

Meeting of the Town Board, Town of Yorktown held on September 3, 2013 at the Town Hall, 363 Underhill Avenue, Yorktown Heights, New York 10598.

Present: Michael J. Grace, Supervisor
Terrence P. Murphy, Councilman
Vishnu V. Patel, Councilman
David D. Paganelli, Councilman

Diana L. Quast, Deputy Town Clerk
Jeannette Koster, Town Attorney

Absent: Nicholas J. Bianco, Councilman

TOWN BOARD MEETING

Supervisor Michael Grace called the meeting to order.

EXECUTIVE SESSION

Upon motion made by Supervisor Grace, seconded by Councilman Paganelli, the Town Board moved into Executive Session to discuss the employment of a particular person.

Upon motion made by Councilman Paganelli, seconded by Councilman Patel, the Town Board came out of Executive Session and resumed the Town Board Meeting.

ETHICS BOARD

The Ethics Board requested the Town Board approve voluntary Ethics Training for employees. The Town Board agreed that this was a good idea and the Ethics Board can move forward with setting up training classes.

PLEDGE OF ALLEGIANCE

Girl Scout Gold Award Recipient's Dana Coniglio and Kristen Anderson led the salute to the flag.

MOMENT OF SILENCE

A moment of silence was observed in honor of our men and women serving in the Armed Forces.

DURING REPORT FROM SUPERVISOR MICHAEL GRACE,

Supervisor Grace stated that Tuesday, September 10, 2013 is Primary Election day and he urged everyone to get out and vote. Supervisor Grace mentioned that a Remembrance ceremony for 9-11 will take place on September 11, 2013 at 5:00 PM at the Shrub Oak Memorial Gazebo located next to the John C. Hart Memorial Library.

DURING REPORTS FROM THE TOWN BOARD,

Councilman Murphy stated that Senator Ball was hosting a veterans trip to Washington, DC on September 17, 2013. He also spoke about the STAR Rebate Re-registration, the Town will have a State representative here on October 15, 2013 to explain the procedure.

Councilman Paganelli stated that the annual Grange Tractor parade will take place on Saturday, September 6, 2013 at 12 PM. The parade route will begin on Commerce Street near the Yorktown Fire House and make its way to the Grange fairgrounds on Moseman Avenue. He encouraged everyone to attend this great event. Councilman Paganelli read a letter received by a resident complimenting the Building Department and a letter complimenting the Highway Department.

Councilman Patel stated that Yorktown is now a Purple Heart Town and presented a plaque to the Supervisor. He spoke about two Girl Scout Gold Award Recipient's who were present this evening, Labor Day, September 11, 2013 and a Yorktown High School senior who was recognized as an engineering finalist for the Intel Science competition.

Councilman Paganelli presented Girl Scout Gold Award recipient Kristen Anderson with a Proclamation from the Town honoring her service to the community.

Councilman Murphy presented Girl Scout Award recipient Dana Coniglio with a proclamation from the Town Board honoring her service to the community.

Ms. Dana Coniglio talked about her project “Adopt a Grandparent Program” which she did at the Country House.

Ms. Kristen Anderson talked about her project “Caring for Caregivers” She refurbished a gazebo on the Rosary Hill property where caregivers can go.

The Town Board thanked Dana and Kristen for all their hard work.

PRESENTATION – AUDIT REPORT – O’CONNOR, DAVIES, LLP

Mr. Nicholas DeSantis and Alan Kassay, representatives from O’Connor, Davies, LLC gave the Town Board an annual audit report update. They stated that the Town is in good financial condition and weathered the recession. The Town has a healthy surplus and the special district funds are also very good.

Supervisor Grace stated that he has to give credit to the Highway Department because the Town used in house labor to take down the buildings at Holland Sporting Club and reclaim the fields at Granite Knolls which saved the Town thousands of dollars.

Supervisor Grace also thanked Town Comptroller Patricia Caporale for all her hard work in eliminating the backlog of Purchase Orders and Vouchers awaiting payment.

Councilman Patel asked about the Special District charges and how they should be calculated for budget purposes.

Mr. Nicholas DeSantis stated that Towns calculate this charge in different ways and he saw no issue with the way the Town calculated this charge in 2012.

REAPPOINTMENT – TOWN ASSESSOR

KIM PENNER

RESOLUTION #363

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

BE IT RESOLVED, that effective October 1, 2013 Kim Adams Penner of Yorktown Heights, New York is reappointed Town Assessor for a six-year term which expires on September 30, 2019.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE BUILDING INSPECTOR

TO ISSUE A DEMOLITION PERMIT TO JEFFERSON VALLEY MALL

RESOLUTION #364

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Resolved, that the Building Inspector is authorized to issue a Demolition Permit to the Jefferson Valley Mall Theatre Space for tenant fit up.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REFERRAL – JEFFERSON VALLEY MALL

RESOLUTION #365

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

RESOLVED, that the Town Clerk is hereby authorized to refer the application received from Simon Property Group for an amended site plan for an expansion of the Jefferson Valley Mall to the agencies listed below for their review and/or recommendation, and

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

BE IT FURTHER RESOLVED, that the Town Board would like your comments and or recommendations by September 30, 2013,

Town of Yorktown Agencies:

ABACA
Building Inspector
Conservation Board
Fire Advisory Board
Lake Mohegan Fire Department
Highway Department
Planning Board
Planning Department
Police Department
Town Attorney
Town Engineer
Water Department
Environmental Consultant

