

Regular Meeting held by the Town Board, Town of Yorktown on November 20, 2007. Yorktown Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Alice E. Roker, Supervisor  
James Martorano, Deputy Supervisor  
Nicholas Bianco, Councilman  
Matthew Metz, Councilman  
Diana L. Quast, Town Clerk

Absent: Louis Campisi, Councilman

#### EXECUTIVE SESSION

Councilman Bianco moved, seconded by Councilman Martorano, to move into Executive Session to discuss personnel.

Councilman Bianco moved, seconded by Councilman Martorano to move out of Executive Session and proceed with the Work Session.

#### WORK SESSION

Supervisor Alice E. Roker called the meeting to order. Town Attorney Kevin Sweeny, Acting Town Engineer Sharon Robinson, Comptroller Joan Goldberg and Highway Superintendent Eric DiBartolo were also present.

#### PLEDGE OF ALLEGIANCE

Supervisor Alice E. Roker 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 HER REPORT TO THE TOWN, Supervisor Roker acknowledged two residents that are over 100 years old. Supervisor Roker asked Comptroller Goldberg to give an update on the budget.

Comptroller Goldberg stated that due to a collaborated effort the budget was reduced by 2%. Three positions will be left unfunded and there will be a Budget Hearing on November 28, 2007 at Town Hall beginning at 7:00 PM.

Supervisor Roker announced that there will not be a Town Board meeting held on December 4, 2007.

DURING THEIR REPORTS TO THE TOWN, Councilman Metz stated that the Traffic meeting for December is cancelled and will be rescheduled.

Councilman Bianco stated that there is an opening on the Open Space Committee, anyone interested should contact the Supervisor's Office.

Councilman Metz stated that the Yorktown Leos won the award for Youth in Philanthropy at the 2007 National Philanthropy Day Award Breakfast. The Board thanked the Leos and Al Avitabile for their dedicated service to the community.

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

Mr. Patel congratulated Councilman Martorano, Councilman Bianco, Town Clerk Roker, Town Justice Gilbert and Supervisor Peters on winning their respective elections. He also asked that people be careful driving for the safety of our children.

Mr. DiTomasso stated that society needs to be praised with positives not negatives.

All those present being given the opportunity to be heard, courtesy of the floor was closed. Councilman Bianco motioned, seconded by Councilman Martorano.

Supervisor Roker acknowledged Boy Scouts Jacob Volpe, Michael Volpe and Brandon, who explained that they are working on their Merit Badge for Communication.

APPOINTMENT

KENNETH RUNDLE – WATER MAINTENANCE FOREMAN  
RESOLUTION #410

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

BE IT RESOLVED, that Kenneth Rundle is hereby appointed Water Maintenance Foreperson effective November 19, 2007 from Eligible List No. 78-191 to be paid from Yorktown CSEA Salary Schedule A, Group 14 Step 4 which is \$63,737 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT

JOSEPH LEWIS – WATER MAINTENANCE WORKER I  
RESOLUTION #411

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

BE IT RESOLVED, that Joseph Lewis is hereby appointed Water Maintenance Worker I effective November 19, 2007 from Eligible List No. 78-519 to be paid from Yorktown CSEA Salary Schedule A, Group 12 Step 4 which is \$58,595 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT

PAUL VASILLO – WATER MAINTENANCE WORKER I  
RESOLUTION #412

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

BE IT RESOLVED, that Paul Vasillo is hereby appointed Water Maintenance Worker I effective November 19, 2007 from Eligible List No. 66-900 to be paid from Yorktown CSEA Salary Schedule A, Group 12 Step 4 which is \$58,595 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT

AL PISANO – GROUNDSKEEPER – PARKS DEPARTMENT  
RESOLUTION #413

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

BE IT RESOLVED, that Al Pisano is hereby appointed Groundskeeper in the Yorktown Parks Department effective November 26, 2007 to be paid from Yorktown CSEA Salary Schedule A, Group 10, Step 1 which is \$44,584 annually.

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

TRANSFER FROM HIGHWAY TO PARKS DEPARTMENT  
VINCENT HAIGHT – MEO/TREE TRIMMER  
RESOLUTION #414

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

BE IT RESOLVED, that Vincent Haight, MEO/Tree Trimmer is hereby transferred from the Highway Department to the Parks Department effective November 26, 2007, with no change in salary.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted

Highway Superintendent Eric DiBartolo introduced Kenneth Rundle, Joseph Lewis and Al Pisano. Mr. DiBartolo explained that all three of these employees have been with the Town for many years and he is proud of their accomplishments.

Kenneth Rundle thanked the Board and Highway Superintendent DiBartolo for his appointment to Water Maintenance Foreperson.

Joseph Lewis thanked everyone for his appointment to Water Maintenance Worker I. He stated that it is greatly appreciated.

Al Pisano thanked the Board for his appointment to Groundskeeper.

Supervisor Roker congratulated and thanked everyone for their service to the Town.

