

Meeting of the Town Board, Town of Yorktown held on Tuesday, June 26, 2018 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Ilan D. Gilbert, Supervisor  
Alice E. Roker, Deputy Supervisor  
Vishnu V. Patel, Councilman  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman

Also Present: Diana L. Quast, Town Clerk  
Richard S. Abbate, Town Attorney

#### TOWN BOARD MEETING

Supervisor Ilan Gilbert 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 litigation and negotiations. Upon motion made by Councilman Patel, seconded by Councilwoman Roker, the Town Board moved out of Executive Session and proceeded with the meeting.

Supervisor Gilbert commented that work sessions are significant enough to the public to be televised but wanted to emphasize that work sessions are different from open Town Board meetings – comments cannot be entertained from the public. Work sessions are opportunities for the Board to discuss upcoming projects and are not ready for public discussion.

#### CON EDISON UPDATE

Representatives from Con Edison came before the Board to update the work on Gomer Street. Approximately 1,000 feet of steel pipe has been installed in the area of London Road and Homestead. Next week they will be energizing the new pipe with natural gas and then transfer the services on those two streets to the new main so they can backfill the area that was dug up and restore the road. They will continue down Gomer Street; their goal is to get down to Sterling by late September and restore that area. They will stop in September and pick up next year. They submitted a document that stated Con Edison's progress and goals with dates, the name of the contractor, job identification number, phone numbers, etc. This same document will be sent to the homeowners, as well as for posting on the Town's website.

Supervisor Gilbert asked if the idea of tying in some people who do not have gas now and giving them an opportunity to do so was contemplated. The representative said there is an 800 number that the residents can call. If interested, the resident should call the number and open up a case. David Paganelli, Highway Superintendent, said he was told by a resident that he was told that he would have wait until after the project. The representative said that as long as an active case exists, hooking into the gas pipeline is possible. The resident would need to have a licensed plumber for them to work with on the case. Each customer gets 100 feet of hookup space to the main. The notices will be sent to residents who have a registered email address with Con Edison and the contractor will also be dropping off the notices to residents' mailboxes that are within the scope of the work. Supervisor Gilbert suggested notifying residents, not only within the current scope of work, but also within the next length of the project. Councilwoman Roker asked about road closures so that people know if they will be able to get back to their homes once they leave during the day and was told that the police are notified and send out alerts. Mr. Paganelli said that they had a period of time yesterday where the northbound lane was closed on Gomer and worked together with Con Edison to create a detour, as well as the portion of the southbound lane that has been detoured. All parties agreed that communication on this project has been markedly better than last year's project.

The representatives also spoke about the work on Croton Heights Road with an estimated completion date of July 27. There is a detour plan that has been established. Councilman Lachterman, who lives in the area, asked about potential new gas hookups. He said that from a business standpoint, he does not understand why Con Edison is not knocking on people's doors soliciting gas customers, which may increase revenues. The representatives agreed with Councilman Lachterman, especially if there is high interest. They also said the company wants to

make sure they can deliver on their promises – increasing the pipeline size will help them to do that.

#### MOHEGAN AVENUE RETAINING WALL

Highway Superintendent David Paganelli said that he and Town Engineer Michael Quinn have been working on the retaining wall for about a year. Engineers looked at it last year and said that it was not in immediate danger of collapse but now they are having some issues with the road where a crossover pipe is failing. They are going to have to address this now as a biddable plans, which already exist, and not wait until it is an emergency situation. This is a project that is very “season sensitive” as there are no easy detours on Mohegan Avenue. Last year his department paved Kimball, Hillside, and Lakeside in anticipation of having to make some of those roads one way. The project is going to take the better part of 4 months so it will, even over the summer, run into the school year.

Councilwoman Roker asked him to explain what is wrong with the wall. Mr. Paganelli said there is just under 600 feet of retaining wall, which holds the road back from potentially falling into the lake. The wall is very old and compromised. The engineers examined it about a year and half ago and came up with suggestions for repairing it. Mr. Paganelli said he is present tonight to put it on the radar for next year. Councilwoman Roker said that at some point Mr. Paganelli had told her he would close that road. He said that yes, he would, if he felt that there was any danger such as an oil truck falling into the lake. Mr. Paganelli said that he would not allow that to happen and it is a real concern. He does not think that it is not imminently pressing but we also did not expect all of the downed trees that occurred this past winter. He believes the wall should hold but wants to make sure that this is ready to go out to bid around January or February 2019 for construction to be done when school is out. He stated that this is not eligible for grant money.