Outside Agencies:

Westchester County Planning Department
New York State DEC
New York State DOT
Army Corps of Engineers
Town of Cortlandt
Town of Somers
Town of Putnam Valley
Yorktown Chamber of Commerce

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPOINTMENT – DEPUTY RECEIVER OF TAXES

BARBARA KORSAK

RESOLUTION #366

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

RESOLVED, that while Receiver of Taxes, Elfriede H. Schmid is away from the office, Barbara A. Korsak is hereby appointed Deputy Receiver of Taxes and shall receive a personal stipend of \$400 per week.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPOINTMENT – LABORER – WATER DEPARTMENT

TONY MASTROGIOVANNI

RESOLUTION #367

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

BE IT RESOLVED, that Tony Mastrogiovanni of Putnam Valley, NY, is hereby appointed Laborer, job class code 0425-05, within the Water Department, to be paid from Yorktown CSEA Salary Schedule A, Group 5, Step 1 which is \$38,866.00 annually;

BE IT RESOLVED, that Tony Mastrogiovanni will report to work at the Water Department on September 23, 2013, and this date will be used as his first date of appointment,

BE IT RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on the first date of appointment on September 23, 2013.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

CABLEVISION SETTLEMENT AGREEMENT
RESOLUTION #368

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Resolved, that the Supervisor is authorized to sign a Cablevision Settlement Agreement.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE SUPERVISOR TO SIGN AN AGREEMENT WITH LAND
COMMUNICATIONS, INC. – POLICE DEPARTMENT
RESOLUTION #369

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

RESOLVED, that the Town Board hereby authorizes the Supervisor to sign an agreement with Land Communications, Inc., for the maintenance of telephone equipment and telephone system at the Police Department, from October 1, 2013 through September 30, 2014, at the annual amount of \$1,254.00.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – JOHN C. HART MEMORIAL LIBRARY TEMPORARY
RELOCATION SERVICES
RESOLUTION #370

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Whereas, invitation to bid for the Temporary Library Relocation services for the John C. Hart Memorial Library, at 1130 East Main Street, Shrub Oak, NY was duly advertised, and

Whereas, said bids were received and opened on August 23, 2013, with the bid amount for the above-referenced project summarized as follows:

William B Meyer, Inc. 255 Long Beach Blvd. Stratford, CT.06615	\$15,990.00
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National Library Relocations, Inc. 70 Bridge Rd. Islandia, NY 11749	\$18,410.00
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Whereas, that upon the recommendation of Patricia Barresi, Library Director, the bid for the Temporary Library Relocation Services be and is awarded to William B. Meyer, Inc. the lowest responsible bidder.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD JOHN C. HART LIBRARY REFURBISHING AND REUPHOLSTERING
FURNITURE BID
RESOLUTION #371

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Whereas, invitation to bid for the John C. Hart Memorial Library Refinishing and Reupholstering Furniture, at 1130 East Main Street, Shrub Oak, NY was duly advertised, and

Whereas, bids were received and opened on September 3, 2013, with the bid amounts for the above-referenced project summarized as follows:

Tape Measure, LLC	\$12,226.00
41 Washington Avenue	
Pleasantville, NY 10570	

Whereas, upon the recommendation of Patricia Barresi, Library Director, the bid for the John C. Hart Memorial Library Refinishing and Reupholstering Furniture be and is awarded to Tape Measure, LLC, the Sole responsible bidder.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

REBID – JOHN C. HART MEMORIAL LIBRARY CHILDREN’S ROOM
RENOVATION
RESOLUTION #372

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Whereas, invitation to bid for the John C. Hart Memorial Library Children’s Room Renovation, at 1130 East Main Street, Shrub Oak, NY was duly advertised, and

Whereas, no bids were received, now

Therefore be it Resolved, upon the recommendation of Patricia Barresi, Library Director, the bid for the John C. Hart Memorial Library Children’s Room Renovation be rebid.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

READVERTISE BID – JOHN C. HART MEMORIAL LIBRARY CHILDRENS ROOM
RENOVATION
RESOLUTION #373

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

NOTICE IS HEREBY GIVEN that sealed proposals will be received by the Town Clerk, Town of Yorktown, Westchester County, N.Y until 10:00 a.m., Thursday, September 26, 2013 at the at the Town Hall, 363 Underhill Avenue, Yorktown Heights, N.Y. 10598 for General Construction for the John C. Hart Memorial Library Children’s Area - Renovation, 1130 East Main Street, Shrub Oak, New York 10588.

Specifications for work proposed may be obtained at the office of the Town Clerk at said Town Hall.

The bidder assumes the risk of any delay in the mail or in the handling of the mail by the employees of the Town of Yorktown.

Whether sent by mail or means of personal delivery, the bidder assumes the responsibility for having the bids in at the time and the place specified above.

All bids are to be returned to the Town Clerk, 363 Underhill Avenue, Yorktown Heights, NY 10598, marked “**Bid – John C. Hart Memorial Library Children’s Area - Renovation**”.

