



**Town of Yorktown**  
*Office of the Town Clerk Diana L. Quast*

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**FINAL TOWN BOARD AGENDA**

May 4, 2021

**Spadaccia Meeting Room**  
**363 Underhill Avenue, Yorktown, NY 10598**

**6:00 PM EXECUTIVE SESSION (Closed Session):**

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

Personnel

John C. Hart Memorial Library  
Building Department

Interview

Sam Schwartz Engineering Company

Litigation & Negotiations

Town Attorney

**7:30 PM TELEVISED TOWN BOARD MEETING (Open Session)**

1. PLEDGE OF ALLEGIANCE
2. MOMENT OF SILENCE
3. INTRODUCTIONS
4. REPORT FROM TOWN SUPERVISOR MATTHEW J. SLATER
5. REPORTS FROM TOWN COUNCIL
6. REPORT FROM HIGHWAY SUPERINTENDENT
7. PROCLAMATION – MENTAL HEALTH AWARENESS MONTH  
WHEREAS, May is recognized as Mental Health Awareness Month; and

WHEREAS, mental illness is defined as a medical condition that disrupts a person's thinking, feeling mood, ability to relate to others and daily functioning and can affect persons of any age, race, religion or socioeconomic status; and

WHEREAS, statistics show that one in four American adults experiences an episode of mental illness each year and it is estimated four million children and adolescents in America suffer from a serious mental disorder; and

WHEREAS, with treatment recovery from serious mental illness is not only possible but probable; and

WHEREAS, the Town of Yorktown is proud to work with advocacy organizations such as NAMI of Westchester to break down the barriers, stigma and fear of discrimination that keep many from seeking help through available mental health services; and

WHEREAS, good mental health as promoted by local organizations such as the Alliance for Safe Kids is critical to the well-being of our families, communities, schools and businesses; and

WHEREAS, early intervention has proven to enhance learning, communication, social skills and underlying brain development; NOW, THEREFORE;

BE IT RESOLVED, the Town of Yorktown recognizes and celebrates May as Mental Health Awareness Month; and

BE IT FURTHER RESOLVED, the Town of Yorktown urges all members of our communities, businesses and civic organizations to assist in increase awareness and understanding of mental illnesses; and

BE IT FUTHER RESOLVED, the Town of Yorktown recommits to enhancing local services that further assist our residents achieve recovery from mental illness.

8. PERSONNEL

**Appoint Kaity Hsiu Librarian I, as a lateral transfer from the Tuckahoe Public Library to the John C. Hart Memorial Library**

BE IT RESOLVED that Kaity Hsiu is hereby appointed Librarian I, job class code 0224-01, as a lateral transfer from the Tuckahoe Public Library to the John C. Hart Memorial Library, effective May 20, 2021, to be paid from the Yorktown CSEA Salary Schedule A-1, Group XI, step 1 which is \$63,683 annually.

BE IT RESOLVED, employment is contingent upon successful completion of a drug test and reference checks; now therefore

BE IT FURTHER RESOLVED, that this appointment is subject to a probationary period of not less than 12 nor more than 52 weeks, commencing on May 20, 2021.

**Reappoint Tom Schmitt to the Tree Conservation Advisory Commission**

BE IT RESOLVED, that Tom Schmitt is hereby reappointed as a member of the Tree Conservation Advisory Commission for a three-year term expiring on October 31, 2023.

**Accept resignation received from John Kincart from the Planning Board with thanks for his many years of service to the Town**

Resolved, that the Town Board accepts the resignation received from John Kincart from the Planning Board with thanks for his many years of service to the Town.

9. POET LAUREATE

John McMullen

10. COURTESY OF THE FLOOR

11. PUBLIC HEARINGS

**Decision to consider the Petition for Zoning and Site Plan Amendments submitted by Cuddy & Feder on behalf of Kitchawan Barns, LLC for property located at 712 Kitchawan Road. The request is for an amended site plan for a minor addition**

WHEREAS, Steven Spiro & Michael Katz, now known as Kitchawan Barns LLC (the “Applicants”) as contract vendees, by their attorneys Cuddy & Feder LLP, applied to amend the parameters of the Transitional Zone established by the Town Board by Resolution dated November 15, 2017, for the 14.70-acre parcel located at 712 Kitchawan Road in the Town of Yorktown, also known as Section 70.06, Parcel 1, Lot 4 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the proposed amendments to Transitional Zone will allow the Property to be improved with the construction of a minor addition to the existing office building in the general location of the former greenhouse on the Property, which will be used in support of the existing for-profit office and flex space, including a digital printing/cutting/laminating business which was established by the Transitional Zone approved by the Town Board on November 15, 2017; and