APPOINTMENT UTILITIES OVERSIGHT COMMITTEE  
PATRICIA PODOLAK – CO-CHAIR  
RESOLUTION #415

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

BE IT RESOLVED, that Patricia Podolak is hereby appointed as Co-Chair of the Utilities Oversight Committee for a three year term expiring on 10/31/10.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT UTILITIES OVERSIGHT COMMITTEE  
RONALD GATTO – CO-CHAIR  
RESOLUTION #416

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

BE IT RESOLVED, that Ronald Gatto is hereby appointed as Co-Chair of the Utilities Oversight Committee for a three year term expiring on 10/31/10.

Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT UTILITIES OVERSIGHT COMMITTEE  
BRENNA KAPLAN - MEMBER  
RESOLUTION #417

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

BE IT RESOLVED, that Brenna Kaplan is hereby appointed as a member of the

Utilities Oversight Committee for a three year term expiring on 10/31/10.

Martorano, Bianco, Campisi, Metz Voting Aye.  
Resolution adopted.

APPOINTMENT UTILITIES OVERSIGHT COMMITTEE

DANIEL LEFKOWITZ - MEMBER

RESOLUTION #418

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

BE IT RESOLVED, that Daniel Lefkowitz is hereby appointed as a member of the Utilities Oversight Committee for a three year term expiring on 10/31/10.

Martorano, Bianco, Campisi, Metz Voting Aye.  
Resolution adopted.

RESIGNATION

JOHN WINTER – BUILDING DEPARTMENT

John Winter tendered his resignation as the Assistant Building Inspector.

RESIGNATION

DAVID PAGANELLI – UTILITIES OVERSIGHT COMMITTEE

David Pagnelli tendered his resignation as a member of the Utilities Oversight Committee.

TERMINATION OF EMPLOYMENT

JARRED BUCHANAN – POLICE OFFICER

RESOLUTION #419

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

BE IT RESOLVED, that the employment of Jarred Buchanan is hereby terminated effective at the close of business on November 25, 2007.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

REQUEST TO CARRYOVER VACATION TIME

DIANA L. QUAST – TOWN CLERK

RESOLUTION #420

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

BE IT RESOLVED that the Town Board authorizes Diana L. Quast to carry over 7 vacation days into 2008 to be used in 2008.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

REQUEST TO CARRYOVER VACATION TIME

PATRICK DEFEQ – WATER DEPARTMENT

RESOLUTION #421

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

BE IT RESOLVED that the Town Board authorizes Patrick DeFeo to carry over 5 vacation days into 2008 to be used in 2008.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

PUBLIC HEARING HUNTERBROOK SEWER DISTRICT #17

TEMPLE ISRAEL OF NORTHERN WESTCHESTER

BEST RENT PROPERTIES, LLC

RESOLUTION #422

Supervisor Roker convened a public hearing to consider a request from Temple Israel of Northern Westchester and Best Rent Properties, LLC to construct Sanitary Sewer District Hunterbrook Extension #17. Affidavits of Publication and Posting were presented by the Town Clerk.

On behalf of the applicant, Mr. Al Capellini stated that the proposed Hunterbrook Sanitary Sewer District #17 is a no cost district which will be dedicated to the Town. Mr. Riina outlined the boundaries of the proposed district.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Metz motioned, seconded by Councilman Martorano.

CREATION OF SANITARY SEWER DISTRICT #17  
TEMPLE ISRAEL OF NORTHERN WESTCHESTER/BEST RENT PROPERTIES  
RESOLUTION #423

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

WHEREAS, a petition for the creation of a sewer district to be known as "Hunterbrook Sewer District Extension No. 17 in the Town of Yorktown, Westchester County, New York, the said petition being dated 9/13/2007, was duly presented to this Town Board together with the necessary map and plan, and

WHEREAS, an order was duly adopted by the Town Board on 11/20/2007 reciting the filing of said petition, the improvements proposed, the boundaries of the proposed district and setting forth that the expense of the construction, improvement and formation of the Sewer District is to be borne by the petitioner solely and specifying November 20, 2007 at 7:30 o'clock PM as the time and the said Town Hall in the said Town of Yorktown as the place where the said Board would meet to consider the petition and to hear all persons interested in the subject thereof, concerning the same, and

WHEREAS, a hearing on the matter was duly held by the Town Board on this 20th day of November, 2007, commencing at 7:30 o'clock PM at the Town Hall in the said Town and discussion upon the matter having been had and all persons desiring to be heard having been duly heard including the petitioners and various other persons speaking in favor of the establishment of the proposed district:

NOW, upon the evidence given upon such hearing and upon motion by Councilman Martorano, seconded by Councilman Bianco and unanimously passed, it is

RESOLVED AND DETERMINED, that (a) the petition aforesaid is signed and acknowledged or proved as required by Law, and it duly complies with the requirements of Section 191 of the Town Law as to sufficiency of signers and it is otherwise sufficient; (b) all the property and property owners within the proposed district are benefited therein; (c) all the property and property owners benefited are included within the limits of the proposed district; and (d) it is in the public interest to grant in whole the relief sought, and it is further