The Town of Yorktown reserves the right to reject any and all bids and to accept that bid which is deemed most favorable to the interests of the Town of Yorktown.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – STREET LIGHT MAINTENANCE
RESOLUTION #374

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

WHEREAS, invitation to bid for the Street Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on September 3, 2013, with the bid amounts for the above-referenced project summarized as follows:

Hanover Electric	(Year 2013 – 2014)
Hourly Rate:	
Regular	\$110.00
Overtime	\$160.00
Sunday/Holiday	\$200.00

Verde Electric Corp.	(Year 2013 – 2014)
Hourly Rate:	
Regular	\$250.00
Overtime	\$312.00
Sunday/Holidays	\$350.00

Yorktown Electric	(Year 2013 – 2014)
Hourly Rate:	
Regular	\$130.00
Overtime	\$185.00
Sunday/Holidays	\$230.00

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for Street Light Maintenance and Repair Services the be and is hereby awarded to Hanover Electric, the most responsive bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 15, 2013 and terminate on August 14, 2014. The Town shall have the option to extend this contract at the same price two (2) times, for two (2) additional one-year terms, a total of three (3) years if all options to extend are exercised.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – TRAFFIC LIGHT MAINTENANCE
RESOLUTION #375

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

WHEREAS, invitation to bid for the Traffic Light Maintenance and Repair Services for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on September 3, 2013 with the bid amounts for the above-referenced project summarized as follows:

Verde Electric Maintenance Corp (Year 2013 – 2014)

Hourly Rate:

Regular	\$250.00
Overtime	\$312.00
Sunday/Holiday	\$350.0

RESOLVED, that upon the recommendation of the Highway Superintendent, Eric DiBartolo, the bid for the Traffic Light Maintenance and Repair Services be and is hereby awarded to Verde Electric Maintenance Corp., the sole responsible bidder.

BE IT FURTHER RESOLVED, the contract is to begin on August 15, 2013, and terminate on August 14, 2014. The Town shall have the option to extend this contract at the same price two (2) times, for two (2) additional one-year terms, a total of three (3) years if all options to extend are exercised.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AWARD BID – PORTABLE GENERATOR

RESOLUTION #376

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Resolved, that bids were received on August 8, 2013 for the Purchase of a Portable Generator w/ Trailer, bid #13-3, and are summarized as follows:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Penn Jersey Machinery, LLC	\$57,700.00
W.R. Repair Service, LLC	\$59,950.00

RESOLVED, that the bid for the Purchase of a Portable Generator w/Trailer for the Water Pollution Control Plant, bid #13-3, be awarded to Penn Jersey Machinery, LLC, at a cost of \$57,700.00.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE BOND REDUCTION

KIRSCHENBAUM MINOR SUBDIVISION 2ND PERFORMANCE BOND

REDUCTION

RESOLUTION #377

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

WHEREAS, Ariel Weinberger, as applicant, provided the Town with Western Surety Company Performance Bond No.70978493, in the amount of \$61,620.00, to serve as the Performance Bond for the Kirschenbaum Subdivision located on White Hill Road, and,

WHEREAS, Ariel Weinberger, as applicant, provided the Town with Western Surety Company License & Permit Bond #70978496, in the amount of 10,000.00, to serve as the Erosion Control Bond for the Kirschenbaum Subdivision, and

WHEREAS, Ariel Weinberger, as applicant, provided the Town with Check No.614, in the amount of \$5,729.00, to serve as the Inspection Fees for the Kirschenbaum Subdivision, and

WHEREAS, Ariel Weinberger has requested a second Performance Bond reduction, and

WHEREAS, the Town Engineer has informed this Board that a representative of her department has inspected the property and determined that the improvements for the site have been met, therefore, a second Performance Bond reduction has been completed

and all other securities held for the remaining improvements, NOW, THEREFORE BE IT

RESOLVED, that the above referenced Performance Bond is hereby reduced to \$19,800.00 (\$29,652.00 - \$19,800.00 = \$9,852.00 back to developer) and, BE IT FURTHER

RESOLVED, that the Erosion Control Bond will remain in full force and effect until the entire site has been completed.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

RELEASE EROSION CONTROL BOND

#BSWPPP-060-12 - \$300

RESOLUTION #378

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

WHEREAS, Nejame & Sons of Danbury, LLC as applicant for Singh, posted Check No.9308 in the amount of \$300.00, which was deposited into the T33 Account on August 9, 2012, covering permit #060-12, for work performed at the Lewis Avenue residence, and

WHEREAS, the Town Engineer has informed this Board that a representative of her Department has inspected the property and determined that the work has been satisfactorily completed, and that the \$300.00 for erosion may be released, NOW THEREFORE BE IT

RESOLVED, that the above-described Erosion Bond in the amount of \$300.00, be and is hereby released to Nejame & Sons of Danbury, LLC, 91 South Street, Danbury, CT 06810.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

APPROVE BUDGET TRANSFER

2012 AUDIT ADJUSTING JOURNAL ENTRY #8

RESOLUTION #379

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Be it resolved that the Town Board authorizes the Comptroller to transfer funds as per the attached spreadsheet for the purpose of 2012 Audit Adjusting Journal Entry #8

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AUTHORIZE TOWN COMPTROLLER TO PAYOUT THE ESTATE OF PATRICK MOLINARI

RESOLUTION #380

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

Resolved, that the Town Board hereby authorizes the Town Comptroller to payout to the Estate of Patrick Molinari the cash value of unused Vacation, Personal and Floating Holiday leave accrued as of 08/16/13 as follows:

Rate of Pay:	\$32.7484 hourly		
Vacation Leave:	86.25 hours x \$32.7484	=	\$ 2,824.54
Personal Leave:	3.75 hours x \$32.7484	=	\$ 122.81
Floating Holiday Leave:	15.00 hours x \$32.7484	=	<u>\$ 491.23</u>
	Total		\$ 3,438.59

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution adopted.