WHEREAS, the proposed minor addition is a refinement to the addition that the Town Board previously approved for the Property by Resolution dated November 15, 2017; and

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on April 6, 2021 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on April 20, 2021; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated March 2, 2021 together with supporting documentation evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency for the environmental review process in accordance with the State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, receiving no objection or opposition to its intent to act as lead agency, the Town Board hereby declares itself lead agency for carrying out the procedural requirements of the SEQRA regulations; and

WHEREAS, the Town Board, using the information provided by the Applicants and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board created the transitional zone designation specifically for residentially zoned properties that have unique characteristics that make them difficult to develop under their zoning designation; and

WHEREAS, the Transitional Zoning designation considers the unique characteristics of these specific parcels and establishes area and bulk requirements to assure

compatibility with the surrounding uses and character of the immediate neighborhood;  
and

WHEREAS, the Property is surrounded by the Kitchawan Preserve, a 208-acre natural preserve owned by Westchester County, which was formerly part of the same site when the entirety of both properties were owned and used as a research facility by the Brooklyn Botanic Garden (the “Garden”); and

WHEREAS, when the Garden sold the 208-acre parcel to Westchester County, it retained its adjoining 14.70-acre parcel (“Retained Property”) and granted the County a right of first refusal to purchase the Retained Property if the Garden entered into an agreement to sell the Retained Property to a third party; and

WHEREAS, at the same time, the County granted the Garden, its successors and assigns, a vehicular and pedestrian easement on, over and across the existing entrance road of the Kitchawan Preserve in order to provide access to and from the Retained Property and NYS Route 134, Kitchawan Road; and

WHEREAS, the Town Board qualified this property as a targeted property for a transitional zoning designation as defined in Article XVII of the Town Code and approved a transitional zone on this property in 2017; and :

WHEREAS, the Planning Board reviewed the Applicants’ site plan submittal at its March 22, 2021 meeting and recommended the approval of the Transitional Zone amendment request by memorandum dated March 31, 2021; and

WHEREAS, pursuant to Article XVII, the Town Board hereby finds the following:

- i. The construction of the proposed addition to the existing office building continues and supports the use of the subject Property compatible with the Transitional Zone established by the Town Board on November 15, 2017, and is compatible with adjacent land uses and will not adversely affect the continued use of adjacent properties as presently zoned;
- ii. The construction of the proposed addition to the existing office building is compatible with the environmental constraints of the site; and therefore

BE IT HEREBY RESOLVED, that the Town Board pursuant to 6NYCRR §617.7 of the State Environmental Quality Review Act determines that there will be no adverse environmental impacts resulting from this action and therefore adopts a negative declaration pursuant thereto; and

BE IT FURTHER RESOLVED that the petition to amend the Schedule of Regulations regarding the bulk and area parameters of the Transitional Zone established by the Town Board on the subject Property is hereby granted; and

The use, density, setback and area and bulk requirements for the subject site shall be amended and corrected as follows:

**PERMITTED USES:**

1. All permitted uses, accessory uses, and special permit uses are as set forth in the transitional zone as established by the Town Board as approved on November 15, 2017.

**SCHEDULE OF REGULATIONS  
TRANSITIONAL ZONE PROPOSED BULK REGULATIONS**

Lot area	14.70 ac
Lot width at front yard	_____ ft
Front yard	160.03 ft
Side yard	95.22 ft and 555.49 ft;
Rear yard	299.85 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	15,112 sq ft (2.4%)
Off street parking	Office: 43 parking spaces existing to remain

AND BE IT FURTHER RESOLVED, if the Applicant should propose to construct additional site improvements of up to 1,000 sq. ft. of lot coverage, such improvements may be authorized by amended site plan approval from the Town Board without the need for a zoning amendment. If the Applicant proposes additional site improvements between 1,001 and 3,000 sq. ft. of lot coverage, the Town Board shall have the sole discretion to determine if the additional improvements may be authorized by site plan amendment only or if a zoning amendment is also necessary.

AND BE IT FURTHER RESOLVED, that no development shall be permitted except in accordance with a plan of development approved by the Town Board pursuant to the State Environmental Quality Review Act and Article VIII of the Yorktown Town Code and all other relevant laws; and

AND BE IT FURTHER RESOLVED, that all other requirements, conditions, and parameters of the rezoning of the Property to transitional zone by the Town board dated November 15, 2017, shall remain in full force and effect unless otherwise modified herein.

AND BE IT FURTHER RESOLVED, that unless a building permit is obtained within 1 year of the date of this resolution, the resolution shall be null and void.