RESOLVED AND DETERMINED, that the establishment of a sewer district as proposed in said petition be approved, that the improvement therein mentioned be constructed and the service therein mentioned be provided for at the sole expense of the petitioners as in said petition provided for; and that such district shall be designated and known as "Hunterbrook Sewer District Ext. #17" and shall be bounded and described as follows:

WHEREAS, the boundaries of the proposed sewer district extension are as shown on Schedule A and bounded and described, as follows:

**SCHEDULE A, PARCEL 1**

ALL that certain plot, piece or parcel of land, with the buildings and improvements,

thereon erected, situate, lying and being in the Town of Yorktown, Westchester County and State of New York , being more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Carpenter Road, formerly known as Carpenter Street at the westerly end of a curve having a radius of 20 feet and a length of 32.53 feet, which curve connects the northerly side of Carpenter Road with the westerly side of Mohansic Avenue;

THENCE along said northerly side of Carpenter Road north 87 degrees 28 minutes 57 seconds west, 1065.49 feet to land formerly of Peter Cassinari, now or formerly of Peto;

THENCE along said mentioned land north 1 degree 56 minutes 00 seconds east, 99.80 feet, north 5 degrees 19 minutes east, 315.61 feet and north 6 degrees 24 minutes east, 26.02 feet to a point on the southerly side of Crompond Road, also known as Route No. 202;

THENCE easterly along the southerly side of Crompond Road along the arc of a curve to the left having a radius of 1945 feet, a distance of 102.65 feet;

THENCE still along the southerly side of Crompond Road, south 89 degrees 21 minutes 17 seconds east, 41.69 feet to land now or formerly of Bridget Vespo, as conveyed by deed in Liber 3238 cp 215;

THENCE along said last mentioned land the following courses and distances:  
South 3 degrees 52 minutes west, 100.00 feet;  
South 86 degrees 08 minutes east, 100.00 feet;  
North 3 degrees 52 minutes east, 105.63 feet to a point on the southerly side of Crompond Road, aforesaid;

THENCE along said side of Crompond Road, south 89 degrees 12 minutes 17 seconds east, 588.13 feet to land now or formerly of Socony Mobil Oil Company, Inc. As conveyed by deed in Liber 6042 cp 278;

THENCE along said last mentioned land south 3 degrees 49 minutes 00 seconds east, 150 feet and south 82 degrees 54 minutes 40 seconds east, 196.12 feet to a point on the westerly side of Mohansic Avenue;

THENCE along said westerly side of Mohansic Avenue;  
South 3 degrees 49 minutes east, 40.32 feet;  
South 3 degrees 10 minutes east, 198.22 feet;  
South 3 degrees 43 minutes west, 154.61 feet;  
South 8 degrees 20 minutes west, 58.12 feet to a point of curve;

THENCE southwesterly along the arc of a curve to the right having a radius of 20 feet, a distance of 32.53 feet to a point on the northerly side of Carpenter Road to the point or place of BEGINNING.

Excepting there from so much of the above described premises as was required by the State of New York pursuant to Notice of Appropriations recorded in Liber 9375 p. 65 and Control No. 441320593.

SAID premises being known as 3241 Old Crompond Road, Yorktown, New York.

#### **SCHEDULE A, PARCEL 2**

All that certain piece, plot or parcel of land situate lying and being in the TOWN OF YORKTOWN, COUNTY OF WESTCHESTER, State of New York, bounded and described as follows:

BEGINNING at a point on the northerly side of Crompond Road, where the same is intersected by the division line between premises described herein and the westerly line of lands of the State of New York, known as the Taconic Parkway.

RUNNING THENCE along said side of Crompond Road, South 61°49' 50" West 316.62 feet to a point;

RUNNING THENCE North 3°58' 30" East 109.13 feet;

RUNNING THENCE North 5°23' 20" East 215.65 feet;

RUNNING THENCE North 5°26' 00" East 100.00 feet;

RUNNING THENCE South 83°56' 50" West 106.33 feet, South 86°44' 50" West 51.46 feet, South 84°58' 40" West 112.53 feet, South 80°29' 20" West 26.69 feet, South 74°18' 50" West 42.87 feet, South 77°56' 40" West 93.80 feet, South 73°12' 30" West 60.54 feet, South 77°43' 20" West 130.31 feet and North 86°52' 10" West 23.99 feet to a cross on a wall and land now or formerly of Palumbo;

RUNNING THENCE along the last mentioned land; North 7°02' 30" West 175.43 feet, North 6°44' 10" West 112.89 feet, North 6°59' 40" West 238.77 feet North 6°37' 40" West 124.69 feet to land of the State of New York;

RUNNING THENCE along the last mentioned land, North 79°39' 00" East 944.89 feet to a point on the westerly line of Taconic Parkway;

RUNNING THENCE along said Parkway, South 4°52' 50" East 663.72 feet to a point of curve to the right;

THENCE southerly still along said Parkway on a curve to the right having a radius of 958.24 feet a distance of 328.52 feet to the point or place of BEGINNING.

EXCEPTING that portion of the premises appropriated by the State of New York under Notice of Appropriation recorded under Control No. 401020289.

