



Town of Yorktown

Office of the Town Clerk

**FINAL TOWN BOARD VIDEO
CONFERENCE MEETING AGENDA
SEPTEMBER 15, 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):

PERSONNEL

Human Resources

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
 - Sickle Cell Awareness Month - Jacqueline Davis Baker, Cheryl Cannon, Dr. Thomas Moulton, MD, Akemie Worrell
 - Alliance for Safe Kids - #WalkTheTalk - Liz Talbert, Executive Director, Tricy Cushner, Patrick Talbert, Kyra Brunner
 - National Food Truck Association - Matt Geller
8. POET LAUREATE

John McMullen

9. COURTESY OF THE FLOOR

10. PERSONNEL

Accept resignation from Thomas D’Agostino from the Planning Department

Resolved, that the Town Board accepts the resignation received from Thomas D’Agostino from the Planning Department Effective September 24, 2020.

Appoint Paul Vasillo Provisional Assistant Distribution Superintendent in the Water Department

BE IT RESOLVED, that Paul Vasillo is hereby appointed Provisional Assistant Distribution Superintendent, job class code 1026-01, in the Water Department, effective September 14, 2020, to be paid at the rate set forth in Yorktown CSEA Salary Schedule A, Group 16, Step 4, which is \$84,369.00 annually.

Appoint Scott Ferreira to the position of temporary Maintenance Mechanic (Repair) in the Parks Department

BE IT RESOLVED, that Scott Ferreira is hereby appointed as a temporary Maintenance Mechanic (Repair), job class code 0465-02, effective September 14, 2020, to be paid from Yorktown CSEA Salary Schedule A, Group 11, Step 5, which is \$69,231.00 annually.

11. PUBLIC HEARINGS

DECISION

Amend Chapter 300, entitled “Zoning” by adding a new Article VII, Section 300-81.5 “Battery Energy Storage Systems”

Approve Lead Agency Status & Negative Declaration for the SEQRA Review of an Amendment to Chapter 300, entitled “Zoning” by adding a new Article VII, Section 300-81.5 “Battery Energy Storage Systems”

WHEREAS, the Town Board is considering an amendment to Chapter 300, entitled “Zoning” by adding a new Article VII, Section 300-81.5 “Battery Energy Storage Systems” (“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, 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 an Environmental Assessment Form (“EAF”); 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 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 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.

2. That the Town of Yorktown shall adopt in its determination of significance 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.

Adopt Local Law #10 of 2020 Amending Chapter 300, entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems"

WHEREAS, the Town Board of the Town of Yorktown has undertaken to adopt a new local law relating to amending Chapter 300, entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems"; and

WHEREAS, the Town Board, being the sole approval authority, is lead agency by operation of law; and

WHEREAS, the adoption of a new local law relating to amending Chapter 300, entitled "Zoning" by adding a new Article VII, Section 300-81.5 "Battery Energy Storage Systems" is a Type I action under SEQRA; and

WHEREAS, the proposed local law was referred to and reviewed by the Advisory Board on Architecture and Community Appearance, Building Inspector, Conservation Board, Engineering Department, Mohegan Volunteer Fire Association, Yorktown Heights Fire Company Engine #1, Highway Department, Planning Department, Police Department, Public Safety Committee, Lakeland Central School District, Yorktown Central School District, Tree Conservation Advisory Commission, Water Department and Zoning Board of Appeals of the Town of Yorktown; and by the Westchester County Planning Board/Department, Westchester County Department of Health, Westchester County Environmental Facilities, Westchester County Soil and Water; and by the New York State Department of Conservation, Albany & Region III, New York State Department of Transportation, New York State Army Corps of Engineers; and the New York City Department of

Environmental Protection; and the Town of Cortlandt, Town of Ossining, Town of Putnam Valley; Town of Somers; and

WHEREAS, modifications to the proposed local law have been made to incorporate the comments and recommendations of the reviewing boards and departments; and

WHEREAS, the Town Board convened a Public Hearing with respect to the proposed local law on December 17, 2019, which was adjourned and reconvened on June 16, 2020, which was adjourned and reconvened on July 21, 2020, which public hearing was closed; and

WHEREAS, it appears to the satisfaction of the Town Board that adoption of this proposed local law will have no significant adverse impacts;

Now, Therefore Be It Hereby Resolved, that the proposed local law shall be adopted by roll call vote of the Town Board of the Town of Yorktown.

