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume Lead Agency status in

connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to transmit the EAF to the Involved Agencies, and notify them that a Lead Agency must be agreed upon within 30 calendar days of the date that the Town Board's Notice of Intent was transmitted to them; and

WHEREAS, the Petition and EAF were duly circulated to involved and interested agencies in accordance with SEQRA, the Code of the Town of Yorktown and New York State Law; and

WHEREAS, in May 17, 2017, Petitioner appeared before the Town Conservation Board and presented plans for the rezoning request; and

WHEREAS, by memorandum, dated May 23, 2017, the Conservation Board opined that the requested rezoning of the property presents no adverse environmental impacts to the environment; and

WHEREAS, by letter, dated May 30, 2017, the Westchester County Planning Board, in accordance with SEQRA, Section 239-l, m and n of the New York State General Municipal Law, and Section 277.61 of the County Administrative Code expressed no objection to the Petition; and

WHEREAS, by Memorandum, dated May 30, 2017, the Advisory Board on Architecture and Community Appearance stated several concerns regarding code compliance and property maintenance and requested the concerns be a condition of any rezone approval the Town Board may act on; and

Whereas, the Town Board directs that the Building Department verify code compliance and that the property is brought to a satisfactory state of maintenance as required in Town Code; and

WHEREAS, Petitioner appeared before the Town Planning Board on May 22, 2017; and

WHEREAS, discussion was held before the Planning Board regarding any potential adverse impacts that may result from the Action; and

WHEREAS, the Planning Board concluded that based on the EAF and supplemental materials submitted by Petitioner, that no adverse environmental impacts are identified, and therefore the Planning Board had no objections to the proposed rezoning request; and

WHEREAS, all of the aforementioned comments have been duly considered; and

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

WHEREAS, the Petition was presented to the Town Board at a duly noticed Public Hearing conducted on July 18, 2017, and completed and closed on that same date; and

WHEREAS, following the close of the Public Hearing on July 18, 2017, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioner, 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; and

WHEREAS, the Town Board has fully considered the Petition and adopts the following findings of fact:

Rezoning the property to R-3 is consistent with the surrounding neighborhood character. Specifically, the proposed R-3 property is bordered to the west and north by property that is multi-family housing, and the property is surrounded by a mix of 1 and 2 family units in an R-2 Zone; and

The proposed Zoning Map Amendment is consistent with the Town of Yorktown's Comprehensive Plan, adopted June 15, 2010 ("Comprehensive Plan"). Specifically, Goal 4-E "Promote the five hamlet business centers as hubs of civic life and community identity, and promote a mix of retail, professional, office, park/civic uses, and compatible residential uses that create an atmosphere of vitality."; and

The property is located in the area of Town known as the Yorktown Heights Hamlet, and the proposed rezone and project is consistent with the comprehensive plan Policy 4-1, which states: "Promote a mix of retail, professional offices, and housing in the hamlet business centers, and in specified locations, promote mixed use "Main Street" or "Village Center" Development." Policy 4-1 further states "Residential uses would add more evening and weekend activity to the hamlet business center. More importantly, housing units in hamlet business centers would tend to be smaller than single family homes, providing much-needed housing diversity and greater affordability to Yorktown's housing supply..."; and

The Proposed rezone of the property to R-3 is consistent with the Comprehensive Plan Goal 5-C "In and around the five hamlet business centers (refer to chapter 4), promote housing diversity in a format compatible with both commercial uses and adjacent single family residential areas"; and

The need to maintain high standards of architecture and design in the neighborhood is acknowledged by the Town Board and echoed by the residents from the adjacent residential neighborhood, and the Comprehensive Plan Goal 5-E states "Ensure that new homes are compatible with the character of their neighborhoods"; and

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby declares itself lead agency, determines the action should be classified as an Unlisted Action in accordance with SEQRA; and

WHEREAS, the Town Board has undertaken a comprehensive review and consideration of all empirical studies, expert reports, plans and other related materials submitted by the Petitioner, 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

WHEREAS, the Town Board has determined that Petitioner satisfactorily addressed all comments raised with regard to potential adverse impacts resulting from the Action; and

