

Meeting of the Town Board, Town of Yorktown held on October 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

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, the Town Board moved into Executive Session to discuss contract negotiations and the employment of particular individuals. Upon motion made by Councilman Bernard, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

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.

REPORT FROM THE TOWN SUPERVISOR

Lowe's is breaking ground sometime next week; there will be an official groundbreaking ceremony. Granite Knolls Sports and Recreational Facility has also broken ground; they have started to do some of the cleaning. Supervisor Grace apologized for the appearance outside of Town Hall; the monuments were moved to provide additional handicapped spaces to service the main floor of Town Hall. There were not enough handicapped parking spaces and there are problems with existing ones. This should help remedy the situation. The memorial monuments will be placed in Patriot Park. The flagpole that was removed in front of Town Hall will also be placed in Patriot Park. Flags for each of the branches of the armed forces will also be installed. The front of Town Hall will receive three new flagpoles: an American/POW flag, the Yorktown Town flag, and the New York State flag.

Supervisor Grace commented on the need to remain vigilant and strong and, as a symbolic token of unity, sympathy, and condolence for those wounded or suffering a loss in the Las Vegas shooting, there will be a prayer vigil on Sunday at the Yorktown Street Fair at 10:45 am at the YCCC field at the stage.

REPORT FROM THE TOWN COUNCIL

Councilman Diana showed the bulletproof canine vest for Dallas, in the K-9 unit. It was donated by Eric and Liz DeBartolo of the Rainbow Bridge Pet Crematory. Tom from T-3 Logo donated the embroidery on the vest. He read a statement detailing his disappointment regarding comments made by Councilman Patel and his Democratic running mates, Ilan Gilbert and Alice Roker, claiming that Yorktown has failed to do anything about the heroin and opioid epidemic in town. He feels their statements were not true and fact checking was not done. He went on to detail his efforts in the battle against these drugs. Councilman Diana expressed his disappointment that such a scourge would be used as a political platform for one party against another.

Councilman Patel spoke how this is a very complicated issue and how he has spoken with many community leaders, both in the health and education fields, to discuss his concerns and potential solutions to the drug issue.

Councilman Bernard congratulated the group Drug Crisis in Our Backyard who had a 5K Run for Recovery in FDR Park recently as a charity event for their organization. He also congratulated Support Connection's Support-A-Walk to raise money for cancer awareness and support. Alliance for Safe Kids was mentioned for their efforts to stop texting while driving. He mentioned that Ken Rundle, Distribution Superintendent – Water Department will be doing flushing in Districts 1, 2, and 4 from October 10th to November 3rd, 7:30 am to 2:30 pm. Contact the Water Department if you do not know your district. There will be a daily list of streets to be flushed and he also mentioned there might be discolored water.

Councilman Lachterman mentioned the Street Fair on Sunday for the Chamber of Commerce. Also on that day, at 3:00 there will be 175th anniversary of the Croton Dam and Aqueduct with a presentation at the Old Gatehouse Bridge at Arcady Road and Route 129. This will be followed by a reception at the Hilltop Hanover Farm – suggested donation \$25.00. The following weekend, the J.C. Hart Library will be having their book sale that will run from October 13th through the 16th, from 10:00 am to 4:00 pm.

Supervisor Grace stated that paving is well underway and there will be street closings: Baldwin Road has been paved; Underhill Avenue has been completed, etc. Gas line installations are going on by Con Edison on Gomer Street. A discussion will take place with them regarding remediation for damage done to the road since it, thus far, has been unacceptable.

RETIREMENT – MICHAEL COLARUSSO – WATER DEPARTMENT
RESOLUTION #345

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

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

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

REAPPOINT JOHN KINCART TO THE BOARD OF ASSESSMENT REVIEW
RESOLUTION #346

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

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.

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

REAPPOINT LINDA BRIGGS TO THE LANDMARKS PRESERVATION COMMISSION
RESOLUTION #347

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

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.