Councilwoman Roker said that in the past the Town has had three roads that collapsed because the Town waited too long. Her concern is how long do you push the envelope? Mr. Paganelli and Pat Caporale, Town Comptroller discussed how the Town Comptroller needs to be kept in the loop so that the Town does not lose money because it failed to hit certain timeframes. This has happened in the past. This project will cost approximately \$850,000. The Town needs to look towards next year. Mr. Paganelli stated that he has biddable plans ready now.

Councilman Lachterman said that the project affects the schools because buses will not be able to be on that road.

Ken Belfer, Mohegan Lake Improvement District, mentioned the redo of the catch basins that might be part of the biddable plans. He asked if they were still part of the project and Mr. Paganelli said that they were.

Town Comptroller Pat Caporale said that the work should start in June 2019 because the Board would then have the auditor’s report from this year ready and, in addition, the Town has a bond anticipation note (BAN) that comes due in May so the Town might be able to add the money into that BAN at that time, planning that the money will be coming back from the Hill Boulevard and Veterans Road projects.

Councilman Diana asked if the Town could put the bid out now and specify that the work would not start until June 2019. Mr. Paganelli said he does not know how that would work if the funding is not in place. If that is not an issue, then the Town could do that.

Councilwoman Roker said that there is the funding – especially if it becomes an emergency. Mr. Paganelli said he could speak with the Town Engineer to get the bid documents out in September.

Councilman Lachterman asked the Comptroller how much debt has been retired in 2018 to which she replied there are no bonds retiring this year.

Supervisor Gilbert told Mr. Paganelli he wanted him aware that he received notice from several residents who said that their sleep was disturbed last night due to activity on the Algonquin gas transmission line. Supervisor Gilbert insisted that the work be done during the daytime but Algonquin said that their federal permit allows them to work during the night. He said that fortunately, Enbridge (the parent company) told him that the operators do not foresee any more

use of the pneumatic hammer in our area. The noise far exceeded what was anticipated and will be in touch with those residents affected.

### MINI MASTER PLAN

Director of Planning John Tegeder approached the Board to discuss the Mini Master Plan in the area of the Roma Building and the proposed Weyant project. Mr. Tegeder said that this is a little different because there are two developers who have fairly well-developed projects. He said that, to the Board's credit, the two developers were asked to get together with each other and the Planning Department to come up with a plan/direction that is much more realistic than you may have had you not had people who did not have projects in mind when they came to the table. Mr. Tegeder then presented the areas affected on a map of the area. The focus of the mini master plan is on two properties: The Roma Building and the property behind it to the west on Route 202 going towards the police station, which is being called the Weyant Property, currently a single family residence being proposed for apartments. The Roma Building, a commercial property, is being proposed for a mixed-use property; some commercial and some apartments. There is a significant reduction of commercial use in the new proposal. Since they are pretty far along in the process, Mr. Tegeder said that in the next couple of months the applicants will be putting the finishing touches on the plan and be ready to put it into a package. The owners of the Triangle Shopping Center may be willing to join in on the plan to a certain degree. Mr. Tegeder proceeded to point out on a map the properties affected. The Mobil Station was asked to provide traffic data for their facility, which they have done. The traffic data that will be discussed contains the Mobil Station's traffic data. He spoke about the traffic situation and proposed changes to the area for improvement and better efficiency. We are gaining benefit regarding the traffic situation from the properties, themselves. The Weyant project is a low traffic generator; the reduction in commercial space in the Roma Building will also contribute to traffic reduction. Curb cuts will be reduce from 5 curb cuts to 2.5 curb cuts, which is another traffic benefit. He said they met with NYS DOT and talked about the parameters of the projects.

