



# Town of Yorktown

*Office of the Town Clerk*

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## **FINAL TOWN BOARD AGENDA**

**December 18, 2018**

**Spadaccia Meeting Room, Town Hall**

**363 Underhill Avenue, Yorktown, NY 10598**

### **6:45 PM EXECUTIVE SESSION (Closed Session):**

- A motion will be made to go into Executive Session to discuss the following item(s):

#### PERSONNEL

Human Resources

#### LITIGATION & NEGOTIATION:

Town Comptroller

Town Engineer

Town Attorney

### **7:30 PM TELEVISED TOWN BOARD MEETING**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. SUPERVISOR ILAN GILBERT'S REPORT TO THE TOWN
5. REPORTS FROM THE TOWN COUNCIL
6. PRESENTATION  
Water, Sewer and Land Use impact on the Environment – Lakeland and Yorktown High School Students
7. COURTESY OF THE FLOOR
8. PUBLIC HEARINGS  
**Request made by Celestial Route 6 Associates II, LLC for premises located at the corner of Route 6 and Mohegan Avenue to amend the zoning of the parcel from O Zoning District to C-2**

Town Supervisor Ilan Gilbert will convene a public hearing to consider the request from Celestial Route 6 Associates II, LLC for premises located at the corner of Route 6 and Mohegan Avenue, in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 15.16, Block 1, Lot 21 totaling approximately 0.83 acres. The request is to amend the zoning of the parcel from O Zoning District to C-2 (Commercial Hamlet Center) District in accordance with Chapter 300 of the Zoning Code of the Town of Yorktown. The proposed local law will amend the Town of Yorktown zoning map, as follows:

Section I. The Zoning Map of the Town of Yorktown, New York as established under Chapter 300 of the Code of the Town of Yorktown is hereby amended as follows:

The following lot on the Tax Map of the Town of Yorktown is rezoned from O Zoning District to C-2 Zoning District:

Section 15.16, Block 1, Lot 21 (15.16-1-21) (approximately 0.83 acres)

9. RESOLUTIONS

**Award Bid for three (3) new or low mileage 4 door Compact SUVs to be used as Official Town Vehicles**

Whereas, invitation to bid for three (3) new or low mileage four door compact SUVs to be used as Official Town Vehicles was duly advertised, and

Whereas, said bid was received and opened on the 18th day of December 2018, with the bid amount for the above-referenced vehicles summarized as follows:

Bidder	Compact SUV Model	Amount
Curry Honda	HRV-LX	\$20,900
Curry Honda	HRV-LX	\$20,900
Curry Honda	HRV-LX	\$20,900

Now, Therefore Be It Resolved, that the Town Board awards the bid to Curry Honda, 3845 Crompond Road, Yorktown Heights, NY 10598 for the purchase of three (3) 2019 HRV-LX Compact SUVs in the amount of \$62,700.00.

Be It Further Resolved, that the Comptroller is authorized to process the following transfers to purchase three (3) Honda HRV LX's at \$20,900 each,

From:

A1420.437	Foreclosure Exp	\$25,000.00
A1220.810	Supervisor Medical	\$30,000.00
A1420.425.1	Labor Non Retainer	\$ 7,700.00

To:

1345.210	Vehicles	\$62,700.00
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**From the Town Board**

**Approve Lead Agency Status for the SEQRA Review of the Rezoning Petition and Proposal from Concrete Ventures, LLC for the Roma Building Site and Development Project**

WHEREAS, Concrete Ventures, LLC (“Concrete Ventures”) is the developer of certain real property located at 2038 Saw Mill River Road in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 37.14, Block 2, Lot 33 totaling approximately 1.34 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned C-3; and

WHEREAS, on October 23, 2018, Concrete Ventures filed a Petition for a rezoning of the subject Property from the C-3 Zoning District into the Transitional Zone (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, Concrete Ventures has proposed constructing a four-story mix-used development consisting of high-end rental units, and approximately 9,300 square feet of retail on the ground level (the “Project,” and together with the Rezoning, the “Action”); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Project (“Involved Agencies”) in accordance with SEQRA; and

WHEREAS, on November 13, 2018, the Town Board duly adopted a Resolution in which it: (i) declared its desire and intent to assume lead agency status (“Lead Agency”) in connection with the SEQRA review of the Action; and (ii) directed the Town Clerk to circulate a Lead Agency coordination letter amongst the various Involved Agencies (“Notice of Intent”), together with a distribution package, including Part 1 of the Environmental Assessment Form (“EAF”), the Plan, and other relevant information submitted by Concrete Ventures, and notify said Involved Agencies 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, Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to serve as Lead Agency with respect to the review of the Action, in accordance with Article 8 of the Environmental Conservation Law of the State of New York, and the regulations promulgated thereunder at 6 NYCRR Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has

objected to the Town Board serving as Lead Agency in connection with the SEQRA review of the Action; and