WHEREAS, in consultation with the Town Board's legal counsel and Planning Staff it has considered, inter alia, the criteria pursuant to 6 N.Y.C.R.R. Section 617.7(c) and the potential for environmental significance as listed in the adopted Negative Declaration; and

NOW, THEREFORE, BE IT RESOLVED, that pursuant to SEQRA, the Town Board, as Lead Agency, has carefully considered the Action, and the criteria listed in 6 NYCRR Section 617.7(c), including the EAF, the Petition, and all supplemental materials submitted by the Applicant and public relating thereto, as well as comments from Interested Agencies, the Town Board hereby finds that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration; and

BE IT RESOLVED, that the petitioner must seek variances from the Yorktown Zoning Board for relief from the required lot area and lot depth, and required front, rear, and side yard setbacks as stated herein; and

RESOLVED, the Town Board, having considered all of the evidence pursuant to the future development possible under the proposed zoning, makes the following determinations:

The Town Board reviewed and evaluated the existing development consisting of 6 units of residential apartments, and determined that the development represents the maximum use intensity that the Property will support and have the least impact on the environment, the character of the neighborhood, and the health, safety, and welfare of the general public and the immediate neighboring residents; and

The Town Board reviewed and evaluated the recreational requirements of the proposed zone and determined that no active play areas are required by the existing development; and



The Town Board reviewed and evaluated the character of the adjacent and surrounding neighborhoods as to their character and quality of architectural and landscaping treatments and determined, in accordance with the Comprehensive plan as above, and determined that the architectural and landscaping treatments as existing are compatible with the existing surrounding neighborhood; and

NOW, THEREFORE BE IT resolved by the Town Board that the Petition for a Zoning Map Amendment rezoning from the R-2 Zoning District to the R-3 Zoning district is hereby approved, as legally described in Exhibit "A"; and

BE IT FURTHER RESOLVED, that the Town Board shall adopt a local law amending the zoning and the Town's Zoning Map.

**Proposed Local Law to amend Zoning Map – Harwood Place**

The proposed local law will amend the Town of Yorktown zoning map, as follows: from R-2 Zoning District to R-3 Zoning district.

Reconvene:

**Reconvene Public Hearing - Rezoning Request 712 Kitchawan Road**

The Town Board will reconvene a public hearing to consider the request from Steven Spiro and Michael Katz, the contract vendees for premises located at 712 Kitchawan Road, Yorktown, NY, also known as Section 70.06, Block 1, Lot 4 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a one-family Residential (R1-200) Zone to a Transitional Zoning District.

**Proposed Local Law to amend Zoning Map – 712 Kitchawan Road**

The proposed local law will amend the Town of Yorktown zoning map, as follows: Rezoned from the R1-200 Zoning District to the Transitional Zoning District: Section 70.06, Block 1, Lot 4 (70.06-1-4) (approximately 14.7 acres)

**Reconvene Public Hearing - Rezoning request Village Traditions, LLC**

The Town Board will reconvene a public hearing to consider the request from Village Traditions, LLC, the owners of premises located at 1821 East Main Street, Mohegan Lake, NY, also known as Section 15.16, Block 1, Lot 32 on the Yorktown Tax Rolls. The request is to amend the zoning of the parcel from a C-2/O Zone to C-2R Zone in order to change two structures: one 3,000 square foot 2-story office structure to a 3,000 square foot building with one apartment, and change to C2-R for second building to also have an apartment.

**Proposed Local Law to amend Zoning Map – 1821 East Main Street**

The proposed local law will amend the Town of Yorktown zoning map, as follows: Rezoned from C-2/O Zoning District to C2-R Zoning District: Section 15.16, Block 1, Lot 32 (15.16-1-32) (approximately one acre)

Advertise:

**Advertise Public Hearing - Stormwater Management and Wetland Permit application – 1711 Mohansic Avenue East**

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 17th day of

October, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Stormwater Management and Wetland Permit Application received from Gretchen Morfea for property located at 1711 Mohansic Avenue East, Yorktown Heights, NY 10598, also known as Section 37.17, Block 1, Lot 16. The request is to perform the following activity: installation of an in-ground pool.