Phil Greeley, Maser Consulting, came before the Board to further discuss traffic conditions, both pedestrian and vehicular. He said that the NYS DOT said they do not have money for localized improvements. They met with people who are more involved with permitting. They look for private development to help them work things out. Mr. Greeley said working with the DOT is a complicated process (land transfers, etc.). He proceeded to explain the current traffic situation in the area and how these projects could potentially reduce the amount of traffic. He explained the driveway locations under the plan and how they would relate to the existing driveways in the area. He mentioned turning lanes on both roadways, which would be a conventional resolution that DOT would look for. His company provided DOT with accident data from the intersection, which involves many rear-end collisions and left-turn collisions. If you improve capacity and flow in one area, it should improve the capacity and flow in another area. Mr. Greeley gave a history of the restrictions on the surrounding roads (Route 118) that arose with DOT's purchase of the area years ago. Mr. Greeley gave handouts of the sketches his company discussed with DOT. The network of roads is limited and situations that were beyond the control of the Town have affected this area. He discussed additional lanes that would require widening of the road. This, in turn, would require a land dedication to the State of New York who requires the roadbed or sidewalk to be in the right of way. The proposed changes he presented would also involve many of the property owners in the area. There is nothing proposed on Route 118 because the turning lanes already exist. He said they also discussed potential traffic light installation which the DOT does not really want because of the maintenance involved. He also talked about roundabout alternatives, which require a lot of land area. This intersection has heavy turning movement that may push past the capacity of a roundabout, unless you look at a dual lane roundabout that requires a lot more land area. His feeling is that this may be unlikely because of the proximity of other driveways. Roundabouts are better for open land area. Mr. Greeley said that the cost of these types of improvements are very significant - \$1 million to \$2 million and beyond when all is taken into consideration. If funding was available it may be a different picture, but they have no funding available. These changes cannot happen all at once because it is cost prohibitive but planning it out in a master plan can set the stage for future development.

Mr. Greeley shifted focus to the two projects. They started with the concept of where access points would work. He discussed the two lanes on Route 202/35 as they exist today: a right turn lane, a through lane, and a left turn lane that quickly transition back to two lanes. The plan he showed, demonstrated how a three lane section on Crompond Road would be extended further to the west so that you would have a left turn lane past the current Verizon location and a turn lane that would

allow people to turn into a common driveway that would serve both the Roma Building and The Weyant. In order to accomplish these improvements, a land dedication would be required by NYS to accommodate the widening of the road. Mr. Greeley stated that this is only a conceptual plan that would allow to stack vehicles turning into those projects while allowing through traffic to proceed. The construction cost and the land dedication process is very involved and costly. The land dedication process can take 18 to 24 months. There is a complicated mapping process and environmental studies that must take place. However, Mr. Greeley feels that these could be worked into a plan. He said that it is important to also take into consideration how the timing of the two projects and how that works with the developers' plan.

Supervisor Gilbert asked if Mr. Greeley looked at the alternate configurations. Mr. Greeley demonstrated two maps that showed both a townhouse development and a duplex development. He said that this alternative would still work under the traffic plans they developed. The traffic project/master plan is a much bigger picture than these two proposed developments. Mr. Greeley stated that as other properties come in, like Mobil and the Triangle Shopping Center, the Town has to be aware of "right of way" acquisitions.

Councilwoman Roker said there seems to be less movement within the project using the first model Mr. Greeley showed than the two alternatives. It looks like there is more movement. He said that if the access point he showed is chosen as the designated access point, any one of the plans could be chosen to work with it. He talked about what would happen if DOT does support any of these changes and the "buy back" process offered to property owners to buy back the right of access – another complicated process. NYS DOT had told Masur Consulting that they do not want any additional traffic lights.

Supervisor Gilbert asked Mr. Greeley if any of these proposed plans would improve the safety of pedestrian traffic. Mr. Greeley said yes because of the new sidewalk system and reprogramming of traffic signals. Since this plan includes many residential units, sidewalk connectivity is imperative.

Councilwoman Roker said that one of the concerns of the neighbors of the proposed Weyant project was feeling too crowded by the apartment development. Mr. Greeley said that it should not be too much of a traffic generator. Also, the area behind the Weyant (Hamblyn, McBride) does not lend itself to being used as a "cut through." NYS DOT actually preferred a turn onto Hamblyn and not Route 202 and this is reflected in the plan.