RESOLVED, that Best Rent Properties 202 LLC as described in the petition encompasses two (2) tax lots: they are Section 26.18, Block 1, Lot 19 and Section 26.19, Block 1, Lot 1. Temple Israel's property is identified as Section 36.06, Block 2, Lot 72, and be it

FURTHER RESOLVED, that the Town Clerk of this Town shall within ten days after the adoption of this resolution file certified copies thereof in duplicate in the Office of the State Department of Audit and Control at Albany, New York.

Supervisor Alice E. Roker	VOTING	AYE
Councilman James J. Martorano	VOTING	AYE
Councilman Nicholas J. Bianco	VOTING	AYE
Councilman Matthew P. Metz	VOTING	AYE
Councilman Louis J. Campisi	VOTING	AYE

Resolution adopted.

#### PUBLIC HEARING

#### REQUEST FOR A WETLANDS PERMIT

#### JEFFERSON VILLAGE DREDGING OF PONDS AND CHANNELS

Supervisor Roker convened a public hearing to consider a wetlands permit request from Jefferson Owners Corp to perform dredging of ponds and channels. Affidavits of Publication and Posting were presented by the Town Clerk.

On behalf of the applicant, Mr. Dan Ciarcia gave an overview of the proposed project.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was closed, Councilman Metz motioned, seconded by

Councilman Martorano.

AUTHORIZE WETLANDS PERMIT APPROVAL  
JEFFERSON OWNERS CORP – DREDGING OF PONDS AND CHANNELS  
RESOLUTION #424

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

Approving the Wetland Permit Application # 010-07  
of Jefferson Owners Corporation, 3480 Hill Boulevard  
Town of Yorktown, NY  
Section 1612 Block 1 Lot 32  
Section 17.13 Block 2 Lots 1, 2 and 3  
Section 17.09 Block 1 Lot 68

WHEREAS, the above referenced wetland permit application has been submitted by the property owner, Jefferson Owners Corporation (JOC); and

WHEREAS, as part of an on-going program of drainage improvements to its property, the applicant is proposing to conduct drainage work within three wetland areas consisting of two ponds and two areas of stream channel and adjoining wetland buffer, with stone walls to be constructed to stabilize the eroded edges around the ponds; and

WHEREAS, the applicant has submitted plans entitled “Preliminary Project Overview prepared for Jefferson Owners Corp.” prepared by Ralph G. Mastromonaco, P.E., P.C. dated February 23, 2007 with the most recent revision date of October 10, 2007; and

WHEREAS, the Town Board of Town of Yorktown has previously determined:

1. That the proposed action required SEQRA review;
2. That the proposed action is Unlisted;
3. That the Town Board wished to assume Lead Agency status in connection with the SEQRA review of the proposed action; and

WHEREAS, the Town Board declared, and circulated a declaration of, its intent to act as Lead Agency in connection with all processing, procedures, determinations and findings to be made or conducted with respect to the Wetlands Permit application under Section 8-0101, et. seq. of the Environmental Conservation Law ("SEQRA") and the regulations promulgated by the New York State Department of Environmental Conservation thereunder, which appear at 6 N.Y.C.R.R. Part 617.6(b) (the "SEQRA" Regulations); and

WHEREAS, no involved agency challenged the Town Board's lead agency status; and

WHEREAS the application has been referred to the Conservation Board, the Town Engineer and the Town's Environmental Consultant; and

WHEREAS, the Applicants' engineer has submitted a short form Environmental Assessment Form which have been reviewed by the Town's engineering and environmental staffs; and

WHEREAS, a public hearing was convened on November 20, 2007, during which public hearing the Applicants presented information and arguments in favor of granting the permit and members of the surrounding neighborhood and the public at large were afforded the opportunity to present information and express their views concerning the application; and

WHEREAS, the Town Board finds that the Applicants' plans, as revised to incorporate recommendations of the Engineering Department, the Conservation Board and the Environmental Consultant, minimize potential environmental impacts; now therefore be it

RESOLVED, the Town Board, as lead agency, has determined that the proposed action

described above will not have a significant adverse environmental impact and a Draft Environmental Impact Statement will not be required; and be it further

RESOLVED, that the JOC's application for a Wetlands Permit to conduct drainage work within three wetland areas consisting of two ponds and two areas of stream channel and adjoining wetland buffer, with stone walls to be constructed to stabilize the eroded edges around the ponds application is approved subject to the following conditions:

1. Plans entitled "Preliminary Project Overview prepared for Jefferson Owners Corp." prepared by Ralph G. Mastromonaco, P.E., P.C. dated February 23, 2007 with the most recent revision date of October 10, 2007, 3 sheets are incorporated into this wetland permit by reference.
2. All work must be conducted in accordance with standards and practices found in the New York State Standards and Specifications for Erosion and Sediment Control (August 2005 or most recent edition).
3. Applicant must submit to the Town Engineer written verification that any applicable NYSDEC (including Phase II), NYCDEP and/or ACOE requirements have been met and any required permits have been obtained prior to commencement of work.
4. Bypass or diversion piping shall be installed above all three areas of proposed construction which will intercept and discharge clean water below the areas of activity. Piping and equipment shall be designed for the 90<sup>th</sup> percentile storm as defined by NYSDEC. A turbidity curtain shall also be installed below the limits of disturbance but upstream from the bypass pipe discharge point. All work should be conducted during low flow periods.
5. A time frame for the work should be provided to the Town Engineer. All exposed soil greater than 3:1 slope and all dredge spoils must be covered with erosion blankets. All other soil must be mulched as per NYS standards.
6. A pre-construction meeting must be held at the site prior to the commencement of pond or channel work but after temporary erosion controls and limits of disturbance have been installed. The applicant or a representative must contact the Engineering Department at (914) 962-5722 x220 to arrange this meeting.
7. Inspections must be conducted by the applicant or the applicant's representative every 7 days and after every rainfall which is greater than 1/2" within a 24 hour period until the site is stable. Stable is defined as 70% vegetative or appropriate mulch cover on all exposed soil surfaces at the completion of the proposed activities. Written inspection reports must be submitted to the Town Engineer within three days of the inspection.

and be it further

RESOLVED, that the Wetlands Permit herein granted is not a general permit to conduct continued maintenance of the stormwater infrastructure pursuant to Section 178-10.D, for which JOC shall make separate application at a later date.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

#### PUBLIC HEARING

#### REQUEST FOR CLUSTERING

#### LOCKWOOD ESTATES SUBDIVISION

Supervisor Roker convened a public hearing to consider a request from the Planning Board to allow the use of clustering for the Lockwood Estates Subdivision. Affidavits of Publication and Posting were presented by the Town Clerk.

On behalf of the applicant, Mr. Dan Ciarcia stated that the Planning Board supports clustering of this project. The average size lots will be three quarters of an acre

and public water and sewer is available. There is a ravine that runs through the property. A public informational meeting was held by the Planning Board and they asked the applicant to come to the Town Board and request clustering be used for this subdivision.

The current plan calls for 20 homes. Supervisor Roker stated that the original plan which came to the Planning Board was for twenty-two homes and it has been cut own to twenty. Clustering helps preserve valuable and sensitive lands.

Councilman Bianco read a letter from the Town of Cortlandt.

Resident Cleopatra Sala is concerned that this subdivision will cause more traffic and feels that the road is to narrow and should be expanded.

Director of Planning John Tegeder stated that the Planning Board always looks at what the impacts are with regard to roads in the area of the subdivision.

Putnam Valley Supervisor Davis believes in clustering but feels this is to many lots, it will have a great impact on traffic, school taxes and the environment. He feels that fewer homes should be built.

Mr. Kaufman asked what the square footage will be on these homes. Supervisor Roker explained that the use of clustering is the only issue being discussed tonight.

Mr. Moskowitz stated in looking at the conventional lot design in order to get the same amount of properties wetlands would be disturbed.

Supervisor Roker stated that the Planning Board is the governing authority on subdivisions. The Town Board can only grant the Planning Board the use of clustering.

Mr. Ciarcia explained that the use of clustering will preserve more open space and will cause fewer disturbances.

Everyone present was given the opportunity to be heard and there being no further discussion the hearing was adjourned, Councilman Metz motioned, seconded by Councilman Martorano.

POSTPONMENT UNSAFE STRUCTURE  
1704 DECATUR ROAD

Residents who live on Decatur Road urged the Town Board to act on this unsafe structure.

The Town Board postponed this issue until the December 18, 2007 Town Board meeting.

ADVERTISE PUBLIC HEARING  
PROPOSED LOCAL LAW AMENDING CHAPTER 65  
ESTABLISHMENT OF DEPARTMENT OF PUBLIC WORKS  
RESOLUTION #425

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

NOTICE IS HEREBY GIVEN that a public hearing will be held by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York on the 18<sup>th</sup> day of December, 2007 at 7:30 PM, or as soon thereafter as the same can be heard, to consider a proposed Local Law amending Chapter 65 of the Code of the Town of Yorktown establishing a Department of Public Works.

A copy of the proposed Local Law is on file in the office of the Town Clerk, at the said Town Hall, where the same may be inspected during regular office hours.

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

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

ADVERTISE BID  
DRY CLEANING SERVICES POLICE DEPARTMENT  
RESOLUTION #426

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

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 11:00 AM on Tuesday, December 18, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY 10598 for Dry Cleaning Services for the Police Department.

Specifications may be obtained at the Office of the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, between the hours of 9:00 AM and 5:00 PM, Monday through Friday.

Questions regarding the technical aspects of the bid shall be referred to Lt. Kevin Soravilla at the Police Department at (914)-962-4141.

The bidder assumes the risk of any delay in the mail or in the handling of mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having bids in at the time and the place specified above.

The Town Board reserves the right to reject any or all bids and to make an award which in its opinion, is in the best interests of the Town of Yorktown. The Town also reserves the right to waive any informality in any proposal. Bidder should be aware that any required information which is not supplied or any exception taken to the bid documents may, at the Town's option, render such bid non-responsive.

