

Zoom Teleconference Meeting of the Town Board, Town of Yorktown held on Tuesday, October 20, 2020 held in Yorktown Heights, New York 10598.

Present: Matthew J. Slater, Supervisor  
Thomas P. Diana, Councilman  
Edward Lachterman, Councilman  
Vishnu V. Patel, Councilman  
Alice E. Roker, Councilwoman

Also Present: Diana L. Quast, Town Clerk  
Adam Rodriguez, Town Attorney

#### TOWN BOARD MEETING

Supervisor Matthew Slater called the meeting to order.

#### EXECUTIVE SESSION

Upon motion made by Councilman Diana, seconded by Councilwoman Roker, the Town Board moved into Executive Session to conduct interviews, discuss individual personnel issues, litigation, and legal negotiations. Upon motion made by Councilman Lachterman, seconded by Councilman Patel, the Town Board moved out of Executive Session and proceeded with the meeting.

#### PLEDGE OF ALLEGIANCE

Supervisor Slater led the Pledge of Allegiance.

#### MOMENT OF SILENCE

Supervisor Slater asked all to join him in a moment of silence to remember our soldiers protecting our freedoms overseas, those battling the COVID-19, the lives lost due to the pandemic, and all of our first responders who continue to perform incredible work on behalf of our community.

#### REPORT FROM TOWN SUPERVISOR MATTHEW SLATER

Supervisor Slater introduced those in attendance.

Supervisor Slater announced the updated COVID count: 39 active cases (up 6 from yesterday). He said regionally the numbers have continued to climb: 6 deaths due to COVID this past week in Westchester County in comparison to the entire month of August when we had only 6 COVID deaths. He said County Executive George Latimer told him hospitalizations, as of yesterday, were at an estimated 50 but we were at roughly 30 hospitalizations just two weeks ago. Westchester County has 1,000 active cases and that is equivalent to the active caseload we had on June 6. The County has passed an Executive Order that mandates masks for all schools. They are also looking at youth sports and proper steps to be taken.

Supervisor Slater said Junior Pool was closed this past summer and the cement pour is now scheduled for this Friday, October 23.

Supervisor Slater announced the new EAP Program for employees and beginning this November, there will be mandated diversity, sexual harassment, and workplace violence training.

Supervisor Slater thanked the Water Department for their response to the water main break on Nutley Circle. He also thanked the Refuse and Recycling Department for continuing to go out and provide bulk pick up service. He also thanked Town Clerk Diana Quast and Highway Superintendent Dave Paganelli for their help in repositioning the flagpole at Veterans Field on a flatter piece of ground directly across the street from the American Legion. Supervisor Slater thanked Parks & Recreation Superintendent Jim Martorano for his help organizing a potential Eagle Scout project that will create a sidewalk or plaza around the flag.

Supervisor Slater announced the Yorktown Fall Farm Weekend, which will take place November 7<sup>th</sup> and 8<sup>th</sup>. All of the farms in Yorktown will be participating. He said our farms are proving to be a terrific asset for our community, especially now. He thanked Greg Brown and Tom Deacon (Fable Farms) for spearheading the event.

Supervisor Slater announced the Community Coalition of Safety and Engagement (CCSE) will be back this Thursday, October 22 at 7:30 p.m. This coalition was formed to make sure the Town is in

compliance with Governor Cuomo's Executive Order 203. This meeting will have listening sessions and Supervisor Slater asked members of the public who wish to speak on a matter regarding the Yorktown Police Department to register with the Town Clerk, Diana Quast. The meeting will be held via Zoom; it will also be live on the website and on our government access channels.

Supervisor Slater said he has heard from residents regarding the traffic lights on Route 202 by the Lowe's development and Taconic Parkway questioning if they were cycling properly. Highway Superintendent Paganelli spent time there yesterday observing the lights. Supervisor Slater said he and Superintendent Paganelli sent a letter to the Department of Transportation because it is a state road and need their support in order to request they come down and review the cycling of the lights and the equipment that has been installed to make sure that the lights are working properly. Supervisor Slater said he also reached out to Senator Harckham and Assemblyman Byrne to lend a helping hand with this issue.

Supervisor Slater said the Tentative Budget will be released on October 26. He will be doing a presentation to begin the budget process for 2021.

#### REPORTS FROM TOWN COUNCIL

Councilwoman Roker addressed an email from a resident regarding the use of air guns in the Town of Yorktown. She read from the Town Code: "the discharge of any air gun, air pistol, or any similar device on any street, any park, any public roadway is prohibited in the Town of Yorktown." However, she said, they are permitted on private property. Councilwoman Roker said the second part of the question was "what if somebody points an air gun at you?" She said that after speaking with Chief Noble, the recommendation is a complaint be filed with the police department, as this is considered reckless endangerment.

Councilman Lachterman reminded everyone that there is a farmer's market that runs every Wednesday at the Jefferson Valley Mall from 3:30 p.m. to 6:30 p.m. and will run until November 18<sup>th</sup>. He also announced the Trunk or Treat Car Parade will also be held at the mall where the public can drive through and pick up candy for children. This event is being sponsored by the Yorktown Chamber of Commerce and the Yorktown Lions. Registration is on the Jefferson Valley Mall's website. There will also be a screening of "Hocus Pocus" sponsored by the Yorktown Parks & Recreation Department. Registration is through the Parks & Recreation Department and there is a fee. Councilman Lachterman said the committee who does the Veterans' Day Parade is still trying to work out the particulars of having a parade where the veterans are sitting on the sidelines, socially distanced, and residents can drive past and pay their respects. He also announced there will be a new program started by the Sons of the American Legion called the Yorktown Honor Fields, which will be similar to the Honor Row in Carmel with flags.

Councilman Patel said the coronavirus is back and affects people in different ways. He stressed the importance of protecting yourself, particularly wear a mask. He also asked that people dispose of their used masks appropriately.

Councilman Diana reported that there was a very successful fundraiser for the police department on Sunday. He said he was in a conversation with Chief Noble who expressed an interest in buying an item called a bola wrap for the department. A bola wrap is a remote restraint device used in law enforcement. He said they raised enough money to buy three bola wraps. Councilman Diana continued to explain how and in what circumstances a bola wrap could be used. He asked the Board to allow the police chief to spend no more than \$8,000 (the bola wrap costs \$1,200 apiece) to outfit the ten that he needs plus the training cartridges; with that price comes a trainer who will train one person to train the rest of the department.

Supervisor Slater said he had an update on the fluoride project taking place off of Old Crompond Road. He said the new electrical infrastructure is underway by Acorn Electric. They were able to reuse a transformer on the site that saved approximately \$5,000. Acorn is currently working with a Con Edison field crew on the service feed to the facility – once complete, they can distribute the power through the structure. ELQ, the general contractor, started the demolition work and is planning to start on the building modifications. All major equipment items have not been submitted and the Engineering Department is tracking the review status and planning for site deliveries.

Town Clerk Diana Quast reminded the public that applications for absentee ballots must be postmarked by October 27<sup>th</sup>. You may obtain an application for an absentee ballot from the Town

Clerk's office or from the Westchester County Board of Elections. Early voting will take place at the Albert A. Capellini Community and Cultural Center, 1974 Commerce Street. She asked the public enter from the Veterans Road entrance to the back of the building. Ms. Quast then announced the days and times for early voting. This information is available on the Town's website, as well as having been published in the local newspaper.

#### REPORT FROM HIGHWAY SUPERINTENDENT

Superintendent Paganelli said his department is keeping their eye on White Hill and Mark Road littering issue and believes it is getting a little better. He said the paving is continuing and is very happy with the way it is turning out. Superintendent Paganelli said the milling process seems to be relatively cost effective and thinks they have found a method to make it more cost effective. He is going to look into purchasing a used screener. If they screen millings, they should be able to sell them for added value in addition to the \$2.90 per ton they save on milling because they take the milling themselves instead of having to dispose of them.

Superintendent Paganelli said the banner on Veterans Road is looking good and thanked the Yorktown Central School District and said they did a good job with it. He also said the end of Veterans Road near Greenwood Street is collapsing; they have done a temporary repair, but the situation is already way beyond a temporary repair. He said he has been working with representatives from Con Edison who are doing the upgrade of the pipeline in town and have put in their work orders for paving. They will begin paving on Hanover and Commerce and then move over to Broad Street. Superintendent Paganelli said he is also still working with Con Edison in reporting trees that may affect power lines.

Supervisor Slater asked Superintendent Paganelli if the Hill Street culvert project would not begin before Election Day and the Superintendent said no it will not. The two talked about reported trees that had been reported as possible threats to power lines.

Councilman Lachterman asked if the milling/paving work would be done at night or the day since it could potentially affect traffic into Town. Superintendent Paganelli said he would have to check. Councilman Lachterman also asked if NYSEG is doing anything similar to Con Edison in the dangerous tree removal and was told no.

A discussion occurred regarding communication with the utility companies. Councilman Patel commented that numbers should be published so that people can be in touch with the utility companies. Councilman Lachterman cautioned that there should be a chain of command when communicating with the companies to avoid miscommunication. Supervisor Slater said the Highway Superintendent has done an excellent job of communicating with both companies. Superintendent Paganelli proceeded to explain the process of reporting problems during a weather event.

#### PROCLAMATIONS

Supervisor Slater issued proclamations to the following organizations:

#### BREAST CANCER AWARENESS MONTH

Supervisor Slater said he wanted to take time to acknowledge and recognize Breast Cancer Awareness Month, particularly the great work that Support Connection has done for the past 26 years. He introduced the founding Executive Director of Support Connection, Kathy Quinn. Supervisor Slater quoted astounding statistics of how breast cancer affects women in this country.