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

APPOINT ADAM FETZER TO THE LANDMARKS PRESERVATION COMMISSION
RESOLUTION #348

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

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.

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

REAPPOINT PHYLLIS BOCK TO THE CONSERVATION BOARD
RESOLUTION #349

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

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.

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

APPOINT TOM SCHMITT TO THE TREE CONSERVATION ADVISORY COMMISSION
RESOLUTION #350

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

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.

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

REAPPOINT DALE SALTZMAN TO THE TREE CONSERVATION ADVISORY
COMMISSION
RESOLUTION #351

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

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.

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

PRESENTATION – ALLIANCE FOR SAFE KIDS (ASK)

Liz Talbert, Alliance for Safe Kids (ASK) – a community coalition that works with all sectors of the community (schools, government, police department) to share their message with Yorktown families against substance use and abuse and other harmful behaviors, came before the Town Board to discuss their programs and events they sponsor. Ms. Talbert specifically mentioned their Red Ribbon Week (last week of October) and its message: “Your future is key, so stay drug free. Save a Life mini-series will target middle school students and include workshops for this age group, as well as having a teen night. She also mentioned that they welcome participation at all levels from Yorktown residents.

She introduced Jack Tinari, a sophomore at Yorktown High School, who spoke of his positive experiences with the Alliance for Safe Kids.

PRESENTATION – WOODARD AND CURRAN – WORK ORDER PROGRAM

There was also a presentation from Woodard and Curran about a work order management system that the Town Engineer, Michael Quinn introduced to the Town Board for their consideration. Supervisor Grace stated that part of administrating the business of the town is to make sure that it is working efficiently, which ultimately leads to a savings in tax dollars. This GIS and work order management system will be used for water, sewer, highway, and parks and recreation in order to streamline the work process, manage risks and liability, review of department performance, support capital expenditure planning, and manage staff expectation. This system will move away from paper based work orders to a computerized system and develop cross-department procedures for work order management.

PUBLIC HEARING DECISION - STORMWATER MANAGEMENT/WETLAND PERMIT -
THOMAS GORMAN - 2353 GRANVILLE COURT
RESOLUTION #352

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

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 within 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.

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

DECISION - REZONING OF R-2 ZONING DISTRICT TO R-3 ZONING DISTRICT & NEGATIVE DECLARATION - HARWOOD PLACE LLC, 200 HARWOOD PLACE RESOLUTION #353

Upon motion made by Councilman Lachterman, seconded Councilman Diana,

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.

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

ADOPT LOCAL LAW #14 OF 2017 TO AMEND ZONING MAP – HARWOOD PLACE
RESOLUTION #354

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

WHEREAS, a public hearing was held on October 3, 2017, pursuant to notice duly published as required by law to amend the Zoning Map of the Town of Yorktown as follows:

Portions of the following lot on the Tax Map of the Town of Yorktown are rezoned from R-2 Zone to an R-3 Zone, as shown on Exhibit "A," and as further described by metes and

bounds in Exhibit “B,” both of which are annexed hereto and incorporated as if set forth in full herein:
Section 37.19-1-69 (approximately 0.449 acre)

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

Local Law #14 of 2017 is hereby duly adopted.

RECONVENE PUBLIC HEARING FOR REZONE REQUEST FROM R1-200 TO
TRANSITIONAL ZONE - 712 KITCHAWAN ROAD

Supervisor Grace reconvened 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.

Taylor Palmer, attorney for applicants Steven Spiro and Michael Katz, stated that changes have been made to the application and site plan based upon concerns of the residents in the neighborhood. Mr. Lee Pollack is the representative for the residents. Mr. Palmer reviewed the changes with the Town Board.

Mr. Lee Pollack came before the Board to confirm Mr. Palmer’s statements. He stated that they are still concerned about having commercial use in the neighborhood and using transitional zoning but despite the concerns they appreciate the concessions made by the applicant and are willing to withdraw their objections to this application. They are concerned that this not be used as a stepping stone to further commercial use in the neighborhood. Supervisor Grace assured him that this would not be the case.