AMENDED SPECIAL USE PERMIT
SANCTUARY GOLF CLUB
RESOLUTION #381

Upon motion made by Supervisor Grace, seconded by Councilman Murphy,

WHEREAS, on August 3, 1999 pursuant to Town Code Section §300-66, the Town Board adopted a resolution granting a special use permit to operate a golf course to Sanctuary Golf Course owned by Tom Sung of Sung & Co. P.C. (the “Applicant”) and located on Route 118 and Locke Avenue, with Tax ID Section 59.09, Block 1, Lot 10 (the “Property”); and

WHEREAS, on February 11, 2011 the Applicant submitted a request to amend the special use permit and approved site plans to reflect the physical changes to the plan and the proposed addition of one tennis and one paddle ball court; and

WHEREAS the applicant has submitted as part of his application the following maps and documents:

- A letter from Al Capellini dated January 3, 2011;
- A letter from Evans Associates Environmental Consulting, Inc. dated January 16, 2012;
- A Full Environmental Assessment Form last revised January 4, 2012;
- A letter from Evans Associates Environmental Consulting, Inc. dated August 8, 2012;
- A map, sheet SP-1, titled “Sanctuary Country Club: Tennis Court Area Layout Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised April 26, 2013;
- A map, sheet SP-2, titled “Sanctuary Country Club: Tennis Court Area Grading & Utilities Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised April 26, 2013;
- A map, sheet SP-3, titled “Sanctuary Country Club: Tennis Court Area Erosion & Sediment Control Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised April 26, 2013;
- A map, sheet SP-4.1, titled “Sanctuary Country Club: Landscape & Mitigation Planting Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised April 26, 2013;
- A map, sheet SP-4.2, titled “Sanctuary Country Club: Landscape & Mitigation Planting Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised April 26, 2013;
- A map, sheet SP-5, titled “Sanctuary Country Club: Lighting Plan,” prepared by Evans Associates Environmental Consulting, Inc., dated January 3, 2012, and last revised April 26, 2013;
- A drawing, sheet DE-1, titled “Sanctuary Country Club: Tennis Court Area Construction Details,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised November 28, 2012;
- A drawing, sheet DE-2, titled “Sanctuary Country Club: Septic System/Construction Sequence/Construction Details,” prepared by Evans Associates Environmental Consulting, Inc., dated August 22, 2011, and last revised November 28, 2012;
- A drawing, sheet CL-1, titled “Sanctuary Country Club: Clearing Line Analysis Map,” prepared by Evans Associates Environmental Consulting, Inc., and dated April 26, 2013;
- A drawing, sheet CL-2, titled “Sanctuary Country Club: Clearing Line Analysis Map,” prepared by Evans Associates Environmental Consulting, Inc., and dated April 26, 2013;
- A drawing, sheet CL-3, titled “Sanctuary Country Club: Clearing Line Analysis Map,” prepared by Evans Associates Environmental Consulting, Inc., and dated April 26, 2013;
- A drawing, sheet CP-1, titled “Sanctuary Country Club: Comparison Plan,”

prepared by Evans Associates Environmental Consulting, Inc., and dated December 29, 2011;

- A drawing, Sheet S-101.00, titled “The Sanctuary Country Club: General Plan,” prepared by Hung-Pui Ho Professional Engineer, and dated September 27, 2010;
- A drawing, Sheet S-102.00, titled “The Sanctuary Country Club: Plan and Developed Elevation,” prepared by Hung-Pui Ho Professional Engineer, and dated September 27, 2010;
- A drawing, Sheet S-103.00, titled “The Sanctuary Country Club: New Stone Wall Sections,” prepared by Hung-Pui Ho Professional Engineer, and dated September 27, 2010;
- A drawing, Sheet S-104.00, titled “The Sanctuary Country Club: Stone Embankment Plan and Section,” prepared by Hung-Pui Ho Professional Engineer, and dated September 27, 2010;
- A survey titled “Topographical Map of Portion of Property Reflecting Existing Conditions Located at The Sanctuary Country Club,” dated March 24, 2011;
- A Stormwater Pollution Prevention Plan and Wetland Permit Application #FSWPPP-WP-094-12;
- A Stormwater Management Report for Sanctuary Country Club prepared by Evans Associates Environmental Consulting, Inc., and dated January 3, 2012;
- A Stormwater Pollution Prevention Plan Report prepared for The Sanctuary Country Club Tennis Court Area Update, dated September 1998, and last revised February 2012;

WHEREAS, the Town Board referred this application to the appropriate interested agencies for review and recommendation and the following were received:

- A letter from the Westchester County Planning Board dated February 10, 2011;
- A memo from the Conservation Board dated February 24, 2011;
- A memo from the Advisory Board on Architecture & Community Appearance dated February 23, 2011;
- A letter from the New York City Department of Environmental Protection to the Applicant dated February 16, 2011;
- A memo from the Conservation Board dated March 7, 2011;
- A memo from the Advisory Committee on Open Space dated December 12, 2011;
- A letter from the New York City Department of Environmental Protection to the Applicant dated December 8, 2011;
- A memo from the Yorktown Land Trust dated December 12, 2011;
- A memo from the Conservation Board to the Planning Board dated December 16, 2011;
- A memo from the Conservation Board to the Planning Board dated February 6, 2012;
- A memo from the Acting Town Engineer to the Planning Board dated March 1, 2012;
- A letter from the New York City Department of Environmental Protection to the Applicant dated March 7, 2012;
- A memo from the Planning Board dated August 28, 2012;
- A letter from the Westchester County Planning Board dated June 17, 2013;
- A memo from the Planning Board dated August 5, 2013;
- A memo from the Planning Department, Environmental Consultant, and Town Engineer dated August 5, 2013;

WHEREAS, having reviewed all recommendations, current site plans, building plans, environmental plans and reports, comments and reports from Town professional staff, the public, and other interested and involved agencies associated with the application before it; and having conducted a public hearing on the said site plan application commencing on October 16, 2012 and continuing on July 16, 2013 and closing on August 6, 2013 at Town Hall in Yorktown Heights, New York;

RESOLVED, the Applicant will retain an independent third-party Environmental Systems Planner, a “Qualified Inspector” as defined by the New York State Department of Environmental Conservation in the SPDES General Permit for Stormwater Discharges from Construction Activity, to supervise and be present during the construction of the

erosion control measures, and which Environmental Systems Planner will provide bi-weekly inspection reports regarding the status of erosion control measures to the approval authority via the Environmental Inspector and the Planning Department throughout construction; and

RESOLVED, the Applicant must notify the Town Board in writing stating the name of the Environmental Systems Planner or Firm that will be completing the bi-weekly inspection reports and shall notify the Planning Board in writing if this Planner or Firm changes; and

RESOLVED, that for any site disturbance of greater than 5,000 SF the Applicant must comply with New York State DEC Phase II Stormwater Regulations , latest amendment and the Town of Yorktown Stormwater Ordinance Chapter 248 of the Yorktown Town Code; and

BE IT NOW RESOLVED, that the application of Sung & Co. P.C. for the approval of an Amended Special Use Permit, which consists of an Amended Site Plan and Amended Stormwater Pollution Prevention Plan and Wetland Permit, as shown on the plan titled "Sanctuary Country Club," as enumerated above, and as prepared by Evans Associates Environmental Consultants, Inc., dated August 22, 2011, and last revised April 26, 2013, be approved subject to the modifications and conditions listed below, and that the Town Supervisor be and hereby is authorized to endorse this Board's approval of said plan upon compliance by the applicant with such modifications and requirements as noted below:

Additional requirements prior to signature by the Town Supervisor:

1. Submission of fees and security to the Engineering Department as required by the Town Engineer, which may include an Erosion Control Bond, a Performance Bond, and an Inspection Fee. Fees to be determined after Town Board approval and complete final set of drawings are submitted to the Town Engineer.

Additional requirements:

1. Applicant must submit final plans including as-built with all improvements in AutoCAD R14 readable format.
2. The conditions listed above do not remove the Applicant's obligation to comply with any Town ordinances and to obtain any and all applicable Town permits; and
3. Compliance with the Planning Board memorandum dated August 5, 2013 and August 28, 2012; and
4. Obtain all necessary permits from the Building Department for the tennis court retaining wall; and

BE IT FURTHER RESOLVED, that the Town, pursuant to SEQRA regulations 6 NYCRR 617.seq. hereby determines that the proposed action shall not have a negative environmental impact based on a Full EAF dated January 4, 2012 and as long as the above conditions are met; and

BE IT FURTHER RESOLVED that the resolution of August 3, 1999 and its requirements and conditions shall remain in full force and effect.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution Adopted

PUBLIC HEARING
WETLANDS PERMIT – SYLVAN GLEN DOG PARK

Supervisor Grace reconvened a public hearing to consider an application for the Town of Yorktown Parks and Recreation Department for a Wetlands permit to create an off-leash, fenced in Dog Park at the Sylvan Glen Park Preserve. Affidavits and proof of publication were presented by the Deputy Town Clerk.

Al Avitabile, Vice Chair, Parks and Recreation Commission gave an overview of the project. He further stated that this is a win-win for Yorktown.

Mr. Bob Ornstein spoke against having a dog park at Sylvan Glen Park.

Supervisor Grace stated that the Recreation Commission has statutory authority under State Law over parkland. All the Town Board is being asked to do is issue a wetlands permit to put up a fence in a wetlands buffer.

Councilman Murphy stated that the Town Board did not pick the site that is the jurisdiction of the Recreation Commission.

Mr. Ed Ciffone spoke in favor of having a dog park at Sylvan Glen Park.

Mr. John Schroeder, Yorktown Land Trust, stated that they have concerns with turtle migration, etc. and asked if the Town Board was going to wait for the Planning Department to respond. He also stated that he sent an email to the Recreation Commission offering to look for an alternative site. He also mentioned that Granite Knolls West would be a better location.

Supervisor Grace stated that the access road to Granite Knolls is restricted because it is not owned by the town. He explained that there is a concept site plan for this area and will include another field, parking and access road to site.

Mr. John Schroeder asked the Town Board to deny the permit because it is seriously lacking in mitigation.

Supervisor Grace stated that the application is to put up a fence and enclose 1.3 acres of property. Mitigation will be done by the applicant and include creating a turtle habitat closer to the pond.