Ms. Quinn thanked everyone and the people of Yorktown for their support. She spoke of how the counselors at Support Connection are themselves cancer survivors and are great resources for anyone experiencing breast or ovarian cancer. She also thanked those who participated in their fundraising walk.

#### GERMAN-AMERICAN HERITAGE MONTH

Supervisor Slater announced this month as German-American Month and introduced Linda Doerr who is an active member of the German American Club in Putnam County. Mrs. Doerr thanked the Supervisor for the recognition on behalf of those Germans who chose to make the United States their home. Through hard work, intelligence, and determination, they have been able to contribute to towns like Yorktown. She related stories of her heritage and activities with German American societies and the history of the German ancestry of many families in Town.

### ITALIAN-AMERICAN HERITAGE MONTH

Supervisor Slater announced this month as Italian-American Month and introduced Dottie LaScala, who is a member of the Circolo daVinci organization in Yorktown. Mrs. LaScala spoke about the scholarships that her organization gives out each year and this year they gave ten scholarships of \$2,000 each to outstanding students. Mrs. LaScala said Circolo daVinci has been in Yorktown for 38 years and has over one hundred members. By sharing their heritage the organization helps remind the community of all of the contributions Italians and Italian-Americans have made and continue to make.

### NATIONAL DOMESTIC VIOLENCE AWARENESS MONTH

Supervisor Slater announced this month as National Domestic Violence Awareness Month and introduced Carla Horton, representing Hope's Door here in Yorktown. Ms. Horton said they are working with the Yorktown Police Department and the Westchester County Domestic Violence High Risk program, which is a countywide expansion of a program they started in northern Westchester with five towns. She said every time a police officer goes to the home of a domestic incident call, the police officer will conduct a screening of the person to see if they are in a high risk category. If those factors are present, the police can call a special hotline number to link that person with safety planning strategies, and speak with a skilled advocate to keep themselves and their families safe. The program has expanded to other towns and is now being taken countywide. Their hotline number is 1-888-438-8700.

### PEEKSKILL SEWER DISTRICT WORK PLAN

Supervisor Slater introduced Town Engineer Michael Quinn, and from EDR: Cosimo Pagano, Bob Butterworth, and Mike Tamblin to present an update on the Peekskill Sewer District Work Plan.

Mr. Quinn said that last week at the Town Board work session to discuss a draft work plan, which relates back to a Consent Order that the Town signed with the Department of Environmental Conservation last year. The Inflow and Infiltration Flow Study (I&I) has been completed and, as a result of that study done in the Peekskill Sewer District, we have a couple of areas that need a more focused investigation. The report, which summarized all of the data collected, has been posted on the Town's website. The conclusions from the report are being used as the basis for a work plan. The work plan is the next milestone in our agreement with the DEC, which we have to submit by the end of October and once submitted, we will be looking for the DEC to approve it. After this we will be looking to put the plan into action.

The EDR representatives laid out what is included in the work plan for next steps to be done for the focused investigation.

Mr. Pagano gave a history and background to the project. He said prior to the Consent Order being signed by the Town, the DEC contacted the Town about doing the Inflow and Infiltration Flow Study in both the Hallocks Mill and Peekskill Sewer Districts. The Town, in conjunction with EDR, negotiated with the DEC to isolate certain areas of the Consent Order mandated by the state to the Peekskill District only. The I&I study further isolated areas within the Peekskill District. Flow monitors and flow meters were installed in 12 locations. The study recommended further evaluation based on what you would anticipate being typical wastewater flow for a collection system of this type and size: highly residential with some commercial districts. Mr. Pagano said there are two areas recommended for further evaluation under the SSES (Sewer System Evaluation Survey) portion of the project. The two areas combined total approximately 46,500 linear feet of collection system. The work plan proposes to clean these sewer lines and send cameras in to look for structural defects that may impede wastewater collection. Mr. Pagano said the Town had successfully negotiated one-sixth of the capital investment of doing the entire collection system, which was first going to be mandated by DEC, down to isolating it to these two particular areas. The step they are on right now, which is due to the DEC by October 30<sup>th</sup>, is outlining a work plan for how the Town is going to conduct their inspections and subsequent smoke and dye testing. The DEC has thirty days to review and comment on the work plan and/or authorize it. After authorization is received, the work plan will be put into place over the next 18 months from the date of approval.

Councilwoman Roker asked when you have areas like this that are just taking in all of the rainwater and everything else, how is that stopped. Mr. Tamblin said there are a couple of ways to do this: lining the sewers to prevent the water from penetrating the joints, or the connection of catch basins to separate some of the areas that may be connected.

Mr. Butterworth said the most difficult piece that might occur, you could have one area that could have a fault that's partially deteriorated pipe in the ground and all the drainage in the low area could go to it. Also difficult would be if you have basement sump pumps or roof leaders tied to the collection system.

Supervisor Slater said there are few things that were brought up at the last work session that need some clarifying. The price tag for the project seems to be pretty wide. He said the Town Engineer said about \$150,000, EDR said higher than that. Supervisor Slater asked if we have a definitive cost estimate to complete this portion of the work required by the State. Mr. Tamblin said the Town should be budgeting \$700,000. He said this can vary significantly based on what type of cleaning has to be done to the pipe before they can put the camera in. Mr. Tamblin said this is very specialized work with only a certain number of contractors who perform it, and it can also vary depending on availability and timing of when they put a price in. Mr. Butterworth said this is important to know because there is only a small portion of the project that is fixed cost – most of the costs are variable – either time in the field to oversee it or the length of time the people take to clean it and do the camera inspection. He said they have done the best they could in terms of estimating how much of the collection system would have to undergo heavy cleaning. If that does not occur, that means a shorter period of time, most of the sub work that would work for them would be less, their time in the field would be less. He said this could not be predicted yet. Mr. Butterworth recommended that those pieces of the project be incorporated, but in a way that it's a unit price approach.

Councilwoman Roker asked if it is normal to perform maintenance on the sewer systems. Mr. Butterworth said the Town is doing a certain amount of testing per year but it takes very long to cover it and now the Town is charged by the regulatory agency to get it all done in 18 months. Supervisor Slater clarified this by saying just this portion of it. Mr. Butterworth said based on what you find in the evaluation, the Town would have to budget the work and spread it out. Councilwoman Roker said that when Mr. Quinn said this is three parts; the \$700,000 may not cover the final piece. Supervisor Slater said it's safe to say that it would not. The third piece would be the improvements that would need to be done as a result of the SSES study.

Supervisor Slater asked EDR to explain how the work being done in these two basins will benefit the entire district. Mr. Butterworth said it does because the whole district was under a Consent Order; therefore, any work that the Town does just saves all the maintenance for the entire district for the defense with the regulatory agency. He said what they don't know is how the Town's law is written relating to that.

Councilman Lachterman said he is perplexed by the amount we were given of \$150,000 but a contingency is usually 10-15%. He said the Town is now looking at a \$700,000 project, and where was the disconnect?

Mr. Quinn offered the background to this. He said the Town has been doing CCTV work (camera inspection) of the sewer pipes for the last 4 years – typically 2 miles per year. Using the rates the Town has been paying (\$3/foot) is how Mr. Quinn derived a cost of \$25,000 per year doing 2 miles. This project is slightly over 9 miles and by using the same math is how he derived the \$150,000 in just doing the CCTV work. He said the numbers EDR is using includes their proposing to oversee the work on a daily basis. Mr. Quinn said the Town does not have the resources in the sewer department that they could be overseeing the camera work for 8 to 10 weeks. It requires a person present, as well as traffic control and at the end of the CCTV work, EDR will generate a report. Mr. Quinn said he believes this is how they moved towards a top-line budget and EDR is basing that on some experience they had with another municipality in New York State.

Councilman Lachterman said that this is a \$500,000 in engineering fees and we have an engineering department. He said he understands that this is a big job but \$500,000 for \$150,000 worth of work seems upside down to him.

Mr. Quinn said, again, he just gave a number based on the CCTV work. He said this work plan has some assumptions built in that 15-30% of the work that is being done with the cameras will raise other issues and so in their (EDR) budget there are added costs for difficulties. Mr. Quinn said, however, that the Town has been doing 2 miles per year for the last 4 years and has not had any of those anticipated issues. Mr. Quinn said that EDR also added in costs for smoke testing and dye testing. So if we do find issues and have to do further investigation to isolate a broken pipe or a

problematic connection of some sort, they included additional costs for that, as well. Mr. Quinn said it is not just strictly EDR's brainpower that they are going to provide.

Councilwoman Roker asked Mr. Quinn if it is prudent to do what they want to do in terms of the additional smoke and dye tests and Mr. Quinn replied yes. Mr. Butterworth stated that smoke and dye testing are also part of the Consent Order.

Councilman Diana said his problem with this is that the Town announces that this project is going to cost \$150,000 and now the Town is being hit with three-quarters of a million dollars and where does this money come from? He said the Town isn't going to just bond \$400,000 and have it cost \$600,000 – he said he would rather give back then have to re-bond again. Councilman Diana asked why wasn't the Town given the worst case scenario first instead of piecemeal.

Councilwoman Roker pointed out that EDR did not give the Board the \$150,000 estimate; Mr. Quinn did. Councilman Diana agreed.

Mr. Quinn said he gave the \$150,000 budget based on the costs of what the Town spent on CCTV inspections in the past and Councilman Diana said that they knew it would have to go further than that for this procedure. He then asked for confirmation of this from the EDR representatives who told him yes. Councilman Diana concluded that this falls on the Town Board because they did not ask the right questions.