**Approve Amended Site Plan for a minor addition to property located at 712 Kitchawan Road – Kitchawan Barns, LLC**

WHEREAS, Steven Spiro and Michael Katz, now known as Kitchawan Barns LLC, (the “Applicants”) as contract vendees, by their attorneys, Cuddy & Feder LLP, applied to the Town Board of the Town of Yorktown for Amended Site Plan approval under Article XVII of the Zoning Code of the Town of Yorktown; and

WHEREAS, the subject site is a 14.70-acre parcel located at 712 Kitchawan Road in the Ossining area of the Town of Yorktown that is classified in the Transitional Zone, and known as Section 70.06 Parcel 1 Lot 4 on the Tax Map of the Town of Yorktown (the “Property”); and

WHEREAS, the applicant submitted as part of his application the following site plan related drawings:

1. A drawing, titled "Site Plan," Sheet 1 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021;
2. A drawing, titled "Proposed Elevations," Sheet 2 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021; and
3. A drawing, titled "Proposed Floor Plans," Sheet 3 of 3, prepared by Aryeh Siegel, Architect, dated July 14, 2017, last revised April 29, 2021;
4. A drawing, titled "Grading, Erosion & Sediment Control Plan," Sheet 4 of 5, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 29, 2021;
5. A drawing, titled "Erosion Control Details," Sheet 5 of 5, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 29, 2021;
6. A report, titled Basic Stormwater Pollution Prevention Plan for Kitchawan Barns, LLC, prepared by Hudson Land Design Professional Engineering, PC, dated March 1, 2021, last revised April 28, 2021; and

WHEREAS, the Applicants obtained Site Plan Approval in connection with the Town Board's approval to rezone the Property into the Transitional Zone, which Site Plan Approval and Zoning Amendment Approval were approved for the Property by the Town Board by Resolutions, both dated November 15, 2017; and

WHEREAS, the proposed minor addition is a refinement to the addition that the Town Board previously approved for the Property by Resolution dated November 15, 2017; and

WHEREAS, the Applicants submitted as part of its application an Environmental Assessment Form dated March 2, 2021, together with supporting documentation evaluating the potential environmental impacts of the proposed action; and

WHEREAS, the Town Board circulated its intent to become lead agency for the environmental review process in accordance with the State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Town Board, using the information provided by the applicant and comparing it with the thresholds set forth in Section 617.12 of SEQRA, classified the proposed action as unlisted; and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board	03/31/2021
Conservation Board	03/18/2021

ABACA	04/01/2021
Town Engineer	04/06/2021
Westchester County Planning	03/26/2021
NYC DEP	04/08/2021

and;

WHEREAS, the Town Board held a duly noticed Public Hearing commencing on April 6, 2021 at the Town Hall, 363 Underhill Avenue in Yorktown Heights, New York, which was reconvened and closed on April 20, 2021; and

WHEREAS, the Town Board, based on the Applicant's submissions, comments received by the involved boards and agencies and the testimony received at the public hearings, issued a negative declaration pursuant to SEQRA §617.7 finding the proposed action would not significantly affect the environment; and

WHEREAS, on April 20, 2021 the Town Board approved the Applicant's verified petition to amend the Schedule of Regulations regarding the bulk and area parameters of the Transitional Zone established by the Town Board on the subject Property; and now therefore,

BE IT HEREBY RESOLVED, that amended site plan approval is hereby granted for construction of the proposed addition to the existing office building in the general location of the former greenhouse on the Property, which will be in support of the existing for-profit office, including a digital printing/cutting/laminating business on the Property. The Property shall be improved as per the latest revised drawings listed above and pursuant to the following amendments and conditions:

1. The primary use of the subject Property shall be limited to the uses cited above and as listed in the Site Plan Approval and Zoning Amendment Approval Resolutions that granted approval to rezone of 712 Kitchawan Road Property in the Transitional Zone, both dated November 15, 2017 (the "Rezoning Resolutions"); and
2. The following bulk regulations, as established by the Town Board at the rezoning stage and corrected from the Rezoning Resolutions dated November 15, 2017, shall be met by the proposed addition as shown on the site plan drawings enumerated herein and as listed below:

Lot area	14.70 ac
Lot width at front yard	_____ ft. _____ ft
Front yard	160.03 ft.
Side yard	295.22 ft. and 555.49 ft;
Rear yard	299.85 ft
Maximum height	35 ft main building 20 ft accessory building
Maximum coverage	15,112 sq ft (2.4%)
Off street parking	Office: 43 parking spaces existing to remain

3. Requests to use the property for more than 30 employees shall require Town Board approval;

4. There are 43 pre-existing parking spaces on the Premises that will remain gravel and macadam as shown on the Site Plan. This does not limit repairs of the parking areas using the same or similar materials, or other pervious pavers;
5. The proposed exterior material of the proposed storage building shall be in accordance with the ABACA memo dated April 1, 2021 and their final recommendation;
6. Lighting shall be consistent with the lighting shown on the Site Plan;
7. “Thuja Green Giant” arborvitae screening trees will be installed per the Town Engineer and shown on the plans and are to be maintained by the owner of the Property;
8. Any required approvals of New York City Department of Environmental Protection and any other agencies shall be obtained prior to commencement of any work or issuance of a building permit; and
9. Entrance signage will be consistent in size and style with existing signage.