No bidder shall withdraw its bid within sixty (60) days after the formal opening thereof.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

READVERTISE BID  
VARIOUS MATERIALS/RENTAL EQUIPMENT  
RESOLUTION #427

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

NOTICE IS HERE GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, NY until 10:00 A.M. on December 11<sup>th</sup>, 2007 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for Various Mat./Rental Bid.

Specifications may be obtained at the office of the Town Clerk in said Town Hall.

The Bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown. Whether sent by mail or means of personal delivery, the Bidder assumes the responsibility for having the bids in at the time and the place specified above. All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked: **“Bid: Various Material & Rental Bid.”**

The Superintendent of Highways reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Roker, Martorano, Bianco, Metz Voting Aye.

Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN  
RENEWAL AGREEMENT WITH AZERTIA USA  
SOFTWARE MAINTENANCE WATER DEPARTMENT  
RESOLUTION #428

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

RESOLVED, that the Town Supervisor is hereby authorized to sign an Agreement renewal with Azertia USA, Inc. for asset base date maintenance and related software maintenance at the Water Department. This agreement provides for the maintenance services to be provided at an annual cost of \$16,000.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

CORRECTION 2007 SCHOOL TAX ROLL  
3749 SUNNYSIDE STREET  
RESOLUTION #429

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

WHEREAS, New York Real Property Tax Law Section 554 provides for the Correction of errors on tax rolls, and

WHEREAS, the Tax Assessor has advised the Town Board that errors were made in the preparation of the tax rolls with respect to taxes levied by the Lakeland School District in that the STAR exemption was inadvertently removed from the exemption file prior to the generation of the 2007 School Tax filed timely by Earl & Frances Curry, and

WHEREAS, the Tax Assessor has recommended to the Town Board that, in the interests of equity and in order to obviate the necessity of issuing refunds, the Tax Roll for the Year 2007 be corrected; and

WHEREAS, the Town Board concurs with the recommendation of the Tax Assessor; now therefore be it

RESOLVED, that the Town Board of the Town of Yorktown authorizes and directs the Town Supervisor to sign Applications for Corrected Tax Roll (form RP-554) for the property/owners set forth below:

Earl & Frances Curry  
3749 Sunnyside Street  
Shrub Oak, New York 10588  
Section 16.06, Block 2, Lot 25

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE BUILDING PERMIT REFUND  
ACCOUNT #20070359  
RESOLUTION #430

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

RESOLVED that upon recommendation of the Building Inspector the amount of \$616.00, partial refund of building permit fee, be and is hereby refunded to Charles and Elizabeth McGrath.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE RELEASE OF ESCROW DEPOSIT

DRIVEWAY PERMIT# 1077 – BAPTIST CHURCH ROAD  
RESOLUTION #431

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

WHEREAS, a representative of the Highway Department has made an inspection of the following site and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1077	\$350.00	Baptist Church Rd.	George Pagnotta

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE RELEASE OF ESCROW DEPOSIT  
DRIVEWAY PERMIT # 1089 – JACOB ROAD  
RESOLUTION #432

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Driveway	1089	\$ 700.00	Jacob Rd.	Wallack

Construction

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE RELEASE OF ESCROW DEPOSIT  
STREET OPENING PERMIT # 002-15 – JACOD ROAD  
RESOLUTION #433

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening	002-15	\$ 1,000.00	Jacob Rd.	Wallack

Construction

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE RELEASE OF ESCROW DEPOSIT  
STREET OPENING PERMIT # 004-27 – FIELD/JORDAN ROAD  
RESOLUTION #434

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening Construction	004-27	\$ 500.00	Field / Jordan	Wallack

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE RELEASE OF ESCROW DEPOSIT  
STREET OPENING PERMIT # 006-10 – FIELD STREET  
RESOLUTION #435

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

WHEREAS, a representative of the Highway Department has made an inspection of the following sites and found the work to be completed satisfactorily.

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the release of the following Escrow Deposit:

<u>Type of Permit</u>	<u>Permit #</u>	<u>Amount</u>	<u>Location</u>	<u>Refund to</u>
Street Opening Construction	006-10	\$30,770.00	Field Street	Wallack

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

RETAINAGE RELEASE YORKTOWN SEWER REHABILITATION PROJECT  
CAPITAL IMPROVEMENT PROJECT #04-1- EN CORP.  
RESOLUTION #436

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

WHEREAS, En-Tech Corp, completed the Sewer Rehabilitation Project, which the Town considered complete on August 23, 2006, and

WHEREAS, the Town withheld \$19,508.91 as retainage, and

RESOLVED, that retainage percentage be reduced from 5% to 0%, NOW, THEREFORE BE IT

RESOLVED, that the amount of \$19,508.91 is hereby released to En-Tech Corp., 304 Harrington Avenue, Closter, New Jersey, 07624

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

LANDSCAPE BOND RELEASE #2291  
2130 HUNTERBROOK ROAD  
RESOLUTION #437

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

WHEREAS, Eileen Zidi, as applicant, heretofore filed Landscape Bond #2291, on November 29, 2004 in the amount of \$300.00, which was deposited into the T-30account, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected said property and determined that the work has been satisfactorily completed, and that said bond totaling \$300.00 may be released, NOW,

