



Town of Yorktown

Office of the Town Clerk

**FINAL VIDEO CONFERENCE
TOWN BOARD MEETING AGENDA
FOR JUNE 2, 2020
363 Underhill Avenue, Yorktown, NY 10598**

6:30 PM EXECUTIVE SESSION

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

LITIGATION & NEGOTIATION

Town Attorney

7:30 PM VIDEO CONFERENCE TELEVISED TOWN BOARD MEETING

1. **PLEDGE OF ALLEGIANCE**

2. **MOMENT OF SILENCE**

3. **RESOLUTION**

Condemning the death of George Floyd and rejecting all forms of Racism, Discrimination and Oppression

WHEREAS, on May 25, 2020 George Floyd died while being detained by officers from the Minneapolis Police Department; and

WHEREAS, Minneapolis police officer Derek Chauvin was charged with the murder of George Floyd because of his role in the arrest and detention of Mr. Floyd; and

WHEREAS, slavery, racism and racial discord have stained American history from its earliest days and the progeny of this legacy continues to manifest today in mistrust between minority communities and law enforcement; and

WHEREAS, citizens of Yorktown have long embraced the basic premise of American society that all people are created equal; and

WHEREAS, this community's inclusionary recognition has included the iconic Pines Bridge Memorial which celebrates the Rhode Island Regiment's role at the Battle of Pines Bridge during the American Revolution; and

WHEREAS, the Town of Yorktown recognizes the historic Rhode Island Regiment, which was a mixed fighting unit made up of men of European, African and Native American descent, as embodying the racial and ethnic melting pot that represents America's greatest strength and her greatest trials; and

WHEREAS, many great civil rights leaders from Harriet Tubman and Frederick Douglas, to Rosa Parks and Dr. Martin Luther King Jr. dedicated, and in some instances, sacrificed their lives in the name of social justice and equality; and

WHEREAS, the vast majority of those who have exercised their constitutional rights following the death of George Floyd have done so peacefully in the spirit of America's great civil rights leaders, while a virulent minority have engaged in violence, larceny, arson and other serious crimes; and

WHEREAS, the strength of racial, religious and cultural diversity is recognized and respected by all agencies and departments of the Town of Yorktown including the Yorktown Police Department; and

WHEREAS, the Yorktown Police Department stands as a cornerstone of our community and has been recognized for its high level of professionalism as an accredited police agency by the New York State Division of Criminal Justice Services, a status only 29% of New York State's 540 law enforcement agencies have achieved; now therefore,

BE IT RESOLVED, that the Town of Yorktown wholeheartedly condemns the heinous acts which caused the death of George Floyd; and

BE IT FURTHER RESOLVED, that the Town of Yorktown once again reaffirms its commitment to achieving a free and equal society; and

BE IT FURTHER RESOLVED, that the Town of Yorktown once again rejects hate-motivated crime as an attack on the fabric of the American society and the ideals of pluralism and diversity; and

BE IT FURTHER RESOLVED, that the Town of Yorktown rejects violence and the destruction of property and is committed to the protection and safety of all its residents; and

BE IT FURTHER RESOLVED, that the Town of Yorktown wholeheartedly rejects all forms of hatred, racism, oppression, religious or ethnic bias, discrimination, incitement of violence, vandalism or animus.

4. INTRODUCTIONS
5. REPORT FROM TOWN SUPERVISOR MATTHEW SLATER
6. REPORTS FROM TOWN COUNCIL

7. REPORT FROM HIGHWAY SUPERINTENDENT

8. POET LAUREATE

John McMullen

9. PERSONNEL

Appoint Yolanda Vasquez to the position of Deputy Court Clerk

BE IT RESOLVED, Yolanda Vazquez, is appointed to the full time position of Deputy Court Clerk, civil service job class code 0046-03, to serve at the pleasure of the Town Justices, effective June 8th, 2020, to be paid annually in the amount of \$79,739.00.

Appoint Thomas Dunn as a member of the Parks and Recreation Commission

RESOLVED, that Thomas Dunn is hereby appointed to the Parks and Recreation Commission for a term expiring on December 31, 2021.