Councilman Paganelli asked if Mr. Schroeder had any recommendations on the mitigation issue.

Supervisor Grace stated that a Long Form Environmental Assessment Form has been submitted by the applicant. The applicant can work with appropriate professionals to provide a better habitat through mitigation at the site.

Mr. Mike Engling spoke against having a dog park at Sylvan Glen Park

Ms. Patricia Johnson stated that this issue should not be rushed through. There are multiple issues to consider.

A resident of Grant Avenue spoke against having a dog park at Sylvan Glen Park.

A resident of Grant Avenue spoke against having a dog park at Sylvan Glen because it will increase traffic.

Mrs. Ruby Rocco spoke in favor of having a dog park at Sylvan Glen Park. She said it is consistent with Comprehensive Plan and people are already walking their dogs there.

Mr. Bill Kellner, Chair, Tree Conservation Advisory Commission spoke against having a dog park at Sylvan Glen Park.

Mr. Jonathon Nettlefield spoke in favor of having a dog park at Sylvan Glen. After ten years this is the only place that is being offered and it will take up less than 1 percent of the park area. He stated that he has an enormous amount of respect for the advisory committees He talked about dogs and how they play a very important part in people's lives.

Ms. Rachelle stated that she lives close to Sylvan Glen Park and has walked her dog there several times. There is more than one way to get to the park. People walk their dogs there on a regular basis. She spoke in favor of a dog park being created at Sylvan Glen Park.

Mr. Paul Moskowitz spoke against having a dog park at Sylvan Glen Park.

Mr. Dan Ciarcia spoke in favor of having a dog park at Sylvan Glen Park.

Mr. Jay Miller spoke in favor of having a dog park at Sylvan Glen Park.

Mr. Walt Daniels spoke against having a dog park at Sylvan Glen Park.

Mr. Howard Frank spoke about a collapsed culvert on the Sylvan Glen property that should be looked at and fixed.

Mr. Grigory Krastov spoke about a taxpayer subsidy committee.

Supervisor Grace stated that this is a public hearing on a wetlands permit to put up a fence in a wetlands buffer.

Mr. Mark Michaels spoke against having a dog park at Sylvan Glen Park. He stated that the Open Space Committee has offered to meet with the Recreation Commission and he feels careful analysis should be done regarding this location.

Mr. David Rocco spoke in favor of having a dog park at Sylvan Glen Park and presented the Deputy Town Clerk with a 500 hundred signature petition in favor of a dog park there as well. He stated that this can work together in harmony.

Mrs. Ann Kutter stated that she was in favor of a dog park but not at Sylvan Glen Park.

All those present, having been given the opportunity to be heard, and there being no further discussion the hearing was closed. Supervisor Grace motioned, seconded by Councilman Paganelli.

WETLANDS PERMIT – SYLVAN GLEN DOG PARK
LEAD AGENCY AND NEGATIVE DECLARATION
RESOLUTION#382

Upon motion made by Supervisor Grace, seconded by Councilman Murphy,

WHEREAS, the Town of Yorktown is seeking to create a dog park at the western edge Sylvan Glen Park; and

WHEREAS, there are Town regulated wetlands and associated buffers located on the site; and

WHEREAS, a wetland permit application (WP-047-13) dated June 26, 2013 in which information has been provided to mitigate impacts to wetland and wetland buffer areas; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated June 25, 2013 and pursuant to NNYSCRR Part 617 of the State Environmental Quality Review Act the Town Board seeks to conduct an environmental review of the project: and

WHEREAS, jurisdictional permits and approvals for this project dated July 25, 2013 have been obtained from the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, there has been no objection to the Town Board Declaration of Intent for Lead Agency dated June 25, 2013

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

NOW THEREFORE BE IT RESOLVED THAT the Town Board thereby declares Lead Agency for this project.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution Adopted

SEQRA - WETLANDS PERMIT – SYLVAN GLEN DOG PARK
RESOLUTION #383

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli,

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Yorktown Town Board has determined that the proposed action described below will not have a significant environmental impact and a Draft Environmental Impact Statement will not be prepared.

Name of Action: Wetland Permit for the Town of Yorktown, New York: Dog Park

SEQRA Status: ___ Type 1

X Unlisted

Conditioned Negative Declaration: ___ Yes

X No

Description of Action: The applicant is proposing to create a dog park at the western edge of Sylvan Glen Park. In order to enclose approximately the 1.2 acre dog park, fencing will be installed. The fencing is located within a wetland control area of a jurisdictional Town of Yorktown wetland. Total land disturbance is less than 5,000 sq. ft.. The applicant requires a Wetlands Permit from the Town Board. A wetland permit has been obtained from the New York State Department of Environmental Conservation (NYSDEC).

Location: Sylvan Glen Park near Grant Avenue, in the Town of Yorktown, Westchester County, New York. Parcel is described on the Town of Yorktown tax roll as Section 25.16 Block 1 Lot 25.