**Advertise Public Hearing - Stormwater Management and Wetland Permit application - 3211 Lakeshore Drive**

NOTICE IS HERE GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 17th day of October, 2017 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider the Stormwater Management and Wetland Permit Application filed by Joseph Buglino, Alfandre Architecture/EcoBuilders, on behalf of the owners Felicity Arengo and Elaine Chapnik for the construction of a single family dwelling for property located at 3211 Lakeshore Drive, Mohegan Lake, NY 10547, also known as Section 25.08, Block 3, Lot 2.

8. BIDS

Advertise:

**Authorize Police Department to issue a Request for Proposals to purchase vehicles**

BE IT RESOLVED, the Town is authorized to issue a request for proposals for qualified bidders to submit proposals for the Police Department to purchase unmarked vehicles.

**Authorize Water Department to issue a Request for Proposals to purchase vehicles**

BE IT RESOLVED, the Water Department is authorized to issue a request for proposals for qualified bidders to submit proposals for the Water Department to purchase vehicles.

**Extend Bid for Automotive and Small Engine Parts and Equipment/Tools - Water Department**

WHEREAS, invitation to bid for the Automotive and Small Engine Parts and Equipment/Tools was duly advertised; and

WHEREAS, said bids were received and opened on October 2, 2014; and

Now, Therefore Be it Resolved, that upon recommendation of the Distribution Superintendent, Ken Rundle, the Automotive and Small Engine Parts and Equipment/Tools bid is hereby extended for one year, per terms of the bid contract which will expire October 7, 2018.

9. RESOLUTIONS

**Award Bid for the 2018 Residential Garbage Contract**

WHEREAS, the Town of Yorktown issued a Request for Proposals for the 2018 Residential Garbage Contract on or about March 15, 2017;

WHEREAS, the Town received several proposals from vendors;

WHEREAS, the Town thoroughly vetted the each of the vendors who submitted proposals;

WHEREAS, the Town Board interviewed on several occasions each of the vendors who submitted proposals;

WHEREAS, the Town Board has fully evaluated each Proposal and has determined that the Proposal submitted by AAA Carting and Rubbish Removal, Inc. in the amount of \$1,999,999.00 for two years with three one year option terms;

BE IT RESOLVED, the Town Board awards the Residential Garbage Contract to AAA Carting and Rubbish Removal, Inc. in the amount of \$1,999,999.00 for two years with three one year option terms commencing January 1, 2018 to December 31, 2019 with three one year option terms and authorizes the Town Supervisor to execute the agreement with the AAA Carting and Rubbish Removal, Inc.

**Authorize Supervisor to sign a Release of Easement Rights the Town had or may have had on filed Map No. 14023 – Millpond Park**

BE IT RESOLVED that the Town Supervisor is authorized to sign the Release of Easement Rights the Town had or may have had on Filed Map No. 14023 in and to Lot No. 98 only and more particularly as follows: **ALL** that certain plot, piece or parcel of land situate, lying and being in the Town of Yorktown, County of Westchester, and State of New York, known and designated as a certain “Temporary Cul-De-Sac Reserved...” over Lot 98 only on a map entitled, "Subdivision Map, Section 1 of Millpond Park, located in the Town of Yorktown, Westchester County, New York" made by J. Henry Carpenter & Co., Civil Engineers and Land Surveyors, dated February 26, 1964 and filed in the Office of the County Clerk of Westchester County, Division of Land Records, on August 20, 1964 as Map No. 14023.

**Authorize Supervisor to sign a professional Services agreement with Woodard & Curran for development & implementation of a Work Order Management Program in an amount not to exceed \$51,762.00**

WHEREAS,

1. The Town Engineer solicited proposals for professional services for the following scope of work: develop and implement a computerized (web-based) work order management system to be utilized by the Water, Sewer and Highway departments. The new system will be integrated with the Town-wide Geographic Information System (GIS) that has recently been updated. Scope of work includes up to three (3) training sessions to educate and assist staff in using the new work order management system.
2. In accordance with the Town of Yorktown procurement procedures, proposals were solicited from three (3) firms that had the in-house expertise and expressed interest in providing professional services. The firms that provided written proposals were Woodard & Curran Engineering PC, GHD Consulting Services Inc. and Bowne Management Services.
3. The professional engineering services to be provided by Woodard & Curran will be performed for a lump sum in the amount of \$45,262. There will be an additional \$4,500 annual web hosting fee payable to Woodard & Curran. The Agreement will also include an allowance in the amount of \$2,000 for any work that may be needed outside of the defined work scope; this work would be paid for at the firm’s normal hourly rate schedule that will be included as part of the Agreement. Total cost: \$51,762.