Appoint Christine Dunne as an Alternate member of the Parks and Recreation Commission

RESOLVED, that Christine Dunne is hereby appointed as an alternate member of the Parks and Recreation Commission for a term expiring on December 31, 2023.

Appoint David Paganelli as the liaison to the Parks and Recreation Commission

RESOLVED, that David Paganelli is hereby appointed as Liaison to the Parks & Recreation Commission.

10. COURTESY OF THE FLOOR

11. PUBLIC HEARINGS

DECISION

Declare Lead Agency, Negative Declaration and Approving Resolution for Stormwater Pollution Prevention Plan/Wetland/Tree Permit for Panbar Realty Reconstruct of a single family home at 3617 Buckhorn

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a Wetland, MS4 Storm Water Management & Tree Removal permit for construction of a single-family residence along with associated site and driveway improvements (Proposed Action).
2. The Approval Authority for this permit application is the Town Board as the proposed work will involve a disturbance to the 100-foot buffer area of a NYSDEC-regulated wetland.
3. The application fee of \$3,300 was paid by the Applicant.
4. The Applicant submitted engineering plans for the subject property, entitled:
 - Site Plan for PanBar Realty, LLC, prepared by John Karell, Jr., P.E., dated and revised 10/28/19, 1 sheet.

- Survey prepared by John Karell, Jr., P.E, dated and revise 7/19/19, 1 sheet.
 - House Plans prepared by Roy A. Fredriksen, P.E., dated 4/19/19, 7 sheets.
5. The property site is predominantly a landscaped lawn area that previously housed a single-family residence. There was a former single house on the property, which was destroyed due a fire approximately four (4) years ago. An asphalt driveway that was previously part of the residential use is still in place.
 6. As part of the proposed site development, six (6) trees will be removed.
 7. The Engineering Department performed a review of the submitted documentation and all technical review comments were addressed in the resubmittal referenced above.
 8. The Board received a technical review memo from the Conservation Board dated 5/18/20 with the following comments and recommendations:
 - The entire development is in the wetland buffer. Mitigation is required and should be detailed on the plans.
 - The area of disturbance is not clearly marked on the plans.
 - Detailed plans for treatment of water from the house drain should be indicated. As shown the house drain is emptying directly into the wetland which is not acceptable.
 - The removal of trees of significant size warrants mitigation under the Tree Ordinance. No mitigation is shown.
 - The stream bordering the back edge of the property should be protected. Planting native shrubs and perennials as a buffer along riparian corridor would be beneficial.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
2. The Proposed Action minimizes to the extent practicable any adverse impact on public health and safety, soil erosion, wildlife habitat, and drainage, and will not be detrimental to adjoining properties. Consideration was given to preserving protected trees that will not be affected by the construction activity.
3. The development of this site will require the removal of six (6) trees. A tree removal permit is required because there are more than three (3) trees being removed from a regulated wetland buffer. However, no tree mitigation is required per Chapter 270 as the trees being removed are less than ten (10) total and there is no woodland disturbance for this land development project.
4. In order to address Conservation Board comments, the Applicant will incorporate a rain garden at the point discharge of roof leaders. In addition, Applicant will undertake removal of invasive species from the property site and add plantings that are appropriate for a wetland buffer area.

5. The Proposed Action is approved by the Town Board subject to compliance with all regulations of the Town Code and adherence to the plan documents submitted in support of the application.
6. The Town Engineer shall issue the permit in accordance with the terms of this resolution. The following conditions are included as part of the Action: (1) A rain garden and wetland mitigation will be incorporated into the project as indicated in the Applicant's submission on 2/24/20 and (2) All draft conditions as listed in the Town Engineer's memo dated 3/2/20 are adopted in the Engineering permit.

The sections of the existing driveway that will not be repaved shall be shown to be removed to the satisfaction of the Town Engineer. The limit of disturbance line shall be expanded to include the area of driveway that exists in the Town right-of-way including the existing sections to be removed.