FURTHER RESOLVED, the Applicant shall submit copies of the approved site plan for signature by the Town Supervisor prior to the issuance of any building permit; and

AND BE IT FURTHER RESOLVED that all other requirements, conditions, and parameters of the site plan approval by the Town Board dated November 14, 2017 shall remain in full force and effect unless otherwise modified herein; and

AND BE IT FURTHER RESOLVED that unless a building permit is obtained within 1 year of the date of this resolution, the resolution shall be null and void.

**Decision to consider the Wetlands/Stormwater Permit Application submitted by Christopher & Amanda Collier for the construction of a new house on property located at 2572 Gregory Street**

WHEREAS, Christopher and Amanda Collier, (the “Applicants”) as owners, applied to the Town Board of the Town of Yorktown for a Stormwater permit and Wetland permit approval under Chapters 178 and 248 of the Town Code of the Town of Yorktown; and

WHEREAS, the applicant proposes to construct a detached, 2,133 square foot (footprint) single family residence, driveway, stormwater detention and associated improvements (the action) on a 1.849 +/- acre parcel situated in an R1-40 zoning district and,

WHEREAS, the action will require greater than 5,000 square feet of land disturbance, and

WHEREAS, pursuant to Chapter 248 of the Town of Yorktown Town Code entitled “Stormwater Management and Erosion and Sediment Control” a stormwater permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and



WHEREAS, the action is located, in part, in a Town of Yorktown jurisdictional wetland and wetland buffer, and

WHEREAS, the applicant proposes to permanently disturb the Town of Yorktown jurisdictional wetland and wetland buffer and modify the wetland buffer in order to construct the proposed improvements, and

WHEREAS, pursuant to Chapter 178 of the Town of Yorktown Town Code entitled “Freshwater Wetlands” a wetland permit is required for the proposed action in which the Town Board of the Town of Yorktown serves as approval authority; and

WHEREAS, the applicant proposes to remove protected trees on the property, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code entitled “Trees” a tree permit is not required for the proposed action in which the Town Board serves as approval authority where trees are proposed to be removed from a wetland or wetland buffer, and

WHEREAS, pursuant to Chapter 270 of the Town of Yorktown Town Code, trees proposed to be removed from wetland s or wetland buffers must provide mitigation for tree loss following the recommended mitigation measures found in said Chapter; and

WHEREAS, the applicant has submitted a Town of Yorktown stormwater and wetland permit application WP-BSWPP-000-21, dated February 11, 2021; and

WHEREAS, the applicant has submitted a short-form Environmental Assessment Form (EAF), dated July 17, 2020, and

WHEREAS, the Town Board referred the application to the involved boards and agencies and received and considered the following memoranda:

Planning Board  
Conservation Board  
ABACA  
Town Engineer

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 intent to be Lead Agency on March 9, 2021 and having received no objection is therefore Lead Agency for this action; and

WHEREAS, a public hearing was held opened on April 6, 2021 in order to solicit comments from the public regarding the proposed action, and was adjourned to obtain additional information, and

WHEREAS, in response to public comment the applicant’s consultants have provided analysis and reports which demonstrate that the action will not result in an increase in stormwater flow from the subject property when compared to the present stormwater flow, and

WHEREAS, the applicant has provided mitigation as indicated on the referenced plans which includes a conservation easement and stormwater structures which are designed to reduce discharge from the site to the wetlands, and

WHEREAS, the public hearing was reconvened on April 20, 2021, 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 determined that the action will not have a significant adverse impact on the environment, and now

THEREFORE, BE IT RESOLVED, that the public hearing for the Wetland, Tree and Stormwater Permit is hereby closed; and

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

- A drawing entitled: “Tree & Wetland Survey, sheet 1 of 1,” prepared by Rowan Land Surveying, PLLC, dated September 9, 2020 and last revised April 13, 2021
- A drawing entitled: “Site Plan, sheet AS-100, prepared by Architectural Visions, PLLC, dated February 19, 2020 and last revised April 2, 2021
- A drawing entitled: “Site Details- Drainage, sheet AS-101, prepared by Architectural Visions, PLLC dated February 9, 2020 and last revised April 2, 2021
- A drawing entitled: “Site Plan, sheet 1 of 2, prepared by J.D. Barrett & Assoc, LLC, dated January 27, 2021 and last revised April 14, 2021
- A drawing entitled: “mitigation Planting Plan, sheet 2 of 2, prepared by J.D. Barrett & Assoc, LLC, dated January 27, 2021 and last revised April 14, 2021
- A Report entitled; “Evaluation and Classification of Existing Wetland” prepared by Stephen W. Coleman, Environmental Consultants, LLC, dated January 27, 2021 with supplement dated April 7, 2021
- Document entitled, “Conservation Easement” prepared by David S. Steinmetz, undated.