THEREFORE, BE IT RESOLVED, that Landscape Bond # 2291, in the amount of \$300.00 be and is hereby released to Ms. Eileen Zidi.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

SUBDIVISION DEDICATION- DORCHESTER HEIGHTS  
RESOLUTION #438

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

WHEREAS, North River Associates, LLC, as applicant, provided the Town with UBS Paine Webber Inc., with Letter of Credit No. RA1GP1, in the amount of \$425,000.00 to serve as the Performance Bond for the Dorchester Heights Subdivision, located on Hanover Road, and Check No. 2143 in the amount of \$15,000.00 to serve as the Erosion Control Bond, which was deposited into the T33 account October 9, 2002, and

WHEREAS, North River Associates, LLC, requested a Performance Bond reduction (from \$425,000 to \$163,172.00) which was approved at the Town Board Meeting of October 7, 2003, and

WHEREAS, North River Associates, LLC, has recently requested the return of the above mentioned bonds, and

WHEREAS, the Acting Town Engineer has informed this Board that a representative of her department has inspected the property and determined all public improvements have met Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced bonds are hereby released to Ms. Dorothy Zeifer, North River Properties, LLC, 150 East 69<sup>th</sup> Street, Suite 2C, New York, NY 10021, Attn: Dorothy Zeifer.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

ROAD DEDICATION- DORCHESTER DRIVE  
RESOLUTION #439

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

WHEREAS, that upon the deed of dedication of Dorchester Drive, as depicted on a certain subdivision map entitled "Subdivision Map of Dorchester Heights", filed in the Westchester County Clerk's Office, Division of Land Records, dated November 22, 2002, such deed being duly executed and acknowledged and in form for recordation thereof, NOW, THEREFORE, BE IT

RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, the Town Board of the Town of Yorktown hereby consents that the Superintendent of Highways of the Town of Yorktown make an order laying out the aforesaid Town Highway, and BE IT FURTHER

RESOLVED, that the Subdivision Applicant, at their own expense, shall cause Such deeds to be recorded with the Westchester County Clerk (Division of Land Records). Evidence of filing of such deed(s) shall then be delivered to the Town Clerk within 30 days. A copy of the filed deed(s) shall then be delivered to the Town Clerk within 90 days of the receipt of evidence of filing.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

RELEASE PERFORMANCE AND EROSION CONTROL BONDS  
DORCHESTER HEIGHTS SUBDIVISION  
RESOLUTION #440

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

WHEREAS, North River Associates, LLC, as applicant, provided the Town with

UBS Paine Webber Inc., with Letter of Credit No. RA1GP1, in the amount of \$425,000.00 to serve as the Performance Bond for the Dorchester Heights Subdivision, located on Hanover Road, and Check No. 2143 in the amount of \$15,000.00 to serve as the Erosion Control Bond, which was deposited into the T33 account October 9, 2002, and

WHEREAS, North River Associates, LLC, requested a Performance Bond reduction (from \$425,000 to \$163,172.00) which was approved at the Town Board Meeting of October 7, 2003, and

WHEREAS, North River Associates, LLC, has recently requested the return of the above mentioned bonds, and

WHEREAS, the Acting Town Engineer has informed this Board that a representative of her department has inspected the property and determined all public improvements have met Town requirements, NOW, THEREFORE, BE IT

RESOLVED, that the above referenced bonds are hereby released to Ms. Dorothy Zeifer, North River Properties, LLC, 150 East 69<sup>th</sup> Street, Suite 2C, New York, NY 10021, Attn: Dorothy Zeifer.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE ASBESTOS AND LEAD SURVEY DONE  
HOLLAND SPORTING CLUB PROPERTY  
RESOLUTION #441

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

BE IT RESOLVED, that the Supervisor is hereby authorized to sign an agreement with Geo-Environmental Co., Inc. for the service of an asbestos survey in the amount of \$8,640.00 and for a lead survey in the amount of \$3,850.00 for a total of \$12,490.00. Services are to be conducted at the property known as the Holland Sporting Club located at 1683 Horton Road, Mohegan Lake.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

REFUND DUPLICATE TAX PAYMENT  
RESOLUTION #442

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

WHEREAS, records of the Receiver of Taxes indicate that the following duplicate tax payment was made:

<u>Year and Tax</u>	<u>S-P-L</u>	<u>Account #</u>	<u>Refund</u>
2006 Sch 21	47.17-1-25	4096500	\$3,356.04

BE IT RESOLVED, that the Supervisor is hereby authorized to refund the above noted amount.

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

PURCHASE OF A PORTION OF LANDS OWNED BY  
MOSS – 563 UNDERHILL AVENUE  
RESOLUTION #443

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

RESOLVED, that the Town Board members, acting as in their capacity as Commissioners of the Town of Yorktown Consolidated Water District #1, authorize the Town Supervisor to enter into a contract of sale with M. Robert and Jane Moss of 563 Underhill Avenue, Yorktown Heights for the purchase of a certain 4 ACRE (+-) parcel of

land on Underhill Avenue, being a portion of that larger parcel more particularly described as Section 48.05 Block 1 Lot 31 on the Tax Map of the Town of Yorktown, as depicted on a certain drawing entitled "Moss Property - Proposed Donation" which is attached hereto. The purchase price is \$50,000. This sale is subject to confirmation of marketable title by a reputable title insurance company licensed to do business in New York State.