Councilman Lachterman agreed that this was like reading between the lines, which they should not have to do as they have professional staff that should be doing a breakdown for them. Mr. Quinn said his department knows how to do smoke and dye testing, as well as CCTV inspections, and that this was a different approach to go out to a consultant for the entire project. He said it is not fair to say this was a \$150,000 project and now it is a \$70,000 project – it is a different project. Councilman Diana said he should have laid this out to the Board step by step so they can go to their constituents and everybody is advised.

Supervisor Slater said the bigger problem they have is payment and thanked the Comptroller for working on this. He said the bottom line is that this can only be paid for by the districts within the Peekskill Sewer District and right now their fund balances cannot sustain \$750,000 in expenses. He said we are really limited in our abilities and one of the things they are investigating is a 5 year ban for those sewer districts within the Peekskill District to pay for the work. He said there also may be additional work on top of the testing and inspections as a result of the SSES. Supervisor Slater said his frustration comes from trying to put together a financial picture or package and not having the whole picture. He said they need to know exactly what they are trying to finance so that when they are working with the finance team and bond counsel, it's not 15 rounds until they get to a final number.

Councilman Diana said they will now have to go out to RFP (Request for Proposals) or bid for this. Supervisor Slater said that to spend \$700,000 plus there is a procurement issue and there hasn't been, to his knowledge, an RFP put forward to cover the cost for the scope of the work, so that's another issue that they will have to deal with.

Councilwoman Roker asked Mr. Butterworth how far out the RFP they got to perform the study went. Mr. Butterworth said the resolution that was passed giving the study to EDR had some wording in it that said the Town Board could ask them to do additional services that were not defined. Councilwoman Roker said her concern is that the Town has this work done but doesn't know what is down the line. Supervisor Slater read from the resolution that was passed.

Councilman Patel said this cost will have to be calculated for those residents within the Peekskill Sewer District. Supervisor Slater said there are 6,363 units within the Peekskill District. He said he had a draft if there was a five-year ban for \$750,000 and what the first year payment would be, including interest. He said this is the only way the Town can feasibly finance a \$700-750,000 project. Councilman Patel asked roughly how much an individual homeowner would have to pay. Supervisor Slater said he did not have it broken down by individual homeowners but by each district, as a whole, within the Peekskill Sewer District. He said, for example, in Mohegan East the first year's payment would deplete their entire fund balance. Supervisor Slater said the Town Board would need to have a conversation, relatively soon, about how they want to proceed beyond this point. He said the work plan speaks for itself but the Board needs clarification as to whether or not

the paragraph regarding additional assistance in last year's resolution allows us to move forward without having to go back out with an RFP.

Councilwoman Roker said that clearly bonding will need to be done for this and Supervisor Slater agreed saying he sees no feasible way to pay for this without a 5-year ban. Councilwoman Roker said the Board has to remember that DEC has given them a schedule in which to complete the work. Supervisor Slater said that yes, this is a state mandate.

Councilman Diana said the amount of work that has been done is only a partial amount of what needs to be done in order to fulfill the state's order. He said he guesses the time limit we have left on that order is next to nothing in order to complete the project. He was informed the 18 months is from the time the work plan is approved by the DEC. Mr. Butterworth said the schedule for the third phase for any rehabilitation work, which they do not know how much it would be at this point, is something that gets decided depending on how they were to prepare and they would not do this without consulting the Board.

Supervisor Slater said that, at this point, the Board should approve the work plan, if there are no objections. EDR can then submit it to DEC for their review/approval. In the meantime, he said, the Board would have to work diligently to understand the financing and the bidding issue.

Supervisor Slater and the Board thanked EDR for the work they are doing.

#### POET LAUREATE

John McMullen recited an original poem "Changing Leaves."

#### ACCEPT THE RETIREMENT RECEIVED FROM DIANE SCHIAVONE FROM THE BUILDING DEPARTMENT RESOLUTION #343

Upon motion made by Councilwoman Roker, seconded by Councilman Patel,

Resolved, that the Town Board accepts Diane Schiavone's Notice of Retirement from the Building Department effective October 9, 2020.

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

#### COURTESY OF THE FLOOR

The following members of the public spoke:

Jay Kopstein, resident, spoke about how, as supervisor, Supervisor Slater is both a Legislator and Chief Operating Officer for the Town and the other Board members are Legislators and liaisons designated by the Supervisor. He said utility companies only give out key personnel phone numbers to a few individuals and in Yorktown that should be the Supervisor or his designee, the Police Chief or his designee, and the Highway Superintendent or his designee. Nobody else in the Town should have those numbers. If others have these numbers, calls will be ignored.

Upon motion made by Councilman Lachterman, seconded by Councilman Diana, Courtesy of the Floor was closed.

A discussion took place regarding communication with the utility companies during storms. Supervisor Slater stated that Optimum (internet and phones) was an utter failure during the hurricane. He said he was given a liaison that communicates directly with his office so if a resident has Optimum-specific questions or issues, they can call him directly.

#### ADOPT LOCAL LAW NO. 12 OF 2020 AMENDING CHAPTER 240 OF THE CODE OF THE TOWN OF YORKTOWN BY ADDING A NEW ARTICLE III ENTITLED "LOW-PRESSURE SEWER SYSTEMS" RESOLUTION #344

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

Whereas, a public hearing was held on the 6<sup>th</sup> day of October, 2020 pursuant to notice duly published as required by law 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.”

Matthew J. Slater, Supervisor	Voting	Aye
Thomas P. Diana, Councilman	Voting	Aye
Edward Lachterman, Councilman	Voting	Aye
Vishnu V. Patel, Councilman	Voting	Aye
Alice E. Roker, Councilwoman	Voting	Aye

Local Law No. 12 of 2020 is hereby adopted.

**SPECIAL USE PERMIT REQUEST FILED BY DANNY PORCO, NY FUEL DISTRIBUTORS, LLC TO DEMOLISH AND REPLACE EXISTING GAS STATION – 3700 BARGER STREET**

Supervisor Slater commented that within the resolution they are considering there are conditions included. He introduced various parties related to the project for discussion.

Supervisor Slater stated the Board had a decision statement to approve the Getty Station located on Barger Street. The applicant, Leo Napior, asked for some clarifications of the resolution beginning with page 7, condition number 4 regarding a lighting plan. He said they have had a lighting plan in their package all along and that it would come back before the Town Board for approval and not the Planning Board. Director of Planning John Tegeder said it does not need to come back to the Town Board; Chapter 200 designates the Planning Board as the approval authority for lighting plans so that is where it needs to go. Mr. Tegeder acknowledged that the lighting plan exists in their package but the Planning Board could not rightfully approve it without having an approved site plan to approve it against. Mr. Napior asked if this is a separate application and Mr. Tegeder said he would get him on an agenda for the lighting plan.

Mr. Napior said condition no. 7 spoke about providing sufficient landscaping on the front yard setback and they have had a landscape plan and are not sure what the Town is looking for. Mr. Tegeder acknowledged that there is a landscape plan – the regulation does call out that along the road frontages you need to have the first five feet landscaped and they do have at least one of the islands that is in front of Barger Street as still having concrete and he suggests that they re-look at the landscape plan in particular since they have the one ingress/egress curb cut. Mr. Tegeder said if the Town Board chooses that the landscape plan as shown is sufficient, then that is fine; it is just that the regulation specifically states that the first five feet need to be landscaped.

Rich Williams, Insite Engineering, stated that just as a point of suggestion to move past that issue, up on the corner of the property they can add some additional landscaping around their sign; however, most of that island is in the DOT right of way and their concern will be sight distance. He said, if acceptable, grass could be used to fill in that strip. Mr. Napior said that it may be an issue to have to widen the island to accommodate the 5-foot landscaping because it may “pinch down” the travel aisle between the curb and the pumps. Mr. Tegeder said he does not read it as a “must,” as this is an existing site and it makes sense, given the size of it, to not need to expand that to comply rigidly with that part of the regulation.

Councilwoman Roker asked if there was a landscape plan in the last submission the Board was given and Mr. Napior displayed the current landscaping plan and showed the area in question where grass could be planted.

Mr. Napior said he questioned condition no. 8, which references a plan detailing site alterations and then alternative access required at the southern side of the property. He said he is just not sure what he is doing with the plan that is satisfactory to whom, required by whom, and what he is trying to achieve there. Mr. Tegeder said it would be satisfactory to this Board since they are the approval authority. He said, as discussed, there were issues with intersection and the work of the Town requires that they look at it and remain knowledgeable of what is coming at them in the future and remain flexible in their ability to solve the problems to the greatest extent possible by everything that surrounds the areas they are looking at. Mr. Tegeder said the possibility of other access was previously discussed that may be possibly needed for other developments and this is a plan that would show and inform the Board of the possibilities that they may be grappling with in the future.

Mr. Napior asked to speak about this now, hypothetically. He said in theory the Board approving this plan now would have his building set. Once the building is built, he said they would not be



knocking the building down and moving pumps and tanks and buildings. He said there is a ten-foot wide strip where the building is set ten feet off the property line. For example, if the property owner behind him wanted to come up with a new stream crossing, he/she would have to negotiate an access easement with him that would essentially wipe out all of his parking, which is of importance to the project. He said he did not know how to design for a future hypothetical that may not come that may also involve the neighbor below them. He is looking for direction from the Board as to how to tackle this without throwing his current plans into the trash.