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit is granted subject to the signing of the plans by the Town Supervisor and shall be valid for a period of one year from date of this resolution. All work associated with the Wetland and Stormwater Permit shall be conducted in strict compliance with the approved plans; and

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

BE IT FURTHER RESOLVED THAT, the Wetland and Stormwater Permit shall automatically expire upon completion of work; and

BE IT FURTHER RESOLVED THAT, the below-listed conditions must be completed within six months of the date of this Resolution or 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; and

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

1. The Town Stormwater Officer shall sign the MS4 acceptance form.
2. All outstanding comments of the Acting Town Engineer and Town Environmental Consultant must be addressed to their written satisfaction. Final reports from the Acting Town Engineer and the Town Environmental Consultant shall be submitted to the Town Board, which shall ensure that all outstanding comments have been satisfied and shall also address resolution conformance.
3. A construction monitoring fee in the amount of \$1,000.00 must be submitted to the Engineering Department Clerk.
4. An Erosion and Sediment Control Bond, or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney, shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be released upon required documentation of satisfactory completion of all work and stabilization of the site.
5. A Wetland Bond or other collateral acceptable to the Town Board and in form acceptable to the Town Attorney shall be submitted to the Engineering Department. Said security shall be in the amount of \$2,500.00 which shall be upon completion of all work in accordance with the approved plans and conditions.
6. A stormwater maintenance agreement executed by the property owner(s) shall be provided to the Town Engineer.
7. The conservation easement must be provided in form and content acceptable to the Town Attorney and recorded with the agencies as determined by the Town Attorney.
8. Curb cut and driveway detail must be approved and a permit granted by the Town of Yorktown Highway Superintendent.
9. Town of Yorktown sewer and water connection permits must be obtained.

Conditions of the Wetland, Tree and Stormwater Permit

1. Work of any kind shall not commence prior to the issuance of a Town of Yorktown Building Permit.
2. The applicant agrees to allow periodic inspections by the Town and its consultants.
3. The Town Staff shall inspect the site at the end of construction, but prior to the issuance of a certificate of occupancy, to ensure compliance with the permit.
4. No additional disturbance or modification to the approved plans is permitted without prior written approval from the Acting Town Engineer.
5. The location of the boundary of the disturbance line shall be marked with large boulders as shown on the approved plans prior to the issuance of a certificate of occupancy.
6. No trees shall be cut within the area of the conservation easement unless

- shown on the approved plan. Following issuance of the certificate of occupancy, no trees of any size shall be cut or any vegetation removed within the area of the conservation easement without prior Town approval.
7. Prior to backfilling, the applicant's design professional shall inspect all stormwater structures and provide written certification to the Town Engineer, prior to the issuance of a certificate of occupancy, that all stormwater structures have been installed in accordance with the approved plans.
  8. A pre-construction meeting with the applicant's contractors and the Town Staff must be held prior to the commencement of work. The applicant must contact the Town Engineering Department at 914-962-5722 x220 at least 72 hours in advance of the meeting date to schedule the pre-construction meeting. All trees to be cut or pruned must be clearly marked in the field in accordance with the approved plan prior to the pre-construction meeting.
  9. Prior to the issuance of a Certificate of Occupancy, the conservation easement shall be recorded to the satisfaction of the Town Attorney.

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

1. The Acting Town Engineer and Town Environmental Consultant must provide written report, no later than at the expiration date of the wetland and stormwater permit, documenting the status of the implementation of the requirements of this resolution.
2. Prior to the issuance of a Certificate of Occupancy, all conditions of this permit must be met and all drainage work on the adjoining property must be completed to the satisfaction of the Acting Town Engineer and other Town staff as required.