Reasons Supporting This Determination: The Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c), specifically:

1. The proposed action will not result in a substantial adverse change in the existing air quality, ground or surface water quality or quantity, traffic or noise levels, or a substantial increase in solid waste production. The dog park is located in a formerly disturbed area most recently used as an outdoor classroom. The action will result in the temporary disturbance to the buffer in order to dig fence post holes by hand. There shall be no disturbance within 25' of the wetland boundary or in the wetlands. Pet waste shall be removed from the site through agreement with the Yorktown Community Dog Park, Inc. Trash shall be regularly picked up by the Town of Yorktown. Regulated and protected trees shall not be removed and the existing forested floor shall remain to the greatest degree practical. There shall be no increase in impervious area as an existing trail and parking area shall be utilized. There shall not be any loss of wetland or wetland buffer area. The dog park location is surrounded by Sylvan Glen Park and is accessible from an existing parking lot and trail. The most closely located residence to the dog park is approximately 350' away.
2. The proposed action will not result in the removal or destruction of large quantities of

natural vegetation or fauna as there shall not be any removal of regulated or protected trees and the forest floor shall be maintained to the greatest degree practical. Information provided by NYSDEC has indicated that there are no threatened or endangered species in the immediate area of the dog park. Sylvan Glen Park was identified as a biotic planning unit in a biodiversity study conducted by the Metropolitan Conservation Alliance. The Town of Yorktown has engaged the services of a wildlife expert who has indicated that the creation of the dog park will not result in substantial interference with the movement of any resident or migratory fish or wildlife species or impact a significant habitat area.

3. The proposed action will not result in the impairment of the environmental characteristics of a Critical Environmental Area as designated pursuant to 6 NYCRR Part 617.14(g).
4. The proposed action will not result in a material conflict with the Town's officially approved or adopted plans or goals.
5. The proposed action will not result in the impairment of the character or quality of important historical, archaeological, architectural, aesthetic resources, or the existing character of the community or neighborhood. The area of the dog park has not been identified as historically significant. The dog park is to be located off an existing trail system and will utilize an existing parking area located within this neighborhood. The proposed action will not result in a major change in the use of either the quantity or type of energy. A substantial net increase in energy will not result. There shall be no lighting installed in association with the dog park.
6. The proposed action will not create a hazard to human health and safety as all applicable health and safety regulations will be followed.
7. The proposed action will not create a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses. This area of Sylvan Glen Park was developed in the past in the form of an outdoor classroom. There shall not be any reduction of open space.
8. The proposed action will not encourage or attract a large number of people to a place or place for more than a few days, compared to the number of people who would come to such place absent the action.
9. The proposed action will not create a material demand for other actions that would result in one of the above consequences.
10. The proposed action will not result in changes in two or more elements of the environment, no one of which has a significant impact on the environment, but when considered together result in a substantial adverse impact on the environment.
11. When analyzed with two or more related actions, the proposed action will not have a significant impact on the environment and when considered cumulatively, will not meet one or more of the criteria under 6 NYCRR 617.7(c).
12. The Town Board has considered reasonably related long-term, short-term, direct, indirect and cumulative impacts, including other simultaneous or subsequent actions.

Grace, Murphy, Patel, Paganelli Voting Aye
Resolution Adopted

WETLANDS PERMIT – SYLVAN GLEN DOG PARK
RESOLUTION #384

Upon motion made by Supervisor Grace, seconded by Councilman Murphy,

WHEREAS, the applicant proposes to create a dog park at the western edge of Sylvan Glen Park; and

WHEREAS, jurisdictional permits and approvals for this project dated July 25, 2013 have been obtained from the New York State Department of Environmental Conservation (NYSDEC); and

WHEREAS, there is Town regulated wetland buffer located on the site and disturbance to the wetland buffer is required to install fencing which will enclose approximately 1.2 acres in order to create the dog park; and

WHEREAS, land disturbance is less than 5,000 sq. ft. will be required to complete the project; and

WHEREAS, there shall not be any cutting of protected or regulated trees as defined in the Town of Yorktown Tree Ordinance; and

WHEREAS, the applicant has submitted a wetland permit application (WP-047-13) dated June 26, 2013 in which information has been provided to mitigate impacts to the wetland buffer area; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated June 25, 2013; and

WHEREAS, the proposed action has been determined to be an Unlisted Action under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Town of Yorktown Town Board declared Lead Agency on September 3, 2013; and

WHEREAS, review comments have been obtained and fully considered from the following:

New York City Department of Environmental Protection: 07/23/13.
Town of Yorktown Acting Town Engineer: 07/11/13.
Town of Yorktown Building Inspector: 07/08/13.
Town of Yorktown Environmental Code Inspector: 07/15/13.
Town of Yorktown Environmental Consultant: 8/3/13.
Town of Yorktown Planning Board: 07/19/13.
Town of Yorktown Conservation Board: 07/17/13.
Town of Yorktown Tree Advisory Committee: 07/23/13, 08/07/13 (email).
Town of Yorktown Advisory Committee on Open Space: 07/23/13.
Yorktown Land Trust: 07/22/13, 08/28/13

WHEREAS, the Town Board has compared the proposed action with the Criteria for Determining Significance in 6 NYCRR 617.7 (c) and determined that the proposed action will not have a significant adverse impact on the environment; and

WHEREAS, the Town of Yorktown Parks and Recreation Commission has provided documentation that in excess of thirty (30) alternate sites have been considered as a potential location for a dog park and have been rejected due to a variety of factors including but not limited to the inability to meet program requirements, cost, environmental constraints, proximity to a large number of residents; and

WHEREAS, the consideration and rejection of the thirty (30) alternate sites adequately demonstrates that the proposed action represents is an unavoidable wetland buffer impact; and

