



Town of Yorktown

Office of the Town Clerk

**FINAL TOWN BOARD MEETING
VIDEO CONFERENCE AGENDA
AUGUST 4, 2020
363 Underhill Avenue, Yorktown, NY 10598**

Due to the inclement weather the live portion of the meeting may not be immediately available but will be recorded and broadcasted as soon as possible

5:30 PM EXECUTIVE SESSION

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

INTERVIEWS

Granite Knolls Solar RFP

LITIGATION & NEGOTIATION

Town Attorney

7:30 PM VIDEO CONFERENCE TELEVISED TOWN BOARD MEETING

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORTS FROM HIGHWAY SUPERINTENDENT
7. PRESENTATION
Cpl. Troy Perez, New York Army National Guard
Matt Geller, Best Food Trucks
8. POET LAUREATE
John McMullen

9. COURTESY OF THE FLOOR

10. PUBLIC HEARINGS

Public Hearing Decision for Wetland and MS4 application submitted by Paul Fitzgerald for property located at 1215 Audra Court for the installation of an in-ground swimming pool accordance with requirements of the Town of Yorktown and the State Environmental Quality Review Act

WHEREAS:

1. The Applicant submitted an application to the Engineering Department for a Wetland and MS4 Storm Water Management permit for construction of an in-ground swimming pool (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 for this Proposed Action is \$3,300; the Applicant paid \$1,100 therefore there is a balance due of \$2,200.
4. The Applicant submitted engineering the following documents in support of the application:
 - a. Environmental Assessment Form (EAF) prepared by Stephen Ferreira, dated 6/17/20.
 - b. Proposed Site Plan for In-ground Pool at Fitzgerald Residence, prepared by SJF Engineering Services, Stephen Ferreira, P.E., dated 6/16/20, 1 sheet.
 - c. Survey information by Donald Donnelly, L.S.
5. No trees are proposed to be removed in the Proposed Action.
6. The Engineering Department performed a review of the submitted documentation and prepared a technical review memo dated 7/2/20.
7. A Public Hearing was opened on 7/28/20.
8. The Town Board reviewed communications received from the Engineering Department and Conservation Board. The Conservation Board memo dated 7/16/20 included the following comments and recommendations:
 - a. The site plan is incomplete, missing flagging of the wetland and wetland buffer line. The pool is to be constructed within the 100 ft. wetland buffer. The engineer indicated that since the wetland is a designated NYS DEC wetland the DEC must do the flagging, which has not been completed. Before final review of the project the wetland flagging should be completed and shown on the site plans with the corresponding wetland buffer line.
 - b. Mitigation for incursion into the wetland buffer is required and should be detailed on the plan. The applicant suggested that plantings would be installed adjacent to the pool but not shown on plan. The Conservation Board suggests the use of native plants be added within the lawn area to further protect the wetland.
 - c. Applicant is to satisfy all MS4 procedures and protocol.
9. No members of the public spoke on this application.
10. The Public Hearing regarding this application was closed on 7/28/20.

NOW THEREFORE BE IT RESOLVED THAT:

1. The Town Board declares itself Lead Agency for this Unlisted Item, as defined in 6NYCRR Part 617.2(u), for the coordinated review of said Actions under SEQRA.
2. That the Town of Yorktown shall adopt in its determination of significance under 6NYCRR Part 617.7, this *NEGATIVE DECLARATION*, indicating that information provided in the Environmental Assessment Form has sufficiently demonstrated that the proposed action will not result in significant adverse environmental impacts, and that an Environmental Impact Statement need not be prepared.
3. The Town Board finds that the proposed regulated activity is consistent with the policies and goals of the Town Code as stated herein.
4. 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.
5. The Applicant shall pay the open balance of the application fee prior to issuance of permit.
6. Applicant stated a NYSDEC representative has recently flagged the edge of NYSDEC-regulated wetlands on the property and the location coincides with the boundary shown on the engineering plans
7. In order to address Conservation Board comment regarding wetland buffer area mitigation, the Applicant will perform the following in an equivalent area to the total wetland buffer area disturbance:
 - a. Remove invasive plants from the wetland/buffer area staying within the property limits;
 - b. Add plantings that are appropriate for a wetland/ buffer area (Examples: nannyberry, meadowsweet, winterberry holly highbush blueberry and/or serviceberry), staggered spaced at 3-4 feet apart; and
 - c. Finish the planting area with 2-3 inches of natural wood mulch.
8. 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.
9. 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) Payment of open balance on application fee; (2) A wetland mitigation plan will be incorporated as described above and (3) All draft conditions as listed in the Town Engineer's memo dated 7/2/20 are adopted in the Engineering permit.

