

Meeting of the Town Board, Town of Yorktown held on July 26, 2016 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: Maura Weissleder, Deputy Town Clerk  
Michael McDermott, Town Attorney

#### TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Bernard, seconded by Supervisor Grace, the Town Board moved into Executive Session to discuss personnel issues and conduct interviews.

Upon motion made by Councilman Diana, seconded by Councilman Lachterman, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PINES BRIDGE MONUMENT

Michael Kahn (Pines Bridge Monument Committee) came before the Town Board to present an update on the Pines Bridge Monument. The total cost for the sculpture is \$225,000 and the Committee currently has approximately \$48,000 plus a NYS Capital Grant of \$50,000 (currently with the NYS Dormitory Authority) and is now asking the Town Board for \$67,500 so that the actual creation of the sculpture can begin. It will take approximately 8 to 12 weeks for completion. Supervisor Grace stated that he would like to see this project become a reality; stating that this was an approved capital project and will come out of the fund balance. Maintenance of the monument will be the town's responsibility. Supervisor Grace stated that this would be a good opportunity for scouts' or students' community service. He also stated that this is a timely and symbolic project for the town to undertake.

Two resolutions will need to be presented at the next Town Board meeting: one authorizing the agreement and one for the budget transfer.

#### 3805 CROMPOND ROAD (CURRY CHEVROLET PROPERTY)

Michael Norton, attorney for the applicant, presented plans to the board for proposed changes to the structure at the former Curry Chevrolet property. He will be going to the Planning Board to amend the current site plan. The new owner is requesting a temporary building permit so that he can put up three temporary trailers so that he can begin conducting business in accordance with his franchise agreement as a KIA dealership. There is no change in the use of the property; renovations are being made to the existing structure and the footprint will not be changed. Building Inspector John Winter will prepare resolution for the temporary building permit and it will be put on the August 2<sup>nd</sup> Town Board Meeting agenda.

#### FORMER HILLTOP GAS STATION

Joseph Riina engineer for the new owner, presented plans for the property, i.e., landscaping, lighting, signage. After having received some complaints about the current state of the property, Supervisor Grace stated that not all comments about Hilltop have been unfavorable. It is currently zoned as R1-20 and Building Inspector John Winter stated that it looks like transitional zoning for the property is what makes the most sense. Supervisor Grace stated that since this is a gateway property to Shrub Oak, it is important that it is done correctly, particularly landscaping. Supervisor Grace stated that the owner needs to approach the D.O.T. regarding the

swale and the condition it is in. He would like to see the applicant address this issue to make the swale more appealing. Councilman Bernard cautioned the owner and the engineer that the current signage should have been approved beforehand and that this mistake should not be repeated; site plan approval is imperative. Councilman Bernard suggested that planting some specimen trees would create acceptable coverage and Councilman Diana asked about possible erecting a black spindle fence that would define the area and create a security barrier. A discussion followed about the gas station's canopy. Councilman Diana mentioned that it should not have a traditional gas station canopy but a more old fashioned style since it is a gas station that has a 1950's feel to it. Supervisor Grace agreed. The owner stated that the property will be clean, uniform and have no clutter. It was mentioned that plantings of landscape materials should be done in the fall.

#### YKY LETTER OF SUPPORT

The Board of Directors presented a request to ask for the Town Board to sign a letter of support for the Yeshiva Kehilath Yakov (YKY) application for New York State 2016 Consolidated Funding Application Empire Development Grant program for capital funding. The Town Board agreed and signed the letter of support.

#### GRIGORY KRAVSTOV

Mr. Kravstov came before the Town Board to request that he be allowed to speak at future Courtesy of the Floor segments of Town Board meetings early in the evening as opposed to the scheduled segment at the end due to his disability which he stated did not allow him to stay away from his health regime for a particular amount of time. He stated that he would use his time during Courtesy of the Floor to present to the Town Board and residents his ideas for "high tech" jobs through his proprietary 3D TV technology, which he believes will be the next generation of telecommunications. This technology would be particularly helpful in creating jobs for the blind. Councilman Bernard asked if it was not possible to watch the board meetings at home and then as the time of Courtesy of the Floor approaches, come in to speak when other residents have been waiting for their turn. Supervisor Grace stated that Courtesy of the Floor is a right and privilege for those to comment on town business, not a vehicle for promotion of an individual concept.

Councilman Patel and Mr. Kravstov spoke about his idea and the current patents on this technology and ownership of the patents.

Councilman Diana stated he felt Mr. Kravstov wants to advertise his ideas on television and that is not what Courtesy of the Floor is about.