DECISION

Amend Chapter 300 entitled “Zoning” by adding a new Article VII, Section 300-81.4 “Solar Power Generation Systems and Facilities”

Approve Lead Agency Status & Negative Declaration for the SEQRA Review of an Amendment to Chapter 300 entitled “Zoning” by adding a new Article VII, Section 300-81.4 “Solar Power Generation Systems and Facilities”

WHEREAS, the Town Board is considering an amendment to Chapter 300 entitled “Zoning” by adding a new Article VII, Section 300-81.4 “Solar Power Generation Systems and Facilities” (“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, 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 an Environmental Assessment Form (“EAF”); 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 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 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.

2. That the Town of Yorktown shall adopt in its determination of significance 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.

Adopt Local Law #11 of 2020 Amending Chapter 300 entitled "Zoning" by adding a new Article VII, Section 300-81.4 "Solar Power Generation Systems and Facilities"

WHEREAS, the Town Board of the Town of Yorktown has undertaken to adopt a new local law relating to amending Chapter 300 entitled "Zoning" by adding a new Article VII, Section 300-81.4 "Solar Power Generation Systems and Facilities"; and

WHEREAS, the Town Board, being the sole approval authority, is lead agency by operation of law; and

WHEREAS, the adoption of a new local law relating to amending Chapter 300 entitled "Zoning" by adding a new Article VII, Section 300-81.4 "Solar Power Generation Systems and Facilities" is a Type I action under SEQRA; and

WHEREAS, the proposed local law was referred to and reviewed by the Advisory Board on Architecture and Community Appearance, Building Inspector, Conservation Board, Engineering Department, Mohegan Volunteer Fire Association, Yorktown Heights Engine Company #1, Highway Department, Planning Department, Police Department, Public Safety Committee, Lakeland Central School District, Yorktown Central School District, Tree Conservation Advisory Commission, Water Department, Zoning Board of Appeals of the Town of Yorktown; and by the Westchester County Planning Board/Department, Westchester County Department of Health, Westchester County Environmental Facilities, Westchester County Soil and Water; and by the New York State Department of Conservation, Albany & Region III, New York State Department of Transportation, New York State Army Corps of Engineers; and the New York City Department of Environmental Protection; and the Town of Cortlandt, Town of Ossining, Town of Putnam Valley; Town of Somers; and

WHEREAS, modifications to the proposed local law have been made to incorporate the comments and recommendations of the reviewing boards and departments; and

WHEREAS, the Town Board convened a public hearing with respect to the proposed local law on July 9, 2019, which was adjourned and reconvened on July 21, 2020, which was adjourned and reconvened on July 28, 2020, which public hearing was closed; and

WHEREAS, it appears to the satisfaction of the Town Board that adoption of this proposed local law will have no significant adverse impacts;

Now, Therefore Be It Hereby Resolved, that the proposed local law shall be adopted by roll call vote of the Town Board of the Town of Yorktown.

PUBLIC HEARINGS SCHEDULED FOR OCTOBER 6, 2020

Public Hearing to consider a proposed Local Law amending Chapter 240 of the Code of the Town of Yorktown by adding a new Article III entitled “Low-Pressure Sewer Systems.”

NOTICE IS HEREBY GIVEN that a public hearing will be convened by the Town Board, Town of Yorktown, Westchester County, New York on the 6th day of October, 2020 at 7:30 o'clock PM, or as soon thereafter as the same can be heard, 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.”

Public Hearing to consider the application filed by Danny Porco, NY Fuel Distributors, LLC for a Special Use Permit for a Gas Station located at 3700 Barger Street

NOTICE IS HEREBY GIVEN that a public hearing will be reconvened by the Town Board, Town of Yorktown, Westchester County, New York on October 6, 2020 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, NY at 7:30 pm o'clock or as soon thereafter can be heard to consider the application filed by Danny Porco, NY Fuel Distributors, LLC for a Special Use Permit for a gas station located at 3700 Barger Street, Yorktown, NY, also known as Section 16.07, Parcel 1, Lot 43. The request is to demolish the existing Getty Automotive Service Station and replace it with a new gas station and convenience store with a 2,200 square foot canopy and associated appurtenances.

12. RESOLUTIONS

Authorize Supervisor to sign a contract with ESI Employee Assistance Group for an Employee Assistance Program

Authorize the Supervisor to sign a contract with ESI Employee Assistance Group for an Employee Assistance Program, at a total annual cost of \$24.00 per employee.

Authorize Library Director to sign an agreement with Automated Control Logic, for on-call monitoring of the Library’s mission-critical equipment in an amount not to exceed \$4,000.00

RESOLVED, that the Library Director is authorized to execute an agreement with Automated Control Logic, for on-call monitoring of the Library’s mission-critical

equipment, in an amount not to exceed \$4,000. The term of the contract will be retroactive from April 1, 2020 through December 31, 2021.