RESOLVED, that the Town/Water District purchase of said parcel is conditioned upon M. Robert and Jane Moss placing a restrictive covenant upon the remainder of Section 48.05 Block 1 Lot 31 and Section 48.06 Block 1 Lot 10, which are to be combined by lot line adjustment, which shall prohibit any future further subdivision.

RESOLVED, that the Town/Water District shall place a conservation easement along the southerly portion of the parcel to be acquired, said easement to begin at or about the 690' topo line and continue southerly to the southerly boundary line of the acquired parcel.

RESOLVED, that the Town Board further authorizes the Town Supervisor to pay expenses customarily associated with the purchase of property, including title search fees, recording fees, and 50% of the costs of obtaining a survey, provided that the Town's share of the survey cost shall not exceed \$1,500..

RESOLVED, that the subject property will become part of consolidated Water district #1.

RESOLVED, that this resolution supersedes Resolution #281 adopted July 17, 2007.

Roker, Martorano, Bianco Voting Aye.  
Metz Recused himself  
Resolution adopted.

REQUEST TO BE INCLUDED IN THE HUNTERBROOK  
PEEKSKILL SEWER DISTRICTS – DAVID KIRSCHENBUAM  
RESOLUTION #444

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

WHEREAS, the Town of Yorktown has received a request from David Kirschenbaum to have his property at 1374 White Hill Road be included in the Westchester County Peekskill Sanitary Sewer District and the local Hunterbrook Sewer District; and

WHEREAS, the Town of Yorktown Town Board deems it appropriate that said parcel be included in the existing Peekskill Sanitary Sewer District; NOW THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Yorktown does hereby request that the County of Westchester incorporate the following land into the Peekskill Sanitary Sewer District:

Town of Yorktown Tax Map Identification  
Section 36.14, Parcel 1, Lot 5

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

AUTHORIZE SALE OF TRUCKS  
HIGHWAY DEPARTMENT  
RESOLUTION #445

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

WHEREAS, the Town of Yorktown owns and has in its possession several items

(see list below), which are no longer necessary or adaptable for use by the Town, and whereas it is in the best interest of the Town to dispose of said equipment/vehicle and receives monetary compensation for the benefit of the Town, now therefore be it

RESOLVED, that the Supt. of Highways of the Town of Yorktown is hereby authorized to sell the said equipment/vehicle by sealed bid to be submitted to the Supt. of Highways, 281 Underhill Avenue, Yorktown Heights, New York no later than 10:00 AM on December 13th, 2007.

A listing, as shown below, of said used equipment and/or vehicles is on file in the office of the Town Clerk. The equipment and/or vehicles may be examined at the Highway Department, 2200 Greenwood Street, Yorktown Heights, New York, between the hours of 7:00 AM – 2:00 PM, Monday – Friday. The sale of this equipment and/or vehicle is subject to the execution of a bill of sale prepared by the Town Attorney. The Town of Yorktown also has the right to withdraw the equipment/vehicle prior to the actual sale.

The Town Board further reserves the right to reject any or all bids and to accept that bid which it deems most favorable to the interests of the Town. The sale is contingent upon the payment of 100% of the winning by cash and/or check at time of the acceptance of the offer of bid, subject to the “**AS IS**” condition of the equipment and/or vehicle.

1996 GMC Sonoma – Blue	Vin#1GTD14XXTK511083
1991 Chevy Pickup S-10 – Blue	Vin#1GCCS14ZOM8151966
1991 GMC Jimmy	Vin#1GKCT1821M0503267
1993 Chevy Lumina	Vin#2G1WL54T3P1159119
1998 S15 GMC Sierra	Vin#1GTCS14RGJ2528122
1993 Ford Crown Victoria	Vin#2 FACP71W4PX172456 – NO WHEELS
1991 Chevy S10	Vin#1GCCS1421M2279295

Roker, Martorano, Bianco, Metz Voting Aye.  
Resolution adopted.

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

Ms. Seigel asked about the Water department Software.

Mr. DiTomasso stated that there is a senior meeting scheduled for November 29, 2007 at the Theatre. He encouraged all to attend.

Mr. Patel stated that people in the Town need a vision.

Resident Barbara McKay asked when Dorchester Drive would be dedicated. Supervisor Roker explained that the Town Board accepted the dedication of the subdivision and road this evening and it will take a couple of days to file.

All those present being given the opportunity to be heard, courtesy of the floor was closed. Councilman Bianco motioned, seconded by Councilman Martorano.

#### MONTHLY REPORTS

Receiver of Taxes (2)  
Building Department – Permit Cost Report

#### ADJOURN

Upon motion made by Councilman Bianco, seconded by Councilman Martorano, the Town Board meeting was adjourned.

Diana L. Quast  
Town Clerk  
Town of Yorktown