#### TREE ORDINANCE

Ann Kutter and Bill Kellner, along with Bruce Barber, Environment Consultant, and Town Attorney Michael McDermott presented the Town Board with a revised tree ordinance and the comments that were elicited from its referral to different town departments and boards. Supervisor Grace felt that the current recommendations were too focused on individual homeowner requirements that could become fertile ground for feuds between neighbors when they wish to remove a tree from their property. He does not want to give one neighbor authority over another neighbor's trees.

Ms. Kutter asked what the goal of the town would be with this ordinance. What is the town hoping to preserve? What should the goal of forest management be? She stated the analogy of an old house: are you trying to conserve, preserve, or renovate? Supervisor Grace stated that he does not understand why the town should regulate what a homeowner wants to do on his or her ½ acre lot. He stated that he would like to hone the issues and to address the larger open spaces. Development projects do have an impact but those are vetted during the planning process. Larger developers who cut down many trees can be asked to mitigate this by planting

and/or improving in other areas of Yorktown that need assistance in maintaining healthy forest land. Ann Kutter stated that in order to move forward to implement Forest Management program, more administrative resources are needed.

Bruce Barber reviewed permit requirements for individual homeowners to see where the board stood on these issues. He then reviewed mitigation measures.

Supervisor Grace stated that a policy statement should be developed in the interim of having a tree ordinance implemented. Changes need to be made and then reviewed at another work session before a public hearing can be set.

PROPOSED AMENDMENT TO LOCAL LAW – TAXABLE STATUS DATE

Town Attorney Michael McDermott discussed a proposed amendment to reflect change in taxable status date, as well as amending the date for filing an exemption. A public hearing was set for September 6, 2016.

ADVERTISE PUBLIC HEARING TO ADD ARTICLE XI TO CHAPTER 260 ENTITLED “TAXATION”

RESOLUTION #340

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260 of the Code of the Town of Yorktown entitled Taxation by adding a new Article XI, Taxable Status Date.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown’s website [www.yorktownny.org](http://www.yorktownny.org)

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

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

ADVERTISE PUBLIC HEARING TO AMEND CHAPTER 260, ARTICLE VIII SECTION 260-33 ENTITLED “STAR EXEMPTION”

RESOLUTION #341

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

NOTICE IS HEREBY GIVEN, that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York at the Town Hall, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York on the 6<sup>th</sup> day of September, 2016 at 7:30 o'clock PM, or as soon thereafter as the same can be heard to consider amending Chapter 260-33 of the Code of the Town of Yorktown entitled Deadline for Filing Applications.

A copy of the Local Law is on file in the Office of the Town Clerk, Town of Yorktown, 363 Underhill Avenue, Yorktown Heights, New York, where it is a public record, available for inspection during regular office hours.

A copy of the Local Law may also be seen on the Town of Yorktown’s website [www.yorktownny.org](http://www.yorktownny.org)

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

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

#### COMPETITION CARTING

A request was presented to the board from Kim Angliss Gage, Coordinator, Refuse & Recycling Department to approve the renewal of the contract for the “Collection and Disposal of Residential Refuse & Recyclables Materials” with Competition Carting, Inc. It is her recommendation that the Town exercise its option to extend the existing contract for one year, January 1, 2017 – December 31, 2017 at the cost of \$2,504,800.00.

#### COMPETITION CARTING CONTRACT RENEWAL RESOLUTION #342

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

WHEREAS, the existing Town contract for the “Collection and Disposal of Residential Refuse & Recyclables Materials” with Competition Carting, Inc., expires on December 31, 2016; and

WHEREAS, the Coordinator of the Refuse & Recycling Department finds Competition Carting, Inc.’s performance to be satisfactory and recommends to the Town Board that it exercises its option to renew the contract for its third and final one-year term on the same terms and conditions as the present contract;

RESOLVED, that the Town Board elects to exercise its option to extend the “Collection and Disposal of Residential Refuse & Recyclables Materials” contract with Competition Carting, Inc. for a one-year term beginning January 1, 2017 and ending December 31, 2017.

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

#### REFUSE & RECYCLING DEPARTMENT REQUEST FOR SEASONAL EMPLOYEE

A request was made by Kim Angliss-Gage, Coordinator of the Refuse and Recycling Department to hire a Seasonal Laborer to assist the department with the collection of bulk trash to fill in for an employee who is on a leave of absence. The Town Board approved her request.

#### TOWN HALL ROOF CONDITION

Supervisor Grace stated that the condition of the Town Hall roof was satisfactory after the storm from the previous day and it is in good shape.

#### ADJOURN

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

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Maura Weissleder, Deputy Town Clerk  
Town of Yorktown