Authorize Supervisor to execute a release with Progressive Max Insurance in connection with damages sustained to a Town Fire Hydrant in the amount of \$3,760.66

RESOLVED, the Supervisor is authorized to execute a release with Progressive Max Insurance for an amount of \$3,760.66 in connection with damages sustained to Town Fire Hydrant at Route 202 - 2595 Mercer Court.

Authorize Comptroller to pay out the cash value of unused time as of retirement date

Be It Resolved, that the Town Board hereby authorizes the Town Comptroller to pay Kim Angliss-Gage the cash value of unused time as of her date of retirement:

Rate of Pay:	\$38.1724	
Sick	1400.00 hours @ 700.00 hours x	50% = 700.00 hours \$38.1724 = \$26,720.68
Vacation	122.50 hours x	\$38.1724 = \$4,676.11

Longevity
\$1,600 / 261 days = \$6.13 per day
03/04/20 to 08/31/20 = 150 days
150 days x \$6.13 = \$919.50

Total \$32,613.29

Be It Further Resolved, that the Comptroller is hereby authorized to transfer funds for the purpose of this payout at retirement as follows:

From:		
SR909.8	Refuse/Recycling Fund Reserve Employee Accrued Benefits	\$26,720.68
SR7210.101	Refuse/Recycling Salary	\$4,676.11
SR7210.106	Refuse/Recycling Longevity	\$ 919.50
To:		
SR7210.108	Refuse/Recycling Lump Sum Payments	\$32,613.29

Authorize Comptroller to process the following Budget Transfer for the Water Department

BE IT RESOLVED, that the Town Comptroller is hereby authorized to make the following budget transfer:

Transfer \$6,000 from the Water Department Equipment Vehicles line (SW.8340.0201.0002) to the Water Department Equipment line (SW.8320.0200) for the purchase of a generator for the French Hill tanks site.

Authorize Comptroller to process the following Tax Certiorari Proceedings affecting Tax Parcel 15.16, Block 1, Lot 25 - 1870 East Main Street

WHEREAS, tax certiorari proceedings were instituted challenging the assessment for parcel known as Section 15.16 Block 1 Lot 25, 1870 East Main Street on the Tax Map of the Town of Yorktown, now therefore be it

RESOLVED, that the tax certiorari proceedings affecting tax parcel 15.16 Block 1 Lot 25 Account Number 0544500, owned by Jonmaros Food Corp. for assessment roll years 2015, 2016, 2017, 2018 and 2019 are settled as set forth in the proposed stipulation as follows:

Roll Year	Assessed Value From	Assessed Value To	Reduction
2015	23,100	17,284	5,816
2016	23,100	17,273	5,827
2017	23,100	17,213	5,887
2018	23,100	17,187	5,913
2019	23,100	17,795	5,305

Authorize Comptroller to release Escrow Deposit for Street Opening Permit #018-006 in the amount of \$1,000.00 for work done at 3211 Lakeshore Drive

Resolved, that upon the recommendation of the Highway Superintendent Dave Paganelli, the Comptroller is authorized to release the Escrow deposit for Street Opening Permit #018-006 in the amount of \$1,000.00 for work done at 3211 Lakeshore Drive to ECO Contracting & Management, 61 Whitman Road, Yorktown Heights, NY 10598.

Authorize Comptroller to release Escrow Deposit for Driveway Permit #DR1233 in the amount of \$500.00 for work done at 2346 Hawthorne Drive

Resolved, that upon the recommendation of the Highway Superintendent Dave Paganelli, the Comptroller is authorized to release the Escrow deposit for Driveway Permit #DR1233 in the amount of \$500.00 for work done at 2346 Hawthorne Drive to Anthony Commentucci, 944 N. Broadway, Suite 201, Yonkers, NY 10701.

Authorize Town Supervisor to Renew a Professional Services Agreement with Fred Cook Inc. in the Not-to-Exceed Amount of \$25,000 for a Town-wide Program to Perform TV Inspection of Sewer Pipelines

WHEREAS,
 1. The Town sewer infrastructure is approaching 50 years old in many locations and a program of regular inspections is needed to assess current pipeline conditions and to identify areas that will need rehabilitation or replacement in future years. In addition, as a public-owned treatment works with a SPDES permit, the Town has in

place a Capacity, Management, Operation and Maintenance Plan (CMOM) that obligates us to regularly assess the sewer piping system and to prioritize short term and long-term repair/replacement projects.

2. The Town started the inspection program in 2017 along Hill and Lee Boulevard and continued in 2018 along Somerston Road and Sheila Court. In 2019 the inspection program cleaned sewers along Saw Mill River Rd, Midland Drive and Allen Drive. For 2020 we will re-visit some of the prior areas around Somerston Road to confirm there is no new buildup of debris and will flush new areas that comprise collection areas within the Hallocks Mill Sewer District.