Councilwoman Roker said they are actively looking to get a development on the property behind theirs; therefore, there has to be some way out of that property. She said she understands what Mr. Napior is saying and the need to cross over the property. Mr. Napior said he thought the neighbor is on record as saying he had no objections to his plans and believed they have improved the intersection – all in all, it was an improvement for the neighborhood and the intersection. Councilwoman Roker said the neighbor did say this. Mr. Napior said he did not want to have a condition of approval that is impossible to satisfy. Mr. Tegeder said he did not know if it was impossible to satisfy – he mentioned the ten feet – if it requires another ten feet from the neighbor that straddles your property line, that is a possibility for a twenty-foot access way. Mr. Tegeder said, in terms of the parking, they have been recently told that the Town is in control of the spur of East Main Street and so there is a possibility that additional parking could be accommodated there. Mr. Tegeder told Mr. Napior that it is not to say that any of this will happen, but it is to say that when this project does come in and start looking at whatever use that they are able to put forward at that moment, they and the Town Board need to be able to study all of the options in order to understand the best solution possible, not just for that property, but the neighborhood and intersection. He said that is what the idea is – it is not to slow Mr. Napior's project down but to get on paper to move things, or not move things, or anticipate moving things for the purpose of having the ability and flexibility to solve that problem in the future, if it should come to that. Mr. Tegeder said the traffic engineer for that new development might prove out that a new access way there is not needed and does not satisfy or solve any impacts adequately and East Main Street is absolutely fine.

Councilman Diana discussed the potential of the new development's need for access. Supervisor Slater said that what they are trying to do is to make sure that, should this new project come to the Board, the Board will have options and understand what it would look like. He asked Mr. Tegeder to confirm his understanding that what they are looking for is a preview of what it would look like on the south side if there were access granted for that back property. This is so they have it when and if the applicant finally comes before the Board. He said the Board is doing their due diligence and being as forward thinking as they can so they are not stuck with an unsolvable puzzle.

Mr. Williams referred to the spur that the Town said was theirs. He said they talked with Land Development at the DOT early in the project and went through the title with them, going back to the 1940's and 50's. He said there is no clear record that they ever gave up anything but maintenance on the road and may still own the road. He is not sure whether anyone can decisively determine that until an actual title search is run. He said based on the titles and records that they did review, he is not sure that DOT ever gave up ownership on that. Supervisor Slater said that the last conversation they had with DOT Region 8 on this, they did state that, in fact, they believed that it was the Town's.

Councilman Diana said if they were talking about the East Main Street that runs down on the north side of the property, that was actually owned by the County. He said the County turned over East Main Street to the Town as part of the deal for Legacy Field.

Mr. Williams said an interesting thing when you start digging into the details on that spur, is that there were numerous parcels (mostly in the east) that were given to the Town and it was all done during the construction of the Taconic and the off ramp and on ramp interchange. He said, however, this last little strip from the bridge west did not show up in those records so his point is that it may not be that cut and dried. He said as they begin to look at an alternative, parking is going to be a concern and asked if they should assume that they can use the East Main Street spur knowing that it may not be, in fact, the Town's.

Mr. Tegeder said that either way, it is a public piece of property. He said Mr. Williams is right, it is a complicated problem, and the idea is for the Board to maintain as many options as they can until all of this settles. He said, unfortunately, they will have to solve them in a more piecemeal fashion rather than a cohesive fashion.

Supervisor Slater asked the Board how they felt about this condition – did they want to keep it in?

Councilwoman Roker said she wanted to keep it in. Councilman Lachterman agreed to keep it in in order to plan for the future. Councilman Diana said he wanted to speak with Mr. Tegeder more on this and asked to hold it over to the next meeting because he did not see what the ten feet would do. He spoke about shifting the building north, to which Mr. Napior said would close his egress and make turns impossible and limits truck accessibility. Mr. Tegeder said the Board may have to rely more heavily on the next neighbor if it's warranted to have another egress, unless the egress is on your property. Mr. Tegeder said the board will not know that until the exercise is completed.

Councilwoman Roker said she thinks it is better to raise the issue now than wait until we've gotten another plan in.

Mr. Napior said he feels they are being burdened with solving a problem that is not of their making and is out of their control to solve.

Councilwoman Roker said the Board is asking them to give an alternative.

Mr. Napior said, with that in mind, if some liberties can be taken where he can assume his neighbor to the south would give up 10 feet as well and the Board wants to see an access road that provides an access point into our property, then he can also assume he has leeway to do what he needs to do on East Main Street to pick up additional parking. He said since this is all theoretical, he believes he can work with Rich Williams to come up with something that may or may not ever fly.

Mr. Williams said they would not want to make the assumption the Board is okay with it that there would be a waiver for the required parking – if they could live with less parking.

Councilwoman Roker said everything is on the table now. Supervisor Slater said exactly. Councilman Lachterman said it is definitely a fair ask. Supervisor Slater agreed.

Mr. Napior said he guessed with this being said and with the conditions staying in the resolution, this plan is coming back to the Town Board for approval, his client would like to get started with construction drawings and building permits, etc., but he doesn't know how to have them invest the money into advancing those plans along with the surety that this issue has been resolved. He believes they can show the Board something but does not know if this is going to start a round of two or three meetings and left in limbo.

Mr. Tegeder said he did not believe that it would require two or three meetings. He told Mr. Napior that some of the things he (Mr. Napior) said here indicate to everybody that it is a small site and there are limitations and those limitations will flesh out very quickly and easily once pen is put to paper. It would require coming back to a meeting and explaining it so the Board knows going forward what they have to work with.

Councilman Diana asked Mr. Tegeder is this would be paper road right of way that Chadwick's property to the south and Mr. Porco's property to the north would each donate 10 feet for a possible entrance or exit in the future should it be needed. Mr. Tegeder replied that he was not sure if it would be a right of way but it certainly lays out a potential solution for the development proposal that they will probably see in the next month or so in order to understand a way forward if they find it is warranted to have an additional egress or ingress or both. It will lay out a path for them to investigate. He thinks that they will have to negotiate with the owners of this property and potentially negotiate with the owners of the southern property – the stonemason yard. He said he is not suggesting that it be a hard easement now, just that it become a part of the record that the Town has to investigate it so that when the other property owner comes in, the Board can point to them and Leo (Napior) and Rich's (Williams) team understand that there may be some further discussions at a later date regarding this potential.

Councilman Diana, seeking confirmation of his understanding, said then they would not have to redo a drawing or move a building or anything like that – it is just the 10 feet from corner to property line and then another 10 feet down?

Mr. Tegeder said he thinks it turns out to be whatever makes the most sense and believes that Rich Williams has the skill and knowledge to flesh that out. He said if it is 10 feet or 12 feet – he is not

sure – they do not know yet. He said you have to put pencil to paper and have somebody with the skill to look at it and understand what the best potential for that is. He said it would then go on a drawing that would be part of this record set for the project.

Councilman Diana pointed out an island to the east with a tree that may have to be eliminated should an egress ever go into that area. Mr. Tegeder said yes and it would be modified through a construction easement with this group by the people who propose the next development that may come through there. Councilman Diana said then the other developer would end up having to pay for that and put a bridge across the stream that goes through the back. Mr. Tegeder said yes, they would have the heavier “lift.”

Mr. Napior said just to be clear, he does not have the authorization to offer a dedication of an easement to the Town or the neighbors, which is something that would have to be worked out between the neighbor and his client. Supervisor Slater said they understand that and are in total agreement. He said they are not there to negotiate on their behalf, but he thinks it is fair for the Town Board to know what that option would be, if needed.

Mr. Napior said he thinks with what has been discussed he has enough direction to work with Rich (Williams) and the client to get something put together if the Board would be willing to act on tonight’s resolution so his client has the assurance they have a “live” project that is ready to move forward and start working on building plans.

Mr. Tegeder said he looked at the lighting section and agrees that there is nothing that definitively says “Planning Board” and he believes that the lighting plan can stay with the applicant and that section of the resolution can be eliminated.

Supervisor Slater stated that they will eliminate condition no. 4 or should it be changed so that the lighting plan approval is from the Town Board. Mr. Tegeder said that makes sense. Mr. Napior said that would be fine with them because they will have to come back to the Board with architectural plans.

Mr. Napior had one other technical comment on the resolution. He said there is a requirement in the Code that the pumps are to have a separation of 25 feet between them and they are at 22.5 feet so to the extent they are receiving waivers of some of the various setback and distance requirements and he asks that this be built into the final resolution. Mr. Tegeder agreed that the Town could do that as part of this resolution. Mr. Napior requested it be placed in the general waiver section. He said the idea there was to keep the travel aisle between the building and the pumps at a wider distance. Mr. Tegeder agreed that this creates a better situation and he suggested that the waiver be granted on that basis because having the clearance between the building and the canopy and the pumps is far more important than the couple of feet between the gas pumps.

Supervisor Slater reminded everyone that this has a sunset of one year without a building permit.