WHEREAS, the Town Board has considered all reasonably related long-term, short-term, direct, indirect, and cumulative environmental effects associated with the proposed action including other simultaneous or subsequent actions; and

WHEREAS, a public hearing on the permit application was conducted on August 6, 2013; and

WHEREAS, the public hearing was adjourned on August 6, 2013 in order for the applicant to consider public comment and provide additional information; and

WHEREAS, the public hearing was reconvened on September 3, 2013 in which additional information was provided by the applicant and additional public comment was heard and considered, and

NOW THEREFORE BE IT RESOLVED THAT, the public hearing for the Wetlands Permit is hereby closed; and

BE IT FURTHER RESOLVED THAT, the following plans and documents are approved subject to the below-listed conditions;

1. Town of Yorktown Wetland Permit Application WP-047-1331 dated June 26, 2013, executed by Brian Gray, Town of Yorktown Superintendent of Parks and Recreation.
2. Short-form EAF dated June 25, 2013.
3. Plan entitled; "Sylvan Glen Dog Park prepared for Yorktown Recreation Commission" prepared by Ciarcia Engineering originally dated 07/17/13 with the most recent revision date of 08/02/13, 1 sheet.
4. Letter dated July 24, 2013 from David Rocco, Chair and Jonathan Nettlefield, Vice Chair of The Yorktown Community Dog Park, Inc.
5. Letter executed by Anthony Russo of Environmental Compliance Inc. dated 08/06/13.

BE IT FURTHER RESOLVED THAT, the Wetlands Permit is granted subject to the signing of the plan by the Town Supervisor. The conditions of the wetland permit shall be construed as a comprehensive wetland plan and the Wetlands Permit shall be a General Wetland Permit which shall be subject to all conditions pursuant to Chapter 178-10 (D) of the Town of Yorktown Town Code. All work associated with the Wetland Permit shall be conducted in strict compliance with the approved plan; and

BE IT FURTHER RESOLVED THAT, the Town Environmental Consultant will provide the Town Board with a report stating whether the applicant has complied with the requirements of this Resolution by the end of the term of this permit; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions that must be met prior to the Supervisor signing the Plans must be completed within six months of the date of this Resolution. Should these conditions not be completed within the allotted time frame, this Resolution shall become null and void unless an extension is requested by the applicant (in writing) within said six month period and granted by the Town Board.

Conditions that must be met prior to the Supervisor signing the Plans:

- The Yorktown Community Dog Park, Inc. shall execute the letter from David Rocco, Chair and Jonathan Nettlefield, Vice Chair dated July 24, 2013 and enter into an agreement with the Town of Yorktown pursuant to approval of the Town of Yorktown Town Supervisor.
- The Town Supervisor shall sign the EAF.
- A wildlife expert, determined to have suitable qualifications by the Town Supervisor, shall inspect the area of the dog park site to determine the presence or absence of box turtle breeding area and provide a written report, including potential mitigation, to the Town Supervisor and Town Engineer.
- The applicant shall provide a detail of the proposed fence to the satisfaction of the Town Engineer.

Conditions of the Wetlands Permit

1. The applicant agrees to allow periodic inspections by the Town and its consultants.

2. The Town Environmental Consultant shall inspect the site at the end of construction, but prior to the issuance of a notice of satisfactory completion, to ensure compliance with the wetland permit.
3. All protected trees shall be clearly marked prior to the commencement of any work.
4. Fence post holes shall be dug by hand. No machinery is permitted within the wetland and wetland buffer.
5. No additional disturbance to the wetland and/or wetland buffer or plan modification is permitted without prior written approval from the Town Board.

Additional Requirements to be Satisfied Subsequent to the Signing of the Plans:

1. The Acting Town Engineer and Town Environmental Consultant must provide a written report, no later than one year from the date that the Town Supervisor has signed the plans documenting the status of the implementation of the requirements of this resolution.
2. The Acting Town Engineer shall provide an annual report to the Town Board documenting compliance with the conditions of this permit.

Grace, Murphy, Paganelli Voting Aye
 Patel Voting Abstain
 Resolution Adopted

DURING COURTESY OF THE FLOOR, the following people addressed the members of the Town Board:

Mr. Gil Kauffman asked if the Town Board has addressed the security issues that he brought forward at an earlier meeting. He also mentioned that a Senior Forum for candidates running in November would be held in October.

Supervisor Grace stated that he will speak to the Police Chief regarding this issue.

Mr. William Kellner stated that he supports the Depot Square project.

Supervisor Grace stated that he estimates approximately \$400,000 for the butler buildings to house the Highway Department and Parks Department on the Greenwood Street property.

Councilman Paganelli stated that the Town of Eastchester is looking into purchasing a butler building which is 26,000 square feet and the estimated cost is \$3 million dollars.

Mr. Howard Frank stated that the Water Distribution Superintendent has told him that the water meters are working properly in the Cortlandt Water District.

Councilman Paganelli confirmed that it was his understanding that Cortlandt Water District meters were working.

Mr. Howard Frank stated that he asked the Deputy Town Clerk to forward the annual water quality report to the Town Board and he asked them to read through it.

ADJOURN

Upon motion made by Councilman Murphy, seconded by Councilman Paganelli, the Town Board meeting was adjourned.

Diana L. Quast, Deputy Town Clerk
 Town of Yorktown