3. The project will include the following scope of work: (1) perform up to 6,000 linear feet of light cleaning in sewer pipelines; (2) perform up to 6,000 linear feet of heavy cleaning in sewer pipelines; and (3) perform up to 12,000 linear feet of television video inspection. Also includes a report that summarizes the conditions found and any follow-up work that needs to be done.

4. Since the nature of pipeline cleaning will not be known until the actual work begins, i.e. whether light cleaning will be enough to clear debris and sediment for the camera to pass through (or if heavy cleaning and root cutting will be needed), the project was bid with unit prices.

5. The Town has been satisfied with the services provided by Fred Cook Inc. and the firm has agreed to hold their pricing for a new agreement. All terms and conditions of the original agreement will remain the same.

6. The prices bid by Fred Cook Inc. were as follows: (1) Light or heavy cleaning 1,000 linear feet @ \$1.00 per linear foot; (2) Heavy cleaning including root cutting 4,000 linear feet @ \$1.00 per linear foot; (3) 14-inch diameter piping and above: 1,000 linear feet @ \$1.50 per linear foot Video inspection, DVD and final report 6,000 linear feet @ \$1.25 per linear foot.

7. The Department will use available funds for this work under Cost Code YS.8130.459 Infiltration & Inflow Control,

NOW, THEREFORE BE IT RESOLVED, that the Town Board authorizes the Town Supervisor to sign a Professional Services Agreement with Fred Cook Inc., for the scope of work as described in preceding section in the not-to-exceed amount of \$25,000.

Authorize Town Clerk to refer out a proposed Local Law amending Chapter 300-75 (A) of the Code of the Town of Yorktown entitled “ZONING.”

RESOLVED, that the Town Clerk is hereby authorize to refer out a proposed Local Law amending Chapter 300-75 (A) of the Code of the Town of Yorktown entitled “ZONING.” Section 300-75(A) of the Town Code is hereby amended to read as follows:

The Planning Board may approve the use of a site, within the C-1 Zone, that has been improved and operates with an allowed main use or uses permitted under the C-1 Zone, for a warehousing operation, provided such use is only conducted in space served by loading berths or docks and is accessed from portions of the building or buildings not visible from the main frontage of the site, any customer entry of any main uses, or a facade of any main use. Adequate provision shall be made for the off-street parking of all vehicles which would use the terminal, and provided that access and service drives are located so as to avoid unsafe conditions and traffic congestion. The Planning Board may also approve a self-storage warehouse operation either integrated into a building or buildings of a retail shopping center or as a stand-alone single-use development not operated with another main use within the C-1 zone under the provisions of this Section 300-75. Self-storage operations that are stand-alone single-use developments may be accessed from portions of the building or buildings visible from the main frontage of the site provided the individual storage units are primarily accessed from the interior of the building. Individual storage units may be accessed from the exterior only on facades that do not face or front on public roads provided such elements are designed and/or buffered to the satisfaction of the Planning Board.

Self-storage warehouse operations permitted hereunder shall comply with Subsections A, J, K, and L of Section 300-79 of this article, except that no residence for the use of the owner of the facility and/or a caretaker shall be permitted.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

Authorize Town Clerk to refer out a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING.” by adding a new Article XXI, entitled “Planned Design District Overlay Zones”

RESOLVED, that the Town Clerk is hereby authorize to refer out a proposed Local Law amending Chapter 300 of the Code of the Town of Yorktown entitled “ZONING.” by adding a new Article XXI, entitled “Planned Design District Overlay Zones”, as follows:

This Article regulates the location, design, occupancy, and use of structures and the use of land within the areas known as the “Planned Design District Overlay Zones” (hereinafter “PDDOZ”) within the Town of Yorktown. The primary purpose of this Article is to institute legally enforceable and unique Planned Design Districts (“PDDs”) adopted herein or prospectively, based upon and in furtherance of the goals established Chapter 4 of the Town of Yorktown Comprehensive Plan adopted on July 15, 2010 (hereinafter “the Comprehensive Plan”) and as hereinafter amended.

BE IT FURTHER RESOLVED, the Town Board declares its intent to act as Lead Agency.

Authorize Town Clerk to advertise Bid for Annual Maintenance and Emergency On-Call Service for Town Boilers, Burners, and Furnaces

Resolved, that the Town Clerk is authorized to advertise a Bid for Annual Maintenance and Emergency On-Call Services for Town Boilers, Burners and Furnaces.

13. ADJOURN

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

Dated: September 15, 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, September 15, 2020. The Town Board will open the meeting and then vote to go into an Executive Session beginning at 6:30 p.m.

Please make sure to register in advance if you would like to speak at Courtesy of the Floor 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. 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.