Councilman Lachterman asked about the feasibility of the Weyant project if the Roma Building project does not happen. Jack DeVito, representing the Weyant project, responded that his project, as a stand-alone project, worked as he first presented it. Mr. DeVito knows he can do the project the way it was first presented but could not answer Councilman Lachterman's question because he needs more direction from the Board. Mr. Greeley said the land dedication should happen first in order to obtain the land to work on. Councilman Lachterman said that if the state would not let the project go just based on land dedication, then the project would not work. Mr. DeVito said that one idea was to put the sidewalk on the property and agree to maintain it.

Councilwoman Roker said that whichever plan they decide on, this process is a good one for the Town in terms of this problematic intersection. Even if the Roma piece does not work out, it was never the Board's intent to say Mr. DeVito's project would not proceed. Mr. DeVito understood this, but just said that it is a lot of work on the side of the developer.

Supervisor Gilbert said that it puts the Town in a better position to say to the developers that if they want to develop in this area, this is plan that the Town is following. Councilman Lachterman said that it also may have a domino effect with other business. When one business starts to make improvements, others will follow.

Councilman Diana asked at what stage is the Roma Building? Joe Riina, project engineer for the Roma Building, said they are in a holding pattern at the moment but have been brought in on the master plan and Mr. Greeley said they are aware of the cost implications, loss of driveways, land dedication process, etc. They now have to run the numbers to see if it is feasible.

Supervisor Gilbert said he and the Board appreciate the work and effort that has gone into the mini master plan. He is pleased that at some point the Town will be able to address the intersection there. Mr. Greeley said that if the land gets dedicated based on the master plan concept, it will carry a lot more weight when and if there is ever state money available for a road project.

Joe Riina said the land dedication will cause the Roma Building to lose an entire row of parking so they are making changes to adapt to the loss. They are paying close attention to the corner of the building because it is the prominent view from the roads and is what John Tegeder felt most strongly about. The singular entry and access also caused a few changes to the plan but they have managed to keep it open and airy. Mr. Riina showed an R3 zoning layout; the other layout of 36 units will require a transitional zone and variances. The 36 units will be townhouses with garages with a common, open area in the center. He then showed a duplex complex plan of 23 units and showed that the common access from the master plan would cause them to lose 2 units and, therefore, does not really work. A discussion ensued regarding various options of driveways and access to Route 35/202.

John Tegeder said that the mini master plan solves some very old problems with the intersection. It solves the concerns of the Hamblyn neighborhood. He does not think they have to wait for DOT at this point to finish the master plan. They will package the plan with some refinements and are ready to go.

Joe Riina asked if there is a direction for The Weyant. There was an agreement that the 36-unit townhouse plan seemed to be the best plan for the property. Supervisor Gilbert said that initially he liked both plans with fewer units because it alleviates neighbors' concerns, but the addition of access drive plan and the configuration of the townhomes, the townhome plan seems appealing. John Tegeder said that the difference between 20/23 and 36 units would not really have much of a traffic impact. He said that from an architectural and planning perspective he prefers the two building footprint is what is best for the Town.

Councilwoman Roker said that at this point the Board should be giving direction. Mr. Riina said they will come back to sit down with the Board and bring the architectural drawings. Councilwoman Roker believes these projects and the mini master plan will provide a real direction for the future of the Town.

#### EAST MAIN STREET, SHRUB OAK TRAFFIC STUDY

Mr. Greeley and his company were retained to look at two areas in Shrub Oak. The first component is relative to the intersection of East Main Street and Stoney Street. The second component is to look at the corridor from Lakeland Liquor to the high school and what could be done to improve pedestrian crossings and traffic calming. They reviewed additional crosswalks, striping, rapid flashing beacons, particularly for students crossing the road. The rapid flashing beacons have been successful in other communities. Preliminary plans have been drawn up but they still need to confer with the police department. The intersection of Stoney Street and East Main Street was evaluated and he feels there is enough volume there to warrant a traffic signal. This was the first step; the next is to do a survey of where the right of way boundaries exist, what features, what grades, and what utilities in order to install a traffic signal. He showed the Board a preliminary plan of where pole placement would be included possible pedestrian crossings and landing areas. It would be placed near Lakeland Lumber. In order to get a pedestrian crossing, the Town would need to get an easement from the property owner (Lakeland Lumber) for the right of way, as well as a couple of other areas.

Councilman Diana mentioned the area from Seton to right past Lakeland High School and how the Town had erected School Zone signs in order to slow down the traffic.