NOW THEREFORE BE IT RESOLVED, THAT:

1. The Town Board hereby assumes Lead Agency status in connection with the SEQRA review of the Action.

**Approve Lead Agency Status for the SEQRA Review of the Rezoning Petition and Proposal from DP Yorktown (Hill Property) Building Site and Development Project**

WHEREAS, DP Yorktown, LLC (“DP Yorktown” or “Petitioner”) is the contract purchaser of certain real property located at 571 East Main Street in the Town of Yorktown, State of New York, known and designated on the Town Tax Map as Section 17.08, Block 1, Lots 4 and 17 totaling approximately 19.3 acres (the “Property”); and

WHEREAS, the entire Property is presently zoned R1-20; and

WHEREAS, on or about September 18, 2018, DP Yorktown filed a Petition with the Town Board for a rezoning of the subject Property from the R1-20 Zoning District into the R-3 District (the “Rezoning”); and

WHEREAS, in conjunction with said Rezoning, DP Yorktown has proposed constructing 150 two-story rental apartments on the Property contained within eleven buildings (the “Project”), and has submitted a conceptual site plan and a full Environmental Assessment Form (“EAF”) under SEQRA and associated materials (together with the Rezoning, hereinafter the “Action”); and

WHEREAS, the Town Board exercised due diligence in identifying other agencies with jurisdiction to fund, approve, or directly undertake the Action (“Involved Agencies”) in accordance with the SEQRA; and

WHEREAS, on or about October 2, 2018, 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 Project under the New York State Environmental Quality Review Act (“SEQRA”); and (ii) directed the Town Clerk to transmit Part 1 of the EAF prepared by Petitioner and other materials submitted by Petitioner 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 Town Clerk duly transmitted the EAF to the Involved Agencies, and notified them that a Lead Agency must be agreed upon within 30 calendar days of the date the Town Board’s Notice of Intent was transmitted to them; and

WHEREAS, the Town Board desires to assume lead agency status (“Lead Agency”) with respect to the coordinated review of the Project, under SEQRA and the regulations promulgated thereunder at 6 N.Y.C.R.R. Section 617.6(b); and

WHEREAS, more than 30 calendar days have elapsed since the Town Clerk’s transmittal of the aforementioned documentation, and no other Involved Agency has expressed an interest in serving as Lead Agency in connection with the SEQRA review of the Rezoning Petition and the Project; and

WHEREAS, the Town Planning Board received and reviewed the Rezoning Petition, EAF, and other materials transmitted by the Town Board and Petitioner made a preliminary presentation of the Project to the Planning Board on or around October 15, 2018; and

WHEREAS, the Planning Board will participate in the Town Board’s coordinated environmental review of the Action by, *inter alia*, reviewing Petitioner’s submitted conceptual site plan and analyzing the environmental impacts of the Project and Rezoning Petition under SEQRA; and

WHEREAS, Petitioner shall submit the additional information necessary for the Town Board and Planning Board to analyze the environmental impacts of the Project and Rezoning Petition under SEQRA, including, but not limited to, traffic and parking analyses, wetland delineation, applicable storm-water, water, and sewer studies, and other socio-economic analysis, although Petitioner shall not be required at this juncture to submit comprehensive engineering drawings, elevations, utility plans, and other detailed plans, studies, and documents necessary to obtain Site Plan approval unless, in the judgement of the Town Board or Planning Board, such information is necessary to reasonably identify and analyze potential environmental impacts and potential mitigation measures that will aid the Town Board in identifying any potential significant adverse impacts and in its subsequent determination of significance under SEQRA; and

WHEREAS, Petitioner acknowledges that any decision or statements of the Planning Board with respect to the conceptual site plan review process or recommendations to the Town Board regarding the proposed Zoning Map Amendment for the Project in accordance with Section 300-206 of the Town Code and N.Y. Town Law Section 264, shall not constitute final determinations by the Planning Board concerning density, layout, etc., and;

WHEREAS, upon assuming Lead Agency status, the Town Board shall continue its coordinated review of the Rezoning Petition and, simultaneously, the Planning Board shall review the proposed action and advise the Town Board regarding any additional information that may be required, any potential impacts it identifies, develop and issue recommendations on the conceptual site plan, and develop recommendations to the Town Board on the Zoning Map Amendment; and

WHEREAS, in the event the Rezoning Petition is granted by the Town Board, Petitioner's proposed redevelopment will require Site Plan approval from the Town Planning Board in full compliance with Chapter 195 of the Town Code; and

NOW THEREFORE BE IT RESOLVED, THAT:

The Town Board hereby declares itself Lead Agency in connection with the SEQRA review of the Action.