ADOPT LEAD AGENCY, NEGATIVE DECLARATION AND APPROVING RESOLUTION GRANTING THE AMENDED SPECIAL USE PERMIT REQUEST FILED BY DANNY PORCO, NY FUEL DISTRIBUTORS, LLC TO DEMOLISH AND REPLACE AN EXISTING GAS STATION LOCATED AT 3700 BARGER STREET  
RESOLUTION #345

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

Whereas, NY Fuel Distributors, LLC. (“NY Fuel” or the “Applicant”) filed an application to the Town Board of the Town of Yorktown proposing to redevelop the instant parcel known as the Getty Gasoline Filling Station #6712 (“Getty Station”), which is located on certain real property, located south of Route 6 at 3700 Barger Street and owned by Power Test Realty Company, Jericho, New York, also known on the Town Tax Map as Section 16.07, Block 1, and Lot 43 (the “Property”), which is situated within a C-4 zoning district; and

WHEREAS, NY Fuel, in order to facilitate the re-development of the existing Getty Station submitted an application to the Town Board of the Town of Yorktown for a Special Use Permit for a Gasoline Filling Station pursuant to Town Code Section §300-46, dated August 23, 2019; and

WHEREAS, on January 3, 2017, the Town Board adopted a resolution approving the application of GLOBAL MINTELLO GROUP CORP. (“GLOBAL”) for a project on the instant parcel which proposed three new gas pumps, a new canopy, and a renovation of the existing building on the site, and

Whereas, in support of the GLOBAL project the existing gasoline storage tanks were removed and replaced, and in accordance with all applicable code and regulations extant at the time; and

WHEREAS, excepting the storage tank replacement, the GLOBAL project was not executed and subsequently abandoned; and

WHEREAS, NY Fuel proposes a complete redevelopment of the site which consists of demolition and removal of the existing Getty Station building and pumps, four (4) new fuel pumps, with a total of eight (8) fueling stations, all covered by a new 2,310 square foot canopy providing cover for customers and a state-of-the-art fire suppression system, on the westerly portion of the property, and a new building housing a convenience store, all of which would be operated by an agent or lessee of NY Fuel; and

WHEREAS, a gasoline filling station is a main use permitted by special permit in the C-4 zoning district; and

WHEREAS, in accordance with the New York State Environmental Quality Review Act (“SEQRA”), a Short Environmental Assessment Form prepared by the applicant, on August 23, 2019, was submitted together with site plan documents as follows:

1. A drawing, sheet EX-1 entitled “Existing Conditions,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
2. A drawing, sheet SP-1 entitled “Layout and Landscape Plan,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
3. A drawing, sheet SP-2 entitled “Grading and Utilities Plan,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
4. A drawing, sheet SP-3 entitled “Erosion Control Plan,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
5. A drawing, sheet LP-1 entitled “Lighting Plan,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
6. A drawing, sheet D-1 entitled “Details,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
7. A drawing, sheet D-2 entitled “Details,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
8. A drawing, sheet D-3 entitled “Details,” prepared by Insite Engineering, dated October 8, 2019 and last revised September 3, 2020; and
9. A Document, entitled “Stormwater Pollution Prevention Plan for NY Fuel Distributors,” prepared by Insite Engineering, dated September 3, 2020; and
10. A Document, entitled “Technical Memorandum Report,” prepared by Provident Design Engineering, dated September 3, 2020 and last revised September 2, 2020; and

WHEREAS, on November 4, 2019 and December 16, 2019, the Yorktown Planning Board reviewed the application and issued a memorandum, which set forth various recommendations regarding the proposed Gas Station, including providing landscaping in the existing perimeter islands, and that a Wetland Permit will be required for the construction, among others; and

WHEREAS, the Town Board has concluded that the EAF and supplemental materials submitted in connection with the Action “has identified, analyzed, and shown mitigation for all possible significant impacts,” and

WHEREAS, the notice and hearing requirements for this Application as provided for in the Code of the Town of Yorktown and New York State law have been satisfied; and

WHEREAS, the Application was presented to the Town Board at a duly noticed Public Hearing held on said application commencing on December 17, 2019 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York and continuing and closing on October 6, 2020 at which the meeting was conducted via video conference; and

WHEREAS, following the close of the Public Hearing on October 6, 2020, and upon review of the EAF and accompanying empirical studies, expert reports, plans and other related materials submitted by Petitioners, as well as all comments, memoranda and correspondence from its professional consultants and staff, the Planning Board, the public and neighbors residing in the vicinity of the Site, and in accordance with SEQRA, the Town Board as Lead Agency adopted a Negative Declaration dated October 20, 2020; and

WHEREAS, the Town Board has fully considered the Application, including the general “standards applicable to all special uses,” set forth in Section §300-36 of the Town Zoning Code, and adopts the following findings of fact:

1. The location and size of the proposed Gas Station, the nature and intensity of the operation involved in or conducted in connection with it, the size of the site in relation to it and the location of the site with respect to streets giving access to it is in harmony with the appropriate and orderly development of the C-4 zoning district in which it is located; and
2. The location, nature and height of buildings and other associated structures and the extent of the landscaping on the site is such that the proposed Gas Station will not hinder or discourage the appropriate development and use of adjacent land and buildings or impair the value thereof; and
3. The operations in connection with the proposed Gas Station will not be more objectionable to nearby properties by reason of noise, vibration, excessive light, smoke, gas, fumes, odor or other atmospheric pollutants than would be the operations of any permitted uses; and
4. The associated parking areas are of adequate size for the proposed Gas Station, and are properly located and suitably screened from adjoining residential uses, and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances; and

WHEREAS, the Town Board has also considered the specific special use permit standards applicable to “gasoline filling stations,” set forth in Section §300-46 of the Town Zoning Code, and adopts the following additional findings of fact:

1. The use of the proposed Gas Station is limited to the retail sale of motor fuels and related merchandise and merchandise normally sold from within the convenience store. No sales or rental of new or used motor vehicles is proposed or permitted. No automobile repair or maintenance is proposed or permitted. No other retail sales are proposed or permitted on Lot 43 in connection with the proposed Gas Station; and
2. The proposed Gas Station is located at least 300 feet from any building or place of public assembly; and
3. Approval of the proposed Gas Station would not result in more than two (2) gasoline filling stations within 1,000 feet (the southeast corner of the existing Shell gas station property is ±50 feet from the Proposed BP Gas Station and no other gas station is within 1,000 feet); and
4. Lot 43 upon which the proposed Gas Station will be located exceeds the minimum lot size of 20,000 square feet; and
5. The lot frontage and depth of Lot 43 exceeds the required minimum 100 feet; and
6. The proposed Gas Station complies with the maximum driveway requirement; and
7. The maximum coverage of all buildings and structures, including the canopy, complies with the underlying C-4 zoning district; and
8. All buildings and structures are set back at least 30 feet from the street right-of-way, 10 feet from each side line. The building is setback 20 feet from the rear lot lines where 30 feet is required therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code. The roof edge of the proposed canopy is set back at least 13 feet from the street right-of-way where 20 feet is required, 20 feet from the rear lot lines and 10 feet from each side

line, and therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code; and

9. The front yard setbacks are required to be landscaped to a depth of 5 feet; the proposed islands do not comply with this requirement; and
10. Two fuel pumps are set back 23 feet from the street right-of-way, where 25 feet is required, and at least 15 feet from any buildings, and therefore requires a waiver from the Town Board in accordance with Section §300-46(Q) of the Zoning Code; and
11. No more than two (2) fuel pumps per 3,000 square feet of lot area are proposed. The underground storage tanks fully comply with all applicable laws, codes and regulations; and
12. The height of the canopy is undetermined and not shown on the plans. The maximum height allowed is 18 feet and can be no greater than 3 feet from its underside to its highest point and must provide a minimum of 15 feet of clearance; and
13. The proposed Gas Station provides sufficient parking; and

WHEREAS, the Town Board has determined that the proposed Gas Station does not strictly comply with the following specific special permit criteria, for which variances and/or waivers from the Town Board pursuant to Section §300-46[Q] of the Zoning Code (which authorizes the Town Board, for good cause shown, to vary any of the specific special permit criteria set forth in Section §300-46) are required (the “Requested Waivers”):

1. The Application proposes a canopy, which is 13 feet from the Barger Street Right-of-way where 20 feet is required. Two fuel pumps are setback 23 feet from the Barger Street Right-of-way, where 25 feet is required; and
2. The Application proposes a rear yard setback of 20 feet where 30 feet is required; and

NOW, THEREFORE BE IT RESOLVED by the Town Board that, except for the Requested Waivers, the proposed Gas Station complies with both the general and specific special permit criteria; and be it further

RESOLVED, that NY Fuel having shown good cause for the grant of the Requested Waivers, the Requested Waivers as listed herein are hereby granted; and be it further

RESOLVED, in light of the location of the proposed Gas Station, the Town Board finds that the monument signage proposed allows for the most effective and logical visibility of the station; and

RESOLVED, that the application for the Proposed Special Permit, storm water pollution prevention plan and wetland permit is granted, subject to the following conditions:

1. There shall be no new or used car sales, automobile repair, or maintenance on the Property; and
2. The Site plan, Building Permit, and Final Certificate of Occupancy shall state there is a watercourse located on the property (Barger Brook) and no further disturbance or encroachment shall be permitted; and
3. The Storm Water Pollution and Prevention plan must be reviewed by and modified, if required, to the Town Engineer’s satisfaction. Any proposed modifications must be forwarded in writing to the Town Board for review and acceptance by the Town Board; and
4. The Applicant must submit a signage plan for all signs to the Town Board for Approval; and
5. The applicant must submit a full set of architectural plans including the canopy to the Town Board for approval; and
6. The applicant must submit revised landscape plans proposing sufficient landscaping in the front yard setbacks for approval by the Town Board; and

7. The Applicant must submit a plan detailing the site alterations that may be necessary in the event an alternative access is required at the southern side of the Property; and
8. The Applicant shall provide a final site plan set for signature by the Town Supervisor; and be it further

RESOLVED, that unless a building permit is obtained within one (1) year of this adoption of this resolution, this approval shall become null and void.

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

CONVENE PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 300, ENTITLED "ZONING," BY ADDING A NEW ARTICLE XXI, ENTITLED "PLANNED DESIGN DISTRICT OVERLAY ZONES"

Supervisor Slater convened a public hearing to consider a proposed Local Law amending Chapter 300, entitled "ZONING," of the Town Code, by adding a new Article XXI, entitled "Planned Design District Overlay Zones."