Bob Giordano, Yorktown Small Business Association, stated that this property will now be added back on the tax rolls, which is very good news for the Town.

Councilman Bernard stated that if this request had been for commercial use and a Planning Board decision, other uses could have crept in. Since it is transitional zone, the Board can have the site plan/plat tailored to the concerns of the residents.

All those present having been given the opportunity to be heard and there being no further discussion. Upon motion made by Councilman Diana, seconded by Councilman Bernard, the public hearing was closed.

Supervisor Grace took a “consensus” vote for site plan approval, negative declaration, the rezoning, and the local law to amend the zoning map (upon motion made by Councilman Bernard, seconded by Councilman Lachterman). He stated that when the paperwork is complete they will be put back on the agenda for the next meeting for decision approval.

RECONVENE PUBLIC HEARING FOR REZONING REQUEST FROM C-2/O TO C-2R -
VILLAGE TRADITIONS, LLC

Supervisor Grace reconvened 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 for a second building to change to C2-R to have an apartment.

There were no public comments.

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

Supervisor Grace took a “consensus vote” that they are going to approve the request for the rezoning; the approving resolution will need to be adopted at a subsequent meeting.

Mr. Mallon was instructed by Supervisor Grace that he will need to coordinate with the Town Attorney as to when the approving resolutions will be scheduled again before the Board.

AUTHORIZE POLICE DEPARTMENT TO ISSUE A REQUEST FOR PROPOSALS TO PURCHASE VEHICLES
RESOLUTION #355

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

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

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

AUTHORIZE WATER DEPARTMENT TO ISSUE A REQUEST FOR PROPOSALS TO PURCHASE VEHICLES
RESOLUTION #356

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

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.

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

EXTEND BID FOR AUTOMOTIVE AND SMALL ENGINE PARTS AND EQUIPMENT/TOOLS - WATER DEPARTMENT
RESOLUTION #357

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

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.

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

AWARD BID FOR THE 2018 RESIDENTIAL GARBAGE CONTRACT
RESOLUTION #358

Upon motion made by Councilman Bernard, seconded by Councilman Lachterman

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 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.

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

AUTHORIZE SUPERVISOR TO SIGN A RELEASE OF EASEMENT RIGHTS ON FILED MAP NO. 14023 – MILLPOND PARK RESOLUTION #359

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

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.

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

AUTHORIZE SUPERVISOR TO SIGN A PROFESSIONAL SERVICES AGREEMENT WITH WOODARD & CURRAN FOR WORK ORDER MANAGEMENT PROGRAM IN AN AMOUNT NOT TO EXCEED \$51,762.00

Supervisor Grace stated that the Town is still in the process of talking with them regarding the contract. No decision was made.

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

RESOLUTION #360

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

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.

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

AUTHORIZE TOWN COMPTROLLER TO MAKE THE FOLLOWING BUDGET TRANSFERS IN THE SEWER BUDGET RESOLUTION #361

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

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).

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

AUTHORIZE DEPUTY SUPERVISOR TO SIGN AN AGREEMENT WITH MARVIN RAY RASKIN FOR LEGAL SERVICES
RESOLUTION #362

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

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.

Bernard, Diana, Lachterman Voting Aye
Patel Voting Nay
Grace Recused Himself
Resolution Adopted.

COURTESY OF THE FLOOR

The following members of the public spoke:

Ilan Gilbert, resident, spoke about the letter to the editor in The Examiner News that Councilman Diana had published which attacked the Democratic slate and himself with politicizing the work done by the heroin task force. Mr. Gilbert said he must not have read the Op Ed piece that he and his running mates had published because if he did, Mr. Gilbert does not understand how Councilman Diana so misinterpreted the letter. He quoted the Op Ed piece that he wrote which did not mention Councilman Diana. Mr. Gilbert stated that it is Councilman Diana who is politicizing the heroin epidemic and expressed his great disappointment in the comments Councilman Diana made.