12. RESOLUTIONS

**Authorize Town Clerk to refer out all necessary documents for the proposed Establishment of the Hallocks Mill Sewer District Extension Phase 1, Declare Lead Agency Status and SEQRA**

WHEREAS, The Town of Yorktown proposes to extend sanitary sewer service to unsewered areas within the Hallock's Mill Sewer District (HMSD) by constructing gravity sewers and low-pressure sewer systems (hereafter referred to as, "Proposed Action"); and

WHEREAS, the location of the proposed sewers and properties to benefit from the improvements are shown in a report prepared for the Proposed Action entitled "Hallocks Mill Sewer District Extension Phase 1 Map, Plan and Report" dated October 16, 2019; and

WHEREAS, the Proposed Project intends to extend sewer service to 315 parcels designated as the Birch Street Sub-Area (220 parcels), the Sparkle Lake Sub-Area (69 parcels), and the Sunrise Street Sub-Area (26 parcels); and

WHEREAS, the Proposed Action requires review under the New York State Environmental Quality Review Act (SEQRA), per 6NYCRR Part 617; and

WHEREAS, the Proposed Action is defined as an Unlisted Action under 6NYCRR Part 617 because the action is not listed under 6NYCRR Part 617.4 or 617.5; and

WHEREAS, multiple regulatory agencies have approval or funding authority over the Proposed Action; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.6(b)(3) calls for coordinated review of Unlisted Actions; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.6(b)(2)(i) requires that a Lead Agency for a coordinated review be established prior to a determination of significance; and

WHEREAS, the State Environmental Quality Review Act 6NYCRR Part 617.2(u) defines "Lead Agency" as, "an involved agency principally responsible for undertaking funding or approving an action, and therefore responsible for determining whether an environmental impact statement is required in connection with the action, and for the preparation and filing of the statement if one is required"; and

WHEREAS, the Town of Yorktown intends to act as Lead Agency in the coordinated review of said Actions as Unlisted Action under SEQRA and further intends to implement and complete all responsibilities of that office,

NOW THEREFORE BE IT RESOLVED that the Town Board declares its intent to act as Lead Agency for this Unlisted Action, as defined in 6NYCRR Part 617.2(u), for the coordinated review of the Proposed Action under SEQRA.

**Adopt Notice of Public Hearing for the proposed Establishment of the Hallocks Mill Sewer District Extension**

WHEREAS, the Town Board of the Town of Yorktown, Westchester County, New York, has received a petition, together with a map showing the boundaries of a proposed sewer district extension in said Town, to be known as Hallocks Mill Sewer District Extension in the Town of Yorktown (the "Extension") a general plan to serve said Extension, and a report of the proposed method of operation thereof; and

WHEREAS, said map, plan and report were prepared by a competent engineer duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof, including estimate of cost; and

WHEREAS, the boundaries of said Extension shall be as described in Exhibit A attached hereto and hereby incorporated herein; and

WHEREAS, the improvements proposed consist of the construction of a sanitary sewer system at a maximum estimated cost of \$14,300,000; and

WHEREAS, the cost of hook-up fees to the typical property in said Extension is \$5,850; and

WHEREAS, the estimated cost of said Extension to the typical property therein is \$1,494 in the first year in which operation, maintenance, debt service and other charges

and expenses are to be paid (\$782 for a typical property not connected); and

WHEREAS, a detailed explanation of the manner by which such costs were computed has been filed in the office of the Town Clerk where the same are available during regular office hours for examination by any person interested in the subject manner thereof; and

WHEREAS, it is now desired to call a public hearing upon the question of the establishment of said Extension and the improvements proposed therefor, all pursuant to Section 193 of the Town Law; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Yorktown, Westchester County, New York, as follows:

Section 1. A meeting of the Town Board of the Town of Yorktown, Westchester County, New York, shall be held at the Town Hall, 363 Underhill Avenue, in Yorktown Heights, New York, in said Town, on the 15<sup>th</sup> day of June, 2021, at 7:30 o'clock P.M., Prevailing Time, for the purpose of holding a public hearing to consider the establishment of the Sewer District Extension in said Town as described in the preambles hereof, to be known as Hallocks Mill Sewer District Extension, and the improvements proposed therefor, and to consider the petition, map, plan and report filed in relation thereto, and to hear all persons interested in the subject matter thereof concerning the same, and for such other action on the part of said Town Board as may be required by law or shall be proper in the premises.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of this order to be published once in The Yorktown News, the official newspaper of said Town, the first publication thereof to be not less than ten nor more than twenty days before the day set herein for the hearing as aforesaid, and said Town Clerk shall also cause a copy thereof to be posted on the sign-board of the Town maintained pursuant to subdivision 6 of Section 30 of the Town Law not less than ten nor more than twenty days before the day set for the hearing as aforesaid.

Section 3. This order shall take effect immediately.