Mr. Greeley said many of the rapid flashing beacons are solar powered, as is much of the signage.

Supervisor Gilbert announced that the Yorktown Community and Cultural Center will be renamed to the Albert A. Capellini Community & Cultural Center. Supervisor Gilbert read the following resolution:

AUTHORIZE THE RENAMING OF THE YORKTOWN COMMUNITY CULTURAL CENTER TO THE ALBERT A. CAPELLINI COMMUNITY AND CULTURAL CENTER  
RESOLUTION #237

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

WHEREAS, Albert A. Capellini has been an integral member of the our community of the Town of Yorktown for almost five decades;

WHEREAS, Albert A. Capellini first moved to our Town in 1972 and was elected to the Town of Yorktown Town Board in 1975 and served on the Board for a year before being elected to Supervisor and served with great distinction in said position for four years;

WHEREAS, Albert A. Capellini was an extraordinary attorney who served the needs of his clients for many years, effectively representing his clients in front of the Yorktown Board, Planning Board and Zoning Board of Appeals;

WHEREAS, Albert A. Capellini, was an attorney, advocate, public servant and outstanding member of our community;

WHEREAS, Albert A. Capellini, was a former president of the Lions Club, and was named Lion of the Year in 1984/85 and a Melvin Jones Fellow in 1990, a founding member of the Circolo da Vinci Italian-American Club, was the Business person of the year by the Yorktown Chamber of Commerce in 2004, and was Trustee of the Jack DeVito foundation in 2011,

WHEREAS, Albert A. Capellini was a devoted husband to his wife Rosanna and a dedicated father to his sons Jeffrey and Terence,

WHEREAS, it was with great sorrow and sadness that the Board heard of the passing of Albert A. Capellini on April 12, 2018,

WHEREAS, the Board of the Town of Yorktown wishes to recognize and give tribute to the accomplishments of Albert A. Capellini,

IT IS HEREBY RESOLVED that the Yorktown Community & Cultural Center is now known as the “Albert A. Capellini Community & Cultural Center.”

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye  
Resolution adopted.

Councilman Lachterman thanked the community for their desire to memorialize Mr. Capellini’s memory. Several members of the Board shared their memories of Mr. Capellini.

AUTHORIZE SUPPORT OF RECREATION COMMISSION’S REQUEST TO OFFER DISCOUNTED POOL PASSES TO ACTIVE MILITARY AND VETERANS  
RESOLUTION #238

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

RESOLVED, that the Town Board supports the Recreation Commission’s request to offer discounted pool passes for Active Military and Veterans residing in the Town of Yorktown. The cost for a family pass will be \$100 and a single pass will be \$50.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye  
Resolution adopted.

AUTHORIZE CHANGE ORDERS TO MONTESANO BROTHERS FOR CREATING A CISTERN AT THE GRANITE KNOLLS RECREATIONAL AND SPORTS FACILITY AND CREDIT FOR REIMBURSEMENT OF ATHLETIC LIGHTING INSTALLATION  
RESOLUTION #239

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

RESOLVED, that the Comptroller is authorized to pay Montesano Brothers, Inc. Change Order MO9 in the amount of \$137,425.00 to complete a NYS DEP requirement of creating a cistern at the Granite Knolls Recreational Sports Facility, and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to sign a credit from Montesano Brothers, Inc. to the Town of Yorktown in the amount of \$100,000.00 for reimbursement of installation of light poles.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye  
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH THE INTERNATIONAL SHRUB OAK SCHOOL TO OBTAIN A SEWER EASEMENT OVER THEIR PROPERTY RESOLUTION #240

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

RESOLVED, the Town Supervisor is authorized to sign an agreement between the International Shrub Oak School located at 3151 Stoney Street, Mohegan Lake, New York, 10547 and the Town of Yorktown, a municipal corporation, located at 363 Underhill Avenue, Yorktown Heights, New York, 10598 to obtain an easement over a portion of property owned by the International Shrub Oak School to perform work necessary for the installation, maintenance, repair, operation, replacement, extension, and use of a sanitary sewer system.

Gilbert, Patel, Diana, Lachterman, Roker Voting Aye  
Resolution adopted.

ADJOURN

Upon motion made by Councilman Lachterman, seconded by Councilwoman Patel, the Town Board Meeting was adjourned.

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