Director of Planning John Tegeder said the intent of this proposed local law is to introduce what is called "overlay zones," which function in the same manner as a floating zone (it is above the underlying zoning that remains in force and effect) and this allows an applicant to request the process under this regulation and the Planning Board will have the authority to accept the request. Once they do that, this regulation will be mapped in certain areas and a certain number of properties in certain areas that the Board selects in the Town that will be able to take advantage of this law. It will allow the Planning Board to apply flexibility to much of the bulk requirements in the Zoning Code, in other words, the setbacks. If there is a 50 foot setback, the Planning Board would be able to allow a 40 foot setback. It also allows flexibility of uses. It proposes the possibility of mixed use. Mr. Tegeder said we are seeing a change in the market and the type of housing that is being developed and offered and desired. He said COVID-19 has changed the landscape quite a bit, as well. This will afford the Planning Board and the Town to move forward and in an efficient way look at proposals that are made in certain areas of the Town without the rigid framework of the underlying zoning so that they can accept, review, modify, and approve developments that actually make more sense for the times we are in for the Town, for the commercial areas in which these may be mapped so that economic development and quality of life continues to improve and be enhanced in the Town. He said, essentially, this is the intent of these zones. He said what you see here tonight is the basic framework for development districts that lays out its intent, how they will work, what is offered in terms of flexibility. He said what will come after is the actual mapped zone, the ones that you select, and along with each mapped zone will be the additional regulation that is particular to those particular areas. He said some other flexibility that he did not want to miss is in terms of uses: there may also be the possibility for modified densities of development that could be in terms of residential units, that could also be in terms of FAR and coverage requirements for commercial types of uses.

Supervisor Slater asked Mr. Tegeder to address the comments from the Westchester County Planning Board. Mr. Tegeder said the letter was basically in favor of the proposed local law – they have no problem with Lead Agency. There were a couple of significant comments they made. One, as he said, is what the Board is doing tonight is adopting the basic framework of how the design district overlay zones will function. He said what the Board is not doing quite yet is mapping the actual areas and setting forth particular requirements for each of those areas and the County said that this appears to be a segmented approach. On the face of it, he said, it certainly appears to be segmented and he does not argue this point, but he believes this approach has been done before and does not think the Board will run afoul of any segmentation under its legal ramifications. The Board is simply doing this in a reasonable way rather than mapping these all at once and having all different legislations for each mapped area in one single fell swoop. Mr. Tegeder believes this is a more manageable way to do it. He also anticipates the basics cover a lot of what you will see that will be put forth in some of these particular areas.

Mr. Tegeder said the second thing the County spoke about was that "the proposed local law does not reference the Town's Comprehensive Plan or any other planning studies or initiatives, which would inform the proposed hamlet-specific regulations." Mr. Tegeder, as he was looking at the proposed law, cited Paragraph B the design districts "adopted herein or prospectively, based upon and in

furtherance of the goals established [in] Chapter 4 of the Town of Yorktown Comprehensive Plan adopted on July 15, 2010 (hereinafter “the Comprehensive Plan”) and as hereinafter amended.” Mr. Tegeder believes the County missed this as it is referenced.

Mr. Tegeder said, lastly, the County recommended that the Town add provisions to affirmatively further fair housing as a part of these regulations. He said he was not sure specifically what they are after; he said he knows generally that this is the proper wording for all of us around the country to do to further affordable housing but, if and when we do have a model ordinance that the Town will be considering/adopting at some point, he does not personally see the need for every other law the Town has to reflect every other law that we have – in other words, in this we would not have to say anything about the Tree Law, the Lighting Law, etc. He believes all of these will apply if and when the Board takes a look at the model Housing Law; it would be enough when the Town enacts something.

Supervisor Slater said there were also comments from ABACA (who had no objection), and the Tree Conservation Advisory Commission (supported the proposed local law and the Supervisor read their comment). Mr. Tegeder spoke for the Planning Board by saying they are in favor of the proposed law. They believe that it promotes the economic development of the hamlets and that it will help create a sustainable, walkable, more pleasing Main Street environment in Yorktown’s commercial centers. More specifically, they will be interested in the areas selected for the districts and they request that during that process of selection and development of the particular legislation that they are more involved in the process – in the language and the selection of the mapped areas. They also point out that they believe the language reflects that the applicant will request to the Planning Board to be considered under this law and that it will be the Planning Board’s job to determine whether it is appropriate for that request to be considered. They suggest that possibly that language needs to be clarified to be a little more clear and strong.

Supervisor Slater asked the Town Clerk to display the notice of publication for the public hearing, which she did.

Councilwoman Roker went back to what Mr. Tegeder read from the Planning Board; she said it sounded like “which came first – the chicken or the egg?” She asked him to explain how that would work and what they want. Mr. Tegeder said Section 300-251, Paragraph B says “an applicant desiring to use the standards set forth in this article shall file with the Planning Board the application and plans required for site plan or subdivision review” and goes on to say that they will have “marked upon them that it is a plan for development in accordance with these standards and that the applicant shall also submit a written detailed statement setting forth the nature of the modifications.” He told Councilwoman Roker that for instance if she recalled, what they do with clustering and flexibility in that a determination is made by the Town Board in those cases where they agree that the flexibility is warranted to happen on that particular project and the Planning Board feels that the language in the proposed law does not state it clearly enough. He said they would not want an applicant to have the mistaken thought that this is an “as of right” situation.

Councilwoman Roker said the Board would go about talking about these individual areas within one of these districts as they get applications in for that area. She said the Board would not give any specifics as to what particular areas they were talking about in any one of these zones. She asked if this was correct and Mr. Tegeder replied not quite yet. She asked for confirmation that it would take an application to trigger the Board to look at that particular zone. Mr. Tegeder said it could happen that way but the Board could move forward and start to select the mapped areas – one does not have to happen before the other.

Supervisor Slater said that he did not think the Board had to wait for an application to come in; they could be proactive about choosing areas.

Mr. Tegeder said he would not necessarily recommend waiting for an application to come in. He said this is an idea that has been in the Comprehensive Plan for ten years and it has not happened yet. He stated that, given what is going on in the world today, this is a good time to do it and should probably move forward doing it.

Supervisor Slater addressed Councilwoman Roker and said that he reads it as if there is a project that is not in a designated district, they could petition – and this is what the Planning Board is saying – they would expect to be able to decide the appropriateness if it could be added to a district. He



then asked Mr. Tegeder if this was a fair interpretation and Mr. Tegeder said that it was certainly a part of it but also if there is a property within the district, you do not know if it is appropriate to apply flexibility. He said the Planning Board is suggesting that this language be a little clearer so that they have the clear authority to deny someone from taking advantage of the flexibility. Councilwoman Roker said that this is then just the beginning of the work they have to do with regard to this. Mr. Tegeder said, yes, this is the backbone.

The following member of the public spoke:

Sergio Esposito, resident, supports the proposed law, especially since it includes preservation for some of our buildings. He said this is going on in many communities today and believes it will create a smart, pro-development environment for both new and existing structures. Mr. Esposito said the Yorktown Chamber of Commerce is in support of the proposed local law.

Susan Siegel, resident, said she supports the concept of the overlay district and flexibility is to be valued and encouraged. She said this is only a concept, a first step, and intent – legislation has to be more than this; it has to have “meat on the bone.” For example, there are no boundaries to what the district is. If you say “Shrub Oak,” then you have to be specific as to where in Shrub Oak. She stated the overlay district is meaningless without some boundaries and is also difficult for the public to support if they do not know where it is specifically being applied. Ms. Siegel said there are also no standards. The proposed law states the standards may have mixed uses – how does the Town Board know what those uses will be and what will the bulk regulation be, and the density? These are all critical parts that should be in the legislation.

Ms. Siegel said there is one section of the proposed law that talks about putting conditions on the approval and quoted “such other reasonable conditions as the Town Board may, in its discretion, add.” If the Town Board is giving the Planning Board authority to apply this law and waive or change the uses, bulk regulations, density, etc., where does the Town Board come into play? She said if there is no rezoning involved, this will never get back to the Town Board, so how could the Town Board put any conditions on it? She asked if the Town Board wants to totally delegate this to the Planning Board or do they want to have some say in the use of the overlay district? She said the Planning Board made a comment about being given discretion whether to apply this and she said she thought how the law applies to redevelopment. Ms. Siegel said if you could picture a stretch of property in any one of these (overlay) districts, you could have, for example, three buildings. The one in the middle wants to either expand or demolish and rebuild and you start waiving a lot of the regulations (parking, bulk regulations, signage, lighting, landscaping, etc.) to accommodate that person – how does that building fit in with what is to the right and left of it? She said this fits in to the appropriateness of the Planning Board being given the authority to make a determination.

Ms. Siegel concluded by saying the Town Board has a very good concept that she totally supports, but more time needs to be spent putting “meat on the bones,” which has to come with the legislation.

Matt Crossett, Yorktown Grille, also voiced support of the proposed legislation. He believes it will jump start the Town by giving more flexibility to adapt to what COVID has presented us. He cited the development of other communities by those wishing to move out of city areas to raise their families and feels that Yorktown can be that kind of hub. He mentioned how rezoning the area around his restaurant would help eliminate the eyesore buildings next to him by adding potential residential structures and revitalize Yorktown Heights, as a whole.

Jim Pugliesi, resident, also voiced his support of the proposed legislation. He said the toughest thing he thinks the Town has always struggled with is red tape and feels that this legislation tries to eliminate or lessen that for someone who wants to come to Yorktown and develop a business. He said he is also for anything that would lessen the taxes. He thinks the more businesses brought in will give a better tax break for Yorktown taxpayers. Mr. Pugliesi said there is no reason why Yorktown cannot be both a thriving community for residents and a thriving community for businesses.