**Authorize Supervisor to execute a lease agreement with Yorktown Grange to provide facilities for the Parks and Recreation Department's summer camp programs at a rent of \$6,000**

WHEREAS, the Town wishes to obtain space for a period of five (5) weeks in which to operate a full day summer camp program under the Department of Parks and Recreation,

NOW THEREFORE, BE IT RESOLVED, that the Town has determined the action contemplated under this Resolution is a Type II action under the State Environmental Quality Review Act ("SEQR") and therefore no further review is required under SEQR; and be it

FURTHER RESOLVED, that the Supervisor is authorized to execute a lease agreement on behalf of the Town, as tenant, with Yorktown Grange, landlord, at 99 Moseman Road, Yorktown Heights, NY, from June 29, 2021 through July 30, 2021, at a rent of

\$6,000.00, to provide facilities for the Parks and Recreation Department's full day and extended day summer camp programs.

**Authorized Supervisor to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck (the Dog House) to enter upon a portion of the Town Property for the purpose of connecting to power**

RESOLVED, that the Supervisor is authorized to sign a Revocable License with Robert DeRosso (Licensee) owner of the Ice Cream Food Truck (the Dog House) authorizing Licensee to enter upon a portion of the Town Property near the Gazebo located at the Jack DeVito Veterans Memorial Field, for the purpose of connecting a power cord to the electrical service located at the Gazebo on the Town property to supply electricity to the Licensee's Property for the amount of FIFTY (\$50.00) per month. This Revocable License shall be for a period commencing on May 1, 2021 and ending on October 31, 2021.

**Authorized Supervisor to execute an agreement with MidAtlantic Solid Waste Consultants to perform an analysis for the Town to potentially perform refuse and recycling services internally**

RESOLVED, the Supervisor is authorized to execute an agreement with MidAtlantic Solid Waste Consultants to perform an analysis for the Town to potentially perform refuse and recycling services internally, for an amount not to exceed \$29,300, and

Be It Further Resolved, that the Town received three quotes for Professional Services and MidAtlantic Solid Waste Consultants was able to perform all tasks requested.

**Authorize Supervisor to execute a license agreement with Yorktown Before & After for the use of space in the Albert A. Capellini Community & Cultural Center**

RESOLVED, that the Supervisor is authorized to execute a license agreement with Yorktown Before & After for the use of space in the Albert A. Capellini Community & Cultural Center from May 1, 2021 through April 30, 2022. The fee will be \$800 for May 2021 through August 2021, and \$21,326.66 for September 2021 through April 2022.

**Authorize Comptroller to process the following Budget Transfer for the Amazon Park District**

Be It Resolved, that the Town Board authorizes the following Budget Transfer for the Amazon Park - Park District:

From:		
AP.909	Fund Balance	\$3,200.00
To:		
AP7180.416	Property Maintenance	\$3,200.00

for the purpose of removal of a dangerous tree threatening to fall on the clubhouse.

**Authorize Comptroller to process the following Budget Transfers for the Parks and Recreation Department**

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

From: A7310.447 Camp Programs – Transportation	\$16,200
To: A7310.425 Camp Programs – Contractual Services	\$16,200

for the purpose of renting tents for 3 summer camp locations.

**Authorize Comptroller to process the following Budget Transfers for the Parks and Recreation Department**

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

From: A7310.448 Camp Programs – Trip Booking	\$14,600
To: A7110.201 Parks – Equipment	\$14,600

for the purchase of a Dump Trailer, Still Power Broom, and Security Surveillance Equipment.

**Authorize Comptroller to Release Escrow Deposit for Driveway Permit No. DR1237 in the amount of \$500.00 for work done on Madison Court**

Resolved, that the Comptroller is authorized to Release the Escrow Deposit for Driveway Permit No. DR1237 in the amount of \$500.00 for work done on Madison Court to Westchester Modular Homes, 1995 Route 22, Brewster, NY 10509.

**Authorize Supervisor to sign a contract with Precision Fence & Automated Gates to install fencing around the generator at the French Hill Pump Station**

WHEREAS, a new generator has been purchased for the French Hill pump station; and

WHEREAS, fencing must be installed around the generator for security purposes; and

THEREFORE, BE IT RESOLVED, that the Supervisor is authorized to sign a contract with Precision Fence & Automated Gates from Peekskill, NY to install fencing around the generator at the pump station located at 1814 French Hill Road.

FURTHER RESOLVED, the cost for this project is \$3,975.00 (price based on prevailing wage rate).

**Authorize Comptroller to accept check# 11445 in the amount of \$5,100.00, to serve as the required cash bond for the Orchard View Realty Major Subdivision**

WHEREAS, Orchard View Realty Subdivision, as applicant for the project known as Orchard View Realty Major Subdivision, has completed site work on the site plan approved by Planning Board Resolution # 17-18 dated December 18, 2017; and

WHEREAS, Orchard View Realty Subdivision, Inc. has informed the Yorktown Planning Board and the Planning Board determined that, to insure the installation of the on-site landscaping, a gravel drive at a regional detention basin, and other requirements, the applicant must post a cash bond; and



WHEREAS, the amount of the cash bond has been determined to be in the amount of \$5,100.00; and

WHEREAS, Orchard View Realty Subdivision has provided the Town with check# 11445 in the amount of \$5,100.00, to serve as the required cash bond; and

NOW THEREFORE BE IT RESOLVED, that the monies required prior to issuance of the Certificate of Occupancy for the project known as Orchard View Realty Subdivision have been tendered to the Town and that the Town Comptroller is authorized to accept the above-referenced project bond for the purposes stated herein.