4. In the professional opinion of Town Engineer, Woodard & Curran provides the best overall proposal and the lowest cost to the Town.

NOW, THEREFORE BE IT RESOLVED, that The Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Woodard & Curran Engineering, PC for the scope of work as described in preceding section and the not-to-exceed amount of \$51,762.

**Authorize Supervisor to sign a Letter of Authorization for the Lowes Site Plan Development Project – Authorize Lowes Design Engineer to submit Water and Sewer Application to Regulatory Agencies**

WHEREAS:

- A. The Lowes Site Development Project has received the required Town approvals to proceed with construction. Town staff have previously reviewed and accepted the engineering plans that will now be filed with the appropriate regulatory authorities for final approval.
- B. In order to submit the water main engineering plans with the Westchester County Health Department and the sewer engineering plans with the New York State Department of Environmental Conservation, a Letter of Authorization from the Town is required.
- C. The Town Engineer has concurred with the last revision of plans for submission to the regulatory agencies noted above.

NOW, THEREFORE BE IT RESOLVED, the Town Board authorizes the Town Supervisor to sign a Letter of Authorization that will enable submission of engineering plans for water and sewer approval to the appropriate regulatory authorities.

**Authorize Town Comptroller to make the following Budget Transfers in the Sewer Budget**

BE IT RESOLVED that the Town Comptroller is hereby authorized to make the following budget transfers in the Sewer Budget:

1. Transfer \$8,000 from YS8130.101 Salaries to YS.8130.460.3 Maintenance & Repair Plant (NYCDEP).
2. Transfer \$40,000 from YS8130.105 Overtime to YS.8130.460.3 Maintenance & Repair Plant (NYCDEP).

**Authorize Deputy Supervisor to sign an agreement with Marvin Ray Raskin for Legal Services**

BE IT RESOLVED that Deputy Town Supervisor Gregory Bernard is authorized to sign the professional legal services agreement with Marvin Ray Raskin, Esq. in an amount not to exceed \$2,500.00 to provide necessary legal representation to Supervisor Michael Grace in connection with a Grievance filed by Susan Siegel with the Grievance Committee of the Ninth Judicial District.

10. COURTESY OF THE FLOOR

11. ADJOURN

Dated: October 3, 2017

DIANA L. QUAST, RMC  
TOWN CLERK  
TOWN OF YORKTOWN

\*\*\* Agendas are Subject to Change\*\*\*

**Americans with Disabilities Act:** If you need special assistance to participate in a Town meeting or other services offered by this Town, please contact the Town Clerk's office, (914) 962-5722, x210. Assisted listening devices are available at this meeting. Ask the Town Clerk if you desire to use this device. Upon request, the agenda and documents in the agenda packet can be made available in appropriate alternative formats to persons with a disability. Notification of at least 48 hours prior to the meeting or time when services are needed will assist the Town Clerk's Office in assuring that reasonable arrangements can be made to provide accessibility to the meeting or service.

**Courtesy of the Floor Policy**

1. Each speaker shall identify themselves before speaking by stating their Name, and Address
2. Speakers shall limit their comments to three minutes
3. Speakers will address their comments to the Town Board
4. Speakers shall keep their comments to the business of the Town
5. Personal attacks will not be tolerated
6. All speakers are expected to comment with respect and civility
7. The Supervisor reserves the right to stop a speaker's comments if they are not in accordance with this approved Courtesy of the Floor Policy

**Anyone wishing to contact the Town Board in writing may send their correspondence to the Town Clerk ([townclerk@yorktownny.org](mailto:townclerk@yorktownny.org)) or Town Supervisor ([supervisor@yorktownny.org](mailto:supervisor@yorktownny.org)), 363 Underhill Avenue, Yorktown Heights, NY 10598.**