**From the John C. Hart Memorial Library**

**Authorize Comptroller to establish a capital project in the amount of \$114,000 for renovation of the library bathrooms**

Resolved, that the Comptroller is authorized to establish a capital project in the amount of \$114,000 to be funded as follows:

\$75,352 from the Library Fund Balance  
\$38,648 from the Library Trustees Deposit

**Award Bid for Bathroom Renovations at the John C. Hart Memorial Library**

Whereas, invitation to bid for the bathroom renovation of the John C. Hart Memorial Library located at 1130 East Main St., Shrub Oak NY 10588 was duly advertised, and

Whereas, said bids were received and opened on the 14<sup>th</sup> day of November 2018, with the bid amounts for the above-referenced project summarized as follows:

<u>Bidder</u>	<u>Amount</u>
Sherwani Contracting, Inc.	\$ 114,000
Nika Contracting Group, Corp.	\$ 123,000
Vinco Builders	\$ 137,600
Collier Construction, LLC	\$ 156,500
Pearl River Plumbing, Heating, & Electric, Inc.	\$ 168,168
Piazza Inc., Inc.	\$ 233,936
Manhattan Premier Construction, Inc.	\$ 257,350

Now, Therefore Be It Resolved, that the Town Board awards the bid to Sherwani Contracting, Inc in the Amount of \$ 114,000.

**From the Parks and Recreation Department**

**Authorize Comptroller to pay from the Granite Knolls Capital Project HA7110.201 for installation of the pavilion to DeVito Builders, Inc., in an amount not to exceed \$34,500**

RESOLVED, that the Comptroller is authorized to pay from the Granite Knolls Capital Project HA7110.201 for installation of the pavilion to DeVito Builders, Inc., in an amount not to exceed \$34,500.

**Approve Montesano Brothers Inc., Change Order M33**

Resolved, that the Town Board approves Montesano Brothers Inc., Change Order M33 for modifications made to the protective field fencing and installation of net systems for the Granite Knolls Sports and Recreation Complex in the amount of \$51,902.08. Payment for this change order is offset by credit for unused line items of 0201.2 Earthwork – Rock Excavation and 0202 Unclassified Excavation that were included in the original contract awarded.

**From the Police Department**

**Appoint Christian Chaparro Permanent Police Officer**

BE IT RESOLVED, that Christian J. Chaparro of Yorktown Heights, New York, is hereby appointed permanent Police Officer in the Town of Yorktown Police Department from Eligible List No. 69-547, effective December 19, 2018 to be paid the contractual salary of \$55,193.00 annually,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on December 19, 2018.

**From the Town Engineer**

**Release Bond for Permit #BSWPPP-014-18 - Kamhi Drive in the amount of \$250 to Daniel McKenna**

WHEREAS:

1. Daniel McKenna as applicant posted a check #1672 in the amount of \$250 which was deposited to the T33 account on April 25, 2018 to serve as the Performance Bond for construction of a pool at 3564 Kamhi Drive.
2. Daniel McKenna has requested the bond be released as the site is now complete.
3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released.

NOW, THEREFORE BE IT RESOLVED, the above referenced \$250 bond be and is hereby released to Daniel Mckenna, 3564 Kamhi Drive, Yorktown Heights, NY 10598.

**Release Bond for Permit #T-WP-003-18 - Journey's End Road in the amount of \$1,000 to Conte Homes, Inc.**

WHEREAS:

2. Conte Homes, Inc., as applicant posted check#1071 in the amount of \$1,000 which was deposited to the T33 account on April 25, 2018 to serve as the Performance Bond for tree remediation at 1515 Journeys End Road.
2. Conte Homes, Inc., has requested their money be released as the site work/tree planting is now complete.

3. The Town Engineer has informed this Board that a representative of his department has inspected the property and determined that the work has been satisfactorily completed, and that the above referenced monies may be released,

NOW, THEREFORE BE IT RESOLVED, the above referenced \$1,000 bond be and is hereby released to Conte Homes, Inc., P.O. Box 142, Croton On Hudson, NY 10520.

10. MONTHLY REPORTS  
Receiver of Taxes - November 2018

11. ADJOURN MEETING

Dated: December 18, 2018

DIANA L. QUAST, RMC, CMC  
TOWN CLERK  
TOWN OF YORKTOWN

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**AGENDAS ARE SUBJECT TO CHANGE**

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