**Extended Bid for the Asphaltic Laid-in-Place to Kect Construction Corporation and Award bid for the Asphaltic Laid-in-Place “MILLING” Section of the bid to Intercounty Paving Company, Inc.**

WHEREAS, invitation to bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on July 7, 2020;

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Concrete Laid In-Place for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to Kect Construction Corporation, PO Box 201, Patterson, NY 12563, now

BE IT FURTHER RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Asphaltic Laid-in-Place “MILLING” Section of the bid be and is hereby awarded to Intercounty Paving Company, Inc., PO Box 360, Carmel, NY 10512, now

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2021 to July 31, 2022.

**Extend bid for Pavement Markings to Accent Stripe – Highway Department**

WHEREAS, invitation to bid for the Pavement Markings for the Town of Yorktown was duly advertised, and

WHEREAS, said bids were received and opened on June 2<sup>nd</sup>, 2020,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Pavement Markings for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid. To Accent Stripe, Inc., 3275 N. Benzing Road, Orchard Park, NY.

BE IT FURTHER RESOLVED, the dates of the extension will be August 1, 2021 to July 31, 2022.

**Extend bid for Street Light Maintenance and Repair Services to Hanover Electric Highway Department**

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 June 17, 2019,

RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Street Light Maintenance and Repair Services for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid. To Hanover Electric, 1803 Commerce Street, Yorktown Heights, NY 10598.

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2021 to August 14, 2022.

**Extend bid for Traffic Light Maintenance and Repair to NY-Conn Corporation, Highway Department**

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 June 17, 2019, now

BE IT RESOLVED, that upon the recommendation of the Highway Superintendent, Dave Paganelli, the bid for the Traffic Light Maintenance and Repair for the Town of Yorktown be and is hereby extended for one year, per the terms of the Bid to NY-Conn Corporation, 5 Shelter Rock Road, Suite 8, Danbury, CT 06810, and

BE IT FURTHER RESOLVED, the dates of the extension will be August 15, 2021 to August 14, 2022.

**Award Bid for T-Shirts and Uniforms for use Townwide – Parks and Recreation Department**

WHEREAS, invitation to bid for T-SHIRT AND UNIFORMS for use town-wide, was duly advertised, and

WHEREAS said bids were received and opened at 11:00am on the 16th day of April 2021, now therefore be it, and

BE IT RESOLVED, that upon the recommendation of the Supt. of Parks & Recreation, the bid be and is hereby awarded to the lowest bidder whom fully complied with the bid document, International Promotional Ideas Inc, for the items numbered PR-1 through PD-4 as outlined on the attached summary of bids, and

BE IT FURTHER RESOLVED, these items will be ordered on a per item basis by Department.

**Award Bid for Asphalt Repair – Yorktown Consolidated Water District**

WHEREAS, the Yorktown Consolidated Water District sought bids, through a Public Works Contracts Bid, for Asphalt Repair, as needed, and

WHEREAS, on April 16, 2021 sealed bids for Asphalt Repair were opened, and

NOW THEREFORE, BE IT RESOLVED, upon recommendation of the Distribution Superintendent, that the Town Board award the bid to the lowest bidder, Morano Brothers Corp., Croton-on-Hudson, NY, in the amount of \$224.00 per ton installed. Funds for this service will come from the Water District (SW) budget.

13. MONTHLY REPORTS

Building Department  
Finance Department  
Receiver of Taxes  
Town Clerk

14. ADJOURN

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

Dated: May 4, 2021

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

The Town Board of the Town of Yorktown will not be meeting in person. Until further notice, meetings will be held via video conferencing. The Town of Yorktown will televise a video conference Town Board meeting on Tuesday, May 4, 2021 beginning at 7:30 p.m.

**Please make sure to register in advance if you would like to speak at Courtesy of the Floor for this meeting at [dquast@yorktownny.org](mailto:dquast@yorktownny.org)**

You will need to provide your name, phone number and email address when registering so we can send a confirmation on how to join the meeting. You will have an opportunity to see and hear the meeting live on Channel 20 (Cable) or Channel 33 (Fios). You can also watch the meeting while it is occurring on the Town's website at [yorktownny.org](http://yorktownny.org).

**AGENDAS ARE SUBJECT TO CHANGE**