Paul Moskowitz, resident, sought answers to two questions regarding the last resolution adopted that will allow the Deputy Supervisor to sign a professional service agreement for legal fees for Supervisor Grace incurred in connection with a grievance filed against him by a resident. This grievance was filed over representation by Mr. Grace of a private business in Yorktown and not part of his duties as supervisor – if so, why is the Town paying legal fees for duties carried out in a private law practice? Secondly, Mr. Moskowitz asked if the Deputy Supervisor does believe that the Supervisor carried out his duties as supervisor and is subject to defense by the Town, why doesn't the Town Attorney defend Supervisor Grace?

Melvin Tanzman, resident, repeated the outrage expressed by Mr. Gilbert regarding Councilman Diana's letter and feels that he owes Councilman Patel an apology. It said that it is partisan bullying that has become part of every town council meeting. He also questions the resolution asking for a professional services agreement for Supervisor Grace's legal defense.

Jay Kopstein, stated that the work order project be looked at in depth; his experience with a similar project in New York City many years ago also required utility companies to enter work orders. Supervisor Grace said that this was also part of the progression of the project. Mr. Kopstein asked for civility when raising an objection (referring to previous speakers).

Rosemary Panio, resident, spoke about an incident at a previous meeting when she heard a pejorative remark against Italian heritage in order to make a point. She proceeded to extol the contributions Italians have made to culture, language, etc. She asks that no one be robbed of his

or her cultural heritage and that opinions should be made in such a way to change a person's mind and heart; not to insult and hurt.

Dorothea LaScala, resident, also said she was upset by comments made at the last meeting regarding immigrants. She stated that no one wants to keep out immigrants who are here legally, but do want to keep out illegal and criminal immigrants. She stated that she is very proud of Yorktown.

Mark Lieberman, resident, stated that he is embarrassed by Councilman Diana's remarks and thinks it is a misuse of his position; he should be in a non-partisan position at the council table. He said that Councilman Diana made a political speech and read the letter that everyone could read on their own. He did not acknowledge Mr. Gilbert's position where he gave credit to all of the work that is being done but made the point there is still an epidemic or acknowledged any of his ideas. He also finds it embarrassing at how the council members laugh at their colleague, Councilman Patel. Thirdly, if the Town is going to put a work order system in place, he thinks it is a good idea and hopes costs are controlled properly.

Dan Strauss, resident, thanked the Town Board, the Town Attorney, and the Highway Superintendent for putting up No Littering signs. The Battle of Yorktown this year showed that there is a lot less litter in the Heights section of town. Mr. Strauss also commented that the helipad that they are putting in at the Shrub Oak International School and feels that it is a dangerous thing to have in an area where there are residents, ballfields, and a pipeline and the Town is taking a great chance with something that is an amenity.

Grigory Kravtsov, resident, stated that he had applied to the Town Board previously to put on the agenda a discussion to bring guaranteed local high-tech jobs as a consequence of enforcement of a federal statute called Administration Strategy for Mitigating the Theft of US Trade Secrets. It deals with Chinese violations of United States intellectual property rights which he happens to be owner of patent which can and will bring high-tech jobs to Yorktown. He also wanted to say, despite what had been said about Costco not coming to town, that Costco did not come to Yorktown precisely because of his objections to their Chinese imports in plastic injection products which he happens to have a patent which he enforced vigorously which Costco happened to agree with him not to come to Yorktown. Now everyone expects Lowe's to come to town but they are in the same type of violation – they import plastic injection products from China which also violates his patent. He intends to enforce this vigorously. He does not think Lowe's will be careless to come here and meet all of the challenges of the legal enforcement of US intellectual property law. Furthermore, he stated, he is aware that the Town is not doing anything to protect itself from the accidental purchase of products from China which are affected by North Korean sanctions by the federal government. The Federal government sanctions against North Korea are more severe and even though the last batch of sanctions only just came into effect, they were actually started in 2014. Mr. Kravtsov stated that the Town is under an obligation to look carefully among products they purchase for various departments such as sanitation, water treatment, sewer, highway and automotive products, etc. since those products might be affected and it is a provision of the federal government to deal harshly with violators.