Supervisor Slater asked for the Board’s opinion on closing or adjourning the public hearing.

Councilwoman Roker said this is just the backbone of the law and new information needs to be done regarding specifics in the districts. She said she did not have a problem with the passing of the legislation.

Councilman Lachterman said a lot of this is flexibility. He said it is a little counterintuitive to say let us lock in and pinpoint every aspect of the flexibility because part of this is how to adjust the zoning within these zones based on what is coming in and we do not know what tomorrow is bringing in. He understands the point of pinpointing some of the issues but even that can shift, as well.

Councilwoman Roker said there is still a lot of work the Board needs to do. She said they should not wait until the applications come before them – they should start the work now of looking at the different districts.

Supervisor Slater agreed. He said other surrounding communities are doing this (New Castle, Mount Kisco) and if Yorktown wants to compete regionally, they have to keep up. He said he recognizes the issues that Ms. Siegel raised but feels this is a good step forward and then the Board can spend more time specifically zeroing in on the specific districts and specific boundaries. This at least gives them the direction of what they are trying to achieve and put a strong backbone forward, legislatively.

Councilman Patel asked Mr. Tegeder how many larger parcels are there to be developed. Mr. Tegeder said they all know there is not a lot of land left to develop and what is left is a lot less developable than what has already been developed. He said he did not have specific numbers but offered to get the information. He said to keep in mind that this would likely include already developed properties that will offer some flexibility for reimagining and redeveloping those properties. He also said there are a lot of properties in Town that need help with that.

Supervisor Slater said he has spoken with many of the existing major property owners in Town and they see this as a “shot in the arm” for the economy that they are going to be very motivated to engage with and entice them to come to the table because of the flexibility the Board is going to be able to provide with these zones.

Councilwoman Roker said she agreed with Supervisor Slater’s earlier use of the phrase “reimagining our hamlets.” She said she feels this is particularly true in the hamlet of Jefferson Valley; she feels that there are opportunities that the Board has not taken. Supervisor Slater said this is one of the first areas he would like to look at, particularly Osceola.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilwoman Roker, seconded by Councilman Diana, and carried.

**PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW AMENDING CHAPTER 300, ENTITLED “ZONING,” BY MODIFYING SECTION 300-75(A)**

Supervisor Slater convened a public hearing to consider a proposed Local Law amending Chapter 300 of the Town Code, entitled “ZONING” by modifying Section 300-75(A).

Supervisor Slater said this is in regards to a self-storage law that the Board had discussed concerning the Toys R Us location. Town Clerk Diana Quast displayed the Notice of Publication for the public hearing.

Director of Planning John Tegeder said this section of the law involves permits and this specifically would allow self-storage in a C-1 district, which are larger commercial complexes (such as BJ’s). He said when this was written it facilitated the self-storage company that is located in the BJ’s shopping center, behind the Staples. At the time, it did not anticipate self-storage to be something that would face a major thoroughfare because the Town’s reason in the past was that self-storage metal buildings were built with roll-up doors and were cheap looking and the Town did not want them in the C-1 zone. He said now the self-storage business has changed; they are producing buildings that face the street and using well-designed and nicer materials. He said the impetus here is to allow those types of development into the C-1 zone provided they present themselves to the street in an architecturally appropriate manner. Mr. Tegeder said the modifications (paragraph A) allow that and they set for the parameters under which they can do it, which is anything that faces the street needs to be architecturally designed well and that you cannot see roll-up doors, etc. He said it protects our commercial areas in which most public of our public lives are lived out and keeps them as attractive as possible.

The following members of the public spoke:

Fred Koelsch, resident involved with trying to fill the Toys R Us building, said he appreciates the Board's assistance in trying to help with this matter. He said they had a long-term tenant for twenty-five years but things have changed in the retail business and they have tried for two years to fill the building. He said they have now found a contract vendee for self-storage who has shown a strong willingness to work with the Town. Mr. Koelsch said Mr. Tegeder has driven them further to improve the architecture, which they have done, and he thinks they have a use that is compatible with building and surrounding neighborhood. This legislation will allow them to move forward with the approval process.

John DeVito, developer, also thanked the Board for their assistance.

Mr. Tegeder said the team working on this has requested that an additional sentence be added to the legislation, which he said he had sent to the Board. He read the addition: "The Planning Board may permit building coverage for stand-alone single use self-storage buildings in the C-1 zone up to forty-five percent if, in the opinion of the Planning Board, the site plan provides orderly development for the site and surrounding neighborhood." Mr. Tegeder said the reasoning for this is that self-storage requires very little parking and so you can avail yourself of a greater amount of floor space, which makes the development more viable in terms of the business model of what self-storage is. He said it also adds a reference to subsection C and H in 300-79; there were some references to A, J, K, and L of 300-79.

Mr. Koelsch said that is correct. He said it is just adding additional provisions from 300-79 and may relate to the setbacks and parking that are included in that section.

Mr. Tegeder said, just to be clear, 300-79 is specific to self-storage centers, which are allowed as of right in the Town's light industrial zones but it has particular requirements for self-storage – that is why there is a reference to those couple of paragraphs.

All those present having been given the opportunity to be heard and there being no further discussion, the hearing was closed. Upon motion made by Councilman Diana, seconded by Councilwoman Roker, and carried.

AUTHORIZE SUPERVISOR TO EXECUTE AN ENERGY PURCHASE AGREEMENT WITH LSE PERSEUS LLC ("LODESTAR") FOR THE TOWN TO PURCHASE VDER CREDITS  
RESOLUTION #346

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to execute an Energy Purchase Agreement with LSE Perseus LLC ("Lodestar") for the Town to purchase VDER credits. The initial term of the Agreement shall commence on the Effective Date and shall continue for twenty-five (25) years from the Commercial Operation Date of Lodestar's solar photovoltaic system, unless and until terminated earlier pursuant to the provisions of the Agreement.

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

AUTHORIZE SUPERVISOR TO EXECUTE ALL DOCUMENTATION NECESSARY TO PURCHASE AND INSTALL A QUONSET HUT FOR THE TEMPORARY STORAGE OF THE TOWN'S ZINO BARN TIMBERS AT THE GREENWOOD STREET HIGHWAY FACILITY  
RESOLUTION #347

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Supervisor is authorized to execute all documentation necessary to purchase and install a 26-foot wide, 12-foot high, 48-foot long Quonset hut for the temporary storage of the Town's Zino Barn timbers in an amount not to exceed one half of the associate cost, for a total of \$6,325 (an additional \$6,325 will be donated by private individuals).

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

AUTHORIZE TOWN TO ESTABLISH A HERBICIDE NOTIFICATION PROGRAM FOR TREATMENTS DONE ON TOWN PROPERTY  
RESOLUTION #348

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Town will establish a system to timely notify Town residents of the Town's use of herbicides on Town property, including the date of treatment, location treated, and the products being utilized.

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

AUTHORIZE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE HIGHWAY DEPARTMENT  
RESOLUTION #349

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, the Comptroller is hereby authorized to process the following budget transfers:

From:

D.1002 Highway – Fund Balance \$40,000.00

To:

D5112.200 Highway – Chips \$40,000.00

for winter recovery relief funds to be reimbursed by New York State.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE MOHEGAN HIGHLANDS PARK DISTRICT  
RESOLUTION #350

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, the Comptroller is hereby authorized to process the following budget transfers:

From:

MH.1002

Mohegan Highlands Park District Fund Balance \$1,200.00

To:

MH.7180.416

Mohegan Highlands Park District Maintenance & Repair \$1,200.00

for payment to O'Connor Electric for replacement of conduit, cables & connectors at service entrance due to storm damage.

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

AUTHORIZE THE COMPTROLLER TO PROCESS THE FOLLOWING BUDGET TRANSFER FOR THE SENIOR/NUTRITION CENTER  
RESOLUTION #351

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, the Comptroller is hereby authorized to process the following budget transfer:

From:

A.1002 General Fund – Fund Balance \$40,000.00

To:

A6772.425 Nutrition - Food \$40,000.00

for the purchase of food for homebound seniors within the Town of Yorktown and the Town of Cortlandt as per recently negotiated IMA.