RECONVENE

Public Hearing to consider Stormwater Pollution Prevention Plan/Tree Permit Application received from Westchester Modular Homes Corp. – Construction of single family home on Madison Court

Supervisor Matt Slater will reconvene a public hearing to consider the Stormwater Pollution Prevention Plan/Tree Permit Application received from Westchester Modular Homes Corp., on behalf of Katie & Damian Carparelli, for property located at Madison Court, Yorktown, New York, also known as Section 37.09, Block 1, Lot 10 on the Tax Map of the Town of Yorktown for the construction of a single-family dwelling.

CONVENE

Public Hearing to consider a Proposed Local Law amending Chapter 90 of the Code of the Town of Yorktown entitled "SMOKING"

Supervisor Matt Slater will convene a public hearing to consider a Proposed Local Law amending Chapter 90 of the Code of the Town of Yorktown entitled "SMOKING" by deleting the existing sections 90-1 and 90-2, and enacting new sections 90-1, 90-2, 90-3, 90-4, 90-5 and 90-6.

Public Hearing to consider a Proposed Local Law to consider amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER"

Supervisor Matt Slater will convene a public hearing to consider amending Chapter 280 of the Code of the Town of Yorktown entitled "WATER," by deleting the existing section 280-15(D)(5)(d), and enacting a new section 280-15(D)(5)(d).

12. REFERRALS

Authorize Town Clerk to refer out the following items to the appropriate agencies:

- Proposed Local Law amending Chapter 198, Landmark Preservation
- Con Edison Wetlands Permit Application – Granite Springs Road

13. RESOLUTIONS

Authorize Supervisor to sign an agreement with New York State Electric & Gas Corporation to replace non-LED fixtures with LED fixtures at a cost of \$19,826.49

RESOLVED, that the Supervisor is authorized to sign an agreement with the New York State Electric & Gas Corporation (“NYSEG”) to replace the existing Company owned Cobra Head style street light (“Non-LED”) fixtures in the Town of Yorktown with Light Emitting Diode Cobra Head street lights (“LED”) fixtures. The costs associated with this agreement is \$19,826.49.

Accept Bonds for Nestle Waters North America Site Plan

WHEREAS, Construction Services, LLC, contractor for Nestle Waters North America, Inc., provided the Town with Check No. 18238 in the amount of \$3,500 to serve as the cash bond for plantings to be installed in the Route 202 right-of-way as shown on the approved site plan, and

WHEREAS, Construction Services, LLC, contractor for Nestle Waters North America, Inc., provided the Town with Check No. 18239 in the amount of \$20,000 to serve as the cash bond to ensure installation of a fence as shown on the approved site plan along the front of the property on Route 202 within 45 days of issuance of the certificate of occupancy, and

NOW, THEREFORE BE IT RESOLVED, that the above referenced monies are hereby accepted to serve as the required bonds for the above referenced site plan.

14. ADJOURN

DIANA L. QUAST, TOWN CLERK
TOWN OF YORKTOWN
CERTIFIED MUNICIPAL CLERK

Dated: June 2, 2020

*****AGENDAS ARE SUBJECT TO CHANGE*****

Instructions for the Public to participate in Town Board Meetings Remotely:

The Town Board of the Town of Yorktown will not be meeting in person. In accordance with the Governor’s Executive Order 202.1, until further notice, meetings will be held via video conferencing. The Town of Yorktown will televise a video conference Town Board meeting for 7:30 pm on Tuesday, June 2, 2020. The Town Board will open the meeting and then vote to go into an Executive Session beginning at 6:30 p.m.

There are three public hearings on the agenda and you can register with the Town Clerk if you would like to speak during these public hearings. Please make sure to register in advance for this meeting at dquast@yorktownny.org or call me at (914) 962-8152. You will need to provide your name, phone number and email address when registering so we can send a confirmation to you containing instructions on how to join the meeting.

You can also email comments in advance of the meeting to dquast@yorktownny.org. All written comments received before the meeting will be given to the Town Board.

You will have an opportunity to see and hear the meeting live on Channel 20 (Cable) or Channel 33 (Fios). If you have a computer, tablet, or smartphone, you will be able to see and hear the meeting while it is occurring on the Town's website at yorktownny.org. If you have any questions, please contact me at dquast@yorktownny.org or (914) 962-8152.