Bill LaScala, resident, commented about the constant negativity of some of the previous speakers. He asked the Board and the Town Attorney how much money has been spent on what he considers to be frivolous lawsuits brought by Susan Siegel. How many have been thrown out of court and how many did the Town win? He feels that these suits were brought to further her own political agenda.

Howard Frank, resident, stated that audits should also be a part of the work management system. Money should be accounted for on the work order so that a report can be generated showing what kinds of repairs and how much money was spent. Work orders should also be done for Town-owned properties. He suggested that every department should keep a book of their work orders. He also asked about the Quality of Life Committee and its members; he requested this information under FOIL but had not yet received an answer.

Ed Ciffone, resident, raised the Granite Knolls project cost of \$6.4 million whereas the Town advertised for a Request for Proposals for the construction. Then the Town authorized the Comptroller to transfer \$3.85 million from the General Fund for this project. He stated that the

Town stated the money was in the bank, so why was there a transfer? He also brought up the issue of term limits and that it should be on the ballot. He also asked for a petition to be placed on the ballot and wanted to know what the Town Clerk found out from the Board of Elections. Mr. Ciffone also wanted to know what Marvin Raskin, the attorney for the Town Supervisor's defense in Ms. Siegel's lawsuit, charges per hour.

Susan Siegel, resident, wanted to address Councilman Bernard regarding misstatements he made regarding her complaint by calling it a lawsuit when, in fact, it is a Complaint to the Grievance Committee of the Ninth Judicial District, as stated in the Town Board's resolution. She would also like a correction to the statement that she wrote the statement that Councilman Patel read – this is not true and would like it retracted or show proof. As to previous speaker, Bill LaScala's comments, she finds them slanderous and totally untrue.

Sergio Esposito, Vice President of Yorktown Chamber of Commerce, wanted to offer the campaign advice of campaigning on merits. There is a political party who criticizes the Chamber and businesses in Town and at the same time attempts to bully businesses because of their political affiliation.

Eric DeBartolo, President of Yorktown Chamber of Commerce, talked about how difficult it is to start a new business and he referenced the statistics of new businesses in Town. It is also very difficult to bring in new businesses but there are many new smaller businesses that have opened. He said that it hurts when people knock the Town but do nothing to help make new businesses happen.

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

Councilman Patel stated that he is very proud to have been a member of the Chamber of Commerce.

Councilman Bernard also spoke of his involvement with the Chamber of Commerce from 1993 to 2001. He spoke of how he helped to redevelop the Chamber of Commerce back in 1994 along with then Town Clerk Alice Roker.

Supervisor Grace stated that the Granite Knolls project is now under way and that they have now deposited the \$6.2 million dollars from Spectra in the bank. The bid to do the work at Granite Knolls came in a \$3.85 million; the Town received \$4.6 million then \$1.6 million from Spectra. A capital projects fund was set up where the money was placed and that is where the \$3.85 million transfer was authorized to be made. Supervisor Grace spoke about meeting with a financial municipal fund advisor and how future projects should be funded. The budget will be coming out shortly.

Supervisor Grace addressed the letter that was written to the paper by the Democratic slate. He also stated that Mrs. Siegel's grievance is for a matter of which she has no first-hand knowledge.

Town Attorney Michael McDermott stated that the Town is hiring an attorney to provide legal services for the supervisor because the first page of the complaint states that the event occurred when the Supervisor was acting in his capacity as an elected public official (e.g. the Town Supervisor of the Town of Yorktown) voted to award a towing contract to a local business.

Mrs. Siegel stated that this is not true and that the Town Attorney was misleading in his statement. She said that this is not the first sentence in the complaint and she would like to read from her copy what it actually says. Supervisor Grace said no.

ADJOURN

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

DIANA L. QUAST, RMC
TOWN CLERK
TOWN OF YORKTOWN