Convene Public Hearing Chapter 240, entitled "SEWERS AND SEPTIC SYSTEMS" by adding a new Article III entitled "Low-Pressure Sewer Systems."

Supervisor Matthew Slater will convene a public Hearing to consider a proposed Local Law amending Chapter 240 of the Code of the Town of Yorktown entitled "SEWERS AND SEPTIC SYSTEMS" by adding a new Article III entitled "Low-Pressure Sewer Systems."

11. RESOLUTIONS

Authorize Supervisor to sign an agreement with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. for diversity and inclusion training for Town employees

RESOLVED, that the Supervisor is authorized to enter into an agreement with Ogletree, Deakins, Nash, Smoak & Stewart, P.C. for the provision of diversity and inclusion training for Town employees.

Authorize Supervisor to sign a memorandum of understanding with the IBM TJ Watson Research Center for the provision of primary law enforcement services

RESOLVED, that the Supervisor is authorized to execute a memorandum of understanding with the IBM TJ Watson Research Center for the provision of primary law enforcement services, which is a requirement of N.Y.S. Department of Conservation planning standards for the TJ Watson Research Center Hazardous Materials Contingency Plan.

Authorize Supervisor to sign all documents necessary to accept, for the Police Department's use, the gift of a 2020 Harley Davidson Police Road King FLHP motorcycle

RESOLVED, that the Supervisor is authorized to execute all documents necessary to accept, for the Police Department's use, the gift of a 2020 Harley Davidson Police Road King FLHP motorcycle (VIN # 1HD1FHP13LB652814); and (2) that the donor shall receive no compensation of any kind in exchange for the donation.

Accept Bond from 1961 Commerce Street LLC for Landscape Plantings as shown on the approved site plan

WHEREAS, the project known as 1961 Commerce Street, LLC located at 1961 Commerce Street, received amended site plan approval by resolution #20-07, dated June 8, 2020 of the Planning Board; and

WHEREAS, A. Devito & Son, Inc., contractor for 1961 Commerce Street LLC., provided the Town with Check No. 18874 in the amount of \$3,000 to serve as the cash bond for landscape plantings as shown on the approved site plan, and

WHEREAS, the bond shall cover a period of three years as guaranty of the survival and health of the landscape plantings as shown on the approved plans; and

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

Release Bond in the amount of \$250.00 for work done at 1545 Wenonah Trail

WHEREAS:

1. Jay Tomasulo as applicant, posted \$250 (cash) which was deposited to the T33 account on June 24, 2019.
2. Jay Tomasulo has requested his money 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 Mr. Jay Tomasulo, 1545 Wenonah Trail, Yorktown Heights, NY 10598.

Release Escrow Deposit for Street Opening Permit No.019-010 for 1631 Central Street

RESOLVED, that upon the recommendation of the Highway Superintendent, the Comptroller is authorized to release the Escrow Deposit for Street Opening Permit #019-010 in the amount of \$2,000.00 to Louis F. Mastro, 1631 Central Street, Yorktown Heights, NY 10598.

12. ADJOURN

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

Dated: August 4, 2020

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, August 4, 2020. The Town Board will open the meeting and then vote to go into an Executive Session beginning at 5:30 p.m. **There is one public hearing 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 if you would like to speak at Courtesy of the Floor or during the Public Hearings 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. **Due to the inclement weather the live portion of the meeting may not be immediately available but will be recorded and broadcasted as soon as possible.** If you have any questions, please contact me at dquast@yorktownny.org or (914) 962-8152.