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

AWARD BID FOR VARIOUS CHEMICALS FOR THE WATER POLLUTION CONTROL PLANT

RESOLUTION #352

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

The Town received bids for Various Chemicals. The bid amounts are summarized as follows:

<u>CHEMICAL</u>	<u>BIDDER</u>	<u>AMOUNT</u>
Ferric Chloride	PVS Technologies	\$660.00 \$/dry ton
Ferric Chloride 37% to 40%	Surpass Chemical	\$136.50 /55 gal. drum
Caustic Soda 25%	Slack Chemical	\$80.19 \$/55 gal. drum
Caustic Soda 50%	Univar USA	\$1.51 \$/gallon
Citric Acid 50%	Surpass Chemical	\$275.38\$/55 gal.drum
Sulfuric Acid (not more than 51%)	Slack Chemical	\$148.44 \$55 gal.drum
Sodium Bisulfite 38%	Slack Chemical	\$113.19 /55 gal. drum
Sodium Hypochlorite 15%	Slack Chemical	\$84.79 \$/55 gal. drum
Polymer (Calgon Poly-E-Z or equivalent)	Slack Chemical	\$1.29 \$/lb. &\$11.61/dry ton

RESOLVED, that the bid for Ferric Chloride be awarded to PVS Technologies, the low bidder, at a cost of \$660.00 per dry ton, and be it further

RESOLVED, that the bid for Ferric Chloride 37% to 40% be awarded to Surpass Chemical the low bidder, at a cost of \$136.50 per 55 gallon drum, and be it further

RESOLVED, that the bid for Caustic Soda 25% be awarded to Slack Chemical the low bidder, at a cost of \$80.19 per 55 gallon drum, and be it further

RESOLVED, that the bid for Caustic Soda 50% be awarded to Univar USA the low bidder, at a cost of \$1.51 per gallon, and be it further

RESOLVED, that the bid Citric Acid 50% be awarded to Surpass Chemical the low bidder, at a cost of \$275.38 per 55 gallon drum, and be it further

RESOLVED, that the bid for Sulfuric Acid (not more than 51%) be awarded to Slack Chemical the low bidder, at a cost of \$148.44 per 55 gallon drum, and be it further

RESOLVED, that the bid for Sodium Bisulfite 38% be awarded to Slack Chemical the low bidder, at a cost of \$113.19 per 55 gallon drum, and be further

RESOLVED that the bid for Sodium Hypochlorite 15% be awarded to Slack Chemical the low bidder, at a cost of \$84.79 per 55 gallon drum, and be it further

RESOLVED, that the bid for Polymer (Calgon Poly-E-Z or equivalent) be awarded to Slack Chemical the low bidder, at a cost of \$1.29 per lb. or \$11.61 dry ton, and be it further

RESOLVED, that the contract term for this project shall be for a duration of one (1) year, commencing or about 11/1/20. Upon mutual consent of the Contractor and the Town, the contract may be extended for one additional term of one (1) year at the same price, terms and conditions.

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

AWARD BID FOR ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE FOR BOILERS, BURNERS AND FURNACES

RESOLUTION #353

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS, invitation to bid for the Town of Yorktown the Annual Maintenance and Emergency On-Call Service for Boilers, Burners and Furnaces for a two (2) year agreement with the Town with two (2) one (1) year extensions, was duly advertised, and

WHEREAS, said bids were received and opened on the 19<sup>th</sup> day of October 2020, with the bid amounts for the above-referenced project summarized as follows:

<u>Bidder</u>	<u>Amount</u>
Peak Performance & Service Inc. 28 Roma Orchard Rd Peekskill, NY 10566	\$8,500.00 Annual Maintenance of Town's 28 Boilers, Burners and Furnaces \$109.00 per 1 <sup>st</sup> hour of Emergency On-Call Services \$109.00 each additional hour of Emergency On-Call Services

THEREFORE, BE IT RESOLVED, the Town awards the bid to Peak Performance & Services Inc. for the Town's Annual Maintenance and Emergency On-Call Service for Boilers, Burners, and Furnaces in the amount of \$8,500.00 and \$109.00 per 1<sup>st</sup> hour of Emergency On-Call Services and \$109.00 each additional hour of Emergency On-Call Services.

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

AWARD BID FOR ANNUAL MAINTENANCE AND EMERGENCY ON-CALL SERVICE  
FOR BOILERS, BURNERS AND FURNACES FURNACE LOCATED AT ALBERT A.  
CAPELLINI COMMUNITY & CULTURAL CENTER  
RESOLUTION #354

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS, invitation to bid for the Annual Maintenance and Emergency On-Call Services for Boiler, Burner and Furnace located at Albert A. Capellini Community & Cultural Center (AACCCC), 1974 Commerce Street, Yorktown Heights, NY 10598 for a two (2) year agreement with the Town with two (2) one (1) year extensions, was duly advertised, and

WHEREAS, said bids were received and opened on the 19<sup>th</sup> day of October 2020, with the bid amounts for the above-referenced project summarized as follows:

Peak Performance & Service Inc. 28 Roma Orchard Rd Peekskill, NY 10566	\$3,200.00 Annual Maintenance for YCCC Boiler, Burner and Furnace \$109.00 per 1 <sup>st</sup> hour of Emergency On-Call Services \$109.00 each additional hour of Emergency On-Call Services
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THEREFORE, BE IT RESOLVED, the Town awards the bid to Peak Performance & Services Inc. for the Town's Annual Maintenance and Emergency On-Call Service for Boilers, Burners, and Furnaces for AACCCC in the amount of \$3,200.00 and \$109.00 per 1<sup>st</sup> hour of Emergency On-Call Services and \$109.00 each additional hour of Emergency On-Call Services.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-T-009-19 BAPTIST CHURCH  
ROAD - MASON/COSTIGAN/RAIN CONCEPTS – RAINATO  
RESOLUTION #355

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Rain Concepts as applicant for Mason / Costigan, posted check #2375 in the amount of \$250 which was deposited to the T33 account on March 22, 2019.
2. The applicant has requested the 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 be and is hereby released to Rain Concepts Corp., 487 East Main Street, Suite 230, Mount Kisco, NY 10549, Attn: Mr. Jeremy Rainato.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-042-19 – SALEM ROAD – MARATOS  
RESOLUTION #356

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Nick Maratos, as applicant, posted check #266 in the amount of \$250 which was deposited to the T33 account on July 23, 2019.
2. The applicant has requested the 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 be and is hereby released to Mr. Nick Maratos, 851 Salem Road, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-052-19 IN THE AMOUNT OF \$250.00 – PARK LANE – BURNS  
RESOLUTION #357

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Lawrence & Danielle Burns, as applicants, posted check #403 in the amount of \$250 which was deposited to the T33 account on September 19, 2019.
2. The applicant has requested the 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 be and is hereby released to Mr. & Mrs. Lawrence Burns, 1200 Park Lane, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #T-FSWPPP-040-18 IN THE AMOUNT OF \$500.00 – OAK STREET – PLANAMENTO  
RESOLUTION #358

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Vito Planamento posted check #1018 in the amount of \$500 which was deposited to the T33 account on July 12, 2019.
2. Vito Planamento posted check #1068 in the amount of \$5,000 which was deposited into the T33 account on February 24, 2020 to serve as the Project Completion Performance Bond.
3. The applicant has requested his monies be released as the site is now complete.

4. 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 monies totaling \$5,500 be and is hereby released to Mr. Vito Planamento, 3 Middlebranch Lane, Brewster, NY 10509.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-057-19 IN THE AMOUNT OF \$250.00 – SADDLE RIDGE ROAD – AOUKAR  
RESOLUTION #359

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Elias & Maria Aoukar posted check #161 in the amount of \$250 which was deposited to the T33 account on December 3, 2019.
2. The applicant has requested the 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 be and is hereby released to Mr. & Mrs. Elias Aoukar, 2860 Saddle Ridge Road, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO RELEASE BOND #BSWPPP-067-19 IN THE AMOUNT OF \$250.00 – WINCHESTER COURT – ROMANO  
RESOLUTION #360

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

WHEREAS,

1. Jamin & Annette Romano, as applicants, posted check #1531 in the amount of \$250 which was deposited to the T33 account on January 17, 2020.
2. The applicant has requested the 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 be and is hereby released to Mr. & Mrs. Jamin Romano, 68 Winchester Court, Yorktown Heights, NY 10598.

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

AUTHORIZE COMPTROLLER TO REFUND THE DUPLICATE TAX PAYMENTS  
RESOLUTION #361

Upon motion made by Councilwoman Roker, seconded by Councilman Lachterman,

RESOLVED, that the Comptroller is authorized to refund the following Duplicate Tax Payments:

<u>Account No:</u>	<u>Amount</u>	
1643000	\$2,513.13	Refund Duplicate 2020/21 First Half School Tax



0167030	\$7,829.50	Refund Duplicate 2020/21 First Half School Tax
2025500	\$4,362.05	Refund Duplicate 2020/21 First Half School Tax
1278500	\$4,024.98	Refund Duplicate 2020/21 First Half School Tax
1648000	\$4,015.06	Refund Duplicate 2020/21 First Half School Tax
0380500	\$4,114.20	Refund Duplicate 2020/21 First Half School Tax
2454500	\$2,166.15	Refund Duplicate 2020/21 First Half School Tax
4314334	\$1,288.79	Refund Duplicate 2020/21 First Half School Tax
0542502	\$1,550.40	Refund Duplicate 2020/21 First Half School Tax
1486000	\$4,754.55	Refund Duplicate 2020/21 First Half School Tax
2683215	\$4,325.61	Refund Duplicate 2020/21 First Half School Tax
0747500	\$3,524.57	Refund Duplicate 2020/21 First Half School Tax
4283020	\$9,318.91	Refund Duplicate 2020/21 First Half School Tax
0542504	\$ 423.78	Refund Duplicate 2020/21 First Half School Tax
1623500	\$5,254.28	Refund Duplicate 2020/21 First Half School Tax
4011000	\$3,727.57	Refund Duplicate 2020/21 First Half School Tax
4156500	\$3,011.64	Refund Duplicate 2020/21 First Half School Tax
4476000	\$3,891.14	Refund Duplicate 2020/21 First Half School Tax
1391000	\$3,891.14	Refund Duplicate 2020/21 First Half School Tax
1414500	\$3,841.57	Refund Duplicate 2020/21 First Half School Tax
0542548	\$ 992.26	Refund Duplicate 2020/21 First Half School Tax
2241110	\$1,059.44	Refund Duplicate 2020/21 First Half School Tax
4875060	\$ 171.51	Refund Penalty
3062000	\$5,622.28	Refund First Half 2020/21 First Half School Tax

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

ADJOURN MEETING

Upon motion made by Councilman Diana, seconded by Councilman Patel, the Town Board moved into Executive Session and will adjourn thereafter.

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